

FORTY-THIRD

CONGRESS OF THE UNITED STATES, AT THE FIRST SESSION, BEGUN
AND HELD AT THE CITY OF WASHINGTON, IN THE DISTRICT OF
COLUMBIA, ON MONDAY, THE FIRST DAY OF DECEMBER, EIGHTEEN
HUNDRED AND SEVENTY-THREE.

A N A C T

To revise and consolidate the statutes of the United States, in
force on the first day of December, anno Domini one
thousand eight hundred and seventy-three.

TITLE I.

GENERAL PROVISIONS.

CHAPTER ONE.

Sec.

1. Definitions.
2. County.
3. Vessel.

Sec.

4. Vehicle.
5. Company, association.
6. Seal.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, In determining the meaning of the revised statutes, or of any act or resolution of Congress passed subsequent to February twenty-fifth, eighteen hundred and seventy-one, words importing the singular number may extend and be applied to several persons or things; words importing the plural number may include the singular; words importing the masculine gender may be applied to females; the words "insane person" and "lunatic" shall include every idiot, non compos, lunatic, and insane person; the word "person" may extend and be applied to partnerships and corporations, and the reference to any officer shall include any person authorized by law to perform the duties of such office, unless the context shows that such words were intended to be used in a more limited sense; and a requirement of an "oath" shall be deemed complied with by making affirmation in judicial form.

SEC. 2. The word "county" includes a parish, or any other equivalent subdivision of a State or Territory of the United States.

SEC. 3. The word "vessel" includes every description of water-craft or other artificial contrivance used, or capable of being used, as a means of transportation on water.

Definitions.

25 Feb., 1871, c.
71, s. 2, v. 16, p. 431.
13 July, 1866, c.
184, s. 44, v. 14, p.
163.
30 June, 1864, c.
173, ss. 82, 126, v.
13, pp. 258, 287.
20 July, 1868, c.
186, s. 104, v. 15, p.
166.

County.

13 July, 1866, c.
184, s. 9, v. 14, pp.
98, 110.

Vessel.

18 July, 1866, c.
201, s. 1, v. 14, p.
178.
29 June, 1870, c.
169, s. 7, v. 16, p.
170.

Vehicle.
 18 July, 1866, c.
 201, s. 1, v. 14, p. 178.
Company, asso-
ciation.
 25 July, 1866, c.
 242, s. 9, v. 14, p. 241.
Seal.
 31 May, 1854, c.
 60, s. 2, v. 10, p. 297.

SEC. 4. The word "vehicle" includes every description of carriage or other artificial contrivance used, or capable of being used, as a means of transportation on land.

SEC. 5. The word "company" or "association," when used in reference to a corporation, shall be deemed to embrace the words "successors and assigns of such company or association," in like manner as if these last-named words, or words of similar import, were expressed.

SEC. 6. In all cases where a seal is necessary by law to any commission, process, or other instrument provided for by the laws of Congress, it shall be lawful to affix the proper seal by making an impression therewith directly on the paper to which such seal is necessary; which shall be as valid as if made on wax or other adhesive substance.

CHAPTER TWO.

FORM OF STATUTES AND EFFECT OF REPEALS.

Sec.
 7. Enacting clause.
 8. Resolving clause.
 9. No enacting words after first section.
 10. Numbering and frame of sections.

Sec.
 11. Title of appropriation acts.
 12. Repeal not to revive former act.
 13. Repeals not to affect liabilities, unless, &c.

Enacting clause.
 25 Feb., 1871, c.
 71, s. 1, v. 16, p. 431.

SEC. 7. The enacting clause of all acts of Congress hereafter enacted shall be in the following form: "Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled."

Resolving clause.
 25 Feb., 1871, c.
 71, s. 1, v. 16, p. 431.
 No enacting words
 after first section.

SEC. 8. The resolving clause of all joint resolutions shall be in the following form: "Resolved by the Senate and House of Representatives of the United States of America in Congress assembled."

SEC. 9. No enacting or resolving words shall be used in any section of an act or resolution of Congress except in the first.

25 Feb., 1871, c.
 71, s. 1, v. 16, p. 431.
**Numbering and
 frame of sections.**

SEC. 10. Each section shall be numbered, and shall contain, as nearly as may be, a single proposition of enactment.

25 Feb., 1871, c.
 71, s. 1, v. 16, p. 431.
**Title of appro-
 priation acts.**

SEC. 11. The style and title of all acts making appropriations for the support of Government shall be as follows: "An act making appropriations (here insert the object) for the year ending June thirtieth, (here insert the calendar year.)"

26 Aug., 1842, c.
 207, s. 2, v. 5, p. 537.

**Repeal not to re-
 vive former act.**

SEC. 12. Whenever an act is repealed, which repealed a former act, such former act shall not thereby be revived, unless it shall be expressly so provided.

25 Feb., 1871, c.
 71, s. 3, v. 16, p. 431.

**Repeals not to
 affect liabilities,
 unless, &c.**

SEC. 13. The repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute, unless the repealing act shall so expressly provide, and such statute shall be treated as still remaining in force for the purpose of sustaining any proper action or prosecution for the enforcement of such penalty, forfeiture, or liability.

25 Feb., 1871, c.
 71, s. 4, v. 16, p. 432.

TITLE II.

THE CONGRESS.

CHAPTER ONE.

ELECTION OF SENATORS.

Sec.
14. When Senators to be elected.
15. Mode of election.
16. Vacancy occurring before meeting of legislature.

Sec.
17. Vacancy during session of legislature.
18. Election of Senators certified.
19. Countersign of certificate.

SEC. 14. The legislature of each State which is chosen next preceding the expiration of the time for which any Senator was elected to represent such State in Congress shall, on the second Tuesday after the meeting and organization thereof, proceed to elect a Senator in Congress.

SEC. 15. Such election shall be conducted in the following manner: Each house shall openly, by a viva-voce vote of each member present, name one person for Senator in Congress from such State, and the name of the person so voted for, who receives a majority of the whole number of votes cast in each house, shall be entered on the journal of that house by the clerk or secretary thereof; or if either house fails to give such majority to any person on that day, the fact shall be entered on the journal. At twelve o'clock meridian of the day following that on which proceedings are required to take place as aforesaid, the members of the two houses shall convene in joint assembly, and the journal of each house shall then be read, and if the same person has received a majority of all the votes in each house, he shall be declared duly elected Senator. But if the same person has not received a majority of the votes in each house, or if either house has failed to take proceedings as required by this section, the joint assembly shall then proceed to choose, by a viva-voce vote of each member present, a person for Senator, and the person who receives a majority of all the votes of the joint assembly, a majority of all the members elected to both houses being present and voting, shall be declared duly elected. If no person receives such majority on the first day, the joint assembly shall meet at twelve o'clock meridian of each succeeding day during the session of the legislature, and shall take at least one vote, until a Senator is elected.

SEC. 16. Whenever on the meeting of the legislature of any State a vacancy exists in the representation of such State in the Senate, the legislature shall proceed, on the second Tuesday after meeting and organization, to elect a person to fill such vacancy, in the manner prescribed in the preceding section for the election of a Senator for a full term.

SEC. 17. Whenever during the session of the legislature of any State a vacancy occurs in the representation of such State in the Senate, similar proceedings to fill such vacancy shall be had on the second Tuesday after the legislature is organized and has notice of such vacancy.

SEC. 18. It shall be the duty of the executive of the State from which any Senator has been chosen, to certify his election, under the seal of the State, to the President of the Senate of the United States.

SEC. 19. The certificate mentioned in the preceding section shall be countersigned by the secretary of state of the State.

When Senators to be elected.

25 July, 1866, c. 245, s. 1, v. 14, p. 243.

Mode of election.

25 July, 1866, c. 245, s. 1, v. 14, p. 243.

Vacancy occurring before meeting of legislature.

25 July, 1866, c. 245, s. 2, v. 14, p. 243.

Vacancy during session of legislature.

25 July, 1866, c. 245, s. 2, v. 14, p. 243.

Election of Senators certified.

25 July, 1866, c. 245, s. 3, v. 14, p. 244.

Countersign of certificate.

25 July, 1866, c. 245, s. 3, v. 14, p. 244.

CHAPTER TWO.

APPORTIONMENT AND ELECTION OF REPRESENTATIVES.

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|---|--|
| Sec. | Sec. |
| 20. Number and apportionment of Representatives. | 23. Elections by districts. |
| 21. Representatives assigned to new States. | 24. Representative from California in Forty-fourth Congress. |
| 22. Reduction of representation under amendment 14. | 25. Time of election. |
| | 26. Vacancies. |
| | 27. Votes by ballot. |

Number and apportionment of Representatives.

2 Feb., 1872, c. 11, s. 1, v. 17, p. 28.

SEC. 20. After the third day of March, eighteen hundred and seventy-three, the House of Representatives shall be composed of two hundred and ninety-two members, to be apportioned among the several States as follows:

| | |
|---------------------|----|
| Maine..... | 5 |
| New Hampshire..... | 3 |
| Vermont..... | 3 |
| Massachusetts..... | 11 |
| Rhode Island..... | 2 |
| Connecticut..... | 4 |
| New York..... | 33 |
| New Jersey..... | 7 |
| Pennsylvania..... | 27 |
| Delaware..... | 1 |
| Maryland..... | 6 |
| Virginia..... | 9 |
| North Carolina..... | 8 |
| South Carolina..... | 5 |
| Georgia..... | 9 |
| Alabama..... | 8 |
| Mississippi..... | 6 |
| Louisiana..... | 6 |
| Ohio..... | 20 |
| Kentucky..... | 10 |
| Tennessee..... | 10 |
| Indiana..... | 13 |
| Illinois..... | 19 |
| Missouri..... | 13 |
| Arkansas..... | 4 |
| Michigan..... | 9 |
| Florida..... | 2 |
| Texas..... | 6 |
| Iowa..... | 9 |
| Wisconsin..... | 8 |
| California..... | 4 |
| Minnesota..... | 3 |
| Oregon..... | 1 |
| Kansas..... | 3 |
| West Virginia..... | 3 |
| Nevada..... | 1 |
| Nebraska..... | 1 |

Representatives assigned to new States.

23 May, 1850, c. 11,

Reduction of representation under amendment 14.

2 Feb., 1872, c. 11, s. 6, v. 17, p. 29.

SEC. 21. Whenever a new State is admitted to the Union, the Representatives assigned to it shall be in addition to the number two hundred and ninety-two.

s. 25, v. 9, p. 432. Conway vs. United States, 1 Penn & H., 68.

SEC. 22. Should any State deny or abridge the right of any of the male inhabitants thereof, being twenty-one years of age, and citizens of the United States, to vote at any election named in the amendment to the Constitution, article fourteen, section two, except for participation in the rebellion or other crime, the number of Representatives apportioned to such State shall be reduced in the proportion which the num-

ber of such male citizens shall have to the whole number of male citizens twenty-one years of age in such State.

SEC. 23. In each State entitled under this apportionment to more than one Representative, the number to which such State may be entitled in the Forty-third and each subsequent Congress shall be elected by districts composed of contiguous territory, and containing as nearly as practicable an equal number of inhabitants, and equal in number to the number of Representatives to which such State may be entitled in Congress, no one district electing more than one Representative; but in the election of Representatives to the Forty-third Congress in any State to which an increased number of Representatives is given by this apportionment, the additional Representative or Representatives may be elected by the State at large, and the other Representatives by the districts as now prescribed by law, unless the legislature of the State shall otherwise provide before the time fixed by law for the election of Representatives therein.

SEC. 24. On the first Wednesday in September, in the year eighteen hundred and seventy-four, there shall be elected in each congressional district in the State of California one Representative to represent said State in the Forty-fourth Congress.

SEC. 25. The Tuesday next after the first Monday in November, in the year eighteen hundred and seventy-six, is established as the day, in each of the States and Territories of the United States, for the election of Representatives and Delegates to the Forty-fifth Congress; and the Tuesday next after the first Monday in November, in every second year thereafter, is established as the day for the election, in each of said States and Territories, of Representatives and Delegates to the Congress commencing on the fourth day of March next thereafter. [See §§ 1863, 1905, 1906.]

SEC. 26. The time for holding elections in any State, District, or Territory for a Representative or Delegate to fill a vacancy, whether such vacancy is caused by a failure to elect at the time prescribed by law, or by the death, resignation, or incapacity of a person elected, may be prescribed by the laws of the several States and Territories respectively.

SEC. 27. All votes for Representatives in Congress must be by written or printed ballot; and all votes received or recorded contrary to this section shall be of no effect. But this section shall not apply to any State voting otherwise whose election for Representatives occurs previous to the regular meeting of its legislature next after the twenty-eighth day of February, eighteen hundred and seventy-one. [See §§ 5511-5515, 5520.]

Elections by districts.

2 Feb., 1872, c. 11, s. 2, v. 17, p. 23.
30 May, 1872, c. 239, v. 17, p. 192.

Representative from California in Forty-fourth Congress.

3 March, 1873, c. 239, v. 17, p. 578.

Time of election.

2 Feb., 1872, c. 11, s. 3, v. 17, p. 28.

Vacancies.

2 Feb., 1872, c. 11, s. 4, v. 17, p. 29.

Votes by ballot.

28 Feb., 1871, c. 99, s. 19, v. 16, p. 440.

30 May, 1872, c. 239, v. 17, p. 192.

CHAPTER THREE.

ORGANIZATION OF MEETINGS OF CONGRESS.

Sec.

28. Oath of Senators.

29. Oath of President of the Senate.

30. Oath of Speaker, members, and delegates.

31. Roll of Representatives-elect.

Sec.

32. When roll made by Sergeant-at-Arms.

33. When by Door-keeper.

34. President may change place of meeting, when.

SEC. 28. The oath of office shall be administered by the President of the Senate to each Senator who shall hereafter be elected, previous to his taking his seat.

SEC. 29. When a President of the Senate has not taken the oath of office, it shall be administered to him by any member of the Senate.

SEC. 30. At the first session of Congress after every general election of Representatives, the oath of office shall be administered by any member of the House of Representatives to the Speaker; and by the Speaker to all the members and delegates present, and to the Clerk, previous to

Oath of Senators.

1 June, 1789, c. 1, s. 2, v. 1, p. 23.

Oath of President of the Senate.

1 June, 1789, c. 1, s. 2, v. 1, p. 23.

Oath of Speaker, members, and delegates.

1 June, 1789, c. 1, s. 2, v. 1, p. 23.

Roll of Representatives-elect.

21 Feb., 1867, c. 56, s. 1, v. 14, p. 397.
3 March, 1863, c. 108, v. 12, p. 804.

When roll made by Sergeant-at-Arms.

21 Feb., 1867, c. 56, s. 2, v. 14, p. 397.

When by Door-keeper.

21 Feb., 1867, c. 56, s. 2, v. 14, p. 397.

President may change place of meeting, when.

3 April, 1794, c. 17, v. 1, p. 353.

entering on any other business; and to the members and delegates who afterward appear, previous to their taking their seats.

SEC. 31. Before the first meeting of each Congress the Clerk of the next preceding House of Representatives shall make a roll of the Representatives-elect, and place thereon the names of those persons, and of such persons only, whose credentials show that they were regularly elected in accordance with the laws of their States respectively, or the laws of the United States.

SEC. 32. In case of a vacancy in the office of Clerk of the House of Representatives, or of the absence or inability of the Clerk to discharge the duties imposed on him by law or custom relative to the preparation of the roll of Representatives or the organization of the House, those duties shall devolve on the Sergeant-at-Arms of the next preceding House of Representatives.

SEC. 33. In case of vacancies in the offices of both the Clerk and the Sergeant-at-Arms, or of the absence or inability of both to act, the duties of the Clerk relative to the preparation of the roll of the House of Representatives or the organization of the House shall be performed by the Door-keeper of the next preceding House of Representatives.

SEC. 34. Whenever Congress is about to convene, and from the prevalence of contagious sickness, or the existence of other circumstances, it would, in the opinion of the President, be hazardous to the lives or health of the members to meet at the seat of Government, the President is authorized, by proclamation, to convene Congress at such other place as he may judge proper.

CHAPTER FOUR.

COMPENSATION OF MEMBERS.

Sec.

35. Salaries of members of Congress.
36. Compensation of the President of the Senate.
37. Salary of the Speaker of the House.
38. Salary payable monthly to Representatives and Delegates elect.
39. Salary payable monthly after taking oath.
40. Deductions for absence.
41. Deductions for withdrawal from seat.
42. Deductions for books.
43. Newspapers.

Sec.

44. Postage.
45. Salary in lieu of all allowances except traveling.
46. Mode of payment.
47. Certificate of salary and accounts.
48. Effect of certificate.
49. Pay of member dying after the commencement of a Congress.
50. Limits of the rule.
51. Pay of members elected to fill vacancies.

Salaries of members of Congress.

3 March, 1873, c. 226, s. 1, v. 17, p. 486.

Compensation of President of Senate.

16 Aug., 1856, c. 123, s. 2, v. 11, p. 48.

Salary of Speaker.

3 March, 1873, c. 226, s. 1, v. 17, p. 486.

Salary payable monthly to Representatives and Delegates elect.

3 March, 1873, c. 226, s. 1, v. 17, p. 488.

SEC. 35. Each Senator, Representative, and Delegate is entitled to a salary (except as to the Speaker) of seven thousand five hundred dollars a year.

SEC. 36. Whenever there is no Vice-President, the President of the Senate for the time being is entitled to the compensation provided by law for the Vice-President.

SEC. 37. The Speaker of the House of Representatives is entitled to receive, in full for all his services, compensation at the rate of ten thousand dollars a year.

SEC. 38. Representatives and Delegates elect to Congress, whose credentials in due form of law have been duly filed with the Clerk of the House of Representatives, in accordance with the provisions of section thirty-one, may receive their compensation monthly, from the beginning of their term until the beginning of the first session of each Congress, upon a certificate in the form now in use to be signed by the Clerk of

the House, which certificate shall have the like force and effect as is given to the certificate of the Speaker; but, in case the Clerk of the House of Representatives shall be notified that the election of any such holder of a certificate of election will be contested, his name shall not be placed upon the roll of members-elect so as to entitle him to be paid, until he shall have been sworn in as a member, or until such contest shall be determined.

SEC. 39. Each member and delegate, after he has taken and subscribed the required oath, is entitled to receive his salary at the end of each month.

Salary payable monthly after taking oath.

29 March, 1867, Res. No. 18, v. 15, p. 24.

SEC. 40. The Secretary of the Senate and Sergeant-at-Arms of the House, respectively, shall deduct from the monthly payments of each member or delegate the amount of his salary for each day that he has been absent from the Senate or House, respectively, unless such member or delegate assigns as the reason for such absence the sickness of himself or of some member of his family.

Deductions for absence.

16 Aug., 1856, c. 123, s. 6, v. 11, p. 49.

SEC. 41. When any member or delegate withdraws from his seat and does not return before the adjournment of Congress, he shall, in addition to the sum deducted for each day, forfeit a sum equal to the amount which would have been allowed by law for his traveling expenses in returning home; and such sum shall be deducted from his compensation, unless the withdrawal is with the leave of the Senate or House of Representatives, respectively.

Deductions for withdrawal from seat.

17 July, 1862, Res. No. 68, s. 2, v. 12, p. 628.

SEC. 42. When any book is ordered to and received by any member or delegate, by a resolution of either or both Houses of Congress, the price paid for the same shall be deducted from the compensation of such member or delegate; except books ordered to be printed by the Congressional Printer during the Congress for which the member or delegate was elected.

Deductions for books.

16 Aug., 1856, c. 123, s. 5, v. 11, p. 49.

SEC. 43. No member or delegate is entitled to any allowance for newspapers.

Newspapers.

12 Feb., 1868, c. 8, s. 1, v. 15, p. 35.

SEC. 44. No compensation or allowance shall now or hereafter be made to Senators, Representatives, or Delegates on account of postage.

Postage.

31 Jan., 1873, c. 82, v. 17, p. 421.

SEC. 45. The compensation of Senators, Representatives, and Delegates, as prescribed in section thirty-five, shall be in lieu of all pay and allowance, except actual individual traveling expenses from their homes to the seat of Government and return, by the most direct route of usual travel, once for each session of the House to which such Senator, Representative, or Delegate belongs, to be certified under his hand to the disbursing officer and filed as a voucher.

Salary in lieu of all allowances, except traveling.

3 March, 1873, c. 226, s. 1, v. 17, p. 456.

SEC. 46. The compensation of members and delegates shall be passed as public accounts, and paid out of the public Treasury.

Mode of payment.

22 Jan., 1818, c. 5, s. 3, v. 3, p. 404. 10 Feb., 1854, c. 11,

s. 1, v. 10, p. 267.

SEC. 47. The salary and accounts for traveling expenses in going to and returning from Congress of Senators shall be certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House of Representatives.

Certificate of salary and accounts.

28 July, 1866, c. 296, s. 17, v. 14, p. 323.

22 Jan., 1818, c. 5, s. 3, v. 3, p. 404.

SEC. 48. The certificate given pursuant to the preceding section shall be conclusive upon all the Departments and officers of the Government.

Effect of certificate.

30 Sept., 1850, c. 90, s. 1, v. 9, p. 523.

SEC. 49. When any person who has been elected a member of or delegate in Congress dies after the commencement of the Congress to which he has been elected, his salary shall be computed and paid to his widow, or, if no widow survive him, to his heirs at law, for the period that has

Pay of member dying after commencement of a Congress.

3 Mar., 1859, Res.
No. 14, s. 1, v. 11,
p. 442.

elapsed from the commencement of such Congress, or from the last payment received by him to the time of his death, at the rate of seven thousand five hundred dollars a year, with any traveling expenses remaining due for actually going to or returning from any session of Congress.

Limits of the rule.

3 Mar., 1859, Res.
No. 14, s. 1, v. 11,
p. 442.

Pay of members
elected to fill va-
cancies.

12 July, 1862,
Res. No. 54, v. 12,
p. 624.

SEC. 50. Salaries allowed under the preceding section shall be computed and paid, in all cases, for a period of not less than three months from the commencement of the Congress.

SEC. 51. Whenever a vacancy occurs in either House of Congress, by death or otherwise, of any member or delegate elected or appointed thereto after the commencement of the Congress to which he has been elected or appointed, the person elected or appointed to fill it shall be compensated and paid from the time that the compensation of his predecessor ceased.

CHAPTER FIVE.

OFFICERS AND PERSONS IN THE EMPLOY OF THE SENATE AND HOUSE OF REPRESENTATIVES.

Sec.

- 52. Officers and employés of the Senate.
- 53. Officers and employés of the House of Representatives.
- 54. Reporters for House of Representatives.
- 55. Chaplains' salaries.
- 56. Secretary of the Senate a disbursing officer.
- 57. Bond of Secretary of the Senate.
- 58. Bond of Clerk of the House.
- 59. Custody of bonds.
- 60. Reports of Secretary and Clerk.
- 61. What to exhibit.
- 62. Reports of subordinate disbursing officers.
- 63. Reports of expenditures.
- 64. Statements of appropriations and offices.

Sec.

- 65. Advertisements for stationery.
- 66. Form of advertisement.
- 67. Notice of acceptance of proposals.
- 68. Contracts for separate parts of stationery.
- 69. American goods to be preferred.
- 70. Detailed reports of receipts and expenditures.
- 71. Fees for copies from journals.
- 72. Accounts of property.
- 73. Door-keepers' duties.
- 74. Mileage of officers serving process.
- 75. Abridgments of accompanying documents.
- 76. Payments from contingent fund.
- 77. Congressional Directory.
- 78. Printing of debates.
- 79. Publication of laws.

Officers and em-
ployés of Senate.

3 Mar., 1873, c.
226, v. 17, p. 486.

SEC. 52. The following persons are employed in the service of the Senate:

One Secretary of the Senate, at a salary of five thousand dollars a year.

One officer charged with the disbursements of the Senate, at a salary of five hundred and seventy-six dollars a year.

One chief clerk, at a salary of three thousand dollars a year, and while such office is held by the present incumbent, and no longer, an additional sum of one thousand dollars.

One principal clerk, at a salary of three thousand six hundred dollars a year; one principal executive clerk, one minute and journal clerk, and one financial clerk, in the office of the Secretary of the Senate, at a salary of three thousand dollars a year each.

Librarian and seven clerks in the office of the Secretary of the Senate, at a salary of two thousand five hundred dollars a year each.

One keeper of the stationery, at a salary of two thousand four hundred dollars a year.

One assistant keeper of the stationery, at a salary of one thousand eight hundred dollars a year.

One laborer in stationery-room, at a salary of nine hundred and ninety-three dollars and sixty cents a year.

One messenger, at a salary of one thousand four hundred and ninety dollars and forty cents a year.

One page, at a salary of eight hundred and twenty-eight dollars a year.

One Sergeant-at-Arms and Door-keeper, at a salary of four thousand three hundred and twenty dollars a year; but he is prohibited from receiving, directly or indirectly, any fees or other compensation or emolument whatever for performing the duties of the office, or in connection therewith.

One assistant door-keeper, while such position is held by the present incumbent, and no longer, at a salary of three thousand dollars a year, and, after it ceases to be so held, at a salary of two thousand five hundred and ninety-two dollars a year.

One acting assistant door-keeper, at a salary of two thousand five hundred and ninety-two dollars a year.

One postmaster to the Senate, at a salary of two thousand five hundred and ninety-two dollars a year.

One assistant postmaster and mail-carrier, at a salary of two thousand dollars a year.

Two mail-carriers, at a salary of one thousand seven hundred dollars a year each.

One superintendent of the document-room, at a salary of two thousand five hundred dollars a year.

One first assistant in document-room, at a salary of two thousand five hundred dollars a year.

One second assistant in document-room, at a salary of one thousand eight hundred dollars a year.

One superintendent of the folding-room, at a salary of two thousand four hundred and eighty-four dollars a year.

Three messengers, acting as assistant door-keepers, at a salary of two thousand and seventy dollars a year each.

Twenty messengers, to be appointed and removed by the Sergeant-at-Arms, with the approval of the Committee to Audit and Control the Contingent Expenses of the Senate, at a salary of one thousand six hundred and fifty-six dollars a year each.

One secretary to the President of the Senate, at a salary of two thousand four hundred and seventeen dollars and seventy-six cents a year.

One clerk to the Committee on Finance, at a salary of two thousand five hundred and fifty-three dollars a year.

One clerk to the Committee on Claims, at a salary of two thousand five hundred and fifty-three dollars a year.

One clerk of printing records, at a salary of two thousand five hundred and fifty-three dollars a year.

One clerk to the Committee on Appropriations, at a salary of two thousand five hundred and fifty-three dollars a year.

One laborer in charge of private passage, at a salary of nine hundred and ninety-three dollars and sixty cents a year.

One special policeman, at a salary of one thousand two hundred and ninety-six dollars a year.

One Chaplain to the Senate, at a salary of nine hundred dollars a year.

One chief engineer, at a salary of two thousand four hundred and eighty-four dollars a year.

Three assistant engineers, at a salary of one thousand eight hundred dollars a year each.

Two firemen, at a salary of one thousand two hundred and fifty-nine dollars and twenty-five cents a year each.

Three laborers, at a salary of eight hundred and thirty-nine dollars and fifty cents a year each.

Fourteen pages for the Senate Chamber, two riding-pages, one page for the Vice-President's room, and one page for the office of the Secretary of the Senate, to be appointed and removed by the Sergeant-at-Arms, with the approval of the Committee to Audit and Control the

Contingent Expenses of the Senate, at a salary of three dollars and forty-five cents a day each while actually employed.

Officers and employees of House of Representatives.

3 Mar., 1873, c. 226, v. 17, p. 486.

SEC. 53. The following persons are employed in the service of the House of Representatives:

One Clerk of the House, at a salary of five thousand dollars a year.

One officer charged with disbursing the contingent fund and other expenses of the House of Representatives, at an annual allowance of five hundred and seventy-six dollars.

One chief clerk, while such position is held by the present incumbent, and no longer, at a salary of three thousand six hundred dollars a year, and when it ceases to be so held, at a salary of three thousand dollars a year.

One journal-clerk, while such position is held by the present incumbent and no longer, at a salary of three thousand six hundred dollars a year, and when it ceases to be so held, at a salary of three thousand dollars a year.

Six assistant clerks, at a salary of three thousand dollars a year each.

One assistant clerk, at a salary of three thousand dollars a year.

Ten assistant clerks, including a librarian and assistant librarian, at a salary of two thousand five hundred dollars a year each.

Four assistant clerks, at a salary of one thousand eight hundred dollars a year each.

One chief messenger, at a salary of six dollars and sixty-two and two-fifths cents a day.

One private secretary to the Speaker, at a salary of two thousand four hundred and seventeen dollars and seventy-six cents a year.

One clerk to the Speaker, at a salary of six dollars and sixty-two and two-fifths cents a day.

Three messengers, at a salary of one thousand six hundred and fifty-six dollars a year each.

One messenger in the House library, at a salary of one thousand six hundred and fifty-six dollars a year.

One chief engineer, at a salary of two thousand four hundred and eighty-four dollars a year.

Three assistant engineers, at a salary of one thousand six hundred and fifty-six dollars a year each.

Six firemen, at a salary of one thousand two hundred and fifty-nine dollars and twenty-five cents a year each.

One clerk to the Committee of Ways and Means, at a salary of two thousand nine hundred and eighty dollars and eighty cents a year.

One messenger to the Committee of Ways and Means, at a salary of one thousand three hundred and fourteen dollars a year.

One clerk to the Committee on Appropriations, at a salary of two thousand nine hundred and eighty dollars and eighty cents a year.

One messenger to the Committee on Appropriations, at a salary of one thousand three hundred and fourteen dollars a year.

One clerk to the Committee of Claims, at a salary of two thousand four hundred and eighty-four dollars a year.

One clerk to the Committee on Public Lands, at a salary of two thousand four hundred and eighty-four dollars a year.

One Sergeant-at-Arms, at a salary of four thousand three hundred and twenty dollars a year, who is prohibited from receiving, directly or indirectly, any fees or other compensation or emolument whatever for performing the duties of his office, or in connection therewith.

One clerk to the Sergeant-at-Arms, at a salary of two thousand eight hundred and seventy-five dollars a year.

One paying-teller for the Sergeant-at-Arms, at a salary of two thousand and seventy dollars a year.

One messenger to the Sergeant-at-Arms, at a salary of one thousand six hundred and fifty-six dollars a year.

One Door keeper, at a salary of three thousand dollars a year; while such position is held by the present incumbent, and no longer, and after

it ceases to be so held, at a salary of two thousand five hundred and ninety-two dollars a year.

One first assistant door-keeper, at a salary of two thousand nine hundred and eighty dollars and eighty cents a year.

One Postmaster to the House, at a salary of two thousand nine hundred and eighty dollars and eighty cents a year.

One first assistant postmaster, at a salary of two thousand four hundred and one dollars and twenty cents a year.

Four messengers, at a salary of one thousand nine hundred and eighty-seven dollars and twenty cents a year each.

Three mail-carriers, at a salary of one thousand nine hundred and eighty-seven dollars and twenty cents a year each.

Seven mail-carriers, at a salary of one thousand and forty-two dollars a year each.

One Chaplain to the House, at a salary of nine hundred dollars a year.

Two stenographers, at a salary of five thousand and thirty-seven dollars a year each.

One superintendent of the folding-room, at a salary of two thousand four hundred and eighty-four dollars a year.

One superintendent of the document-room, at a salary of two thousand one hundred and sixty dollars a year.

One assistant superintendent of the document-room, at a salary of two thousand one hundred and sixty dollars a year.

One document-file clerk, at a salary of two thousand and seventy dollars a year.

Five messengers, at a salary of two thousand and seventy dollars a year each.

Six messengers, at a salary of one thousand six hundred and fifty-six dollars a year each.

Twelve messengers, during the session, at the rate of one thousand six hundred and fifty-six dollars a year each.

One laborer, at a salary of nine hundred and forty-three dollars a year.

Fifteen laborers, at a salary of eight hundred and twenty-eight dollars a year each.

Seven laborers, during the session, at a salary of eight hundred and twenty-eight dollars a year each.

Twenty-eight pages, including three riding-pages, at a salary of three dollars and forty-five cents a day each while actually employed.

SEC. 54. No person shall be employed as a reporter for the House of Representatives without the approval of the Speaker.

Reporters for House of Representatives.

2 April, 1872, c. 79, s. 3, v. 17, p. 47.

Chaplains' salaries.

4 August, 1854, c. 242, s. 12, v. 10, p. 573.

3 Mar., 1857, Res. No. 14, v. 11, p. 255.

Secretary of the Senate a disbursing officer.

10 Feb., 1854, c. 11, s. 1, v. 10, p. 267.

SEC. 55. The salaries of the Chaplains of the two Houses of Congress are payable as follows: one-twelfth thereof on the last day of each month during each regular session of Congress, and the residue at the end of each regular session.

SEC. 56. The moneys which may be appropriated for the compensation of members and officers, and for the contingent expenses of the Senate, shall be paid at the Treasury, on requisitions drawn by the Secretary of the Senate, and shall be kept, disbursed, and accounted for by him according to law, and the Secretary shall be deemed a disbursing officer. [See § 1775.]

Bond of Secretary of Senate.

10 Feb., 1854, c. 11, s. 2, v. 10, p. 267.
23 Feb., 1815, c. 51, s. 1, v. 3, p. 212.

SEC. 57. The Secretary of the Senate shall, within thirty days after entering upon the duties of his office, and before making any requisition upon the Treasury to draw any portion of the moneys appropriated for the compensation of members and officers or the contingent expenses of the Senate, give a bond to the United States, with one or more sureties, to be approved by the First Comptroller of the Treasury, in

the penal sum of twenty thousand dollars, with condition for the faithful application and disbursement of such funds as may be drawn by him from the Treasury as disbursing officer of the Senate.

Bond of Clerk of the House.

23 Feb., 1815, c. 51, s. 1, v. 3, p. 212.

SEC. 58. The Clerk of the House of Representatives shall, within thirty days after entering upon the duties of his office, and before making any requisition upon the Treasury to draw any portion of the moneys appropriated for the contingent expenses of the House, give a bond to the United States, with one or more sureties, to be approved by the First Comptroller of the Treasury, in the penal sum of twenty thousand dollars, with condition for the faithful application and disbursement of such portions of the contingent fund of the House as shall come into his hands.

Custody of bonds.

23 Feb., 1815, c. 51, s. 1, v. 3, p. 212.

SEC. 59. The bonds given pursuant to the two preceding sections shall be deposited in the office of the First Comptroller of the Treasury.

Reports of Secretary and Clerk.

26 Aug., 1842, c. 202, ss. 11 and 20, v. 5, pp. 525, 527.

SEC. 60. The Secretary of the Senate and the Clerk of the House of Representatives shall prepare and submit to the two Houses, respectively, at the commencement of each session of Congress, the following statements in writing:

First. A statement showing the names of all the clerks and other persons who have been, during the preceding year or any part thereof, employed in their respective offices, and those of the messengers of the respective Houses; together with the time that each clerk or other person and each messenger was actually employed, and the sums paid to each. This statement must also show whether such clerks or other persons, or such messengers, have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any particular persons, and the appointment of others in their stead, is required for the better dispatch of business.

Second. A detailed statement, by items, of the manner in which the contingent fund for each House has been expended during the preceding year. This statement must give the names of every person to whom any portion of the fund has been paid; and if for anything furnished, the quantity and price; and if for any services rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such service necessary, and the amount of all former appropriations in each case on hand, either in the Treasury or in the hands of any disbursing officer or agent.

What to exhibit.

1 Mar., 1823, Res. No. 1, v. 3, p. 769.

SEC. 61. Each of the statements required by the preceding section shall exhibit, also, the several sums drawn by the Secretary and Clerk, respectively, from the Treasury, and the balances, if any, remaining in their hands.

Reports of subordinate disbursing officers.

26 Aug., 1842, c. 202, s. 20, v. 5, p. 527.

SEC. 62. The Secretary of the Senate and the Clerk of the House of Representatives shall each require of the disbursing officers acting under their direction or authority, the return of precise and analytical statements and receipts for all the moneys which may have been from time to time, during the next preceding year, expended by them; and the results of such returns and the sums total shall be communicated annually to Congress, by the Secretary and Clerk, respectively.

Reports of expenditures.

8 May, 1872, c. 140, s. 1, v. 17, p. 64.

SEC. 63. All expenditures of the Senate and House of Representatives shall be made up to the end of each fiscal year, and shall be reported to Congress at the commencement of each regular session.

Statements of appropriations and offices.

4 July, 1836, c. 56, s. 6, v. 5, p. 117.

SEC. 64. The Secretary of the Senate and the Clerk of the House of Representatives shall, as soon as may be after the close of each session of Congress, prepare and publish a statement of all appropriations made during the session, a statement of the new offices created and the salaries attached to each, and a statement of the offices the salaries attached to which are increased and the amount of such increase.

SEC. 65. The Secretary of the Senate and the Clerk of the House of Representatives shall, immediately after the expiration of each Congress, advertise three weeks successively, in two newspapers printed in the District of Columbia, for proposals for supplying the Senate and House of Representatives, respectively, during the succeeding Congress, with the necessary stationery.

Advertisements for stationery.

3 Mar., 1815, Res. No. 11, v. 3, p. 249.

SEC. 66. The advertisement published under the preceding section must describe the kind of stationery required, and must require the proposals to be accompanied with sufficient security for their performance.

Form of advertisement.

3 Mar., 1815, Res. No. 11, v. 3, p. 249.

SEC. 67. The Secretary of the Senate and the Clerk of the House of Representatives, respectively, shall, in the month of April, after completing the publication of the advertisement directed in the two preceding sections, notify the lowest bidder whose sureties are deemed sufficient, of the acceptance of his proposals.

Notice of acceptance of proposals.

3 Mar., 1815, Res. No. 11, v. 3, p. 249.

SEC. 68. The three preceding sections shall not prevent either the Secretary or the Clerk from contracting for separate parts of the supplies of stationery required to be furnished.

Contracts for separate parts of stationery.

3 Mar., 1815, Res. No. 11, v. 3, p. 249.

SEC. 69. The Secretary of the Senate and the Clerk of the House of Representatives shall, in disbursing the public moneys for the use of the two Houses, respectively, purchase only articles the growth and manufacture of the United States, provided the articles required can be procured of such growth and manufacture upon as good terms as to quality and price as are demanded for like articles of foreign growth and manufacture.

American goods to be preferred.

17 June, 1844, c. 105, s. 1, v. 5, p. 681.

SEC. 70. The Secretary of the Senate and the Clerk of the House of Representatives, respectively, shall report to Congress on the first day of each regular session, and at the expiration of their terms of service, a full and complete statement of all their receipts and expenditures as such officers, showing in detail the items of expense, classifying them under the proper appropriations, and also showing the aggregate thereof, and exhibiting in a clear and concise manner the exact condition of all public moneys by them received, paid out, and remaining in their possession as such officers.

Detailed reports of receipts and expenditures.

15 July, 1870, c. 302, s. 1, v. 16, p. 365.

SEC. 71. The Secretary of the Senate and the Clerk of the House of Representatives, respectively, are entitled, for transcribing and certifying extracts from the journal of the Senate or the executive journal of the Senate when the injunction of secrecy has been removed, or from the journal of the House of Representatives, except when such transcripts are required by an officer of the United States in a matter relating to the duties of his office, to receive from the persons for whom such transcripts are prepared the sum of ten cents for each sheet containing one hundred words.

Fees for copies from journals.

8 Aug., 1846, c. 107, s. 2, v. 9, p. 80.
15 Sept., 1789, c. 14, s. 6, v. 1, p. 69.
23 April, 1856, c. 20, v. 11, p. 5.

SEC. 72. The Secretary of the Senate, the Clerk of the House of Representatives, the Sergeant-at-Arms, the Postmasters of the Senate and House of Representatives, and the Door-keeper of the House of Representatives, shall, severally, make out and return to Congress, on the first day of each regular session, and at the expiration of their respective terms of service, a full and complete account of all property belonging to the United States in their possession, respectively, at the time of returning such account.

Accounts of property.

15 July, 1870, c. 302, s. 2, v. 16, p. 365.

SEC. 73. The Door-keepers of the Senate and House of Representatives shall perform the usual services pertaining to their respective offices during the session of Congress, and shall in the recess, under the direction of the Secretary of the Senate and Clerk of the House of Representatives, take care of the apartments occupied by the respective Houses, and provide fuel and other accommodations for their subsequent session.

Door-keepers' duties.

12 April, 1792, c. 20, v. 1, p. 252.

Mileage of officers serving process.

5 Feb., 1859, c. 21, s. 2, v. 11, p. 379.

Abridgment of accompanying documents.

25 June, 1864, c. 155, s. 1, v. 13, p. 184.

Payments from contingent fund.

14 Mar., 1864, c. 30, s. 1, v. 13, p. 22, (26.)

Congressional Directory.

14 Feb., 1865, Res. No. 15, v. 13, p. 568.

Printing of debates.

3 Mar., 1873, c. 227, s. 1, v. 17, p. 510.

Publication of laws.

8 May, 1872, c. 140, s. 1, v. 17, p. 66.

SEC. 74. The mileage or traveling allowance to the officer or other person executing any precept or summons of either House of Congress, shall not exceed ten cents for each mile necessarily and actually traveled in the execution thereof.

SEC. 75. The Joint Committee on Public Printing shall appoint a competent person who shall edit such portion of the documents accompanying the annual reports of the Departments as they may deem suitable for popular distribution, and prepare an alphabetical index thereto.

SEC. 76. No payment shall be made from the contingent fund of either House of Congress, unless sanctioned by the Committee to Audit and Control the Contingent Expenses of the Senate, or the Committee on Accounts of the House of Representatives, respectively.

SEC. 77. A congressional directory shall be compiled at each session of Congress under the direction of the Joint Committee on Public Printing, and the first edition for each session shall be ready for distribution within one week after the commencement thereof.

SEC. 78. Until a contract for publishing the debates of Congress is made, such debates shall be printed by the Congressional Printer, under the direction of the Joint Committee on Public Printing on the part of the Senate.

SEC. 79. After the fourth day of March, eighteen hundred and seventy-five, no money shall be paid from the Treasury for the publication of the laws in newspapers.

CHAPTER SIX.

THE LIBRARY OF CONGRESS.

Sec.

80. Collections composing.
81. Library to be in two departments.
82. Joint Committee on Library.
83. Incidental expenses of law library.
84. Purchase of books for law library.
85. Regulations for the Library.
86. Duplicate, injured, or wasted books.
87. Agents for exchange, &c., of documents.
88. Appointment of librarian.
89. Librarian's bond.
90. Librarian's salary.
91. Assistant librarians.

Sec.

92. No maps to be taken out.
93. Who may take out books.
94. Persons specially privileged to use Library.
95. Use and regulation of law library.
96. Copies of Statutes at Large.
97. Copies of journals and documents.
98. Deposit in Library of journals of Senate and House.
99. Smithsonian library.
100. How to be kept and used.

Collections composing.

26 Jan., 1802, c. 2, v. 2, p. 126.

21 Oct., 1814, Res. 3, v. 3, p. 246.

30 Jan., 1815, c. 27, v. 3, p. 195.

25 June, 1864, c. 147, s. 1, v. 13, p. 148.

25 July, 1866, Res. 77, v. 14, p. 365.

2 Mar., 1867, c. 167, s. 1, v. 14, p. 464.

Library to be in two departments.

14 July, 1832, c. 221, s. 1, v. 4, p. 579.

SEC. 80. The Library of Congress, composed of the books, maps, and other publications which now remain in existence, from the collections heretofore united under the act of January twenty-six, eighteen hundred and two, chapter two; the resolution of October twenty-one, eighteen hundred and fourteen; the act of January thirty, eighteen hundred and fifteen, chapter twenty-seven; the act of June twenty-five, eighteen hundred and sixty-four, chapter one hundred and forty-seven, section one; the resolution of July twenty-five, eighteen hundred and sixty-six; the act of March two, eighteen hundred and sixty-seven, chapter one hundred and sixty-seven, section one; and those added from time to time by purchase, exchange, donation, reservation from publications ordered by Congress, deposit to secure copyright, and otherwise, shall be preserved in the Capitol in the rooms which were, on the fourth day of July, eighteen hundred and seventy-two, appropriated to its use, and in such others as may hereafter be assigned thereto.

SEC. 81. The Library of Congress shall be arranged in two departments, a general library and a law library.

SEC. 82. The unexpended balance of any sums appropriated by Congress for the increase of the general library, together with such sums as may hereafter be appropriated to the same purpose, shall be laid out under the direction of a joint committee of Congress upon the Library, to consist of three members of the Senate and three members of the House of Representatives.

Joint Committee on Library.

24 April, 1800, c. 37, s. 5, v. 2, p. 56.
26 Jan., 1802, c. 2, s. 6, v. 2, p. 129.

SEC. 83. The incidental expenses of the law library shall be paid out of the appropriations for the Library of Congress.

Incidental expenses of law library.

14 July, 1832, c. 221, s. 3, v. 4, p. 579.

SEC. 84. The Librarian shall make the purchases of books for the law library, under the direction of and pursuant to the catalogue furnished him by the Chief Justice of the Supreme Court.

Purchase of books for law library.

14 July, 1832, c. 221, s. 4, v. 4, p. 579.

SEC. 85. The Joint Committee upon the Library is authorized to establish regulations, not inconsistent with law, in relation to the Library of Congress or either department thereof; and from time to time to alter, amend, or repeal the same; but such regulations as to the law library shall be subject to those imposed by the justices of the Supreme Court under section ninety-five. And until they impose new regulations or restrictions, the care and business of the Library shall continue to be regulated by such rules as may have been heretofore imposed by any lawful authority.

Regulations for the Library.

26 Jan., 1802, c. 2, s. 2, v. 2, p. 129.

SEC. 86. The Joint Committee upon the Library may, at any time, exchange, or otherwise dispose of duplicate, injured, or wasted books of the Library, or documents, or any other matter in the Library not deemed proper to it, as they deem best.

Duplicate, injured, or wasted books.

26 June, 1848, c. 73, s. 1, v. 9, p. 240.

SEC. 87. The Joint Committee upon the Library may from time to time appoint such agents as they deem requisite, to carry into effect the donation and exchange of documents and other publications placed at their disposal for the purpose.

Agents for exchange, &c., of documents.

26 June, 1848, c. 73, s. 1, v. 9, p. 240.

SEC. 88. The President, solely, shall appoint from time to time a Librarian to take charge of the Library of Congress.

Appointment of Librarian.

26 Jan., 1802, c. 2, s. 3, v. 2, p. 129.

SEC. 89. The Librarian of Congress shall, before entering upon the duties of his office, give a bond, payable to the United States, in such a sum and with such security as the Joint Committee upon the Library may deem sufficient, for the safe-keeping of the books, maps, and furniture confided to his care, and for the faithful discharge of his trust according to the regulations established for the government of the Library. Such bond shall be deposited in the office of the Secretary of the Senate.

Librarian's bond.

26 Jan., 1802, c. 2, s. 3, v. 2, p. 129.

SEC. 90. The Librarian of Congress is entitled to a salary of four thousand dollars a year.

Librarian's salary.

8 July, 1870, c. 230, s. 85, v. 16, p. 212.

SEC. 91. The Librarian of Congress is authorized to employ from time to time the following assistants in the business of the Library:

Assistant librarians.

Three assistant librarians, at a salary of two thousand eight hundred and seventy-five dollars a year each.

3 Mar., 1871, c. 136, v. 16, p. 584.

Two assistants, at a salary of two thousand and seventy dollars a year each.

One assistant, at a salary of one thousand eight hundred and forty dollars a year.

Two assistants, at a salary of one thousand six hundred and fifty-six dollars a year each.

Three assistants, at a salary of one thousand three hundred and eighty dollars a year each.

Two assistants, at a salary of one thousand one hundred and fifty dollars a year each.

One assistant, at a salary of eleven hundred and four dollars a year.

No maps to be taken out.

26 Jan., 1802, c. 2,

Who may take out books.

26 Jan., 1802, c. 2, s. 4, v. 2, p. 129.

Persons specially privileged to use Library.

1 May, 1810, c. 50, v. 2, p. 612.

2 Mar., 1812, Res. 1, v. 2, p. 786.

16 April, 1816, c. 46, s. 3, v. 3, p. 284.

13 Jan., 1830, Res. 2, v. 4, p. 429.

11 Aug., 1848, Res. 26, v. 9, p. 340.

3 Mar., 1863, c. 92, s. 4, v. 12, p. 765.

5 April, 1866, c. 25, s. 3, v. 14, p. 13.

SEC. 92. No map shall be taken out of the Library by any person.

s. 4, v. 2, p. 129.

SEC. 93. No book shall be taken from the Library except by the President, the Vice-President, Senators, Representatives, and Delegates in Congress, and the persons enumerated in section ninety-four, or otherwise authorized by law.

SEC. 94. The Joint Committee on the Library is authorized to grant the privilege of using and drawing books from the Library, in the same manner and subject to the same regulations as members of Congress, to any of the following persons:

First. Heads of Departments.

Second. The Chief Justice and associate justices, the reporter, and clerk of the Supreme Court.

Third. Members of the diplomatic corps.

Fourth. The judges and clerk of the Court of Claims.

Fifth. The Solicitor-General, and Assistant Attorneys-General.

Sixth. The Secretary of the Senate.

Seventh. The Clerk of the House of Representatives.

Eighth. The Chaplains of the two Houses of Congress.

Ninth. The Solicitor of the Treasury.

Tenth. The financial agent of the Joint Committee on the Library.

Eleventh. The Smithsonian Institution, through its Secretary.

Twelfth. Any person, when in the District of Columbia, who has been President.

SEC. 95. The justices of the Supreme Court shall have free access to the law library; and they are authorized to make regulations, not inconsistent with law, for the use of the same during the sittings of the court. But such regulations shall not restrict any person authorized to take books from the Library from having access to the law library, or using the books therein in the same manner as he may be entitled to use the books of the general Library.

SEC. 96. Ten of the copies of the Statutes at Large, published by Little, Brown & Co., which were deposited in the Library prior to February fifth, eighteen hundred and fifty-nine, shall be retained by the Librarian for the use of the justices of the Supreme Court, during the terms of court.

SEC. 97. Two copies of the journals and documents, and of each book printed by either House of Congress, well bound in calf, shall be deposited in the Library, and must not be taken therefrom.

11, p. 253.

SEC. 98. Twenty-five copies of the public journals of the Senate, and of the House of Representatives, shall be deposited in the Library of the United States, at the seat of Government, to be delivered to members of Congress during any session, and to all other persons authorized by law to use the books in the Library, upon their application to the Librarian, and giving their responsible receipts for the same, in like manner as for other books.

SEC. 99. The library collected by the Smithsonian Institution under the provisions of the act of August ten, eighteen hundred and forty-six, chapter twenty-five, and removed from the building of that Institution, with the consent of the Regents thereof, to the Library of Congress, shall, while there deposited, be subject to the same regulations as the Library of Congress, except as hereinafter provided.

SEC. 100. The Smithsonian Institution shall have the use thereof in like manner as before its removal, and the public shall have access thereto for purposes of consultation on every ordinary week-day, except during one month of each year, in the recess of Congress, when it may be closed for renovation. All the books, maps, and charts of the Smithsonian library shall be properly cared for and preserved in like manner as are those of the Congressional Library; from which the Smithsonian library shall not be removed except on re-imbursement by the Smithsonian Institution to the Treasury of the United States of expenses in-

Use and regulation of law library.

14 July, 1832, c. 221, s. 2, v. 4, p. 579.

Copies of Statutes at Large.

5 Feb., 1859, c. 22, s. 11, v. 11, p. 381.

Copies of journals and documents.

28 Jan., 1857, Res. No. 5, s. 5, v.

Deposit in Library of journals of Senate and House.

27 Dec., 1813, Res. 1, v. 3, p. 140.

20 July, 1840, Res. 5, v. 5, p. 409.

Smithsonian library.

5 April, 1866, c. 25, s. 1, v. 14, p. 13.

How to be kept and used.

5 April, 1866, c. 25, s. 2, v. 14, p. 13.

curred in binding and in taking care of the same, or upon such terms and conditions as shall be mutually agreed upon by Congress and the Regents of the Institution.

CHAPTER SEVEN.

CONGRESSIONAL INVESTIGATIONS.

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| <p>Sec. 101. Oaths to witnesses, by whom administered. 102. Refusal of witnesses to testify.</p> | <p>Sec. 103. No privilege to refuse to answer criminal questions. 104. Proceedings against witnesses failing to testify.</p> |
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SEC. 101. The President of the Senate, the Speaker of the House of Representatives, or a chairman of a Committee of the Whole, or of any committee of either House of Congress, is empowered to administer oaths to witnesses in any case under their examination.

Oaths to witnesses, by whom administered.

3 May, 1798, c. 36, s. 1, v. I, p. 554. 8 Feb., 1817, c. 10, v. 3, p. 345.

SEC. 102. Every person who, having been summoned as a witness by the authority of either House of Congress, to give testimony or to produce papers upon any matter under inquiry before either House, or any committee of either House of Congress, willfully makes default, or who, having appeared, refuses to answer any question pertinent to the question under inquiry, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than one thousand dollars nor less than one hundred dollars, and imprisonment in a common jail for not less than one month nor more than twelve months.

Refusal of witness to testify.

24 Jan., 1857, c. 19, s. 1, v. 11, p. 155.

SEC. 103. No witness is privileged to refuse to testify to any fact, or to produce any paper, respecting which he shall be examined by either House of Congress, or by any committee of either House, upon the ground that his testimony to such fact or his production of such paper may tend to disgrace him or otherwise render him infamous. [See § 859.]

No privilege to refuse to answer criminal questions.

24 Jan., 1862, c. 11, v. 12, p. 333.

SEC. 104. Whenever a witness summoned as mentioned in section one hundred and two fails to testify, and the facts are reported to either House, the President of the Senate or the Speaker of the House, as the case may be, shall certify the fact under the seal of the Senate or House to the district attorney for the District of Columbia, whose duty it shall be to bring the matter before the grand jury for their action.

Proceedings against witnesses failing to testify.

24 Jan., 1857, c. 19, s. 3, v. 11, p. 156.

CHAPTER EIGHT.

CONTESTED ELECTIONS.

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| <p>Sec. 105. Notice of intention to contest. 106. Time for answer. 107. Time for taking testimony. 108. Notice of depositions; service. 109. Testimony taken at several places at same time. 110. Who may issue subpoenas. 111. What the subpoena shall contain. 112. When justices of the peace may act. 113. Depositions by consent. 114. Service of subpoena. 115. Witnesses need not attend out of the county. 116. Penalty for failing to attend or testify. 117. Witnesses outside of district. 118. Party notified may select an officer.</p> | <p>Sec. 119. Depositions taken by party or agent. 120. Examination of witnesses. 121. Testimony, to what confined. 122. Testimony, how written out and at tested. 123. Production of papers. 124. Adjournments. 125. Notice, &c., attached to depositions. 126. Copy of notice and answer to accompany testimony. 127. How testimony to be sent to Clerk of House; how opened. 128. Fees of witnesses. 129. Fees of officers. 130. Expenses of contest.</p> |
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SEC. 105. Whenever any person intends to contest an election of any member of the House of Representatives of the United States, he shall, within thirty days after the result of such election shall have been determined by the officer or board of canvassers authorized by law to

Notice of intention to contest.

19 Feb., 1851, c. 11, s. 1, v. 9, p. 568.

determine the same, give notice, in writing, to the member whose seat he designs to contest, of his intention to contest the same, and, in such notice, shall specify particularly the grounds upon which he relies in the contest.

Time for answer.

19 Feb., 1851, c. 11, s. 2, v. 9, p. 568.

SEC. 106. Any member upon whom the notice mentioned in the preceding section may be served shall, within thirty days after the service thereof, answer such notice, admitting or denying the facts alleged therein, and stating specifically any other grounds upon which he rests the validity of his election; and shall serve a copy of his answer upon the contestant.

Time for taking testimony.

10 Jan., 1873, c. 24, s. 1, v. 17, p. 408.

SEC. 107. In all contested-election cases the time allowed for taking testimony shall be ninety days, and the testimony shall be taken in the following order: The contestant shall take testimony during the first forty days, the returned member during the succeeding forty days, and the contestant may take testimony in rebuttal only during the remaining ten days of said period.

Notice of depositions; service.

10 Jan., 1873, c. 24, ss. 1, 3, v. 17, p. 408.

19 Feb., 1851, c. 11, s. 6, v. 9, p. 569.

SEC. 108. The party desiring to take a deposition under the provisions of this chapter shall give the opposite party notice, in writing, of the time and place, when and where the same will be taken, of the name of the witnesses to be examined and their places of residence, and of the name of an officer before whom the same will be taken. The notice shall be personally served upon the opposite party, or upon any agent or attorney authorized by him to take testimony or cross-examine witnesses in the matter of such contest, if, by the use of reasonable diligence, such personal service can be made; but if, by the use of such diligence, personal service cannot be made, the service may be made by leaving a duplicate of the notice at the usual place of abode of the opposite party. The notice shall be served so as to allow the opposite party sufficient time by the usual route of travel to attend, and one day for preparation, exclusive of Sundays and the day of service. Testimony in rebuttal may be taken on five days' notice.

Testimony taken at several places at same time.

10 Jan., 1873, c. 24, s. 1, v. 17, p. 408.

SEC. 109. Testimony in contested-election cases may be taken at two or more places at the same time.

Who may issue subpoenas.

19 Feb., 1851, c. 11, s. 3, v. 9, p. 568.
23 Jan., 1860, c. 15, v. 15, p. 267.

SEC. 110. When any contestant or returned member is desirous of obtaining testimony respecting a contested election, he may apply for a subpoena to either of the following officers who may reside within the congressional district in which the election to be contested was held:

First. Any judge of any court of the United States.

Second. Any chancellor, judge, or justice of a court of record of any State.

Third. Any mayor, recorder, or intendent of any town or city.

Fourth. Any register in bankruptcy or notary public.

What the subpoena shall contain.

19 Feb., 1851, c. 11, s. 3, v. 9, p. 568.

SEC. 111. The officer to whom the application authorized by the preceding section is made shall thereupon issue his writ of subpoena, directed to all such witnesses as shall be named to him, requiring their attendance before him, at some time and place named in the subpoena, in order to be examined respecting the contested election.

When justices of the peace may act.

19 Feb., 1851, c. 11, s. 10, v. 9, p. 570.

SEC. 112. In case none of the officers mentioned in section one hundred and ten are residing in the congressional district from which the election is proposed to be contested, the application thereby authorized may be made to any two justices of the peace residing within the district; and they may receive such application, and jointly proceed upon it.

Depositions by consent.

10 Jan., 1873, c. 24, s. 3, v. 17, p. 408.

SEC. 113. It shall be competent for the parties, their agents or attorneys authorized to act in the premises, by consent in writing, to take depositions without notice; also, by such written consent, to take depositions (whether upon or without notice) before any officer or officers authorized to take depositions in common law, or civil actions, or in chancery, by either the laws of the United States or of the State in which the same may be taken, and to waive proof of the official character of such officer or officers. Any written consent given as aforesaid shall be returned with the depositions.

SEC. 114. Each witness shall be duly served with a subpoena, by a copy thereof delivered to him or left at his usual place of abode, at least five days before the day on which the attendance of the witness is required.

SEC. 115. No witness shall be required to attend an examination out of the county in which he may reside or be served with a subpoena.

Service of subpoena.

19 Feb., 1851, c. 11, s. 4, v. 9, p. 569.

Witnesses need not attend out of the county.

19 Feb., 1851, c. 11, s. 4, v. 9, p. 569.

SEC. 116. Any person who, having been summoned in the manner above directed, refuses or neglects to attend and testify, unless prevented by sickness or unavoidable necessity, shall forfeit the sum of twenty dollars, to be recovered, with costs of suit, by the party at whose instance the subpoena was issued, and for his use, by an action of debt, in any court of the United States; and shall also be liable to an indictment for a misdemeanor, and punishment by fine and imprisonment.

Penalty for failure to attend or testify.

19 Feb., 1851, c. 11, s. 5, v. 9, p. 569.

SEC. 117. Depositions of witnesses residing outside of the district and beyond the reach of a subpoena may be taken before any officer authorized by law to take testimony in contested-election cases in the district in which the witness to be examined may reside.

Witnesses outside of district.

10 Jan., 1873, c. 24, s. 2, v. 17, p. 408.

SEC. 118. The party notified as aforesaid, his agent or attorney, may, if he see fit, select an officer (having authority to take depositions in such cases) to officiate, with the officer named in the notice, in the taking of the depositions; and if both such officers attend, the depositions shall be taken before them both, sitting together, and be certified by them both. But if only one of such officers attend, the depositions may be taken before and certified by him alone.

Party notified may select an officer.

10 Jan., 1873, c. 24, s. 3, v. 9, p. 408.

SEC. 119. At the taking of any deposition under this chapter, either party may appear and act in person, or by agent or attorney.

Depositions taken by party or agent.

10 Jan., 1873, c. 24, s. 3, v. 17, p. 408.

SEC. 120. All witnesses who attend in obedience to a subpoena, or who attend voluntarily at the time and place appointed, of whose examination notice has been given, as provided by this chapter, shall then and there be examined on oath by the officer who issued the subpoena, or, in case of his absence, by any other officer who is authorized to issue such subpoena, or by the officer before whom the depositions are to be taken by written consent, or before whom the depositions of witnesses residing outside of the district are to be taken, as the case may be, touching all such matters respecting the election about to be contested as shall be proposed by either of the parties or their agents.

Examination of witnesses.

19 Feb., 1851, c. 11, s. 7, v. 9, p. 569.

SEC. 121. The testimony to be taken by either party to the contest shall be confined to the proof or disproof of the facts alleged or denied in the notice and answer mentioned in sections one hundred and five and one hundred and six.

Testimony, to what confined.

19 Feb., 1851, c. 11, s. 9, v. 9, p. 569.

SEC. 122. The officer shall cause the testimony of the witnesses, together with the questions proposed by the parties or their agents, to be reduced to writing in his presence, and in the presence of the parties or their agents, if attending, and to be duly attested by the witnesses respectively.

Testimony, how written out and attested.

19 Feb., 1851, c. 11, s. 7, v. 9, p. 569.

SEC. 123. The officer shall have power to require the production of papers; and on the refusal or neglect of any person to produce and deliver up any paper or papers in his possession pertaining to the election, or to produce and deliver up certified or sworn copies of the same in case they may be official papers, such person shall be liable to all the penalties prescribed in section one hundred and sixteen. All papers thus produced, and all certified or sworn copies of official papers, shall be transmitted by the officer, with the testimony of the witnesses, to the Clerk of the House of Representatives.

Production of papers.

19 Feb., 1851, c. 11, s. 8, v. 9, p. 569.

SEC. 124. The taking of the testimony may, if so stated in the notice, be adjourned from day to day.

Adjournments.

10 Jan., 1873, c. 24, s. 3, v. 17, p. 408.

Notice, &c., attached to depositions.

SEC. 125. The notice to take depositions, with the proof or acknowledgment of the service thereof, and a copy of the subpoena, where any has been served, shall be attached to the depositions when completed.

19 Feb., 1851, c. 11, s. 7, v. 9, p. 569. 10 Jan., 1873, c. 24, s. 3, v. 17, p. 408.

Copy of notice and answer to accompany testimony.

SEC. 126. A copy of the notice of contest, and of the answer of the returned member, shall be prefixed to the depositions taken, and transmitted with them to the Clerk of the House of Representatives.

19 Feb., 1851, c. 11, s. 9, v. 9, p. 569.

How testimony to be sent to Clerk of House; how opened.

SEC. 127. All officers taking testimony to be used in a contested-election case, whether by deposition or otherwise, shall, when the taking of the same is completed, and without unnecessary delay, certify and carefully seal and immediately forward the same, by mail, addressed to the Clerk of the House of Representatives of the United States, Washington, D. C.; and shall also indorse upon the envelope containing such deposition or testimony the name of the case in which it is taken, together with the name of the party in whose behalf it is taken, and shall subscribe such indorsement. Upon the written request of either party the Clerk of the House of Representatives shall open any deposition at any time after he shall have received the same, and he may furnish either party with a copy thereof.

10 Jan., 1873, c. 24, s. 4, v. 17, p. 409.

Fees of witnesses.

19 Feb., 1851, c. 11, s. 11, v. 9, p. 570.

SEC. 128. Every witness attending by virtue of any subpoena herein directed to be issued shall be entitled to receive the sum of seventy-five cents for each day's attendance, and the further sum of five cents for every mile necessarily traveled in going and returning. Such allowance shall be ascertained and certified by the officer taking the examination, and shall be paid by the party at whose instance such witness was summoned.

Fees of officers.

19 Feb., 1851, c. 11, s. 11, v. 9, p. 570.

SEC. 129. Each judge, justice, chancellor, chief executive officer of a town or city, register in bankruptcy, notary public, and justice of the peace, who shall be necessarily employed pursuant to the provisions of this chapter, and all sheriffs, constables, or other officers who may be employed to serve any subpoena or notice herein authorized, shall be entitled to receive from the party at whose instance the service shall have been performed such fees as are allowed for similar services in the State wherein such service may be rendered.

Expenses of contest.

3 March, 1873, c. 226, s. 1, v. 17, p. 485, (490.)

SEC. 130. No payment shall be made by the House of Representatives, out of its contingent fund or otherwise, to either party to a contested-election case for expenses incurred in prosecuting or defending the same.

TITLE III.

THE PRESIDENT.

CHAPTER ONE.

PRESIDENTIAL ELECTIONS.

| Sec. | Sec. |
|--|--|
| 131. Time of appointing electors. | 143. Provision for absence of President of the Senate. |
| 132. Number of electors. | 144. Mileage of messengers. |
| 133. Vacancies in electoral college. | 145. Forfeiture for messenger's neglect of duty. |
| 134. Failure to make a choice on the appointed day. | 146. Vacancy in both offices. |
| 135. Meeting of electoral college. | 147. Notification of vacancies to be published. |
| 136. List of names of electors to be furnished to them. | 148. Requisites of the notification. |
| 137. Manner of voting. | 149. Time of holding election to fill vacancy. |
| 138. Certificates to be made and signed. | 150. Regulations for quadrennial election made applicable to election to fill vacancies. |
| 139. Certificates to be sealed and indorsed. | 151. Resignation or refusal of office. |
| 140. Transmission of the certificates. | |
| 141. When Secretary of State shall send for district judge's list. | |
| 142. Counting the electoral votes in Congress. | |

SEC. 131. Except in case of a presidential election prior to the ordinary period, as specified in sections one hundred and forty-seven to one hundred and forty-nine, inclusive, when the offices of President and Vice-President both become vacant, the electors of President and Vice-President shall be appointed, in each State, on the Tuesday next after the first Monday in November, in every fourth year succeeding every election of a President and Vice-President. [See § 5520.]

Time of appointing electors.

1 Mar., 1792, c. 8,
s. 1, v. 1, p. 239.
23 Jan., 1845, c.
1, v. 5, p. 721.

SEC. 132. The number of electors shall be equal to the number of Senators and Representatives to which the several States are by law entitled at the time when the President and Vice-President to be chosen come into office; except, that where no apportionment of Representatives has been made after any enumeration, at the time of choosing electors, the number of electors shall be according to the then existing apportionment of Senators and Representatives.

Number of electors.

1 Mar., 1792, c. 8,
s. 1, v. 1, p. 239.

SEC. 133. Each State may, by law, provide for the filling of any vacancies which may occur in its college of electors when such college meets to give its electoral vote.

Vacancies in electoral college.

23 Jan., 1845, c.
1, v. 5, p. 721.

SEC. 134. Whenever any State has held an election for the purpose of choosing electors, and has failed to make a choice on the day prescribed by law, the electors may be appointed on a subsequent day in such a manner as the legislature of such State may direct.

Failure to make a choice on the appointed day.

23 Jan., 1845, c.
1, v. 5, p. 721.

SEC. 135. The electors for each State shall meet and give their votes upon the first Wednesday in December in the year in which they are appointed, at such place, in each State, as the legislature of such State shall direct.

Meeting of electoral college.

1 Mar., 1792, c. 8,
s. 2, v. 1, p. 239.

SEC. 136. It shall be the duty of the executive of each State to cause three lists of the names of the electors of such State to be made and certified, and to be delivered to the electors on or before the day on which they are required, by the preceding section, to meet.

List of names of electors to be furnished to them.

1 Mar., 1792, c. 8,
s. 3, v. 1, p. 240.

Manner of voting.

26 Mar., 1804, c. 50, s. 1, v. 2, p. 295.
Certificates to be made and signed.

1 Mar., 1792, c. 8, ss. 2, 3, v. 1, p. 239.
26 Mar., 1804, c. 50, s. 1, v. 2, p. 295.

Certificates to be sealed and indorsed.

1 Mar., 1792, c. 8, s. 2, v. 1, p. 239.

Transmission of the certificates.

1 Mar., 1792, c. 8, s. 2, v. 1, p. 239.
26 Mar., 1804, c. 50, s. 1, v. 2, p. 295.

When Secretary of State shall send for district judge's list.

1 Mar., 1792, c. 8, s. 4, v. 1, p. 240.

Counting the electoral votes in Congress.

1 Mar., 1792, c. 8, s. 5, v. 1, p. 240.

Provision for absence of President of the Senate.

1 Mar., 1792, c. 8, s. 6, v. 1, p. 240.

Mileage of messengers.

1 Mar., 1792, c. 8, s. 7, v. 1, p. 240.

Forfeiture for messenger's neglect of duty.

1 Mar., 1792, c. 8, s. 8, v. 1, p. 240.

Vacancy in both offices.

1 Mar., 1792, c. 8, s. 9, v. 1, p. 240.

SEC. 137. The electors shall vote for President and Vice-President, respectively, in the manner directed by the Constitution.

50, s. 1, v. 2, p. 295.

SEC. 138. The electors shall make and sign three certificates of all the votes given by them, each of which certificates shall contain two distinct lists, one of the votes for President, and the other of the votes for Vice-President, and shall annex to each of the certificates one of the lists of the electors which shall have been furnished to them by direction of the executive of the State.

SEC. 139. The electors shall seal up the certificates so made by them, and certify upon each that the lists of all the votes of such State given for President, and of all the votes given for Vice-President, are contained therein.

26 Mar., 1804, c. 50, s. 1, vol. 2, p. 295.

SEC. 140. The electors shall dispose of the certificates thus made by them in the following manner:

One. They shall, by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate, at the seat of Government, before the first Wednesday in January then next ensuing, one of the certificates.

Two. They shall forthwith forward by the post-office to the President of the Senate, at the seat of Government, one other of the certificates.

Three. They shall forthwith cause the other of the certificates to be delivered to the judge of that district in which the electors shall assemble.

SEC. 141. Whenever a certificate of votes from any State has not been received at the seat of Government on the first Wednesday of January indicated by the preceding section, the Secretary of State shall send a special messenger to the district judge in whose custody one certificate of the votes from that State has been lodged, and such judge shall forthwith transmit that list to the seat of Government.

SEC. 142. Congress shall be in session on the second Wednesday in February succeeding every meeting of the electors, and the certificates, or so many of them as have been received, shall then be opened, the votes counted, and the persons to fill the offices of President and Vice-President ascertained and declared, agreeable to the Constitution.

SEC. 143. In case there shall be no President of the Senate at the seat of Government on the arrival of the persons intrusted with the certificates of the votes of the electors, then such persons shall deliver such certificates into the office of the Secretary of State, to be safely kept, and delivered over as soon as may be to the President of the Senate.

SEC. 144. Each of the persons appointed by the electors to deliver the certificates of votes to the President of the Senate shall be allowed, on the delivery of the list intrusted to him, twenty-five cents for every mile of the estimated distance, by the most usual road, from the place of meeting of the electors to the seat of Government of the United States.

SEC. 145. Every person who, having been appointed, pursuant to subdivision one of section one hundred and forty or to section one hundred and forty-one, to deliver the certificates of the votes of the electors to the President of the Senate, and having accepted such appointment, shall neglect to perform the services required from him, shall forfeit the sum of one thousand dollars.

SEC. 146. In case of removal, death, resignation, or inability of both the President and Vice-President of the United States, the President of the Senate, or, if there is none, then the Speaker of the House of Representatives, for the time being, shall act as President until the disability is removed or a President elected.

SEC. 147. Whenever the offices of President and Vice-President both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every State, and shall also cause the same to be published in at least one of the newspapers printed in each State.

SEC. 148. The notification shall specify that electors of a President and Vice-President of the United States shall be appointed or chosen in the several States, as follows:

First. If there shall be the space of two months yet to ensue between the date of such notification and the first Wednesday in December then next ensuing, such notification shall specify that the electors shall be appointed or chosen within thirty-four days preceding such first Wednesday in December.

Second. If there shall not be the space of two months between the date of such notification and such first Wednesday in December, and if the term for which the President and Vice-President last in office were elected will not expire on the third day of March next ensuing, the notification shall specify that the electors shall be appointed or chosen within thirty-four days preceding the first Wednesday in December in the year next ensuing. But if there shall not be the space of two months between the date of such notification and the first Wednesday in December then next ensuing, and if the term for which the President and Vice-President last in office were elected will expire on the third day of March next ensuing, the notification shall not specify that electors are to be appointed or chosen.

SEC. 149. Electors appointed or chosen upon the notification prescribed by the preceding section shall meet and give their votes upon the first Wednesday of December specified in the notification.

SEC. 150. The provisions of this Title, relating to the quadrennial election of President and Vice-President, shall apply with respect to any election to fill vacancies in the offices of President and Vice-President, held upon a notification given when both offices become vacant.

SEC. 151. The only evidence of a refusal to accept, or of a resignation of the office of President or Vice-President, shall be an instrument in writing, declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State.

Notification of vacancies to be published.

1 Mar., 1792, c. 8, s. 10, v. 1, p. 240.

Requisites of the notification.

1 Mar., 1792, c. 8, s. 10, v. 1, p. 240.

Time of holding election to fill vacancy.

1 Mar., 1792, c. 8, s. 10, v. 1, p. 240.

Regulations for quadrennial election made applicable to election to fill vacancies.

1 Mar., 1792, c. 8, s. 10, v. 1, p. 240.

Resignation or refusal of office.

1 Mar., 1792, c. 8, s. 11, v. 1, p. 241.

CHAPTER TWO.

OFFICE AND COMPENSATION OF THE PRESIDENT.

Sec.

152. Commencement of term of office.

153. President's salary.

154. Vice-President's salary.

Sec.

155. Officers of the President's household.

156. Duties of the steward.

157. The steward's bond.

SEC. 152. The term of four years for which a President and Vice-President shall be elected, shall, in all cases, commence on the fourth day of March next succeeding the day on which the votes of the electors have been given.

SEC. 153. The President shall receive in full for his services during the term for which he shall have been elected the sum of fifty thousand dollars a year, to be paid monthly, and shall be entitled to the use of the furniture and other effects belonging to the United States and kept in the Executive Mansion. [See § 1829.]

Commencement of term of office.

1 Mar., 1792, c. 8, s. 12, v. 1, p. 241.

President's salary.

24 Sept., 1789, c. 19, v. 1, p. 72.

18 Feb., 1793, c. 9, v. 1, p. 318.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 486.

Vice-President's salary. SEC. 154. The Vice-President shall receive in full for his services during the term for which he shall have been elected the sum of ten thousand dollars a year, to be paid monthly.

3 March, 1873, c. 226, s. 1, v. 17, p. 486.

Officers of the President's household. SEC. 155. The President is authorized to appoint or employ in his official household the following officers:

3 March, 1857, c. 108, s. 2, v. 11, p. 228. One private secretary, at a salary of three thousand five hundred dollars a year.

23 July, 1866, c. 208, s. 4, v. 14, p. 206. One assistant secretary, who shall be a short-hand writer, at a salary of two thousand five hundred dollars a year.

20 July, 1868, c. 176, s. 1, v. 15, p. 96. Two executive clerks, at a salary of two thousand three hundred dollars a year each.

One steward of the President's household, at a salary of two thousand dollars a year.

One messenger, at a salary of one thousand two hundred dollars a year.

Duties of the steward. SEC. 156. The steward of the President's household shall, under the direction of the President, have the charge and custody of and be responsible for the plate, furniture, and other public property in the President's mansion, and shall discharge such other duties as the President may assign him. [See § 1532.]

3 March, 1857, c. 108, s. 2, v. 11, p. 228.

23 July, 1866, c. 208, s. 4, v. 14, p. 206.

The steward's bond. SEC. 157. The steward of the President's household shall, before entering upon the duties of his office, give a bond to the United States for the faithful discharge of his trust. Such bond must be in such sum as the Secretary of the Interior shall deem sufficient, and must be approved by him.

23 July, 1866, c. 208, s. 4, v. 14, p. 206.

TITLE IV.

PROVISIONS APPLICABLE TO ALL THE EXECUTIVE DEPARTMENTS.

| Sec. | Sec. |
|---|---|
| 158. Application of provisions of this Title. | 180. Temporary appointments limited to ten days. |
| 159. Word "Department." | 181. Restriction on temporary appointments. |
| 160. Salaries of heads of Departments. | 182. Extra compensation disallowed. |
| 161. Departmental regulations. | 183. Oaths, when administered by officers, &c. |
| 162. Hours of business. | 184. Subpoenas to witnesses. |
| 163. Classification of Department clerks. | 185. Witness fees. |
| 164. Examinations. | 186. Compelling testimony. |
| 165. Clerkships open to women. | 187. Professional assistance, how obtained. |
| 166. Distribution of clerks. | 188. Evidence to be furnished by the Departments in suits pending in the Court of Claims. |
| 167. Salaries of persons employed in the Departments. | 189. Employment of attorneys or counsel. |
| 168. Temporary clerks. | 190. Persons formerly in the Departments not to prosecute claims in them. |
| 169. Authority to employ clerks and other employes. | 191. Certified balances. |
| 170. Extra compensation to clerks prohibited. | 192. Expenditures for newspapers. |
| 171. Restriction on employing extra clerks. | 193. Annual report of expenditure of contingent funds. |
| 172. Restriction on employment of subordinate assistants. | 194. Report of clerks employed. |
| 173. Chief clerks to supervise subordinate clerks. | 195. Time of making annual reports. |
| 174. Chief clerks to distribute duties, &c. | 196. Department reports, when to be furnished to printer. |
| 175. Duty of chief on receipt of report. | 197. Inventories of property. |
| 176. Disbursing clerks. | 198. Biennial list of persons employed in each Department to be filed in the Interior Department. |
| 177. Vacancies, how temporarily filled. | |
| 178. Vacancies in subordinate offices. | |
| 179. Discretionary authority of the President. | |

SEC. 158. The provisions of this Title shall apply to the following Executive Departments:

- First. The Department of State.
- Second. The Department of War.
- Third. The Department of the Treasury.
- Fourth. The Department of Justice.
- Fifth. The Post-Office Department.
- Sixth. The Department of the Navy.
- Seventh. The Department of the Interior.

SEC. 159. The word "Department" when used alone in this Title, and Titles five, six, seven, eight, nine, ten, and eleven, means one of the Executive Departments enumerated in the preceding section.

SEC. 160. Each head of a Department is entitled to a salary of ten thousand dollars a year, to be paid monthly.

Application of provisions of this title.

Wilcox vs. Jackson, 13 Pet., 512, 13.

Word "Department."

Salaries of heads of Departments.

3 March, 1873, c. 226, s. 1, v. 17, p. 486.

SEC. 161. The head of each Department is authorized to prescribe regulations, not inconsistent with law, for the government of his Department, the conduct of its officers and clerks, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, and property appertaining to it.

Departmental regulations.

27 July, 1789, c.

4, v. 1, p. 28.

15 Sept., 1789, c.

14, v. 1, p. 68.

7 Aug., 1849, c. 7, v. 1, p. 49. 2 Sept., 1789, c. 12, v. 1, p. 65. 8 June, 1872, c. 335, v. 17, p. 253. 30 April, 1798, c. 35, v. 1, p. 553. 22 June, 1870, c. 150, s. 8, v. 16, p. 163.

3 March, 1849, c. 108, v. 9, p. 395.

SEC. 162. From the first day of October until the first day of April, in each year, all the Bureaus and offices in the State, War, Treasury, Navy, and Post-Office Departments, and in the General Land-Office,

Hours of business.

4 July, 1836, c.

352, s. 12, v. 5, p. 112.

shall be open for the transaction of the public business at least eight hours in each day; and from the first day of April until the first day of October, in each year, at least ten hours in each day; except Sundays and days declared public holidays by law.

Classification of Department clerks.

SEC. 163. The clerks in the Departments shall be arranged in four classes, distinguished as the first, second, third, and fourth classes.

3 Mar., 1853, c. 97, s. 3, v. 10, p. 209. 3 Mar., 1855, c. 175, s. 4, v. 10, p. 669.

Examinations.

SEC. 164. No clerk shall be appointed in any Department in either of the four classes above designated, until he has been examined and found qualified by a board of three examiners, to consist of the chief of the Bureau or office into which such clerk is to be appointed and two other clerks to be selected by the head of the Department.

3 Mar., 1853, c. 97, s. 3, v. 10, p. 209.

3 Mar., 1855, c. 175, s. 4, v. 10, p. 669.

Clerkships open to women.

SEC. 165. Women may, in the discretion of the head of any Department, be appointed to any of the clerkships therein, authorized by law, upon the same requisites and conditions, and with the same compensations, as are prescribed for men.

12 July, 1870, c. 251, s. 2, v. 16, pp. 230, 250.

Distribution of clerks.

SEC. 166. Each head of a Department may from time to time alter the distribution among the various Bureaus and offices of his Department, of the clerks allowed by law, as he may find it necessary and proper to do.

3 Mar., 1853, c. 97, s. 3, v. 10, p. 211.

Salaries of persons employed in the Departments.

SEC. 167. The annual salaries of clerks and employes in the Departments, whose compensation is not otherwise prescribed, shall be as follows:

3 Mar., 1853, c. 97, s. 3, v. 10, pp. 209, 211.

22 April, 1854, c. 52, s. 1, v. 10, p. 276.

18 Aug., 1856, Res. 18, v. 11, p. 145.

23 July, 1866, c. 208, s. 6, v. 14, p. 207.

12 July, 1870, c. 251, s. 3, v. 16, pp. 230, 250.

First. To clerks of the fourth class, eighteen hundred dollars.

Second. To clerks of the third class, sixteen hundred dollars.

Third. To clerks of the second class, fourteen hundred dollars.

Fourth. To clerks of the first class, twelve hundred dollars.

Fifth. To the women employed in duties of a clerical character, subordinate to those assigned to clerks of the first class, including copyists and counters, or temporarily employed to perform the duties of a clerk, nine hundred dollars.

Sixth. To messengers, eight hundred and forty dollars.

Seventh. To assistant messengers, seven hundred and twenty dollars.

Eighth. To laborers, seven hundred and twenty dollars.

Ninth. To watchmen, seven hundred and twenty dollars.

Temporary clerks.

SEC. 168. Except when a different compensation is expressly prescribed by law, any clerk temporarily employed to perform the same or similar duties with those belonging to clerks of either class, is entitled to the same salary as is allowed to clerks of that class. [See § 242.]

22 April, 1854, c. 52, s. 1, v. 10, p. 276.

Authority to employ clerks and other employes.

SEC. 169. Each head of a Department is authorized to employ in his Department such number of clerks of the several classes recognized by law, and such messengers, assistant messengers, copyists, watchmen, laborers, and other employes, and at such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

See appropriation acts since 1856.

Ex parte Hennen, 13 Pet., 230.

[See §§ 201, 214, 235, 328, 351, 393, 416, 440, 476.]

Extra compensation to clerks prohibited.

SEC. 170. No money shall be paid to any clerk employed in either Department at an annual salary, as compensation for extra services, unless expressly authorized by law.

3 Mar., 1863, c. 97, s. 3, v. 10, pp. 209, 211. 17 June, 1844, c. 105, s. 1, v. 5, pp. 681, 687. 28 Feb., 1867, Res. 30, s. 2, v. 14, p. 569.

Restriction on employing extra clerks.

SEC. 171. No extra clerk shall be employed in any Department, Bureau, or office, at the seat of Government, except during the session of Congress, or when indispensably necessary in answering some call made by either House of Congress at one session to be answered at another; nor then, except by order of the head of the Department in which, or in some Bureau or office of which, such extra clerk shall be employed. And no extra clerk employed in either of the Departments shall receive compensation except for time actually and necessarily employed, nor any greater compensation than three dollars a day for copying, or four dollars a day for any other service.

26 Aug., 1842, c. 202, s. 15, v. 5, p. 526.

SEC. 172. No messenger, assistant messenger, laborer, nor other subordinate assistant shall be employed in any Department, Bureau, or office at the seat of Government, or paid out of the contingent fund appropriated to such Department, Bureau, or office, unless such employment is authorized by law, or is necessary to carry into effect some object for which an appropriation has been specifically made.

Restriction on employment of subordinate assistants.

26 Aug., 1842, c. 202, s. 15, v. 5, p. 526.

SEC. 173. Each chief clerk in the several Departments, and Bureaus, and other offices connected with the Departments, shall supervise, under the direction of his immediate superior, the duties of the other clerks therein, and see that they are faithfully performed.

Chief clerks to supervise subordinate clerks.

26 Aug., 1842, c. 202, s. 13, v. 5, p. 525.

SEC. 174. Each chief clerk shall take care, from time to time, that the duties of the other clerks are distributed with equality and uniformity, according to the nature of the case. He shall revise such distribution from time to time, for the purpose of correcting any tendency to undue accumulation or reduction of duties, whether arising from individual negligence or incapacity, or from increase or diminution of particular kinds of business. And he shall report monthly to his superior officer any existing defect that he may be aware of in the arrangement or dispatch of business.

Chief clerks to distribute duties, &c.

26 Aug., 1842, c. 202, s. 13, v. 5, p. 525.

SEC. 175. Each head of a Department, chief of a Bureau, or other superior officer, shall, upon receiving each monthly report of his chief clerk, rendered pursuant to the preceding section, examine the facts stated therein, and take such measures, in the exercise of the powers conferred upon him by law, as may be necessary and proper to amend any existing defects in the arrangement or dispatch of business disclosed by such report.

Duty of chief on receipt of report.

26 Aug., 1842, c. 202, s. 13, v. 5, p. 525.

SEC. 176. The disbursing clerks authorized by law in the several Departments shall be appointed by the heads of the respective Departments, from clerks of the fourth class; and shall each give a bond to the United States for the faithful discharge of the duties of his office according to law in such amount as shall be directed by the Secretary of the Treasury, and with sureties to the satisfaction of the Solicitor of the Treasury; and shall from time to time renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct. Each disbursing clerk, except the disbursing clerk of the Treasury Department, must, when directed so to do by the head of the Department, superintend the building occupied by his Department. Each disbursing clerk is entitled to receive, in compensation for his services in disbursing, such sum in addition to his salary as a clerk of the fourth class as shall make his whole annual compensation two thousand dollars a year.

Disbursing clerks.

3 Mar., 1853, c. 97, s. 3, v. 10, pp. 209, 211.

3 Mar., 1855, c. 175, s. 4, v. 10, p. 669.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 485, (492.)

[See §§ 201, 215, 235, 351, 393, 416, 440.]

SEC. 177. In case of the death, resignation, absence, or sickness of the head of any Department, the first or sole assistant thereof shall, unless otherwise directed by the President, as provided by section one hundred and seventy-nine, perform the duties of such head until a successor is appointed, or such absence or sickness shall cease.

Vacancies; how temporarily filled.

23 July, 1868, c. 227, s. 1, v. 15, p. 168.

SEC. 178. In case of the death, resignation, absence, or sickness of the chief of any Bureau, or of any officer thereof, whose appointment is not vested in the head of the Department, the assistant or deputy of such chief or of such officer, or if there be none, then the chief clerk of such Bureau, shall, unless otherwise directed by the President, as provided by section one hundred and seventy-nine, perform the duties of such chief or of such officer until a successor is appointed or such absence or sickness shall cease.

Vacancies in subordinate offices.

23 July, 1868, c. 227, s. 2, v. 15, p. 168.

SEC. 179. In any of the cases mentioned in the two preceding sections, except the death, resignation, absence, or sickness of the Attorney-General, the President may, in his discretion, authorize and direct the head of any other Department or any other officer in either Department whose appointment is vested in the President, by and with the advice and consent of the Senate, to perform the duties of the vacant office until a successor is appointed, or the sickness or absence of the incumbent shall cease.

Discretionary authority of the President.

23 July, 1868, c. 227, s. 3, v. 15, p. 168.

22 June, 1870, c. 150, s. 2, v. 16, p. 162.

Temporary appointments limited to ten days.

23 July, 1868, c. 227, s. 3, v. 15, p. 168.

Restriction on temporary appointments.

23 July, 1868, c. 227, s. 2, v. 15, p. 168.

Extra compensation disallowed.

23 July, 1868, c. 227, s. 3, v. 15, p. 168.

Oaths, when administered by officers, &c.

10 April, 1869, Res. No. 15, s. 2, v. 16, p. 55. 7 March,

Subpœnas to witnesses.

14 Feb., 1871, c. 51, s. 1, v. 16, p. 412.

Witnesses' fees.

14 Feb., 1871, c. 51, s. 1, v. 16, p. 412.

Compelling testimony.

14 Feb., 1871, c. 51, s. 1, v. 16, p. 412.

Professional assistance; how obtained.

14 Feb., 1871, c. 51, s. 3, v. 16, p. 412.

Evidence to be furnished by the Departments in suits pending in the Court of Claims.

25 June, 1868, c. 71, s. 6, v. 15, p. 76.

SEC. 180. A vacancy occasioned by death or resignation must not be temporarily filled under the three preceding sections for a longer period than ten days.

SEC. 181. No temporary appointment, designation, or assignment of one officer to perform the duties of another, in the cases covered by sections one hundred and seventy-seven and one hundred and seventy-eight, shall be made otherwise than as provided by those sections, except to fill a vacancy happening during a recess of the Senate.

SEC. 182. An officer performing the duties of another office, during a vacancy, as authorized by sections one hundred and seventy-seven, one hundred and seventy-eight, and one hundred and seventy-nine, is not by reason thereof entitled to any other compensation than that attached to his proper office.

SEC. 183. Any officer or clerk of any of the Departments lawfully detailed to investigate frauds or attempts to defraud on the Government, or any irregularity or misconduct of any officer or agent of the United States, shall have authority to administer an oath to any witness attending to testify or depose in the course of such investigation.

SEC. 184. Any head of a Department or Bureau in which a claim against the United States is properly pending may apply to any judge or clerk of any court of the United States, in any State, District, or Territory, to issue a subpoena for any witness being within the jurisdiction of such court, to appear at a time and place in the subpoena stated, before any officer authorized to take depositions to be used in the courts of the United States, there to give full and true answers to such written interrogatories and cross-interrogatories as may be submitted with the application, or to be orally examined and cross-examined upon the subject of such claim.

SEC. 185. Witnesses subpoenaed pursuant to the preceding section shall be allowed the same compensation as is allowed witnesses in the courts of the United States.

SEC. 186. If any witness, after being duly served with such subpoena, neglects or refuses to appear, or, appearing, refuses to testify, the judge of the district in which the subpoena issued may proceed, upon proper process, to enforce obedience to the subpoena, or to punish the disobedience, in like manner as any court of the United States may do in case of process of subpoena ad testificandum issued by such court.

SEC. 187. Whenever any head of a Department or Bureau having made application pursuant to section one hundred and eighty-four, for a subpoena to procure the attendance of a witness to be examined, is of opinion that the interests of the United States require the attendance of counsel at the examination, or require legal investigation of any claim pending in his Department or Bureau, he shall give notice thereof to the Attorney-General, and of all facts necessary to enable the Attorney-General to furnish proper professional service in attending such examination, or making such investigation, and it shall be the duty of the Attorney-General to provide for such service.

SEC. 188. In all suits brought against the United States in the Court of Claims founded upon any contract, agreement, or transaction with any Department, or any Bureau, officer, or agent of a Department, or where the matter or thing on which the claim is based has been passed upon and decided by any Department, Bureau, or officer authorized to adjust it, the Attorney-General shall transmit to such Department, Bureau, or officer, a printed copy of the petition filed by the claimant, with a request that the Department, Bureau, or officer, shall furnish to the Attorney-General all facts, circumstances, and evidence touching the claim in the possession or knowledge of the Department, Bureau, or officer. Such Department, Bureau, or officer shall, without delay, and within a reasonable time, furnish the Attorney-General with a full statement, in writing, of all such facts, information, and proofs. The state-

ment shall contain a reference to or description of all such official documents or papers, if any, as may furnish proof of facts referred to in it, or may be necessary and proper for the defense of the United States against the claim, mentioning the Department, office, or place where the same is kept or may be procured. If the claim has been passed upon and decided by the Department, Bureau, or officer, the statement shall succinctly state the reasons and principles upon which such decision was based. In all cases where such decision was founded upon any act of Congress, or upon any section or clause of such act, the same shall be cited specifically; and if any previous interpretation or construction has been given to such act, section, or clause by the Department, Bureau, or officer, the same shall be set forth succinctly in the statement, and a copy of the opinion filed, if any, shall be annexed to it. Where any decision in the case has been based upon any regulation of a Department, or where such regulation has, in the opinion of the Department, Bureau, or officer transmitting such statement, any bearing upon the claim in suit, the same shall be distinctly quoted at length in the statement. But where more than one case, or a class of cases, is pending, the defense to which rests upon the same facts, circumstances, and proofs, the Department, Bureau, or officer shall only be required to certify and transmit one statement of the same, and such statement shall be held to apply to all such cases, as if made out, certified, and transmitted in each case respectively.

SEC. 189. No head of a Department shall employ attorneys or counsel at the expense of the United States; but when in need of counsel or advice, shall call upon the Department of Justice, the officers of which shall attend to the same.

SEC. 190. It shall not be lawful for any person appointed after the first day of June, one thousand eight hundred and seventy-two, as an officer, clerk, or employé in any of the Departments, to act as counsel, attorney, or agent for prosecuting any claim against the United States which was pending in either of said Departments while he was such officer, clerk, or employé, nor in any manner, nor by any means, to aid in the prosecution of any such claim, within two years next after he shall have ceased to be such officer, clerk, or employé.

SEC. 191. The balances which may from time to time be stated by the Auditor and certified to the heads of Departments by the Commissioner of Customs, or the Comptrollers of the Treasury, upon the settlement of public accounts, shall not be subject to be changed or modified by the heads of Departments, but shall be conclusive upon the executive branch of the Government, and be subject to revision only by Congress or the proper courts. The head of the proper Department, before signing a warrant for any balance certified to him by a Comptroller, may, however, submit to such Comptroller any facts in his judgment affecting the correctness of such balance, but the decision of the Comptroller thereon shall be final and conclusive, as hereinbefore provided.

SEC. 192. The amount expended in any one year for newspapers, for any Department, except the Department of State, including all the Bureaus and offices connected therewith, shall not exceed one hundred dollars. And all newspapers purchased with the public money for the use of either of the Departments must be preserved as files for such Department.

SEC. 193. The head of each Department shall make an annual report to Congress, giving a detailed statement of the manner in which the contingent fund for his Department, and for the Bureaus and offices therein, has been expended, giving the names of every person to whom any portion thereof has been paid; and if for anything furnished, the quantity and price; and if for any service rendered, the nature of such service, and the time employed, and the particular occasion or cause, in brief, that rendered such service necessary; and the amount of all former appropriations in each case on hand, either in the Treasury or in the

Employment of attorneys or counsel.

22 June, 1870, c. 150, s. 17, v. 16, p. 164.

Persons formerly in the Departments not to prosecute claims in them.

1 June, 1872, c. 256, s. 5, v. 17, p. 202.

Certified balances.

30 Mar., 1868, c. 36, s. 1, v. 15, p. 54.

Expenditure for newspapers.

26 Aug., 1842, c. 202, s. 16, v. 5, p. 526.

Annual report of expenditure of contingent funds.

26 Aug., 1842, c. 202, s. 20, v. 5, p. 527.

hands of any disbursing officer or agent. And he shall require of the disbursing officers, acting under his direction and authority, the return of precise and analytical statements and receipts for all the moneys which may have been from time to time during the next preceding year expended by them, and shall communicate the results of such returns and the sums total, annually, to Congress.

Report of clerks
employed.

26 Aug., 1842, c.
202, s. 11, v. 5, p.
525.

SEC. 194. The head of each Department shall make an annual report to Congress of the names of the clerks and other persons that have been employed in his Department and the offices thereof; stating the time that each clerk or other person was actually employed, and the sums paid to each; also, whether they have been usefully employed; whether the services of any of them can be dispensed with without detriment to the public service, and whether the removal of any individuals, and the appointment of others in their stead, is required for the better dispatch of business.

Time of making
annual reports.

See all acts re-
quiring reports.

SEC. 195. Except where a different time is expressly prescribed by law, the various annual reports required to be submitted to Congress by the heads of Departments shall be made at the commencement of each regular session, and shall embrace the transactions of the preceding year.

Department
reports, when to
be furnished to
Printer.

25 June, 1864, c.
155, ss. 1, 3, v. 13,
pp. 184, 5. 22 June, 1870, c. 150, s. 12, v. 16, p. 164.

SEC. 196. The head of each Department, except the Department of Justice, shall furnish to the Congressional Printer copies of the documents usually accompanying his annual report, on or before the first day of November in each year, and a copy of his annual report on or before the third Monday of November in each year.

Inventories of
property.

15 July, 1870, c.
300, s. 1, v. 16, p.
364.

SEC. 197. The Secretary of State, the Secretary of the Treasury, the Secretary of the Interior, the Secretary of War, the Secretary of the Navy, the Postmaster-General, the Attorney-General, and Commissioner of Agriculture shall keep, in proper books, a complete inventory of all the property belonging to the United States in the buildings, rooms, offices, and grounds occupied by them, respectively, and under their charge, adding thereto, from time to time, an account of such property as may be procured subsequently to the taking of such inventory, as well as an account of the sale or other disposition of any of such property.

Biennial lists of
employés to be
filed in Interior
Department.

27 April, 1816,
Res. No. 6, s. 1, v. 3,
p. 342.

3 Mar., 1851, c. 32,
s. 1, v. 9, p. 600.

14 July, 1832,
Res. No. 11, v. 4, p.
608.

SEC. 198. The head of each Department shall, as soon as practicable after the last day in September in each year in which a new Congress is to assemble, cause to be filed in the Department of the Interior a full and complete list of all officers, agents, clerks, and employés employed in his Department, or in any of the offices or Bureaus connected therewith. He shall include in such list all the statistics peculiar to his Department required to enable the Secretary of the Interior to prepare the Biennial Register.

TITLE V.

THE DEPARTMENT OF STATE.

| Sec. | | Sec. | |
|------|--|------|--|
| 199. | Establishment of the Department of State. | 208. | Reports of foreign regulations of commerce, other commercial information, and consular fees. |
| 200. | Assistant and Second Assistant Secretaries of State. | 209. | Statement of expenditures from contingent fund. |
| 201. | Subordinate officers, &c. | 210. | Copies of acts and treaties furnished to printer. |
| 202. | Management of foreign affairs. | 211. | Publication of commercial information. |
| 203. | Custody of seals and property. | 212. | Passports. |
| 204. | Promulgation of the laws. | 213. | Fees for copies of records. |
| 205. | Amendments to the Constitution. | | |
| 206. | State statutes to be procured. | | |
| 207. | Report of returns of collectors and foreign agents. | | |

SEC. 199. There shall be at the seat of Government an Executive Department to be known as the Department of State, and a Secretary of State, who shall be the head thereof.

27 July, 1789, c. 4, s. 1, v. 1, p. 28. 15 Sept., 1789, c. 14, s. 1, v. 1, p. 68.

SEC. 200. There shall be in the Department of State an Assistant Secretary of State, and a Second Assistant Secretary of State, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of six thousand dollars a year, to be paid monthly. [See § 177.]

25 July, 1866, c. 233, s. 2, v. 14, p. 226. 3 March, 1873, c. 226, s. 1, v. 17, p. 486.

SEC. 201. There shall be in the Department of State:

One chief clerk, at a salary of two thousand five hundred dollars a year.

Two chiefs of the Diplomatic Bureaus, at a salary of two thousand four hundred dollars a year, each.

Two chiefs of the Consular Bureaus, at a salary of two thousand four hundred dollars a year, each.

Chief of the Bureau of Accounts, at a salary of two thousand four hundred dollars a year.

Chief of the Bureau of Indexes and Archives, at a salary of two thousand four hundred dollars a year.

One disbursing clerk. [See §§ 169, 173, 174, 176.]

SEC. 202. The Secretary of State shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to correspondences, commissions, or instructions to or with public ministers or consuls from the United States, or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs as the President of the United States shall assign to the Department, and he shall conduct the business of the Department in such manner as the President shall direct.

SEC. 203. The Secretary of State shall have the custody and charge of the seal of the United States and of the seal of the Department of State, and of all the books, records, papers, furniture, fixtures, and other property now remaining in and appertaining to the Department, or hereafter acquired for it.

SEC. 204. Whenever a bill, order, resolution, or vote of the Senate and House of Representatives, having been approved and signed by the President, or not having been returned by him with his objections, becomes a law, or takes effect, it shall forthwith be received by the Secretary of State from the President; and whenever a bill, order, resolution,

Establishment of the Department of State.

Assistant and Second Assistant Secretaries of State.

3 March, 1853, c. 97, s. 6, v. 10, p. 212.

Subordinate officers, &c.

3 March, 1855, c. 175, s. 4, v. 10, p. 669.

22 May, 1872, c. 194, v. 17, p. 145.

3 March, 1873, c. 226, s. 3, v. 17, p. 508.

Management of foreign affairs.

27 July, 1789, c. 4, s. 1, v. 1, p. 28.

15 Sept., 1789, c. 14, s. 1, v. 1, p. 68.

[See §§ 3660-3665, 3669, 1794.]

Custody of seals and property.

15 Sept., 1789, c. 14, s. 7, v. 1, p. 69.

27 July, 1789, c. 4, ss. 2, 4, v. 1, p. 29.

Promulgation of the laws.

15 Sept., 1789, c. 14, s. 2, v. 1, p. 68.

7 July, 1838, c. 187, v. 5, p. 302.

Gardner vs. The
Collector, 6 Wall.,
499.

or vote is returned by the President with his objections, and, on being reconsidered, is agreed to be passed, and is approved by two-thirds of both Houses of Congress, and thereby becomes a law or takes effect, it shall be received by the Secretary of State from the President of the Senate, or Speaker of the House of Representatives, in whichever House it shall last have been so approved; and the Secretary of State shall, as soon as conveniently may be after he receives the same, cause every such law, order, resolution, and vote, to be published in at least three of the public newspapers printed within the United States, and shall also cause one printed copy to be delivered to each Senator and Representative of the United States, and two printed copies duly authenticated to be sent to the executive authority of each State; and he shall carefully preserve the originals.

Amendments to
Constitution.

20 April, 1818, c.
30, s. 2, v. 3, p. 439.

SEC. 205. Whenever official notice is received at the Department of State that any amendment proposed to the Constitution of the United States has been adopted, according to the provisions of the Constitution, the Secretary of State shall forthwith cause the amendment to be published in the newspapers authorized to promulgate the laws, with his certificate, specifying the States by which the same may have been adopted, and that the same has become valid, to all intents and purposes, as a part of the Constitution of the United States.

State statutes to
be procured.

SEC. 206. The Secretary of State shall procure from time to time such of the statutes of the several States as may not be in his office.

23 Sept., 1789, Res. No. 3, v. 1, p. 97.

Report of returns
of collectors and
foreign agents.

2 March, 1799, c.
41, s. 2, v. 1, p. 731.

SEC. 207. The Secretary of State shall lay before Congress, within ten days after the commencement of each regular session, a statement containing an abstract of all the returns made to him pursuant to law, by the collectors of the different ports, of the seamen registered by them, together with an account of such impressments and detentions as shall appear by the protests of the masters to have taken place.

Reports of foreign
regulations of com-
merce, other com-
mercial informa-
tion, and consular
fees.

16 Aug., 1842, c.
181, v. 5, p. 507.

18 Aug., 1856, c.
127, ss. 16, 18, 22, v.
11, pp. 57, 58, 60.

18 Aug., 1856, c.
170, s. 2, v. 11, p.
139.

18 Aug., 1856, c.
127, s. 16, v. 11, pp.
58, 59.

18 Aug., 1856, c.
127, s. 18, v. 11, pp.
58, 59.

22 Feb., 1873, c.
187, s. 1, v. 17, p.
473.

SEC. 208. The Secretary of State shall annually lay before Congress: First. A statement, in a compendious form, of all such changes and modifications in the commercial systems of other nations, whether by treaties, duties on imports and exports, or other regulations, as shall have been communicated to the Department, including all commercial information contained in the official publications of other governments, which he shall deem sufficiently important.

Second. A synopsis of so much of the information which may have been communicated to him by diplomatic and consular officers during the preceding year as he may deem valuable for public information; specifying the names of any consuls or commercial agents who may have been remiss in transmitting commercial information.

Third. A full list of all consular officers.

Fourth. A report of any rates or tariffs of fees to be received by diplomatic or consular officers, which may have been prescribed by the President during the year preceding.

Fifth. A statement of such fees as may have been collected, accounted for, and reported by the various diplomatic and consular officers during the preceding year.

Sixth. A statement of the lists of passengers arriving in the United States from foreign places, returned to him quarter-yearly by the collectors of customs.

Seventh. A statement of the names of any consular officers, not citizens of the United States, to whom salaries have been paid during the year preceding, together with the circumstances under which they were appointed. [See §§ 195, 196.]

Statement of ex-
penditures from
contingent fund.

9 May, 1836, c. 59,
s. 2, v. 5, p. 25.

SEC. 209. The annual statement of expenditures from the contingent fund required to be made by the Secretary of State, must include all the contingent expenses of foreign intercourse and of all the missions abroad, except such expenditures as are settled upon the certificate of the President.

SEC. 210. The Secretary of State shall furnish to the Congressional Printer a correct copy of every act and joint resolution, as soon as possible after its approval by the President, or after it has become a law in accordance with the Constitution without such approval; also of every treaty between the United States and any foreign government as soon as possible after it has been duly ratified and has been proclaimed by the President; and also of every postal convention made between the Postmaster-General, by and with the advice and consent of the President, on the part of the United States and foreign countries, as soon as possible after copies of such conventions have been transmitted to him by the Postmaster-General. [See § 399.]

Copies of acts and treaties furnished to Printer.

9 March, 1868, c. 22, s. 1, v. 15, p. 40.
8 June, 1872, c. 335, s. 20, v. 17, p. 287.

SEC. 211. The Secretary of State shall publish official notifications, from time to time, of such commercial information communicated to him by diplomatic and consular officers, as he may deem important to the public interests, in such newspapers, not to exceed three in number, as he may select.

Publication of commercial information.

18 Aug., 1856, c. 127, s. 2, v. 11, p. 60.

SEC. 212. The clerk in the Department of State who may from time to time be assigned to the duty of examining applications for passports is authorized to receive and attest, but without charge to the affiant, all oaths or affidavits required by law or by the rules of the Department of State to be made before granting passports. [See §§ 4075-4078.]

Passports.

3 Feb., 1870, Res. No. 8, v. 16, p. 368.

SEC. 213. For making out and authenticating copies of records in the Department of State, a fee of ten cents for each sheet containing one hundred words shall be paid by the person requesting such copies, except where they are requested by an officer of the United States in a matter relating to his office.

Fees for copies of records.

15 Sept., 1789, c. 14, s. 6, v. 1, p. 69.

TITLE VI.

THE DEPARTMENT OF WAR.

| Sec. | Sec. |
|--|---|
| 214. Establishment of the Department of War. | 224. Loss of certificate of discharge. |
| 215. Subordinate officers. | 225. Power to administer oaths. |
| 216. Management of military affairs. | 226. Surplus charts may be sold. |
| 217. Custody of the departmental records and property. | 227. Surplus maps and publications of Signal-Office. |
| 218. Collecting flags, &c. | 228. Report of unexpended balances to Congress. |
| 219. Purchase and transportation of supplies. | 229. Annual statement of contracts and purchases. |
| 220. Transportation of troops, &c. | 230. Report of bids for works. |
| 221. Meteorological observations, storm-signals. | 231. Report of examinations of river and harbor improvements. |
| 222. Signal-stations, reports, &c. | 232. Abstract of returns of adjutants-general of States. |
| 223. Telegraph-lines connecting signal-stations. | |

Establishment of the Department of War.

SEC. 214. There shall be at the seat of Government an Executive Department to be known as the Department of War, and a Secretary of War, who shall be the head thereof.

7 Aug., 1789, c. 7, s. 1, v. 1, p. 49.
Subordinate officers.

SEC. 215. There shall be in the Department of War:

3 March, 1853, c. 97, s. 3, v. 10, p. 211.

One chief clerk of the Department, at a salary of two thousand five hundred dollars a year.

One disbursing clerk.

One superintendent of the War Department building, at a salary of two hundred and fifty dollars a year.

In the office of the Adjutant-General:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Quartermaster-General:

One chief clerk, at a salary of two thousand dollars a year.

One superintendent of the building, at a salary of two hundred dollars a year. [See §§ 169, 173, 174, 176.]

In the office of the Paymaster-General:

One chief clerk, at a salary of two thousand dollars a year.

One superintendent of the building occupied by the Paymaster-General, at a salary of two hundred and fifty dollars a year.

In the office of the Commissary-General:

One chief clerk, at a salary of two thousand dollars a year.

One superintendent of building at corner of Seventeenth and F streets, at a salary of two hundred and fifty dollars a year.

In the office of the Surgeon-General:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Chief of Engineers:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Chief of Ordnance:

One chief clerk, at a salary of two thousand dollars a year.

In the office of Military Justice:

One chief clerk, at a salary of two thousand dollars a year.

Management of military affairs.

SEC. 216. The Secretary of War shall perform such duties as shall from time to time be enjoined on or intrusted to him by the President relative to military commissions, the military forces, the warlike stores of the United States, or to other matters respecting military affairs; and he shall conduct the business of the Department in such manner as the President shall direct. [See §§ 3660-3665, 3669.]

7 Aug., 1789, c. 7, s. 1, v. 1, p. 49.

U. S. vs. Adams, 7 Wall., 463.

Custody of the departmental records and property.

7 Aug., 1789, c. 7, ss. 2, 4, v. 1, p. 50.

SEC. 217. The Secretary of War shall have the custody and charge of all the books, records, papers, furniture, fixtures, and other property appertaining to the Department.

SEC. 218. The Secretary of War shall from time to time cause to be collected and transmitted to him, at the seat of Government, all such flags, standards, and colors as are taken by the Army from the enemies of the United States.

Collecting flags, &c.

18 April, 1814, c. 78, s. 1, v. 3, p. 133.

SEC. 219. The Secretary of War shall from time to time define and prescribe the kinds as well as the amount of supplies to be purchased by the Subsistence and Quartermaster Departments of the Army, and the duties and powers thereof respecting such purchases; and shall prescribe general regulations for the transportation of the articles of supply from the places of purchase to the several armies, garrisons, posts, and recruiting places, for the safe-keeping of such articles, and for the distribution of an adequate and timely supply of the same to the regimental quartermasters, and to such other officers as may by virtue of such regulations be intrusted with the same; and shall fix and make reasonable allowances for the store-rent and storage necessary for the safe-keeping of all military stores and supplies.

Purchase and transportation of supplies.

3 March, 1813, c. 48, s. 5, v. 2, p. 817.

SEC. 220. The transportation of troops, munitions of war, equipments, military property, and stores, throughout the United States, shall be under the immediate control and supervision of the Secretary of War and such agents as he may appoint.

Transportation of troops, &c.

31 Jan., 1862, c. 15, s. 4, v. 12, p. 334.

SEC. 221. The Secretary of War shall provide for taking meteorological observations at the military stations in the interior of the continent, and at other points in the States and Territories, and for giving notice on the northern lakes and sea-coast, by magnetic telegraph and marine signals, of the approach and force of storms.

Meteorological observations, storm-signals.

9 Feb., 1870, Res. 12, v. 16, p. 369.

SEC. 222. The Secretary of War shall provide, in the system of observations and reports in charge of the Chief Signal-Officer of the Army, for such stations, reports, and signals as may be found necessary for the benefit of agriculture and commercial interests.

Signal-stations, reports, &c.

10 June, 1872, c. 415, s. 1, v. 17, p. 366.

SEC. 223. The Secretary of War is authorized to establish signal-stations at light-houses and at such of the life-saving stations on the lake or sea-coast as may be suitably located for that purpose, and to connect the same with such points as may be necessary for the proper discharge of the signal-service by means of a suitable telegraph-line in cases where no lines are in operation, to be constructed, maintained, and worked under the direction of the Chief Signal-Officer of the Army, or the Secretary of War and the Secretary of the Treasury; and the use of the life-saving stations as signal-stations shall be subject to such regulations as may be agreed upon by said officials.

Telegraph-lines connecting signal-stations.

3 March, 1873, c. 227, s. 1, v. 17, p. 511.

SEC. 224. Whenever satisfactory proof is furnished to the War Department that any non-commissioned officer or private soldier who served in the Army of the United States in the late war against the rebellion has lost his certificate of discharge, or the same has been destroyed without his privity or procurement, the Secretary of War shall be authorized to furnish, on request, to such non-commissioned officer or private a duplicate of such certificate of discharge, to be indelibly marked, so that it may be known as a duplicate; but such certificate shall not be accepted as a voucher for the payment of any claim against the United States for pay, bounty, or other allowance, or as evidence in any other case.

Loss of certificate of discharge.

3 March, 1873, c. 248, s. 1, v. 17, p. 582.

SEC. 225. The Secretary of War is authorized to detail one or more of the employés of the War Department for the purpose of administering the oaths required by law in the settlement of officers' accounts for clothing, camp and garrison equipage, quartermaster's stores, and ordnance, which oaths shall be administered without expense to the parties taking them.

Power to administer oaths.

3 March, 1865, c. 79, s. 25, v. 13, p. 491.

SEC. 226. Any surplus charts of the northwestern lakes may be sold to navigators upon such terms as the Secretary of War may prescribe.

Surplus charts may be sold.

3 March, 1869, c. 122, s. 1, v. 15, pp. 301, 303.

Surplus maps and publications of Signal-Office.

3 March, 1873, c. 227, v. 17, p. 510, (527.)

Report of unexpended balances to Congress.

1 May, 1820, c. 52, s. 2, v. 3, p. 567.

Annual statement of contracts and purchases.

3 March, 1809, c. 28, s. 5, v. 2, p. 536.

Report of bids for works.

23 June, 1866, c. 138, s. 14, v. 14, p. 73.

Report of examinations of river and harbor improvements.

27 July, 1868, Res. No. 76, v. 15, p. 262.

Abstract of returns of adjutants-general of States.

2 March, 1803, c. 15, s. 1, v. 2, p. 207.

SEC. 227. The Chief Signal-Officer may cause to be sold any surplus maps or publications of the Signal-Office, the money received therefor to be applied toward defraying the expenses of the signal-service; and an account of the same shall be rendered in each annual report of the Chief of the Signal-Service.

SEC. 228. The Secretary of War shall make an annual report to Congress containing a statement of the appropriations of the preceding fiscal year for the Department of War, showing the amount appropriated under each specific head of appropriation, the amount expended under each head, and the balance which, on the thirtieth day of June preceding such report, remained unexpended. Such reports shall be accompanied by estimates of the probable demands which may remain on each appropriation. [See §§ 195, 196.]

SEC. 229. The Secretary of War shall lay before Congress, at the commencement of each regular session, a statement of all contracts for supplies or services which have been made by him or under his direction during the year preceding, and also a statement of the expenditure of the moneys appropriated for the contingent expenses of the military establishment. [See §§ 195, 196.]

SEC. 230. Whenever the Secretary of War invites proposals for any works, or for any materials or labor for any work, he shall report to Congress, at its next session, all bids therefor, with the names of the bidders. [See §§ 195, 196.]

SEC. 231. The Secretary of War shall cause to be prepared and submitted to Congress, in connection with the reports of examinations and surveys of rivers and harbors hereafter made by order of Congress, full statements of all existing facts tending to show to what extent the general commerce of the country will be promoted by the several works of improvements contemplated by such examinations and surveys, to the end that public moneys shall not be applied excepting where such improvements shall tend to subserve the general commercial and navigation interests of the United States. [See §§ 195, 196.]

SEC. 232. The Secretary of War shall lay before Congress, on or before the first Monday in February of each year, an abstract of the returns of the adjutants-general of the several States of the militia thereof.

[See § 1636.]

TITLE VII.

THE DEPARTMENT OF THE TREASURY.

CHAPTER ONE

THE DEPARTMENT.

| Sec. | Sec. |
|---|--|
| 233. Establishment of the Department of the Treasury. | 240. Accounts of expenditures for contingent expenses. |
| 234. Assistant Secretaries. | 241. Accounts of expenditures for furniture and repairs. |
| 235. Subordinate officers. | 242. Temporary clerks. |
| 236. Public accounts to be settled in the Department of the Treasury. | 243. Restrictions upon officers of the Department. |
| 237. Commencement of the fiscal year. | 244. Restrictions upon clerks in the Department. |
| 238. Commissions of officers employed in collecting revenue. | |
| 239. Accounts of receipts of internal revenue. | |

SEC. 233. There shall be at the seat of Government an Executive Department to be known as the Department of the Treasury, and a Secretary of the Treasury, who shall be the head thereof.

Establishment of the Department of the Treasury.

2 Sept., 1789, c. 12, s. 1, v. 1, p. 65.
Assistant Secretaries.

SEC. 234. There shall be in the Department of the Treasury two Assistant Secretaries of the Treasury, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall each be entitled to a salary of six thousand dollars a year, to be paid monthly.

3 March, 1849, c. 108, s. 13, v. 9, p. 396. 3 March, 1857, 3 March, 1873, c. 226,

c. 107, s. 5, v. 11, p. 220. 14 March, 1864, c. 30, s. 3, v. 13, p. 26. 3 March, 1873, c. 226, v. 17, p. 486.

SEC. 235. There shall be in the Department of the Treasury,

Subordinate officers.

One chief clerk, at a salary of two thousand two hundred dollars a year, who shall act as superintendent of the Treasury building, and shall be entitled therefor to an additional salary of three hundred dollars a year.

3 March, 1853, c. 97, s. 3, v. 10, p. 211. 3 March, 1869, c. 123, s. 1, v. 15, p. 311.

One disbursing clerk.

One clerk of class four and one clerk of class one, to assist the chief clerk in superintending the building.

3 March, 1873, c. 226, s. 1, v. 17, p. 492.

One captain of the watch, at a salary of one thousand four hundred dollars a year.

8 June, 1872, c. 335, s. 26, v. 17, p. 288.

One engineer, at a salary of one thousand six hundred dollars a year.

25 June, 1864, c. 147, s. 2, v. 13, p. 159.

One assistant engineer, at a salary of one thousand dollars a year.

One machinist and gas-fitter, at a salary of one thousand two hundred dollars a year.

Ex parte Hennen, 13 Pet., 230.

One store-keeper, at a salary of one thousand four hundred dollars a year.

Two lieutenants of watchmen, with a salary of two hundred and eighty dollars a year each, in addition to the compensation allowed other watchmen.

(See §§ 160, 173, 174, 176.)

In the office of the First Comptroller :

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Second Comptroller :

One chief clerk, at a salary of two thousand dollars a year.

In the office of the First Auditor:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Second Auditor:

One chief clerk, at a salary of two thousand dollars a year.

One disbursing clerk.

In the office of the Third Auditor:

One chief clerk, at a salary of two thousand dollars a year.

One disbursing clerk.

In the office of the Fourth Auditor:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Fifth Auditor:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Sixth Auditor:

One chief clerk, at a salary of two thousand dollars a year.

One disbursing clerk.

Also in the money-order division:

Fifteen assorters of money-orders, at a salary of nine hundred dollars a year each.

In the office of the Treasurer of the United States:

One chief clerk, at a salary of two thousand dollars a year.

One cashier, at a salary of two thousand eight hundred dollars a year.

One assistant cashier, at a salary of two thousand five hundred dollars a year.

Five chiefs of divisions, at a salary of two thousand two hundred dollars a year each.

Two principal book-keepers, at a salary of two thousand two hundred dollars a year each.

Two tellers, at a salary of two thousand two hundred dollars a year each.

Two assistant tellers, at a salary of two thousand dollars a year each.

Seven women, as laborers, at a salary of two hundred and forty dollars a year each.

In the office of the Register:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Commissioner of Customs:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Light-House Board:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Commissioner of Internal Revenue, to be employed under the direction of the Secretary of the Treasury:

Two deputy commissioners, at a salary of three thousand dollars a year each.

Seven heads of divisions, at a salary of two thousand five hundred dollars a year each.

In the office of the Comptroller of the Currency:

Two night-watchmen, at a salary of nine hundred dollars a year each.

In the construction branch of the Treasury:

One Supervising Architect, at a salary of five thousand dollars a year.

One Assistant Supervising Architect, at a salary of two thousand five hundred dollars a year.

One chief clerk, at a salary of two thousand dollars a year.

One photographer, at a salary of two thousand five hundred dollars a year.

Two assistant photographers, one at a salary of one thousand six hundred dollars a year, and one at a salary of one thousand two hundred dollars a year.

In the Bureau of Statistics:

One chief clerk, at a salary of two thousand dollars a year.

One charwoman, at a salary of four hundred and eighty dollars a year.

SEC. 236. All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or as creditors, shall be settled and adjusted in the Department of the Treasury.

Public accounts to be settled in the Department of the Treasury.

3 March, 1817, c. 45, s. 2, v. 3, p. 366. U. S. vs. Manu, 1 Brock., 9.

SEC. 237. The fiscal year of the Treasury of the United States in all matters of accounts, receipts, expenditures, estimates, and appropriations, except accounts of the Secretary of the Senate for compensation and traveling expenses of Senators, shall commence on the first day of July in each year; and all accounts of receipts and expenditures required by law to be published annually shall be prepared and published for the fiscal year as thus established. The fiscal year for the adjustment of the accounts of the Secretary of the Senate for compensation and traveling expenses of Senators shall extend to and include the third day of July.

Commencement of the fiscal year.

26 Aug., 1842, c. 207, ss. 1, 2, v. 5, p. 536.

8 May, 1872, c. 139, s. 1, v. 17, p. 61.

3 March, 1873, c. 226, s. 1, v. 17, p. 486.

SEC. 238. The commissions of all officers employed in levying or collecting the public revenues shall be made out and recorded in the Department of the Treasury, and the seal of the Department affixed thereto. But the seal shall not be affixed to any such commission before the same has been signed by the President.

Commissions of officers employed in collecting revenue.

15 May, 1820, c. 102, s. 4, v. 3, p. 582.

Accounts of receipts of internal revenue.

30 June, 1864, c. 173, s. 43, v. 13, p. 239.

SEC. 239. Separate accounts shall be kept at the Department of the Treasury of all moneys received from internal duties or taxes in each of the respective States, Territories, and collection-districts, and of the amount of each species of duty and tax that shall accrue; so as to exhibit, as far as may be, the amount collected from each source of revenue, with the moneys paid as compensation and for allowances to the collectors and deputy collectors, assessors and assistant assessors, inspectors, and other officers employed in each of the respective States, Territories, and collection-districts.

SEC. 240. No account for contingent expenses at any of the Bureaus of the Department of the Treasury shall be allowed, except on the certificate of the superintendent of the Treasury buildings that such expenses are necessary and proper, and that the prices paid are just and reasonable; and the superintendent shall keep a full, just, and accurate account in detail of all amounts expended under the head of contingent expenses for the several Bureaus of the Department of the Treasury.

Accounts of expenditures for contingent expenses.

3 March, 1869, c. 125, v. 15, p. 311.

SEC. 241. The expenditure for furniture and repairs for the Bureaus of the Department of the Treasury shall be made by the superintendent of the Treasury buildings, subject to the approval of the Secretary of the Treasury; and it shall be the duty of the superintendent to keep a just and accurate account in detail of all the amounts paid for the purchase of furniture, and also for the repairs thereof, as well as a full statement of the disposal of the old furniture.

Accounts of expenditures for furniture and repairs.

3 March, 1869, c. 125, v. 15, p. 311.

SEC. 242. No clerk temporarily employed in the Department of the Treasury shall receive a greater compensation than at the rate of twelve hundred dollars a year for the time actually employed. [See § 168.]

Temporary clerks.

12 July, 1870, c. 251, s. 1, v. 16, p. 483.

230, (238.) 3 March, 1871, c. 113, s. 1, v. 16, p. 483.

SEC. 243. No person appointed to the office of Secretary of the Treasury, or First Comptroller, or First Auditor, or Treasurer, or Register, shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea-vessel, or purchase by himself, or another in trust for him, any public lands or other public property, or be concerned in the purchase or disposal of any public securities of any State, or of the United States, or take or apply to his own use any emolument or gain for negotiating or transacting any business in the Treasury Department, other than what shall be allowed by law; and every person who offends against any of the prohibitions of this section shall be deemed guilty of a high misdemeanor and forfeit to the United States the penalty of three thousand dollars, and shall upon conviction be removed from office, and forever thereafter be incapable of holding any office under the United

Restrictions upon officers of the Department.

2 Sept., 1789, c. 12, s. 8, v. 1, p. 67.

States; and if any other person than a public prosecutor shall give information of any such offense, upon which a prosecution and conviction shall be had, one-half the aforesaid penalty of three thousand dollars, when recovered, shall be for the use of the person giving such information. [See §§ 452, 2648.]

Restrictions upon clerks in the Department.

3 March, 1791, c. 18, s. 1, v. 1, p. 215.
8 May, 1792, c. 37, s. 12, v. 1, p. 281.

SEC. 244. Every clerk employed in the Treasury Department who carries on any trade or business in the funds or debts of the United States, or of any State, or in any kind of public property, or who takes or applies to his own use any emolument or gain for negotiating or transacting any business in the Department, shall be deemed guilty of a misdemeanor, and punished by a fine of five hundred dollars and removal from office. [See § 452.]

CHAPTER TWO.

THE SECRETARY OF THE TREASURY.

Sec.

- 245. Duties of Assistant Secretaries.
- 246. Signing warrants.
- 247. Effect of warrants.
- 248. General duties of the Secretary.
- 249. Collection of duties.
- 250. Settlement of accounts.
- 251. Rules, regulations, and forms.
- 252. Regulations of appraisal of imports.
- 253. Discontinuance of ports of delivery.
- 254. Deposits of gold.
- 255. Appointment of disbursing agents.
- 256. Employment of persons to recover money of the United States.
- 257. Reports of the Secretary.
- 258. Reports of expenditures.
- 259. Reports of statistics.

Sec.

- 260. Reports upon appropriations for Departments of War and Navy.
- 261. Abstract of receipts from internal taxes.
- 262. Accounts of superintendent of Treasury building.
- 263. Printing report on commerce and navigation.
- 264. Report of Coast-Survey expenditures.
- 265. Printing statement of exports and imports.
- 266. Quarterly publication of statement of receipts and expenditures.
- 267. Monthly publication of weekly statement of the Treasurer, &c.

Duties of Assistant Secretaries.

3 March, 1849, c. 109, s. 13, v. 9, p. 396.
14 March, 1864, c. 30, s. 3, v. 13, p. 26.

SEC. 245. The Assistant Secretaries of the Treasury shall examine letters, contracts, and warrants prepared for the signature of the Secretary of the Treasury, and perform such other duties in the office of the Secretary of the Treasury as may be prescribed by the Secretary or by law. [See § 177.]

Signing warrants.

2 March, 1867, c. 163, v. 14, p. 439.

SEC. 246. The Secretary of the Treasury may, by an appointment under his hand and official seal, delegate to one of the Assistant Secretaries of the Treasury authority to sign in his stead all warrants for the payment of money into the public Treasury, and all warrants for the disbursement from the public Treasury, of money certified by the proper accounting officers of the Treasury to be due upon accounts duly audited and settled by them.

Effect of warrants.

2 March, 1867, c. 163, v. 14, p. 439.

SEC. 247. Warrants signed by either of the Assistant Secretaries, as authorized by the preceding section, shall be in all cases of the same validity as if they had been signed by the Secretary of the Treasury himself.

General duties of the Secretary.

2 Sept., 1789, c. 12, s. 2, v. 1, p. 65.
8 May, 1792, c. 37, s. 9, v. 1, p. 281.
3 March, 1849, c. 108, s. 3, v. 9, p. 395.
Ex parte Hennen, 13 Pet., 230.
Neilson vs. Lagow, 12 How., 98, (107.)

SEC. 248. The Secretary of the Treasury shall, from time to time, digest and prepare plans for the improvement and management of the revenue, and for the support of the public credit; shall superintend the collection of the revenue; shall, from time to time, prescribe the forms of keeping and rendering all public accounts and making returns; shall grant, under the limitations herein established, or to be hereafter provided, all warrants for moneys to be issued from the Treasury in pursuance of appropriations by law; shall make report, and give information to either branch of the legislature in person or in writing, as may be required, respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office; and generally

shall perform all such services relative to the finances as he shall be directed to perform. [See §§ 3660-3665, 3669, 3670, 3672.]

SEC. 249. The Secretary of the Treasury shall direct the superintendence of the collection of the duties on imports and tonnage, as he shall judge best. [See § 2652.]

SEC. 250. The Secretary of the Treasury shall cause all accounts of the expenditure of public money to be settled within each fiscal year, except where the distance of the places where such expenditure occurs may be such as to make further time necessary; and in respect to expenditures at such places, the Secretary of the Treasury, with the assent of the President, shall establish fixed periods at which a settlement shall be required.

SEC. 251. The Secretary of the Treasury shall make and issue from time to time such instructions and regulations to the several collectors, receivers, depositaries, officers, and others who may receive Treasury notes, United States notes, or other securities of the United States, or who may be in any way engaged or employed in the preparation and issue of the same, as he shall deem best calculated to promote the public convenience and security, and to protect the United States, as well as individuals, from fraud and loss; he shall prescribe forms of entries, oaths, bonds, and other papers, and rules and regulations, not inconsistent with law, to be used under and in the execution and enforcement of the various provisions of the internal-revenue laws, or in carrying out the provisions of law relating to raising revenue from imports, or to duties on imports, or to warehousing; he shall give such directions to collectors and prescribe such rules and forms to be observed by them as may be necessary for the proper execution of the law; he shall also prescribe the forms of the annual statements to be submitted to Congress by him showing the actual state of commerce and navigation between the United States and foreign countries, or coastwise between the collection districts of the United States, in each year.

SEC. 252. The Secretary of the Treasury, under the direction of the President, shall from time to time establish such regulations, not inconsistent with law, as the President shall think proper, to secure a just, faithful, and impartial appraisal of all goods, wares, and merchandise imported into the United States, and just and proper entries of the actual value thereof, and of the square yards, parcels, or other quantities thereof, as each case may require, and of the actual value of each. [See § 2902.]

SEC. 253. The Secretary of the Treasury may discontinue all ports of delivery, the revenue received at each of which does not amount to the sum of ten thousand dollars a year. [See Title 34, Ch. 1.]

SEC. 254. The Secretary of the Treasury is authorized to receive deposits of gold coin and bullion with the Treasurer or any assistant treasurer of the United States, in sums not less than twenty dollars, and to issue certificates therefor, in denominations of not less than twenty dollars, each, corresponding with the denominations of the United States notes. The coin and bullion deposited for or representing the certificates of deposit shall be retained in the Treasury for the payment of the same on demand. And certificates representing coin in the Treasury may be issued in payment of interest on the public debt, which certificates, together with those issued for coin and bullion deposited, shall not at any time exceed twenty per centum beyond the amount of coin and bullion in the Treasury; and the certificates for coin and bullion in the Treasury shall be received at par in payment for duties on imports.

SEC. 255. The Secretary of the Treasury may designate any officer of the United States, who has given bonds for the faithful performance of his duties, to be disbursing agent for the payment of all moneys appropriated for the construction of public buildings authorized by law within the district of such officer.

Collection of duties.

8 May, 1792, c. 37, s. 6, v. 1, p. 280.

Settlement of accounts within fiscal year.

3 March, 1817, c. 45, s. 13, v. 3, p. 368.

Rules, regulations, and forms.

10 Feb., 1820, c. 11, ss. 14, 15, v. 3, p. 543.

6 August, 1846, c. 84, s. 5, v. 9, p. 55.

30 June, 1864, c. 172, s. 8, v. 13, p. 221.

14 July, 1870, c. 255, s. 34, v. 16, p. 271.

14 May, 1856, Res. 9, v. 11, p. 144.

Lennig vs. Maxwell, 3 Blatch., 125.

Munsell vs. Maxwell, 3 Blatch., 364.

Regulation of appraisal of imports.

19 May, 1828, c. 55, s. 10, v. 4, p. 274.

Greely vs. Thompson, 10 How., 225.

Discontinuance of ports of delivery.

14 June, 1858, c. 160, s. 4, v. 11, p. 337.

Deposits of gold.

3 March, 1863, c. 73, s. 5, v. 12, p. 711.

Appointment of disbursing agents.

3 March, 1869, c. 122, s. 1, v. 15, pp. 301, 306.

Employment of persons to recover money of the United States.

8 May, 1872, c. 140, s. 1, v. 17, p. 68.

Reports of the Secretary.

2 Sept., 1789, c. 12, v. 1, p. 65.

10 May, 1800, c. 58, v. 2, p. 79.

26 Aug., 1842, c. 207, s. 1, v. 5, p. 536.

3 March, 1809, c. 28, s. 5, v. 2, p. 536.

19 May, 1828, c. 55, s. 10, v. 4, p. 274.

20 July, 1868, c. 177, s. 1, v. 15, pp. 110, 111.

Reports of expenditures.

3 March, 1849, c. 110, s. 6, v. 9, p. 399.

Report of statistics.

15 June, 1844, Res. 16, v. 5, p. 719.

Reports upon appropriations for Departments of War and Navy.

3 March, 1817, c. 45, s. 6, v. 3, p. 367.

SEC. 256. The Secretary of the Treasury shall have power to employ not more than three persons to assist the proper officers of the Government in discovering and collecting any money belonging to the United States whenever the same shall be withheld by any person or corporation, upon such terms and conditions as he shall deem best for the interests of the United States; but no compensation shall be paid to such persons except out of the money and property so secured; and no person shall be employed under the provisions of this clause who shall not have fully set forth in a written statement, under oath, addressed to the Secretary of the Treasury, the character of the claim out of which he proposes to recover or assist in recovering moneys for the United States, the laws by the violation of which the same have been withheld, and the name of the person, firm, or corporation having thus withheld such moneys. Every person so employed shall make report of his proceedings under such employment at any time when required to do so by the Secretary of the Treasury. Every person so employed who shall receive or attempt to receive any money or other consideration from any person, firm, or corporation alleged thus to have withheld money from the United States, except in pursuance of a written contract made in relation thereto with the Secretary of the Treasury, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than one thousand dollars or by imprisonment of not less than two years, or both.

SEC. 257. The Secretary of the Treasury shall make the following annual reports to Congress: [See §§ 195, 196. See also Title 43, Pub. Contracts.]

First. A report on the subject of finance, containing estimates of the public revenue and public expenditures for the fiscal year then current, and plans for improving and increasing the revenues from time to time, for the purpose of giving information to Congress in adopting modes of raising the money requisite to meet the public expenditures.

Second. A report containing a statement of all contracts for supplies or services which have been made by him or under his direction during the year preceding, and also a statement of the expenditure of the moneys appropriated for the discharge of miscellaneous claims not otherwise provided for, paid at the Treasury.

Third. A report of the rules and regulations established by him to secure a just, faithful, and impartial appraisal of all goods, wares, and merchandise imported into the United States, the actual value thereof, and the number of square yards, parcels, or other quantities thereof, together with his reasons for making such rules.

Fourth. A report containing a full and complete statement in detail of the amounts collected from seamen and the amounts expended for sick and disabled seamen, under the authority of the laws creating and administering a hospital-tax for the benefit of sick and disabled seamen.

SEC. 258. The Secretary of the Treasury shall lay before Congress at the commencement of each regular session a statement of the amount of money expended at each custom-house during the preceding fiscal year, and of the number of persons employed, and the occupation and salary of each person at each custom-house during the same period.

SEC. 259. The Secretary of the Treasury shall make a report to Congress on the first Monday of January in each year, containing the results of the information collected during the preceding year, by the Bureau of Statistics, upon the condition of the agriculture, manufactures, domestic trade, currency, and banks of the several States and Territories.

SEC. 260. The Secretary of the Treasury shall lay before Congress at the commencement of each regular session, accompanying his annual statement of the public expenditure, the reports which may be made to him by the Auditors charged with the examination of the accounts of the Department of War and the Department of the Navy, respectively, showing the application of the money appropriated for those Departments for the preceding year.

SEC. 261. The Secretary of the Treasury shall annually, in the month of December, lay before Congress an abstract, in tabular form, of the separate accounts of moneys received from internal duties or taxes in each of the respective States, Territories, and collection-districts, required by section two hundred and thirty-nine to be kept at the Treasury.

SEC. 262. The Secretary of the Treasury shall transmit to Congress, at the commencement of each regular session, a copy of each of the accounts kept by the superintendent of the Treasury buildings of all amounts expended under the head of contingent expenses for the several Bureaus of the Department of the Treasury, and of all amounts paid for furniture and repairs of furniture, and of the disposal of old furniture.

SEC. 263. The Secretary of the Treasury shall cause the annual report on the statistics of commerce and navigation, required from the Chief of the Bureau of Statistics, to be prepared and printed according to law, and to be submitted to Congress at as early a day in each regular session as practicable, and not later than the first Monday in January.

16 Sept., 1850, c. 55, ss. 1, 2, v. 9, p. 459. 28 July, 1866, c. 298,

SEC. 264. The Secretary of the Treasury shall report to Congress annually the number and names of the persons employed during the last preceding fiscal year upon the Coast Survey and business connected therewith; the amount of compensation of every kind respectively paid them, for what purpose, and the length of time employed; and shall report a full statement of all other expenditures made under the direction of the Superintendent of the Coast Survey.

SEC. 265. The Secretary of the Treasury shall furnish to the Congressional Printer on or before the first day of November of each year, the manuscript, prepared for printing, of a condensed statement of the aggregate amount of the exports and imports from foreign countries during the preceding fiscal year.

SEC. 266. The Secretary of the Treasury, at the expiration of thirty days from the end of each quarter, shall cause to be published in some newspaper at the seat of Government a statement of the whole receipts of such quarter, specifying the amount received from customs, from public lands, and from miscellaneous sources, and, also, the whole amount of payments made during the said quarter, specifying the general head of appropriation, whether for the civil list, the Army, the Navy, Indian Affairs, fortifications, or pensions.

SEC. 267. The Secretary of the Treasury shall cause to be published in some newspaper at the seat of Government, on the first day of each month, the last preceding weekly statement of the Treasurer of the United States, showing the amount to his credit in the different banks, in the mint, or other depositories, the amount for which drafts have been given, and those remaining unpaid, and the balance remaining subject to his draft; and he shall also specially note any changes that have been made in the depositories of the Treasury during the preceding month, and report to Congress, at the commencement of its next session, the reasons for such changes.

Abstract of receipts from internal taxes.

30 June, 1864, c. 173, s. 43, v. 13, p. 239.

Accounts of superintendent of Treasury buildings.

3 March, 1869, c. 125, v. 15, p. 311.

Printing report on commerce and navigation.

10 Feb., 1820, c. 11, s. 1, v. 3, p. 541.

s. 13, v. 14, p. 331.

Report of Coast-Survey expenditures.

3 March, 1853, c. 97, s. 3, v. 10, p. 209.

Printing statement of exports and imports.

3 Mar., 1863, Res. 27, s. 3, v. 12, p. 826.

Quarterly publication of statement of receipts and expenditures.

17 June, 1844, c. 105, s. 6, v. 5, p. 696.

Monthly publication of weekly statement of the Treasurer, &c.

17 June, 1844, c. 105, s. 5, v. 5, p. 696.

CHAPTER THREE.

THE COMPTROLLERS.

Sec.

268. Comptrollers.

269. Duties of the First Comptroller.

270. Appeal to First Comptroller from settlements by Sixth Auditor.

271. Power of First Comptroller to direct settlement of accounts.

Sec.

272. Report to Congress of officers failing to make settlement.

273. Duties of the Second Comptroller.

274. Power of Second Comptroller to regulate payment of arrears of pay.

275. Signing bounty certificates, &c.

SEC. 268. There shall be in the Department of the Treasury a First Comptroller and a Second Comptroller, each of whom shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of five thousand dollars a year.

Comptrollers.

2 Sept., 1789, c. 12, s. 1, v. 1, p. 65.

3 March, 1817, c. 45, s. 3, v. 3, p. 366.

18 May, 1872, c. 172, s. 1, v. 17, p. 127

Duties of the First Comptroller.

2 Sept., 1789, c. 12, s. 3, v. 1, p. 66.

3 March, 1817, c. 45, ss. 8, 10, v. 3, p. 367.

3 March, 1849, c. 108, s. 12, v. 9, p. 396.

Neilson vs. Lagow, 12 How., 98.

Appeal to First Comptroller from settlements by Sixth Auditor.

8 June, 1872, c. 335, s. 25, v. 17, p. 288.

Power of First Comptroller to direct settlement of accounts.

3 March, 1809, c. 28, s. 2, v. 2, p. 536.

Report to Congress of officers failing to make settlement.

3 March, 1817, c. 45, s. 13, v. 3, p. 368.

Duties of the Second Comptroller.

3 March, 1817, c. 45, s. 9, v. 3, p. 367.

7 May, 1822, c. 90, s. 3, v. 3, p. 689.

Power of Second Comptroller to regulate payment of arrears of pay.

4 July, 1864, c. 248, s. 3, v. 13, p. 390.

Signing bounty certificates, &c.

19 Mar., 1868, c. 31, s. 4, v. 15, p. 44.

SEC. 269. It shall be the duty of the First Comptroller:

First. To examine all accounts settled by the First Auditor, except those relating to receipts from customs, and all accounts settled by the Fifth Auditor, and by the Commissioner of the General Land-Office, and to certify the balances arising thereon to the Register.

Second. To superintend the adjustment and preservation of the public accounts subject to his revision.

Third. To countersign all warrants drawn by the Secretary of the Treasury, which shall be warranted by law.

Fourth. To superintend the recovery of all debts certified by him to be due to the United States, and for that purpose to direct all such suits and legal proceedings, and to take such measures as may be authorized by law, and are adapted to enforce prompt payment thereof. [See § 1060.]

SEC. 270. Whenever the Postmaster-General or any person whose accounts have been settled by the Sixth Auditor is dissatisfied with the settlement made by the Auditor, he may, within twelve months, appeal to the First Comptroller, whose decision shall be conclusive. [See § 277.]

SEC. 271. The First Comptroller, in every case where, in his opinion, further delays would be injurious to the United States, shall direct the First and Fifth Auditors of the Treasury forthwith to audit and settle any particular account which such officers may be authorized to audit and settle, and to report such settlement for revision and final decision by the First Comptroller.

SEC. 272. The First Comptroller shall make an annual report to Congress of such officers as shall have failed to make settlement of their accounts for the preceding fiscal year, within the year, or within such further time as may have been prescribed by the Secretary of the Treasury for such settlement. [See §§ 195, 196.]

SEC. 273. It shall be the duty of the Second Comptroller:

First. To examine all accounts settled by the Second, Third, and Fourth Auditors, and certify the balances arising thereon to the Secretary of the Department in which the expenditure has been incurred.

Second. To countersign all warrants drawn by the Secretaries of War and of the Navy, which shall be warranted by law. [See § 3073.]

Third. To report to the Secretaries of War and of the Navy the official forms to be issued in the different offices for disbursing the public money in those Departments, and the manner and form of keeping and stating the accounts of the persons employed therein.

Fourth. To superintend the preservation of the public accounts subject to his revision.

SEC. 274. The Second Comptroller may prescribe rules to govern the payment of arrears of pay due to any petty officer, seaman, or other person not an officer, on board any vessel in the employ of the United States, which has been sunk or destroyed, in case of the death of such petty officer, seaman, or person, to the person designated by law to receive the same.

SEC. 275. The Second Comptroller may detail one clerk to sign, in the place of the Comptroller, all certificates and papers issued under any provisions of law relating to bounties; but the Comptroller shall be responsible for the official acts of such clerk.

CHAPTER FOUR.

THE AUDITORS.

Sec.

276. Auditors.

277. Duties of the Auditors.

278. Settlement of accounts of Army officers.

279. Signing bounty certificates, &c.

Sec.

280. Settlement of advance bounties paid by paymasters.

281. Settlement of overpayments by paymasters.

282. Evidence of honorable discharge to

- be returned to officers and enlisted men.
283. Manner of keeping accounts of Departments of War and the Navy.
284. Settlement of accounts of pursers of lost or captured public vessels.
285. Disbursements, &c., by order of commanding officer of Navy.
286. Fixing date of loss of missing vessels.
287. Accounts of petty officers, seamen, &c., on lost vessel.
288. Compensation for personal effects lost.
289. Payment of accounts of deceased petty officers, seamen, &c., of lost vessel.
290. Allowance for effects of officer of lost vessel.
291. Settlement of expenses of intercourse with foreign nations.
292. Collection of debts, &c., due the Post-Office Department.
293. Accounts of money-order business.
294. Accounts of expenses paid by postmasters.
295. Compromise of judgments.
296. Papers required in suits for delinquencies in Post-Office Department.
297. Auditors may administer oaths.
298. Oaths in settlements with Sixth Auditor.
299. Settlement of accounts of district attorneys.
300. Allowance of lost checks.

SEC. 276. There shall be connected with the Department of the Treasury six auditors of accounts, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be known as the First, Second, Third, Fourth, Fifth, and Sixth Auditors, respectively. Each Auditor is entitled to a salary of four thousand dollars a year.

270, s. 8, v. 5, p. 81. Ibid., s. 44, p. 89. 8 June, 1872, c. 335, s. 21, v. 17, p. 287. 2 March, 1873, c. 226, s. 3, v. 17, p. 508.

SEC. 277. The duties of the Auditors shall be as follows:

First. The First Auditor shall receive and examine all accounts accruing in the Treasury Department, all accounts relating to the receipts from customs, including accounts of collectors and other officers of the customs, all accounts accruing on account of salaries in the Patent-Office, all accounts of the judges, marshals, clerks, and other officers, of all the courts of the United States, all accounts of the officer in charge of the public buildings and grounds in the District of Columbia, all accounts of the expenditures of the Department of Agriculture, all accounts relating to prisoners convicted in any court of the United States; and, after examination of such accounts relating to the receipts from customs, including the accounts of collectors and other officers of the customs, he shall certify the balances and transmit the same, with the vouchers and certificates, to the Commissioner of Customs for his decision thereon, and he shall certify the balances of all other accounts, and transmit the same, in like manner, to the First Comptroller for his decision thereon.

Second. The Second Auditor shall receive and examine all accounts relating to the pay and clothing of the Army, the subsistence of officers, bounties, and premiums, military and hospital stores, and the contingent expenses of the War Department, all accounts relating to Indian affairs, and to agents of lead and other mines of the United States; and, after examination of such accounts, he shall certify the balances, and transmit such accounts, with the vouchers and certificate, to the Second Comptroller for his decision thereon.

Third. The Third Auditor shall receive and examine all accounts relative to the subsistence of the Army, the Quartermaster's Department, and generally all accounts of the War Department other than those provided for; all accounts relating to pensions for the Army, and all accounts for compensation for the loss of horses and equipments of officers and enlisted men in the military service of the United States, and for the loss of horses and equipments, or of steamboats, and all other means of transportation, in the service of the United States by contract or impressment; and, after the examination of such accounts, he shall certify the balances and shall transmit such accounts, with all the vouchers and papers and the certificate, to the Second Comptroller for his decision thereon. [See §§ 3482-3488.]

Fourth. The President may assign to either the Second or the Third Auditor the settlement of the accounts in the War Department existing at the conclusion of the war of eighteen hundred and twelve.

Auditors.

2 Sept., 1789, c. 12, s. 1, v. 1, p. 65.
3 March, 1817, c. 45, ss. 3, 15, v. 3, pp. 366, 368.
2 July, 1836, c. 287. 2 March.

Duties of the Auditors.

3 March, 1817, c. 45, s. 4, v. 3, p. 366.
3 March, 1849, c. 108, v. 9, p. 395.
20 July, 1868, c. 176, s. 1, v. 15, p. 206.
3 March, 1849, c. 129, s. 3, v. 9, p. 415.
28 July, 1866, c. 297, s. 8, v. 14, p. 327.
30 June, 1864, c. 173, s. 2, v. 13, p. 223.
8 June, 1872, c. 335, s. 22, v. 17, p. 287.

Fifth. The Fourth Auditor shall receive and examine all accounts accruing in the Navy Department or relative thereto, and all accounts relating to Navy pensions; and, after examination of such accounts, he shall certify the balances, and shall transmit such accounts, with the vouchers and certificate, to the Second Comptroller for his decision thereon.

Sixth. The Fifth Auditor shall receive and examine all accounts accruing in or relative to the Department of State, all accounts of the Commissioner of Internal Revenue, all accounts relating to the contingent expenses of the Patent-Office, and all accounts relating to the census.

Seventh. The Sixth Auditor shall receive all accounts arising in the Post-Office Department, or relative thereto, with the vouchers necessary to a correct adjustment thereof, and shall audit and settle the same and certify the balances thereon to the Postmaster-General. He shall keep and preserve all accounts and vouchers after settlement. He shall close the account of the Department quarterly, and transmit to the Secretary of the Treasury quarterly statements of its receipts and expenditures. He shall report to the Postmaster-General, when required to do so, the manner and form of keeping and stating the accounts of the Department, and the official forms of papers to be used in connection with its receipts and expenditures. He shall report to the Postmaster-General all delinquencies of postmasters in rendering their accounts and returns, or in paying over money-order funds and other receipts at their offices. He shall register, charge, and countersign all warrants upon the Treasury for receipts or payments issued by the Postmaster-General, when warranted by law. He shall perform such other duties in relation to the financial concerns of the Department as may be assigned to him by the Secretary of the Treasury, and make to the Secretary or to the Postmaster-General such reports respecting the same as either of them may require. [See § 270.]

Settlement of accounts of Army officers.

29 Mar., 1867, Res. No. 22, v. 15, p. 25.

Signing bounty certificates, &c.

19 Mar., 1868, c. 31, s. 4, v. 15, p. 44.

Settlement of advance bounties paid by paymasters.

3 March, 1863, c. 78, s. 6, v. 12, p. 743.

Settlement of overpayments by paymasters.

16 Mar., 1868, c. 29, v. 15, p. 42

Evidence of honorable discharge to be returned to officers and enlisted men.

4 May, 1870, Res. No. 42, v. 16, p. 374.

SEC. 278. The Second Auditor shall audit and settle the accounts of line officers of the Army, to the extent of the pay due them for their services as such, notwithstanding the inability of any such line officer to account for property intrusted to his possession, or to make his monthly reports or returns, if such Auditor shall be satisfied by the affidavit of the officer or otherwise that the inability was caused by the officer's having been a prisoner in the hands of the enemy, or by any accident or casualty of war.

SEC. 279. The Second Auditor may detail one clerk to sign, in the place of the Auditor, all certificates and papers issued under any provisions of law relating to bounties; but the Auditor shall be responsible for the official acts of such clerk.

SEC. 280. Any moneys paid by a paymaster in the Army to an enlisted man as an advance bounty shall be allowed in the settlement of the accounts of the paymaster, notwithstanding the discharge of such enlisted man before serving the time required by law to entitle him to payment of such moneys.

SEC. 281. The proper accounting officers are authorized, in the settlement of the accounts of the paymasters of the Army, to allow such credits for overpayments made in good faith on public account, since the fourteenth day of April, eighteen hundred and sixty-one, and before the sixteenth day of March, eighteen hundred and sixty-eight, as shall appear to them, by such vouchers and testimony as they shall require, to be just.

SEC. 282. In all cases where it has become necessary for any officer or enlisted man of the Army to file his evidence of honorable discharge from the military service of the United States, to secure the settlement of his accounts, the accounting officer with whom it has been filed shall, upon application by said officer or enlisted man, deliver to him such evidence of honorable discharge; but his accounts shall first be only settled, and the fact, date, and amount of such settlement shall be clearly

written across the face of such evidence of honorable discharge, and attested by the signature of the accounting officer before it is delivered.

SEC. 283. The Auditors charged with the examination of the accounts of the Departments of War and of the Navy, shall keep all accounts of the receipts and expenditures of the public money in regard to those Departments, and of all debts due to the United States on moneys advanced relative to those Departments; shall receive from the Second Comptroller the accounts which shall have been finally adjusted, and shall preserve such accounts, with their vouchers and certificates, and record all requisitions drawn by the Secretaries of those Departments, the examination of the accounts of which has been assigned to them. They shall annually, on the first Monday in November, severally report to the Secretary of the Treasury the application of the money appropriated for the Department of War and the Department of the Navy, and they shall make such reports on the business assigned to them as the Secretaries of those Departments may deem necessary and require.

SEC. 284. In every case of the loss or capture of a vessel belonging to the Navy of the United States, the proper accounting officers of the Treasury, under the direction of the Secretary of the Navy, are authorized, in the settlement of the accounts of the purser of such vessel, to credit him with such portion of the amount of the provisions, clothing, small stores, and money, with which he stands charged on the books of the Fourth Auditor of the Treasury, as they shall be satisfied was inevitably lost by such capture or loss of a public vessel; and such purser shall be fully exonerated by such credit from all liability on account of the provisions, clothing, small stores, and money so proved to have been captured or lost.

SEC. 285. Every disbursement of public moneys, or disposal of public stores, made by a disbursing officer pursuant to an order of any commanding officer of the Navy, shall be allowed by the proper accounting officers of the Treasury, in the settlement of the accounts of the officer, upon satisfactory evidence of the making of such order, and of the payment of money or disposal of stores in conformity with it; and the commanding officer by whose order such disbursement or disposal was made, shall be held accountable for the same.

SEC. 286. The proper accounting officers of the Treasury are authorized, under the direction of the Secretary of the Navy, in settling the accounts of seamen, and others, not officers, borne on the books of any vessel in the Navy which shall have been wrecked, or which shall have been unheard from so long that her wreck may be presumed, or which shall have been destroyed or lost with the rolls and papers necessary to a regular and exact settlement of such accounts, to fix a day when such wreck, destruction, or loss shall be deemed to have occurred.

SEC. 287. The proper accounting officers of the Treasury are authorized, in settling the accounts of the petty officers, seamen, and others, not officers, on board of any vessel in the employ of the United States, which by any casualty, or in action with the enemy, has been or may be sunk or otherwise destroyed, together with the rolls and papers necessary to the exact ascertainment of the several accounts of the same at the date of such loss, to assume the last quarterly return of the paymaster of any such vessel as the basis for the computation of the subsequent credits to those on board, to the date of such loss, if there be no official evidence to the contrary. Where such quarterly return has, from any cause, not been made, the accounting officers are authorized to adjust and settle such accounts on principles of equity and justice.

SEC. 288. The proper accounting officers of the Treasury Department are authorized, in settling the accounts of the petty officers, seamen, and others, not officers, on board of any vessel in the employ of the United States, which, by any casualty, or in action with the enemy, has been or may be sunk or otherwise destroyed, to allow and pay to each person, not an officer, employed on the vessel so sunk or destroyed, and whose personal effects have been lost, a sum not exceeding sixty dollars, as compensation for the loss of his personal effects.

Manner of keeping accounts of Departments of War and the Navy.

3 March, 1817, c. 45, ss. 5, 6, v. 3, p. 367.

Settlement of accounts of pursers of lost or captured public vessels.

3 March, 1847, c. 48, s. 6, v. 9, p. 173.

Disbursements, &c., by order of commanding officer of Navy.

3 March, 1849. Res. No. 17, s. 2, v. 9, p. 419.

Fixing date of loss of missing vessels.

4 July, 1864, c. 248, s. 1, v. 13, p. 389.

Accounts of petty officers, seamen, &c., on lost vessel.

4 July, 1864, c. 948, s. 2, v. 13, p. 390.

Compensation for personal effects lost.

4 July, 1864, c. 248, s. 2, v. 13, p. 390.

Payment of accounts of deceased petty officers, seamen, &c., of lost vessel.

4 July, 1864, c. 248, s. 3, v. 13, p. 390.

Allowance for effects of officer of lost vessel.

6 April, 1866, c. 27, s. 1, v. 14, p. 14.

Settlement of expenses of intercourse with foreign nations.

9 Feb., 1793, c. 4, s. 2, v. 1, p. 300.

Collection of debts, &c., due the Post-Office Department.

8 June, 1872, c. 335, s. 21, v. 17, p. 287.

Accounts of money-order business.

8 June, 1872, c. 335, s. 120, v. 17, p. 299.

Accounts of expenses paid by postmasters.

8 June, 1872, c. 335, s. 52, v. 17, p. 291.

Compromise of judgments.

8 June, 1872, c. 335, s. 315, v. 17, p. 325.

Papers required in suits for delinquencies in Post-Office Department.

8 June, 1872, c. 335, s. 311, v. 17, p. 324.

Auditors may administer oaths.

3 March, 1817, c. 45, s. 12, v. 3, p. 368.

SEC. 289. In case of the death of any such petty officer, seaman, or other person, not an officer, such payment shall be made to the widow, child or children, father, mother, or brothers and sisters jointly, following that order of preference; such credits and gratuity to be paid out of any money in the Treasury not otherwise appropriated.

SEC. 290. In case any officer of the Navy or Marine Corps on board a vessel in the employ of the United States which, by any casualty, or in action with the enemy, at any time since the nineteenth day of April, eighteen hundred and sixty-one, has been or may be sunk or destroyed, shall thereby have lost his personal effects, without negligence or want of skill or foresight on his part, the proper accounting officers are authorized, with the approval of the Secretary of the Navy, to allow to such officer a sum not exceeding the amount of his sea-pay for one month as compensation for such loss. But the accounting officers shall in all cases require a schedule and certificate from the officer making the claim for effects so lost.

SEC. 291. Whenever any sum of money has been or shall be issued, from the Treasury, for the purposes of intercourse or treaty with foreign nations, in pursuance of any law, the President is authorized to cause the same to be duly settled annually with the proper accounting officers of the Treasury, by causing the same to be accounted for, specifically, if the expenditure may, in his judgment, be made public; and by making or causing the Secretary of State to make a certificate of the amount of such expenditure as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum therein expressed to have been expended.

SEC. 292. The Sixth Auditor shall superintend the collection of all debts due the Post-Office Department, and all penalties and forfeitures imposed for any violation of the postal laws, and take all such other measures as may be authorized by law to enforce the payment of such debts and the recovery of such penalties and forfeitures. He shall also superintend the collection of all penalties and forfeitures arising under other statutes, where such penalties and forfeitures are the consequence of unlawful acts affecting the revenues or property of the Post-Office Department.

SEC. 293. The Sixth Auditor shall keep the accounts of the money-order business separately, and in such manner as to show the number and amount of money-orders issued at each office, the number and amount paid, the amount of fees received, and all the expenses of the money-order business.

SEC. 294. The Sixth Auditor shall state and certify quarterly to the Postmaster-General an account of the money paid by postmasters out of the receipts of their offices, and pursuant to appropriations, on account of the expenses of the postal service; designating the heads under which such payments were made.

SEC. 295. Whenever a judgment is obtained for a debt or damages due the Post-Office Department, and it satisfactorily appears that such judgment, or so much thereof as remains unpaid, cannot be collected by due process of law, the Sixth Auditor may, with the written consent of the Postmaster-General, compromise such judgment, and accept in satisfaction less than the full amount thereof.

SEC. 296. In case of delinquency of any postmaster, contractor, or other officer, agent, or employé of the Post-Office Department, in which suit is brought, the Sixth Auditor shall forward to the Department of Justice certified copies of all papers in his office tending to sustain the claim.

SEC. 297. The several Auditors are empowered to administer oaths to witnesses in any case in which they may deem it necessary for the due examination of the accounts with which they shall be charged.

8 June, 1872, c. 335, s. 24, v. 17, p. 288.

SEC. 298. Any mayor of a city, justice of the peace, or judge of any court of record in the United States, may administer oaths, in relation to the examination and settlement of the accounts committed to the charge of the Sixth Auditor.

Oaths in settlements with Sixth Auditor.

8 June, 1872, c. 335, s. 24, v. 17, p. 288.

SEC. 299. All accounts of the United States district attorneys for services rendered in cases instituted in the courts of the United States, or of any State, when the United States is interested, but is not a party 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 law for similar services in cases in which the United States is a party.

Settlement of accounts of district attorneys.

16 Aug., 1856, c. 124, s. 12, v. 11, p. 50.

SEC. 300. Whenever the disbursing officer, or agent by whom was issued any check which has been lost, destroyed, or stolen, is dead, or no longer in the service of the United States, the proper accounting officer shall, under such regulations as the Secretary of the Treasury may prescribe, state an account in favor of the owner of such original check for the amount thereof, and charge such amount to the account of such officer or agent.

Allowance of lost checks.

2 Feb., 1872, c. 12, ss. 1, 2, v. 17, p. 29.

CHAPTER FIVE.

THE TREASURER.

Sec.
301. Treasurer.
302. Bond of Treasurer.
303. Assistant Treasurer.
304. When Assistant Treasurer may act as Treasurer.
305. Duties of Treasurer.
306. Liabilities outstanding three or more years.

Sec.
307. Vouchers for drafts remaining unpaid.
308. Payment upon presentation of outstanding drafts.
309. Accounts of disbursing officers unchanged for three years.
310. Reports of Treasurer, assistant treasurers, &c., and disbursing officers.
311. Report of Treasurer's accounts.

SEC. 301. There shall be in the Department of the Treasury a Treasurer of the United States, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of six thousand five hundred dollars a year.

Treasurer.

2 Sept., 1789, c. 12, s. 1, v. 1, p. 65.

23 July, 1866, c. 208, s. 2, v. 14, p. 206.

Bond of Treasurer.

2 Sept., 1789, c. 12, s. 4, v. 1, p. 66.

SEC. 302. The Treasurer shall, before entering upon the duties of his office, give bond, with sufficient sureties, to be approved by the Secretary of the Treasury and by the First Comptroller, in the sum of one hundred and fifty thousand dollars, payable to the United States, with condition for the faithful performance of the duties of his office, and for the fidelity of the persons to be by him employed, which bond shall be lodged in the office of the First Comptroller.

SEC. 303. There shall be in the Department of the Treasury an Assistant Treasurer of the United States, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of two thousand eight hundred dollars a year.

Assistant Treasurer.

3 March, 1863, c. 89, s. 1, v. 12, p. 761.

25 June, 1864, c. 147, s. 2, v. 13, p. 159.

SEC. 304. The Treasurer may, in his discretion, with the consent of the Secretary of the Treasury, authorize the Assistant Treasurer to act in the place and discharge any or all the duties of the Treasurer of the United States.

When Assistant Treasurer may act as Treasurer.

3 March, 1863, c. 89, s. 1, v. 12, p. 761.

Duties of the Treasurer.

2 Sept., 1789, c. 12, s. 4, v. 1, p. 65.

SEC. 305. The Treasurer shall receive and keep the moneys of the United States, and disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned by either Comptroller, and recorded by the Register, and not otherwise. He shall take receipts for

all moneys paid by him, and shall give receipts for all moneys received by him; and all receipts for moneys received by him shall be indorsed upon warrants signed by the Secretary of the Treasury, without which warrant, so signed, no acknowledgment for money received into the public Treasury shall be valid. He shall render his accounts to the First Comptroller quarterly, or oftener if required, and shall transmit a copy thereof, when settled, to the Secretary of the Treasury. He shall at all times submit to the Secretary of the Treasury and the First Comptroller, or either of them, the inspection of the moneys in his hands.

Liabilities outstanding three or more years.

2 May, 1866, c. 70, ss. 1, 4, v. 14, pp. 41, 42.

SEC. 306. At the termination of each fiscal year all amounts of moneys that are represented by certificates, drafts, or checks, issued by the Treasurer, or by any disbursing officer of any Department of the Government, upon the Treasurer or any assistant treasurer, or designated depository of the United States, or upon any national bank designated as a depository of the United States, and which shall be represented on the books of either of such offices as standing to the credit of any disbursing officer, and which were issued to facilitate the payment of warrants, or for any other purpose in liquidation of a debt due from the United States, and which have for three years or more remained outstanding, unsatisfied, and unpaid, shall be deposited by the Treasurer, to be covered into the Treasury by warrant, and to be carried to the credit of the parties in whose favor such certificates, drafts, or checks were respectively issued, or to the persons who are entitled to receive pay therefor, and into an appropriation account to be denominated "outstanding liabilities."

Vouchers for drafts remaining unpaid.

2 May, 1866, c. 70, s. 2, v. 14, p. 41.

SEC. 307. The certificate of the Register of the Treasury, stating that the amount of any draft issued by the Treasurer, to facilitate the payment of a warrant directed to him for payment, has remained outstanding and unpaid for three years or more, and has been deposited and covered into the Treasury in the manner prescribed by the preceding section, shall be, when attached to any such warrant, a sufficient voucher in satisfaction of any such warrant or part of any warrant, the same as if the drafts correctly indorsed and fully satisfied were attached to such warrant or part of warrant. And all such moneys mentioned in this and in the preceding section shall remain as a permanent appropriation for the redemption and payment of all such outstanding and unpaid certificates, drafts, and checks.

Payment upon presentation of outstanding drafts.

2 May, 1866, c. 70, s. 3, v. 14, p. 42.

SEC. 308. The payee or the bona-fide holder of any draft or check the amount of which has been deposited and covered into the Treasury pursuant to the preceding sections, shall, on presenting the same to the proper officer of the Treasury, be entitled to have it paid by the settlement of an account and the issuing of a warrant in his favor, according to the practice in other cases of authorized and liquidated claims against the United States.

Accounts of disbursing officers unchanged for three years.

2 May, 1866, c. 70, s. 5, v. 14, p. 42.

SEC. 309. The amounts, except such as are provided for in section three hundred and six, of the accounts of every kind of disbursing officer, which shall have remained unchanged, or which shall not have been increased by any new deposit thereto, nor decreased by drafts drawn thereon, for the space of three years, shall in like manner be covered into the Treasury, to the proper appropriation to which they belong; and the amounts thereof shall, on the certificate of the Treasurer that such amount has been deposited in the Treasury, be credited by the proper accounting officer of the Department of the Treasury on the books of the Department, to the officer in whose name it had stood on the books of any agency of the Treasury, if it appears that he is entitled to such credit.

Reports of Treasurer, assistant treasurers, &c., and disbursing officers.

2 May, 1866, c. 70, s. 6, v. 14, p. 42.

SEC. 310. The Treasurer, each assistant treasurer, and each designated depository of the United States, and the cashier of each of the national banks designated as such depositories, shall, at the close of business on every thirtieth day of June, report to the Secretary of the Treasury the condition of every account standing, as in the preceding section specified, on the books of their respective offices, stating the

name of each depositor, with his official designation, the total amount remaining on deposit to his credit, and the dates, respectively, of the last credit and the last debit made to each account. And each disbursing officer shall make a like return of all checks issued by him, and which may then have been outstanding and unpaid for three years and more, stating fully in such report the name of the payee, for what purpose each check was given, the office on which drawn, the number of the voucher received therefor, the date, number, and amount for which it was drawn, and, when known, the residence of the payee.

SEC. 311. The Treasurer shall, on the third day of every session of Congress, lay before the Senate and House of Representatives fair and accurate copies of all accounts by him from time to time rendered to and settled with the First Comptroller, as also a true and perfect account of the state of the Treasury.

Report of Treasurer's accounts.

2 Sept., 1789, c. 12, s. 4, v. 1, p. 66.

CHAPTER SIX.

THE REGISTER.

Sec.

312. Register.

313. Duties of Register.

Sec.

314. Assistant Register.

315. Duties of Assistant Register.

SEC. 312. There shall be in the Department of the Treasury a Register of the Treasury, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of four thousand dollars a year.

Register.

2 Sept., 1789, c. 12, s. 1, v. 1, p. 65.
8 May, 1872, c. 140, s. 13, v. 17, p. 85.

Duties of Register.

SEC. 313. It shall be the duty of the Register:

First. To keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the United States.

Second. To receive from the First Comptroller and Commissioner of Customs the accounts which shall have been finally adjusted, and preserve such accounts with their vouchers and certificates.

Third. To record all warrants for the receipt or payment of moneys at the Treasury, and certify the same thereon, except those drawn by the Postmaster-General, and those drawn by the Secretary of the Treasury upon the requisitions of the Secretaries of the War and Navy Departments.

2 Sept., 1789, c. 12, s. 6, v. 1, p. 67.
8 May, 1872, c. 140, s. 5, v. 17, p. 83.
8 June, 1872, c. 335, s. 22, v. 17, p. 287.

7 May, 1822, c. 90, s. 3, v. 3, p. 639.

Fourth. To transmit to the Secretary of the Treasury copies of the certificates of balances of accounts adjusted.

Fifth. To furnish to the proper accounting officers copies of all warrants covering proceeds of Government property, where the same may be necessary in the settlement of accounts in their respective offices.

SEC. 314. There shall be in the office of the Register of the Treasury an Assistant Register, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of two thousand dollars a year.

Assistant Register.

20 Feb., 1863, c. 44, s. 1, v. 12, p. 656.
14 March, 1864, c. 30, s. 7, v. 13, p. 28.

Duties of Assistant Register.

SEC. 315. The Assistant Register shall perform such duties as may be devolved on him by the Register, and, in the absence of the Register, shall act in his stead; and any official record, certificate, or other document, excepting warrants, bonds, and drafts, signed by the Assistant Register, shall have the same effect as if signed by the Register.

20 Feb., 1863, c. 44, s. 2, v. 12, p. 656.

CHAPTER SEVEN.

THE COMMISSIONER OF CUSTOMS.

| | |
|---|--|
| Sec. | Sec. |
| 316. Commissioner of Customs. | 318. Duty to prescribe official forms. |
| 317. Duties of Commissioner of Customs. | |
| Commissioner of Customs. | SEC. 316. There shall be in the Department of the Treasury a Commissioner of Customs, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of four thousand dollars a year. |
| 3 March, 1849, c. 108, s. 12, v. 9, p. 396. | |
| 3 March, 1873, c. 226, s. 3, v. 17, p. 508. | |
| Duties of Commissioner of Customs. | SEC. 317. The Commissioner of Customs shall examine all accounts settled by the First Auditor relating to the receipts from customs, including accounts of collectors and other officers of the customs, and certify the balances arising thereon to the Register. |
| 3 March, 1849, c. 108, s. 12, v. 9, p. 396. | |
| Duty to prescribe official forms. | SEC. 318. The Commissioner of Customs shall report to the Secretary of the Treasury official forms to be used in the different offices for collecting the public receipts from customs, and the manner and form of keeping and stating the accounts of the persons employed therein. |
| 3 March, 1817, c. 45, s. 8, v. 3, p. 367. | |
| 3 March, 1849, c. 108, s. 12, v. 9, p. 396. | |

CHAPTER EIGHT.

THE COMMISSIONER OF INTERNAL REVENUE.

| | |
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| Sec. | Sec. |
| 319. Commissioner of Internal Revenue. | 322. Deputy Commissioner of Internal Revenue. |
| 320. Chief Clerk. | 323. Duties of Deputy Commissioner of Internal Revenue. |
| 321. Duties of Commissioner of Internal Revenue. | |
| Commissioner of Internal Revenue. | SEC. 319. There shall be in the Department of the Treasury a Commissioner of Internal Revenue, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of six thousand dollars a year. |
| 1 July, 1862, c. 119, s. 1, v. 12, p. 432. | |
| 30 June, 1864, c. 173, s. 1, v. 13, p. 223. | |
| Chief clerk. | SEC. 320. The Commissioner of Internal Revenue is authorized to designate one of the heads of division as chief clerk of the Bureau without additional compensation. |
| 24 Dec., 1872, c. 13, s. 9, v. 17, p. 403. | |
| Duties of Commissioner of Internal Revenue. | SEC. 321. The Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, shall have general superintendence of the assessment and collection of all duties and taxes now or hereafter imposed by any law providing internal revenue; and shall prepare and distribute all the instructions, regulations, directions, forms, blanks, stamps, and other matters pertaining to the assessment and collection of internal revenue; and shall provide hydrometers, and proper and sufficient adhesive stamps and stamps or dies for expressing and denoting the several stamp duties, or, in the case of percentage duties, the amount thereof; and alter and renew or replace such stamps from time to time, as occasion may require. He may also contract for or procure the printing of requisite forms, decisions and regulations, but the printing of such forms, decisions and regulations shall be done at the Public Printing-Office unless the Public Printer shall be unable to perform the work: <i>Provided</i> , That the Commissioner of Internal Revenue may, under such regulations as may be established by the Secretary of the Treasury, after due public notice, receive bids and make contracts for supplying stationery, blank-books and blanks to the collectors in the several collection-districts; and the said Commissioner shall estimate in detail by collection-districts the expense of assessing and the expense of the collection of internal revenue. [See § 3671.] |
| 30 June, 1864, c. 173, s. 1, v. 13, p. 223. | |

SEC. 322. There shall be in the office of the Commissioner of Internal Revenue a Deputy Commissioner of Internal Revenue, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of three thousand five hundred dollars a year.

Deputy Commissioner of Internal Revenue.

3 March, 1863, c. 74, s. 19, v. 12, p. 725.

30 June, 1864, c. 173, s. 3, v. 13, p. 224. 13 July, 1866, c. 184, s. 64, v. 14, p. 170.

SEC. 323. The Deputy Commissioner of Internal Revenue shall be charged with such duties in the office of the Commissioner of Internal Revenue as may be prescribed by the Secretary of the Treasury, or by law, and shall act as Commissioner of Internal Revenue in case of the absence of that officer.

Duties of Deputy Commissioner of Internal Revenue.

3 March, 1863, c. 74, s. 19, v. 12, p. 725.

30 June, 1864, c. 173, s. 3, v. 13, p. 224.

13 July, 1866, c. 184, s. 64, v. 14, p. 170.

CHAPTER NINE.

THE COMPTROLLER OF THE CURRENCY.

Sec.

324. Bureau of the Comptroller of the Currency.

325. Comptroller of the Currency.

326. Bond and oath of office of Comptroller of the Currency.

327. Deputy Comptroller of the Currency.

328. Clerks.

Sec.

329. Interest in national banks.

330. Seal of Comptroller of the Currency.

331. Rooms, vaults, furniture, &c., for Currency Bureau.

332. Banks in District of Columbia.

333. Report of Comptroller.

SEC. 324. There shall be in the Department of the Treasury a Bureau charged with the execution of all laws passed by Congress relating to the issue and regulation of a national currency secured by United States bonds; the chief officer of which Bureau shall be called the Comptroller of the Currency, and shall perform his duties under the general direction of the Secretary of the Treasury.

Bureau of the Comptroller of the Currency.

3 June, 1864, c. 106, s. 1, v. 13, p. 99.

SEC. 325. The Comptroller of the Currency shall be appointed by the President, on the recommendation of the Secretary of the Treasury, by and with the advice and consent of the Senate, and shall hold his office for the term of five years unless sooner removed by the President, upon reasons to be communicated by him to the Senate; and he shall be entitled to a salary of five thousand dollars a year.

Comptroller of the Currency.

3 June, 1864, c. 106, s. 1, v. 13, p. 99.

SEC. 326. The Comptroller of the Currency shall, within fifteen days from the time of notice of his appointment, take and subscribe the oath of office; and he shall give to the United States a bond in the penalty of one hundred thousand dollars, with not less than two responsible sureties, to be approved by the Secretary of the Treasury, conditioned for the faithful discharge of the duties of his office.

Bond and oath of office of Comptroller of the Currency.

3 June, 1864, c. 106, s. 1, v. 13, p. 99.

SEC. 327. There shall be in the Bureau of the Comptroller of the Currency a Deputy Comptroller of the Currency, to be appointed by the Secretary, who shall be entitled to a salary of two thousand five hundred dollars a year, and who shall possess the power and perform the duties attached by law to the office of Comptroller during a vacancy in the office or during the absence or inability of the Comptroller. The Deputy Comptroller shall also take the oath of office prescribed by the Constitution and laws of the United States, and shall give a like bond in the penalty of fifty thousand dollars.

Deputy Comptroller of the Currency.

3 June, 1864, c. 106, s. 1, v. 13, p. 99.

SEC. 328. The Comptroller of the Currency shall employ, from time to time, the necessary clerks, to be appointed and classified by the Secretary of the Treasury, to discharge such duties as the Comptroller shall direct. [See § 169.]

Clerks.

3 June, 1864, c. 106, s. 1, v. 13, p. 100.

SEC. 329. It shall not be lawful for the Comptroller or the Deputy Comptroller of the Currency, either directly or indirectly, to be interested in any association issuing national currency under the laws of the United States.

Interest in national banks.

3 June, 1864, c. 106, s. 1, v. 13, p. 99.

Seal of Comptroller of the Currency.

3 June, 1864, c. 106, s. 2, v. 13, p. 100.

Rooms, vaults, furniture, &c., for Currency Bureau.

3 June, 1864, c. 106, s. 3, v. 13, p. 100.

Banks in District of Columbia.

20 Jan., 1873, c. 43, v. 17, p. 412.

Report of Comptroller.

3 June, 1864, c. 106, s. 61, v. 3, p. 117.

19 Feb., 1873, c. 166, s. 1, v. 17, p. 466.

SEC. 330. The seal devised by the Comptroller of the Currency for his office, and approved by the Secretary of the Treasury, shall continue to be the seal of office of the Comptroller, and may be renewed when necessary.

SEC. 331. There shall be assigned, from time to time, to the Comptroller of the Currency, by the Secretary of the Treasury, suitable rooms in the Treasury building for conducting the business of the Currency Bureau, containing safe and secure fire-proof vaults, in which the Comptroller shall deposit and safely keep all the plates not necessarily in the possession of engravers or printers, and other valuable things belonging to his Department; and the Comptroller shall from time to time furnish the necessary furniture, stationery, fuel, lights, and other proper conveniences for the transaction of the business of his office.

SEC. 332. The Comptroller of the Currency, in addition to the powers conferred upon him by law for the examination of national banks, is further authorized, whenever he may deem it useful, to cause examination to be made into the condition of any bank in the District of Columbia organized under act of Congress. The Comptroller, at his discretion, may report to Congress the results of such examination. The expense necessarily incurred in any such examination shall be paid out of any appropriation made by Congress for special bank examinations.

SEC. 333. The Comptroller of the Currency shall make an annual report to Congress, exhibiting— [See §§ 195, 196.]

First. A summary of the state and condition of every association from which reports have been received the preceding year, at the several dates to which such reports refer, with an abstract of the whole amount of banking capital returned by them, of the whole amount of their debts and liabilities, the amount of circulating notes outstanding, and the total amount of means and resources, specifying the amount of lawful money held by them at the times of their several returns, and such other information in relation to such associations as, in his judgment, may be useful.

Second. A statement of the associations whose business has been closed during the year, with the amount of their circulation redeemed and the amount outstanding.

Third. Any amendment to the laws relative to banking by which the system may be improved, and the security of the holders of its notes and other creditors may be increased.

Fourth. A statement exhibiting under appropriate heads the resources and liabilities and condition of the banks, banking companies, and savings-banks organized under the laws of the several States and Territories; such information to be obtained by the Comptroller from the reports made by such banks, banking companies, and savings-banks to the legislatures or officers of the different States and Territories, and, where such reports cannot be obtained, the deficiency to be supplied from such other authentic sources as may be available.

Fifth. The names and compensation of the clerks employed by him, and the whole amount of the expenses of the banking department during the year.

CHAPTER TEN.

THE BUREAU OF STATISTICS.

Sec.

334. Bureau of Statistics.

335. Purpose of the Bureau.

336. Annual report of commerce and navigation.

337. Regulations imposed on collectors.

338. Coasting trade to be included.

Sec.

339. Monthly reports of exports and imports.

340. Annual statement of vessels.

341. Annual statement of merchandise.

342. Statistics of manufactures.

Bureau of Statistics.

SEC. 334. There shall be in the Department of the Treasury a Bureau to be called the Bureau of Statistics; and the Secretary of the Treasury

may appoint one division clerk, who shall superintend the Bureau, and shall be entitled to a salary of two thousand five hundred dollars a year.

184, s. 64, v. 14, p. 170. 28 July, 1866, c. 298, s. 13, v. 14, p. 330. 20 July, 1868, c. 176, s. 1, v. 15, p. 99.

15 June, 1844, Res. No. 16, v. 5, p. 719.

13 July, 1866, c. 20 July, 1868, c. 176,

SEC. 335. The purpose of the Bureau of Statistics is the collection, arrangement, and classification of such statistical information as may be procured, showing, or tending to show, each year the condition of the agriculture, manufactures, domestic trade, currency, and banks of the several States and Territories.

Purpose of the Bureau.

15 June, 1844, Res. No. 16, v. 5, p. 719.

SEC. 336. The Chief of the Bureau of Statistics shall, under the direction of the Secretary of the Treasury, annually prepare a report on the statistics of commerce and navigation of the United States with foreign countries, to the close of the fiscal year. Such accounts shall comprehend all goods, wares, and merchandise exported from the United States to other countries; all goods, wares, and merchandise imported into the United States from other countries, and all navigation employed in the foreign trade of the United States; which facts shall be stated according to the principles and in the manner hereby directed.

Annual report of commerce and navigation.

10 Feb., 1820, c. 11, ss. 1, 4, v. 3, p. 541.

28 July, 1866, c. 298, ss. 3, 5, 6, 13, v. 14, pp. 328, 329, 330.

2 March, 1861, c. 68, s. 29, v. 12, p. 197.

First. The kinds, quantities, and values of all articles exported, and the kinds, quantities, and values of all articles imported, shall be distinctly stated in such accounts, except in cases in which it may appear to the Secretary of the Treasury that separate statements of the species, quantities, or values of any particular articles would swell the annual statements without utility; and, in such cases, the kinds and total values of such articles shall be stated together, or in such classes as the Secretary of the Treasury may think fit. [See §§ 195, 196.]

Second. The exports shall be so stated as to show the exports to each foreign country, and their values; and the imports shall be so stated as to show the imports from each foreign country, and their values.

Third. The exports shall be so stated as to show, separately, the exports of articles of the production or manufacture of the United States, and their values; and the exports of articles of the production or manufacture of foreign countries, and their values.

Fourth. The navigation employed in the foreign trade of the United States shall be stated in such manner as to show the amount of the tonnage of all vessels departing from the United States for foreign countries; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels; and also the foreign nations to which such foreign tonnage belongs, and the amount of such tonnage belonging to each foreign nation; and in such manner as also to show the amount of the tonnage of all vessels departing for every particular foreign country with which the United States have any considerable commerce; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels; and in such manner as to show the amount of the tonnage of all vessels arriving in the United States from foreign countries; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels; and also the foreign nations to which such foreign tonnage belongs, and the amount of such tonnage belonging to each foreign nation; and in such manner as also to show the amount of the tonnage of all vessels arriving from every particular foreign country with which the United States have any considerable commerce; and, separately, the amount of such tonnage of vessels of the United States, and the amount of such tonnage of foreign vessels.

Fifth. Such accounts shall comprehend and include, in tabular form, the quantity by weight or measure, as well as the amount of value, of the several articles of foreign commerce, whether dutiable or otherwise; and also a similar and separate statement of the commerce of the United States with the British Provinces, under the late so-called reciprocity treaty with Great Britain.

Regulations imposed on collectors.

10 Feb., 1820, c. 11, ss. 7, 12, v. 3, pp. 542, 3.

SEC. 337. In order to enable the Chief of the Bureau of Statistics to prepare the annual report on the statistics of commerce and navigation required to be submitted to Congress by the Secretary of the Treasury, the following regulations shall be observed by all collectors of customs:

First. The kinds and quantities of all imported articles free from duty shall be ascertained by entry, made upon oath or affirmation, by the owner, or by the consignee or agent of the importer, or by actual examination, where the collector shall think such examination necessary; and the values of all such articles shall be ascertained in the same manner in which the values of imports subject to duties ad valorem are ascertained.

Second. The values of all imported articles subject to specific duties shall be ascertained in the manner in which the values of imports subject to duties ad valorem are ascertained.

Third. The several collectors shall keep separate accounts of the kinds, quantities, and values of such parts of the imports subject to duties ad valorem as may be directed by the Secretary of the Treasury.

Fourth. All articles exported shall be valued at their actual cost, or the values which they may truly bear, at the time of exportation, in the ports of the United States from which they are exported; and all articles imported shall be valued at their actual cost, or the values which they may truly bear in the foreign ports from which they are exported for importation into the United States, at the time of such exportation.

Fifth. Before a clearance shall be granted for any vessel bound to a foreign place, the collector shall require the owners, shippers, or consignors of the cargo to deliver to the collector manifests of the cargo, or of the parts thereof shipped by them respectively, which manifests shall specify the kinds and quantities of the articles shipped by them respectively, and the value of the total quantity of each kind of articles; and state that such manifest contains a full, just, and true account of all articles laden on board of such vessel by the owners, shippers, or consignors, respectively, and that the values of such articles are truly stated, according to their actual cost, or the values which they truly bear at the port and time of exportation. And the collector shall also require the master of the vessel, and the owners, shippers, and consignors of the cargo, to state in writing, to the collector, the foreign place or country in which such cargo is truly intended to be landed. The manifests and statements hereby required shall be verified by the oath of the person by whom they are respectively made and subscribed.

Sixth. Every collector shall keep an accurate account of the national characters and tonnage of all vessels which depart from his district for foreign countries, and of the foreign places or countries for which such vessels depart; and, also, an accurate account of the national characters and tonnage of all vessels which enter his district from foreign countries, and of the foreign places or countries from which such vessels arrive.

Seventh. The several collectors shall make quarter-yearly returns to the Bureau of Statistics of all the facts and matters which they are hereby required to ascertain.

Coasting trade to be included.

14 May, 1856, Res. No. 9, v. 11, p. 144.

Monthly reports of exports and imports.

28 July, 1866, c. 298, s. 13, v. 14, p. 330.

SEC. 338. The annual report of the statistics of commerce and navigation shall state the kinds, quantities, and value of the merchandise entered and cleared coastwise into and from the collection districts of the United States.

SEC. 339. The Chief of the Bureau of Statistics shall, under the direction of the Secretary of the Treasury, prepare and publish monthly reports of the exports and imports of the United States, including the quantities and values of goods warehoused or withdrawn from warehouse, and such other statistics relative to the trade and industry of the country as the Secretary of the Treasury may consider expedient.

SEC. 340. The Chief of the Bureau of Statistics shall also prepare an annual statement of vessels registered, enrolled, and licensed under the laws of the United States, together with the class, name, tonnage, and place of registry of each vessel, and such other information as the Secretary of the Treasury may deem proper to embody therein.

Annual statement of vessels.

28 July, 1866, c. 298, s. 13, v. 14, p. 330.

SEC. 341. The Chief of the Bureau of Statistics shall prepare an annual statement of all merchandise passing in transit through the United States to foreign countries, each description of merchandise, so far as practicable, warehoused, withdrawn from warehouse for consumption, for exportation, for transportation to other districts, and remaining in the warehouse at the end of each fiscal year.

Annual statement of merchandise.

28 July, 1866, c. 298, s. 13, v. 14, p. 330.

SEC. 342. The Chief of the Bureau of Statistics shall collect, digest, and arrange, for the use of Congress, the statistics of the manufactures of the United States, their localities, sources of raw material, markets, exchanges with the producing regions of the country, transportation of products, wages, and such other conditions as are found to affect their prosperity.

Statistics of manufactures.

28 July, 1866, c. 298, s. 13, v. 14, p. 330.

CHAPTER ELEVEN.

BUREAU OF THE MINT.

Sec.

343. Bureau of the Mint.

344: Salary and expenses of Director.

Sec.

345. Powers of, and reports by Director.

SEC. 343. There shall be established in the Treasury Department a Bureau of the Mint, embracing in its organization and under its control all mints for the manufacture of coin, and all assay-offices for the stamping of bars, which are now, or which may be hereafter, authorized by law. The chief officer of the said Bureau shall be denominated the Director of the Mint, and shall be under the general direction of the Secretary of the Treasury. He shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold his office for the term of five years, unless sooner removed by the President, upon reasons to be communicated by him to the Senate.

Bureau of the Mint.

12 Feb., 1873, c. 131, s. 1, v. 17, p. 424.

SEC. 344. There shall be allowed to the Director of the Mint an annual salary of four thousand five hundred dollars, payable monthly, and actual necessary traveling expenses in visiting the different mints and assay-offices, for which vouchers shall be rendered.

Salary and expenses of Director.

12 Feb., 1873, c. 131, s. 12, v. 17, p. 426.

SEC. 345. The Director of the Mint shall have the general supervision of all mints and assay-offices, and shall make an annual report to the Secretary of the Treasury of their operations, at the close of each fiscal year, and from time to time such additional reports, setting forth the operations and condition of such institutions, as the Secretary of the Treasury shall require, and shall lay before him the annual estimates for their support. And the Secretary of the Treasury shall appoint the number of clerks, classified according to law, necessary to discharge the duties of said Bureau.

Powers of, and reports by Director.

12 Feb., 1873, c. 131, s. 2, v. 17, p. 424.

TITLE VIII.

THE DEPARTMENT OF JUSTICE.

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| <p>Sec. 346. Establishment of Department of Justice. 347. Solicitor-General. 348. Assistant Attorneys-General. 349. Solicitor of Treasury, &c., in Department of Justice. 350. What officers under control of Attorney-General. 351. Subordinate officers. 352. Rooms to be provided. 353. Seal. 354. Duties of Attorney-General. 355. Title to land to be purchased by the United States. 356. Opinion of Attorney-General upon questions of law. 357. Legal advice to Departments of War and Navy. 358. Reference of questions by Attorney-General to subordinates. 359. Conduct and argument of cases. 360. Performance of duty by officers of Department of Justice. 361. Officers of the Department to perform all legal services required for other Departments. 362. Superintendence of district attorneys and marshals. 363. Retaining counsel to aid district attorneys. 364. Attendance of counsel. 365. Counsel fees restricted. 366. Appointment and oath of special attorneys or counsel. 367. Interest of United States in pending suits, who may attend to.</p> | <p>Sec. 368. Accounts of district attorneys, marshals, &c. 369. Requisitions. 370. Traveling expenses of officers of the Department. 371. Disbursement of moneys. 372. Records formerly appertaining to the office of agent of the Treasury. 373. Liability of district attorney upon receiving a bond for suit. 374. Examination of reports of district attorneys and collectors upon bonds delivered for suit. 375. False reports of bonds delivered for suit. 376. Measures taken for the discovery of frauds. 377. Rules established by Solicitor of the Treasury respecting suits. 378. Report by Solicitor of the Treasury of moneys received. 379. Instructions by Solicitor of the Treasury to district attorneys and other officers. 380. Conduct of suits involving national banks. 381. Duties of United States attorneys. 382. Proceedings in equity in cases of Post-Office Department. 383. Publication of opinions. 384. Report of business and statistics. 385. Report of additional attorneys and counsel employed. 386. Distribution of statutes and reports to judges. 387. Register of statutes and reports distributed.</p> |
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Establishment of
Department of Justice.

24 Sept., 1789, c.

Solicitor-General.

22 June, 1870, c.
150, s. 2, v. 16, p.
162.

Assistant Attor-
neys-General.

22 June, 1870, c.
150, s. 2, v. 16, p.
162.

25 Feb., 1871, c.
72, v. 16, p. 432.

Solicitor of Treas-
ury, &c., in Depart-
ment of Justice.

22 June, 1870, c.
150, ss. 3, 9, 10, v.
16, pp. 162, 3.

SEC. 346. There shall be at the seat of Government an Executive Department to be known as the Department of Justice, and an Attorney-General, who shall be the head thereof.

SEC. 347. There shall be in the Department of Justice an officer, learned in the law, to assist the Attorney-General in the performance of his duties, called the Solicitor-General, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of seven thousand five hundred dollars a year. In case of a vacancy in the office of Attorney-General, or of his absence or disability, the Solicitor-General shall have power to exercise all the duties of that office.

SEC. 348. There shall be in the Department of Justice three officers, learned in the law, called the Assistant Attorneys-General, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall assist the Attorney-General and Solicitor-General in the performance of their duties. Each of them is entitled to a salary of five thousand dollars a year.

SEC. 349. There shall be in the Department of Justice a Solicitor of the Treasury, an Assistant Solicitor of the Treasury, a Solicitor of Internal Revenue, a Naval Solicitor, and an Examiner of Claims for the Department of State, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to the

following salaries: The Solicitor of the Treasury to four thousand dollars a year, the Assistant Solicitor of the Treasury to three thousand dollars a year, the Solicitor of Internal Revenue to five thousand dollars a year, the Naval Solicitor to three thousand five hundred dollars a year, and the Examiner of Claims for the Department of State four thousand dollars a year.

184, s. 64, v. 14, p. 170. 23 July, 1866, c. 208, s. 5, v. 14, p. 207. 27 May, 1870, Res. 66, s. 1, v. 16, p. 378. 3 March, 1873, c. 226, s. 3, v. 17, p. 508.

SEC. 350. The officers named in the preceding section shall exercise their functions under the supervision and control of the head of the Department of Justice.

What officers under control of Attorney-General.

22 June, 1870, c. 150, s. 3, v. 16, p. 162. 2 Ang., 1861, c. 37, s. 1, v. 12, p. 285. 6 Ang., 1861, c. 65, v. 12, p. 327.

SEC. 351. There shall be in the Department of Justice,

One chief clerk, at a salary of two thousand two hundred dollars a year.

One law clerk, acting as examiner of titles, at a salary of three thousand dollars a year.

One stenographic clerk, at a salary of two thousand dollars a year.

One clerk, at a salary of two thousand dollars a year.

One disbursing clerk.

In the office of the Solicitor of the Treasury:

One chief clerk, at a salary of two thousand dollars a year, and such temporary clerks as may from time to time be needed, but the allowances for such temporary clerks shall in no one year exceed one thousand dollars. [See §§ 169, 173, 174, 176.]

Subordinate officers.

3 March, 1853, c.

97, s. 3, v. 10, p. 211.

3 March, 1865, c.

98, s. 1, v. 13, p. 516.

23 July, 1866, c.

208, s. 5, v. 14, p.

207.

22 June, 1870, c.

150, s. 10, v. 16, p.

163.

25 June, 1868, c.

71, s. 5, v. 15, p. 75.

22 June, 1870, c. 150, s. 3, v. 16, p. 162.

SEC. 352. The superintendent of the Treasury building shall from time to time provide such rooms as may be suitable and necessary for the accommodation of the Department of Justice, in some building in the vicinity of the Treasury building.

Rooms to be provided.

22 June, 1870, c.

150, s. 13, v. 16, p.

164.

Seal.

5 Mar., 1872, c. 30,

s. 2, v. 17, p. 35.

Duties of Attorney-General.

SEC. 353. The seal heretofore provided for the office of the Attorney-General shall be, with such change as the President shall approve, the seal of the Department of Justice.

SEC. 354. The Attorney-General shall give his advice and opinion upon questions law, whenever required by the President.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92.

SEC. 355. No public money shall be expended upon any site or land purchased by the United States for the purposes of erecting thereon any armory, arsenal, fort, fortification, navy-yard, custom-house, light-house, or other public building, of any kind whatever, until the written opinion of the Attorney-General shall be had in favor of the validity of the title, nor until the consent of the legislature of the State in which the land or site may be, to such purchase, has been given. The district attorneys of the United States, upon the application of the Attorney-General, shall furnish any assistance or information in their power in relation to the titles of the public property lying within their respective districts. And the Secretaries of the Departments, upon the application of the Attorney-General, shall procure any additional evidence of title which he may deem necessary, and which may not be in the possession of the officers of the Government, and the expense of procuring it shall be paid out of the appropriations made for the contingencies of the Departments respectively.

Title to land to be purchased by the United States.

11 Sept., 1841,

Res. No. 6, v. 5, p.

468.

SEC. 356. The head of any Executive Department may require the opinion of the Attorney-General on any questions of law arising in the administration of his Department.

Opinion of Attorney-General upon questions of law.

22 June, 1870, c. 150, s. 6, v. 16, p. 163.

SEC. 357. Whenever a question of law arises in the administration of the Department of War or the Department of the Navy, the cognizance of which is not given by statute to some other officer from whom the head of the Department may require advice, it shall be sent to the

Legal advice to Departments of War and Navy.

22 June, 1870, c.

150, s. 6, v. 16, p. 163.

Attorney-General, to be by him referred to the proper officer in his Department, or otherwise disposed of as he may deem proper.

Reference of questions by Attorney-General to subordinates.

22 June, 1870, c. 170, s. 4, v. 16, p. 162.

Conduct and argument of cases.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92.

25 June, 1868, c. 71, s. 5, v. 15, p. 75.

22 June, 1870, c. 150, s. 5, v. 16, p. 162.

Performance of duty by officers of Department of Justice.

22 June, 1870, c. 150, s. 14, v. 16, p. 164.

Officers of the Department to perform all legal services required for other Departments.

22 June, 1870, c. 150, s. 14, v. 16, p. 164.

Superintendence of district attorneys and marshals.

2 Aug., 1861, c. 37, s. 1, v. 12, p. 285.

22 June, 1870, c. 150, ss. 16, 17, v. 16, p. 164.

Retaining counsel to aid district attorneys.

2 Aug., 1861, c. 37, s. 2, v. 12, p. 285.

3 March, 1869, c. 121, s. 1, v. 15, pp. 253, 294.

Attendance of counsel.

14 Feb., 1871, c. 51, s. 3, v. 16, p. 412.

Counsel fees restricted.

22 June, 1870, c. 150, s. 17, v. 16, p. 164.

SEC. 358. Any question of law submitted to the Attorney-General for his opinion, except questions involving a construction of the Constitution of the United States, may be by him referred to such of his subordinates as he may deem appropriate, and he may require the written opinion thereon of the officer to whom the same may be referred. If the opinion given by such officer is approved by the Attorney-General, such approval indorsed thereon shall give the opinion the same force and effect as belong to the opinions of the Attorney-General.

SEC. 359. Except when the Attorney-General in particular cases otherwise directs, the Attorney-General and Solicitor-General shall conduct and argue suits and writs of error and appeals in the Supreme Court and suits in the Court of Claims in which the United States is interested, and the Attorney-General may, whenever he deems it for the interest of the United States, either in person conduct and argue any case in any court of the United States in which the United States is interested, or may direct the Solicitor-General or any officer of the Department of Justice to do so.

SEC. 360. The Attorney-General may require any solicitor or officer of the Department of Justice to perform any duty required of the Department or any officer thereof.

SEC. 361. The officers of the Department of Justice, under the direction of the Attorney-General, shall give all opinions and render all services requiring the skill of persons learned in the law necessary to enable the President and heads of Departments, and the heads of Bureaus and other officers in the Departments, to discharge their respective duties; and shall, on behalf of the United States, procure the proper evidence for, and conduct, prosecute, or defend all suits and proceedings in the Supreme Court and in the Court of Claims, in which the United States, or any officer thereof, as such officer, is a party or may be interested; and no fees shall be allowed or paid to any other attorney or counselor at law for any service herein required of the officers of the Department of Justice, except in the cases provided by section three hundred and sixty-three.

SEC. 362. The Attorney-General shall exercise general superintendence and direction over the attorneys and marshals of all the districts in the United States and the Territories as to the manner of discharging their respective duties; and the several district attorneys and marshals are required to report to the Attorney-General an account of their official proceedings, and of the state and condition of their respective offices, in such time and manner as the Attorney-General may direct.

SEC. 363. The Attorney-General shall, whenever in his opinion the public interest requires it, employ and retain, in the name of the United States, such attorneys and counselors at law as he may think necessary to assist the district attorneys in the discharge of their duties, and shall stipulate with such assistant attorneys and counsel the amount of compensation, and shall have supervision of their conduct and proceedings.

SEC. 364. Whenever the head of a Department or Bureau gives the Attorney-General due notice that the interests of the United States require the service of counsel upon the examination of witnesses touching any claim, or upon the legal investigation of any claim, pending in such Department or Bureau, the Attorney-General shall provide for such service.

SEC. 365. No compensation shall hereafter be allowed to any person, besides the respective district attorneys and assistant district attorneys for services as an attorney or counselor to the United States, or to any branch or Department of the Government thereof, except in cases specially authorized by law, and then only on the certificate of the

Attorney-General that such services were actually rendered, and that the same could not be performed by the Attorney-General, or Solicitor-General, or the officers of the Department of Justice, or by the district attorneys.

SEC. 366. Every attorney or counselor who is specially retained, under the authority of the Department of Justice, to assist in the trial of any case in which the Government is interested, shall receive a commission from the head of such Department, as a special assistant to the Attorney-General, or to some one of the district attorneys, as the nature of the appointment may require; and shall take the oath required by law to be taken by the district attorneys, and shall be subject to all the liabilities imposed upon them by law.

SEC. 367. The Solicitor-General, or any officer of the Department of Justice, may be sent by the Attorney-General to any State or District in the United States to attend to the interests of the United States in any suit pending in any of the courts of the United States, or in the courts of any State, or to attend to any other interest of the United States.

SEC. 368. The Attorney-General shall exercise general supervisory powers over the accounts of district attorneys, marshals, clerks, and other officers of the courts of the United States.

SEC. 369. The Attorney-General shall sign all requisitions for the advance or payment of moneys appropriated for the Department of Justice, out of the Treasury, subject to the same control as is exercised on like estimates or accounts by the First Auditor or First Comptroller of the Treasury. [See §§ 3660-3665, 3669.]

SEC. 370. Whenever the Solicitor-General, or any officer of the Department of Justice, is sent by the Attorney-General to any State, District, or Territory, to attend to any interest of the United States, the person so sent shall receive, in addition to his salary, his actual and necessary expenses while absent from the seat of Government; the account thereof to be verified by affidavit.

SEC. 371. All moneys drawn out of the Treasury upon the requisition of the Attorney-General shall be disbursed by such one of the clerks in the Department of Justice as the Attorney-General may designate.

SEC. 372. The Solicitor of the Treasury shall have charge, within the Department of Justice, of the books, papers, and records formerly appertaining to the office of agent of the Treasury, or to the superintendence of the collection of outstanding direct taxes and internal duties which have been transferred to him by the act of May twenty-nine, eighteen hundred and thirty, and remain in his charge; and of the seal adopted for the office of the Solicitor of the Treasury.

SEC. 373. Whenever the Solicitor of the Treasury receives information from a collector of duties that such collector has delivered any bond for duties to a district attorney for suit, the Solicitor of the Treasury shall make such entry thereof as that the attorney may duly appear chargeable therewith, until the amount has been paid to the United States, or he has obtained judgment thereon and delivered execution to the marshal, or otherwise been duly discharged therefrom.

SEC. 374. The Solicitor of the Treasury shall make constant and strict examinations and comparisons of the reports made by collectors of bonds for duties delivered by them to district attorneys for suit, and of the returns made by district attorneys of such bonds so received by them.

SEC. 375. Whenever it appears that any collector has made return of any bond as in suit, or delivered for suit, which is not, at the time, in suit, or delivered for suit, or has returned any bond as in suit for the whole amount thereof, when part thereof has been paid to him, or as in

Appointment and oath of special attorneys or counsel.

22 June, 1870, c. 150, s. 17, v. 16, p. 164.

Interest of United States in pending suits, who may attend to.

22 June, 1870, c. 150, s. 5, v. 16, p. 162.

Accounts of district attorneys, marshals, &c.

s. 15, v. 16, p. 164.

Requisitions.

22 June, 1870, c. 150, s. 15, v. 16, p. 164.

Traveling expenses of officers of the Department.

22 June, 1870, c. 150, s. 5, v. 16, p. 162.

Disbursement of moneys.

22 June, 1870, c. 150, s. 11, v. 16, p. 163.

Records formerly appertaining to the office of agent of the Treasury.

29 May, 1830, c. 153, s. 2, v. 4, p. 414.

22 Feb., 1849, c. 61, s. 2, v. 9, p. 347.

Liability of district attorney upon receiving a bond for suit.

29 May, 1830, c. 153, s. 3, v. 4, p. 414.

Examination of reports of district attorneys and collectors upon bonds delivered for suit.

29 May, 1830, c. 153, s. 3, v. 4, p. 414.

False reports of bonds delivered for suit.

29 May, 1830, c. 153, s. 3, v. 4, p. 414.

suit for more than is actually due thereon, the Solicitor of the Treasury shall, immediately upon discovery thereof, communicate the facts to the President of the United States.

Measures taken for the discovery of frauds.

3 Mar., 1863, c. 76, s. 2, v. 12, p. 739.

Rules established by Solicitor of Treasury respecting suits.

29 May, 1830, c. 153, s. 7, v. 4, p. 415.

Report by Solicitor of Treasury of moneys recovered.

29 May, 1830, c. 153, s. 6, v. 4, p. 415.

Instructions by Solicitor of Treasury to district attorneys and other officers.

29 May, 1830, c. 153, s. 5, v. 4, p. 415.

Conduct of suits involving national banks.

25 Feb., 1863, c. 58, s. 55, v. 12, p. 680. 3 June, 1864,

Duties of United States attorneys.

8 June, 1872, c. 335, s. 309, v. 17, p. 324.

Proceedings in equity in cases of Post-Office Department.

8 June, 1872, c. 335, s. 310, v. 17, p. 324.

Publication of opinions.

22 June, 1870, c. 150, s. 18, v. 16, p. 165.

Report of business and statistics.

22 June, 1870, c. 150, s. 12, v. 16, p. 164.

SEC. 376. The Solicitor of the Treasury, under direction of the Secretary of the Treasury, shall take cognizance of all frauds or attempted frauds upon the revenue, and shall exercise a general supervision over the measures for their prevention and detection, and for the prosecution of persons charged with the commission thereof.

SEC. 377. The Solicitor of the Treasury shall establish such regulations, not inconsistent with law, with the approbation of the Secretary of the Treasury, for the observance of collectors of the customs, and, with the approbation of the Attorney-General, for the observance of district attorneys and marshals respecting suits in which the United States are parties, as may be deemed necessary for the just responsibility of those officers, and the prompt collection of all revenues and debts due and accruing to the United States. But this section does not apply to suits for taxes, forfeitures, or penalties arising under the internal-revenue laws. [See § 3215.]

SEC. 378. The Solicitor of the Treasury shall report all moneys recovered or collected under his direction to the officer from whom the bond or other evidence of debt was received, who shall give proper credit therefor; and he shall report in like manner all credits allowed by due course of law on any suits under his direction.

SEC. 379. The Solicitor of the Treasury shall have power to instruct the district attorneys, marshals, and clerks of the circuit and district courts in all matters and proceedings appertaining to suits in which the United States is a party or interested, except suits for taxes, penalties, or forfeitures under the internal-revenue laws, and to cause them, or either of them, to report to him from time to time any information he may require in relation to the same.

SEC. 380. All suits and proceedings arising out of the provisions of law governing national banking associations, in which the United States or any of its officers or agents shall be parties, shall be conducted by the district attorneys of the several districts under the direction and supervision of the Solicitor of the Treasury.

SEC. 381. In the prosecution of any suit for money due the Post-Office Department, the United States attorney conducting the same shall obey the directions which may be given him by the Department of Justice.

SEC. 382. When proceedings at law for money due the Post-Office Department are fruitless, the Department of Justice may direct the institution of a suit in chancery, in any United States district or circuit court, to set aside fraudulent conveyances or trusts, or attach debts due the defendant, or obtain any other proper exercise of the powers of equity to have satisfaction of any judgment against such defendant.

SEC. 383. The Attorney-General shall from time to time cause to be edited, and printed at the Government Printing-Office, an edition of one thousand copies of such of the opinions of the law-officers herein authorized to be given as he may deem valuable for preservation in volumes, which shall be, as to size, quality of paper, printing, and binding, of uniform style and appearance, as nearly as practicable, with volume eight of such opinions, published, by Robert Farnham, in the year eighteen hundred and sixty-eight. Each volume shall contain proper head-notes, a complete and full index, and such foot-notes as the Attorney-General may approve. Such volumes shall be distributed in such manner as the Attorney-General may from time to time prescribe.

SEC. 384. It shall be the duty of the Attorney-General to make to Congress, at the commencement of each regular session, a report of the business of the Department of Justice for the last preceding fiscal year, and of any other matters appertaining thereto that he may deem proper,

including a statement of the several appropriations now or which may hereafter be placed under its control, the amount appropriated, and a detailed statement of the amounts used for defraying the expenses of the United States courts in each judicial district; also the statistics of crime under the laws of the United States, and a statement of the number of causes, civil and criminal, pending during the preceding year in each of the several courts of the United States. [See §§ 195, 196.]

3 March, 1873, c. 238, s. 1, v. 17, p. 578.

SEC. 385. The Attorney-General shall make an annual report to Congress of the names of all persons employed or retained as attorneys or counselors at law to assist any district attorneys in the performance of their duties, stating where and upon what business each was employed, and the compensation paid to each. [See §§ 195, 196.]

Report of additional attorneys and counsel employed.

10 April, 1869, c. 25, v. 16, p. 46.

Distribution of statutes and reports to judges.

SEC. 386. The Department of Justice shall be charged with the distribution to the various judges and courts of the statutes, reports, and other judicial documents provided for by law.

3 March, 1873, c. 238, s. 2, v. 17, p. 578.

SEC. 387. A register of the statutes of the United States and reports of the Supreme Court shall be kept, under the authority of the head of the Department of Justice, showing the quantity of each kind received by him from the Secretary of the Interior; and it shall be his duty to cause to be entered in such register, and at the proper time, when, where, and to whom the same, or any part of them, have been distributed and delivered, and to report the same to Congress in his annual report.

Register of statutes and reports distributed.

3 March, 1873, c. 238, s. 3, v. 17, p. 578.

TITLE IX.

THE POST-OFFICE DEPARTMENT.

| Sec. | Sec. |
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| 388. Establishment of the Post-Office Department. | 404. Copies of contracts for carrying mail. |
| 389. Assistant Postmasters-General. | 405. Orders and regulations affecting accounts. |
| 390. Assistant Attorney-General for Post-Office Department. | 406. Warrant of Postmaster-General, on quarterly statement of Auditor. |
| 391. Oath of office. | 407. Postal revenues and collections to be paid into the Treasury. |
| 392. Oath, before whom taken. | 408. Deposits, how brought into the Treasury. |
| 393. Clerks and employés. | 409. Investigating and remitting fines, penalties, and forfeitures. |
| 394. Superintendent of free delivery. | 410. Discharge of judgment debtors from imprisonment. |
| 395. Seal. | 411. Subsequent execution on same judgment. |
| 396. Duties of Postmaster-General. | 412. Restriction upon employés being interested in contracts. |
| 397. Property in charge of the Department. | 413. Reports of Postmaster-General. |
| 398. Postal arrangements with foreign countries. | 414. Copy of estimates to be furnished to Secretary of Treasury. |
| 399. Publication of postal conventions. | |
| 400. Blank-agency at Washington. | |
| 401. Foreign dead-letters. | |
| 402. Date of orders, entries, contracts, &c., to be indorsed. | |
| 403. Form of bonds and contracts. | |

Establishment of the Post-Office Department.

8 May, 1794, c. 23, s. 3, v. 1, p. 357.
8 June, 1872, c. 335, ss. 1, 2, v. 17, p. 283.

Assistant Postmasters-General.

8 June, 1872, c. 335, s. 2, v. 17, p. 284.
3 March, 1873, c. 226, s. 3, v. 17, p. 508.

Assistant Attorney-General for Post-Office Department.

8 June, 1872, c.

Oath of office.

8 June, 1872, c. 335, s. 15, v. 17, p. 287.

Oath, before whom taken.

8 June, 1872, c. 335, s. 15, v. 17, p. 287.

SEC. 388. There shall be at the seat of Government an Executive Department to be known as the Post-Office Department, and a Postmaster-General, who shall be the head thereof, and who shall be appointed by the President, by and with the advice and consent of the Senate, and who may be removed in the same manner; and the term of the Postmaster-General shall be for and during the term of the President by whom he is appointed, and for one month thereafter, unless sooner removed.

SEC. 389. There shall be in the Post-Office Department three Assistant Postmasters-General, who shall be appointed by the President, by and with the advice and consent of the Senate, and who may be removed in the same manner, and who shall be entitled to a salary of four thousand dollars a year each. [See § 177.]

SEC. 390. There shall be employed in the Post-Office Department one Assistant Attorney-General, who shall be appointed by the Postmaster-General, and shall be entitled to a salary of four thousand dollars a year.

SEC. 391. Before entering upon the duties of his office, and before he shall receive any salary, the Postmaster-General and each of the persons employed in the postal service shall respectively take and subscribe, before some magistrate or other competent officer, the following oath: "I, A. B., do solemnly swear (or affirm) that I will faithfully perform all the duties required of me, and abstain from everything forbidden by the laws in relation to the establishment of post-offices and post-roads within the United States; and that I will honestly and truly account for and pay over any money belonging to the said United States which may come into my possession or control: So help me, God."

SEC. 392. Any officer, civil or military, holding a commission under the United States, is authorized to administer and certify the oath prescribed by the preceding section.

SEC. 393. There shall be in the Post-Office Department :

One chief clerk, at a salary of two thousand two hundred dollars a year. Clerks and employees.
8 June, 1872, c. 335, ss. 3, 4, v. 17, p. 284.

One superintendent of the Post-Office building and disbursing clerk, at a salary of two thousand three hundred dollars a year. 3 March, 1873, c. 226, s. 3, v. 17, p. 508.

One topographer, at a salary of two thousand five hundred dollars a year. [See §§ 169, 173, 174, 176.]

One stenographer, at a salary of one thousand eight hundred dollars a year.

One messenger to the Postmaster-General, at a salary of nine hundred dollars a year.

One captain of the watch, at a salary of one thousand dollars a year.

One engineer, at a salary of one thousand six hundred dollars a year.

One assistant engineer, at a salary of one thousand dollars a year.

One carpenter, at a salary of one thousand two hundred and fifty-two dollars a year.

One assistant carpenter, at a salary of one thousand dollars a year.

One fireman and blacksmith, at a salary of nine hundred dollars a year.

Two firemen, at a salary of seven hundred and twenty dollars a year each.

Three female laborers, at a salary of four hundred and eighty dollars a year each.

In the office of the money-order system :

One superintendent, at a salary of four thousand dollars a year.

One chief clerk, at a salary of two thousand dollars a year.

In the office of foreign mails :

One superintendent, at a salary of four thousand dollars a year.

One chief clerk, at a salary of two thousand dollars a year.

In the dead-letter office :

One chief of division, at a salary of two thousand five hundred dollars a year.

In the office of mail-depredations :

One chief of division, at a salary of two thousand five hundred dollars a year.

In the office of the blank-agency :

One superintendent, at a salary of one thousand eight hundred dollars a year.

One assistant superintendent, at a salary of one thousand six hundred dollars a year.

Four assistants, at a salary of one thousand two hundred dollars a year each.

In the office of each of the Assistant Postmasters-General :

One chief clerk, at a salary of two thousand dollars a year.

SEC. 394. The Postmaster-General may designate one of the present fourth-class clerks to act as superintendent of free delivery in the Post-Office Department, at an annual salary of two thousand five hundred dollars : *Provided*, That the salary hereby fixed shall terminate at the end of the fiscal year ending June thirtieth, eighteen hundred and seventy-four. Superintendent of free delivery.
3 March, 1873, c. 231, s. 1, v. 17, p. 557.

SEC. 395. The Postmaster-General shall keep the seal heretofore adopted for his Department, which shall be affixed to all commissions of postmasters and others, and used to authenticate all transcripts and copies which may be required from his Department. Seal.
8 June, 1872, c. 335, s. 5, v. 17, p. 285.

SEC. 396. It shall be the duty of the Postmaster-General :

First. To establish and discontinue post-offices.

Second. To instruct all persons in the postal service with reference to their duties. Duties of Postmaster-General.
8 June, 1872, c. 335, s. 6, v. 17, p. 285.

Third. To decide on the forms of all official papers.

Fourth. To prescribe the manner of keeping and stating accounts.

Fifth. To enforce the prompt rendition of returns relative to accounts. Locke vs. U. S., 3 Mas., 446.

Sixth. To control, according to law, and subject to the settlement of the Sixth Auditor, all expenses incident to the service of the Department.

Seventh. To superintend the disposal of the moneys of the Department.

Eighth. To direct the manner in which balances shall be paid over; issue warrants to cover money into the Treasury; and to pay out the same.

Ninth. To superintend generally the business of the Department, and execute all laws relative to the postal service. [See §§ 3660-3665, 3668, 3669.]

Property in charge of the Department.

8 June, 1872, c. 335, s. 10, v. 17, p. 286.

SEC. 397. The Postmaster-General shall make out and keep, in proper books, full and complete inventories and accounts of all the property belonging to the United States in the buildings, rooms, offices, and grounds occupied by him and under his charge; and shall add thereto, from time to time, an account of such property as may be procured subsequently to the taking of the same, and also an account of the sale or disposal of any such property, and to report the same to Congress during the first week of each annual session. But this section shall not apply to the supplies of stationery and fuel.

Postal arrangements with foreign countries.

8 June, 1872, c. 335, s. 167, v. 17, p. 304.

SEC. 398. For the purpose of making better postal arrangements with foreign countries, or to counteract their adverse measures affecting our postal intercourse with them, the Postmaster-General, by and with the advice and consent of the President, may negotiate and conclude postal treaties or conventions, and may reduce or increase the rates of postage on mail-matter conveyed between the United States and foreign countries.

Publication of postal conventions.

8 June, 1872, c. 335, s. 20, v. 17, p. 287.

SEC. 399. The Postmaster-General shall transmit a copy of each postal convention concluded with foreign governments to the Secretary of State, who shall furnish a copy of the same to the Congressional Printer for publication; and the printed proof-sheets of all such conventions shall be revised at the Post-Office Department. [See § 210.]

Blank-agency at Washington.

8 June, 1872, c. 335, s. 30, v. 17, p. 289.

SEC. 400. The Postmaster-General may establish a blank-agency for the Post-Office Department, to be located at Washington, District of Columbia.

Foreign dead-letters.

8 June, 1872, c. 335, s. 197, v. 17, p. 308.

SEC. 401. The action of the Post-Office Department respecting foreign dead-letters shall be subject to conventional stipulations with the respective foreign administrations.

Date of orders, entries, contracts, &c., to be indorsed.

8 June, 1872, c. 335, s. 18, v. 17, p. 287.

SEC. 402. Every order, entry, or memorandum whatever, on which any action is to be based, allowance made, or money paid, and every contract, paper, or obligation made by or with the Post-Office Department, shall have its true date affixed to it; and every paper relating to contracts or allowances filed in the Department shall have the date when it was filed indorsed upon it.

Form of bonds and contracts.

8 June, 1872, c. 335, s. 13, v. 17, p. 287.

SEC. 403. All bonds taken and contracts entered into by the Post-Office Department shall be made to and with the United States of America.

Copies of contracts for carrying mail.

8 June, 1872, c. 335, s. 262, v. 17, p. 315.

SEC. 404. The Postmaster-General shall deliver to the Sixth Auditor, within sixty days after the making of any contract for carrying the mail, a duplicate copy thereof.

Orders and regulations affecting accounts.

8 June, 1872, c. 335, s. 29, v. 17, p. 289.

SEC. 405. All orders and regulations of the Postmaster-General which may originate a claim, or in any manner affect the accounts of the postal service, shall be certified to the Sixth Auditor.

Warrant of Postmaster-General, on quarterly statement of Auditor.

8 June, 1872, c. 335, s. 53, v. 17, p. 292.

SEC. 406. Upon the certified quarterly statement by the Sixth Auditor of the payments by postmasters on account of the postal service, the Postmaster-General shall issue his warrant to the Treasurer to carry the amount to the credit of the postal revenues and to the debit of the proper appropriations upon the books of the Auditor.

SEC. 407. The postal revenues and all debts due the Post-Office Department shall, when collected, be paid into the Treasury of the United States, under the direction of the Postmaster-General; and the Treasurer, assistant treasurer, or designated depository receiving such payment, shall give the depositor duplicate receipts therefor.

SEC. 408. All deposits on account of the postal service shall be brought into the Treasury by warrants of the Postmaster-General, countersigned by the Auditor; and no credit shall be allowed for any deposit until such warrant has been issued.

SEC. 409. In all cases of fine, penalty, forfeiture, or disability, or alleged liability for any sum of money by way of damages or otherwise, under any provision of law in relation to the officers, employés, operations, or business of the postal service, the Postmaster-General may prescribe such general rules and modes of proceeding as shall appear to be expedient, for the government of the Sixth Auditor, in ascertaining the fact in each case in which the Auditor shall certify to him that the interests of the Department probably require the exercise of his powers over fines, penalties, forfeitures, and liabilities; and upon the fact being ascertained, the Auditor may, with the written consent of the Postmaster-General, mitigate or remit such fine, penalty, or forfeiture, remove such disability, or compromise, release, or discharge such claim for such sum of money and damages, and on such terms as the Auditor shall deem just and expedient.

SEC. 410. The Postmaster General may discharge from imprisonment any person confined in jail on any judgment in a civil case, obtained in behalf of the Department, if it be made to appear that the defendant has no property of any description.

SEC. 411. The release provided for by the preceding section shall not bar a subsequent execution against the property of the defendant on the same judgment.

SEC. 412. No person employed in the Post-Office Department shall become interested in any contract for carrying the mail, or act as agent, with or without compensation, for any contractor or person offering to become a contractor, in any business before the Department; and any person so offending shall be immediately dismissed from office, and shall be liable to pay so much money as would have been realized from said contract, to be recovered in an action of debt, for the use of the Post-Office Department.

SEC. 413. The Postmaster-General shall make the following annual reports to Congress: [See §§ 195, 196.]

First. A report of all contracts for carrying the mail made within the preceding year, giving in each case the name of the contractor; the date and duration of the contract; the routes embraced therein, with the length of each; the time of arrival and departure at the ends of each route; the mode of transportation; and the price to be paid, together with a copy of the recorded abstracts of all proposals for carrying the mail, as provided by section three thousand nine hundred and forty-eight, Title "THE POSTAL SERVICE."

Second. A report of all land and water mails established or ordered within the preceding year, other than those let to contract at the annual letting, giving in each case the route or water-course on which the mail is established; the name of the person employed to transport it; the mode of transportation; the price to be paid; and the duration of the order or contract.

Third. A report of all allowances made to contractors within the preceding year above the sums originally stipulated in their respective contracts, and the reasons for the same, and of all orders made whereby additional expense is incurred on any route beyond the original contract

Postal revenues and collections to be paid into the Treasury.

8 June, 1872, c. 335, s. 54, v. 17, p. 292.

Deposits, how brought into the Treasury.

8 June, 1872, c. 335, s. 55, v. 17, p. 292.

Investigating and remitting fines, penalties, and forfeitures.

8 June, 1872, c. 335, s. 316, v. 17, p. 325.

Discharge of judgment debtors from imprisonment.

8 June, 1872, c. 335, s. 314, v. 17, p. 324.

Subsequent execution on same judgment.

8 June, 1872, c. 335, s. 314, v. 17, p. 324.

Restriction upon employés being interested in contracts.

8 June, 1872, c. 335, s. 12, v. 17, p. 286.

Reports of Postmaster-General.

8 June, 1872, c. 335, s. 5, v. 17, p. 285

price, giving in each case the route; the name of the contractor; the original service provided for by the contract; the original price; the additional service required; and the additional allowance therefor.

Fourth. A report of all curtailments of expenses effected within the preceding year, giving in each case the same particulars as in the preceding report.

Fifth. A report of the finances of the Department for the preceding year, showing the amount of balance due the Department at the beginning of the year; the amount of postage which accrued within the year; the amount of engagements and liabilities; and the amount actually paid during the year for carrying the mail, showing how much of the amount was for carrying the mail in preceding years.

Sixth. A report of the fines imposed on and the deductions from the pay of contractors, made during the preceding year, stating the name of the contractor; the nature of the delinquency; the route on which it occurred; when the fine was imposed; and whether the fine or deduction has been remitted; and for what reason.

Seventh. A copy of each contract for carrying the mail between the United States and foreign countries, with a statement of the amount of postage derived under the same, so far as the returns of the Department will enable it to be done.

Eighth. A report showing all contracts which have been made by the Department, other than for carrying the mail, giving the name of the contractor; the article or thing contracted for; the place where the article was to be delivered, or the thing performed; the amount paid therefor; and the date and duration of the contract.

Ninth. A report on the postal business and agencies in foreign countries.

Tenth. A report of the amount expended in the Department for the preceding fiscal year, including detailed statements of expenditures made from the contingent fund.

And the Postmaster-General shall cause all of such reports to be printed at the Public Printing Office, either together or separately, and in such numbers as may be required by the exigencies of the service or by law.

SEC. 414. The Postmaster-General shall furnish a copy of his annual estimates to the Secretary of the Treasury prior to the first of November in each year, which shall be reported to Congress by the latter in his regular printed estimates.

Copy of estimates to be furnished to Secretary of Treasury.

8 June, 1872, c. 335, s. 19, v. 17, p. 287.

TITLE X.

THE DEPARTMENT OF THE NAVY.

| Sec. | Sec. |
|--|---|
| 415. Establishment of the Department of the Navy. | 425. Chief of Bureau of Provisions and Clothing. |
| 416. Clerks and employés. | 426. Chief of Bureau of Medicine and Surgery. |
| 417. Procurement of naval stores and equipment of vessels. | 427. Use of engraved plates of Wilkes's Expedition. |
| 418. Custody of the books and records. | 428. Collection of enemies' flags. |
| 419. Establishment of Bureaus. | 429. Reports to Congress by Secretary of the Navy. |
| 420. Custody of books and records of Bureaus. | 430. Estimates for expenses. |
| 421. Appointment of chiefs of Bureaus. | 431. Hydrographic Office. |
| 422. Chiefs of Bureaus of Yards and Docks, Equipment and Recruiting, Navigation, and Ordnance. | 432. Maps, charts, &c. |
| 423. Chief of Bureau of Construction and Repair. | 433. Money received from sale of maps, charts, &c. |
| 424. Chief of Bureau of Steam Engineering. | 434. Naval Observatory. |
| | 435. Meridians. |
| | 436. Nautical Almanac. |

SEC. 415. There shall be at the seat of Government an Executive Department, to be known as the Department of the Navy, and a Secretary of the Navy, who shall be the head thereof.

Establishment of the Department of the Navy.

30 April, 1798, c. 35, s. 1, v. 1, p. 563.

SEC. 416. There shall be in the Department of the Navy:

Clerks and employés.

One chief clerk, at a salary of two thousand five hundred dollars a year, so long as there is no Assistant Secretary of the Navy, and at a salary of two thousand two hundred dollars a year when there is an Assistant Secretary of the Navy.

5 July, 1862, c. 134, v. 12, p. 510.
2 July, 1864, c. 219, s. 4, v. 13, p. 373.
23 July, 1866, c. 208, s. 8, v. 14, p. 207.
3 Mar., 1871, c. 113, s. 3, v. 16, p. 492.
3 Mar., 1873, c. 226, s. 1, v. 17, pp. 501, 502.

One disbursing clerk.

One superintendent of the Navy Department building, at a salary of two hundred and fifty dollars a year.

In the Bureau of Yards and Docks:

One civil engineer, at a salary of three thousand dollars a year.

One chief clerk, at a salary of one thousand eight hundred dollars a year.

One draughtsman, at a salary of one thousand eight hundred dollars a year.

[See §§ 169, 173, 174, 176.]

In the Bureau of Equipment and Recruiting:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Construction and Repair:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

One draughtsman, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Steam Engineering:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

One draughtsman, at a salary of one thousand eight hundred dollars a year.

One assistant draughtsman, at a salary of one thousand two hundred dollars a year.

In the Bureau of Navigation:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Ordnance:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

One draughtsman, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Provisions and Clothing:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

In the Bureau of Medicine and Surgery:

One chief clerk, at a salary of one thousand eight hundred dollars a year.

Procurement of naval stores and equipment of vessels.

30 April, 1798, c. 35, s. 1, v. 1, p. 553.

Custody of the books and records.

30 April, 1798, c. 35, s. 3, v. 1, p. 554.

Establishment of Bureaus.

31 Aug., 1842, c. 286, s. 2, v. 5, p. 579.

5 July, 1862, c. 134, ss. 1, 4, v. 12, pp. 510, 511.

Custody of books and records of Bureaus.

31 Aug., 1842, c. 286, s. 8, v. 5, p. 580.

5 July, 1862, c. 134, s. 4, v. 12, p. 511.

Appointment of chiefs of Bureaus.

5 July, 1862, c. 134, ss. 1, 2, v. 12, p. 510.

3 Mar., 1871, c. 117, s. 10, v. 16, p. 537.

Chiefs of Bureaus of Yards and Docks, Equipment and Recruiting, Navigation, and Ordnance.

Chief of Bureau of Construction and Repair.

5 July, 1862, c. 134, s. 1, v. 12, p. 510.

Chief of Bureau of Steam Engineering.

5 July, 1862, c. 134, s. 1, v. 12, p. 510.

Chief of Bureau of Provisions and Clothing.

5 July, 1862, c. 134, s. 1, v. 12, p. 510.

SEC. 417. The Secretary of the Navy shall execute such orders as he shall receive from the President relative to the procurement of naval stores and materials, and the construction, armament, equipment, and employment of vessels of war, as well as all other matters connected with the naval establishment. [See Title Public Contracts. Also §§ 3660-3667, 3669.]

SEC. 418. The Secretary of the Navy shall have the custody and charge of all the books, records, and other property now remaining in and appertaining to the Department of the Navy, or hereafter acquired by it.

SEC. 419. The business of the Department of the Navy shall be distributed in such manner as the Secretary of the Navy shall judge to be expedient and proper among the following Bureaus:

First. A Bureau of Yards and Docks.

Second. A Bureau of Equipment and Recruiting.

Third. A Bureau of Navigation.

Fourth. A Bureau of Ordnance.

Fifth. A Bureau of Construction and Repair.

Sixth. A Bureau of Steam Engineering.

Seventh. A Bureau of Provisions and Clothing.

Eighth. A Bureau of Medicine and Surgery.

SEC. 420. The several Bureaus shall retain the charge and custody of the books of records and accounts pertaining to their respective duties; and all of the duties of the Bureaus shall be performed under the authority of the Secretary of the Navy, and their orders shall be considered as emanating from him, and shall have full force and effect as such.

SEC. 421. The chiefs of the several Bureaus in the Department of the Navy shall be appointed by the President, by and with the advice and consent of the Senate, from the classes of officers mentioned in the next five sections respectively, or from officers having the relative rank of captain in the staff corps of the Navy, on the active list, and shall hold their offices for the term of four years.

SEC. 422. The chiefs of the Bureau of Yards and Docks, of the Bureau of Equipment and Recruiting, of the Bureau of Navigation, and of the Bureau of Ordnance, shall be appointed from the list of officers of the Navy, not below the grade of commander.

5 July, 1862, c. 134, s. 1, v. 12, p. 510.

SEC. 423. The chief of the Bureau of Construction and Repair shall be appointed from the list of officers of the Navy, not below the grade of commander, and shall be a skillful naval constructor.

SEC. 424. The chief of the Bureau of Steam Engineering shall be appointed from the chief engineers of the Navy, and shall be a skillful engineer.

SEC. 425. The chief of the Bureau of Provisions and Clothing shall be appointed from the list of paymasters of the Navy of not less than ten years' standing.

SEC. 426. The chief of the Bureau of Medicine and Surgery shall be appointed from the list of the surgeons of the Navy.

Chief of Bureau of Medicine and Surgery.

5 July, 1862, c. 134, s. 1, v. 12, p. 510.

SEC. 427. The Joint Committee on the Library shall grant to the Department of the Navy the use of such of the engraved plates of the United States Exploring Expedition under Captain Wilkes, in charge of the committee, as may be desired for the purpose of printing a supply of charts for the use of the Department.

Use of engraved plates of Wilkes's Expedition.

26 July, 1866, Res. No. 80, v. 14, p. 366.

SEC. 428. The Secretary of the Navy shall from time to time cause to be collected and transmitted to him at the seat of Government all flags, standards, and colors taken by the Navy from the enemies of the United States.

Collection of enemies' flags.

18 April, 1814, c. 78, s. 1, v. 3, p. 133.

SEC. 429. The Secretary of the Navy shall make annual reports to Congress upon the following subjects: [See §§ 195, 196.]

Reports to Congress by Secretary of the Navy.

First. A statement of the appropriations of the preceding fiscal year for the Department of the Navy, showing the amount appropriated under each specific head of appropriation, the amount expended under each head, and the balance which, on the thirtieth day of June preceding such report, remained unexpended. Such report shall be accompanied by estimates of the probable demands which may remain on each appropriation.

1 May, 1820, c. 52, s. 2, v. 3, p. 567.

3 March, 1843, c. 83, v. 5, p. 617.

27 July, 1866, c. 287, s. 3, v. 14, p. 305.

Second. A statement of all offers for contracts for supplies and services made during the preceding year, by classes, indicating such as have been accepted.

Third. A statement showing the amounts expended during the preceding fiscal year for wages of mechanics and laborers employed in building, repairing, or equipping vessels of the Navy, or in receiving and securing stores and materials for those purposes, and for the purchase of material and stores for the same purpose; and showing the cost or estimated value of the stores on hand, under this appropriation, in the navy-yards, at the commencement of the next preceding fiscal year; and the cost or estimated value of articles received and expended during the year; and the cost or estimated value of the articles belonging to this appropriation which may be on hand in the navy-yards at the close of the next preceding fiscal year.

Fourth. A statement of all acts done by him in making sale of any vessel or materials of the Navy; specifying all vessels and materials sold, the parties buying the same, and the amount realized therefrom, together with such other facts as may be necessary to a full understanding of his acts.

SEC. 430. All estimates for specific, general, and contingent expenses of the Department, and of the several Bureaus, shall be furnished to the Secretary of the Navy by the chiefs of the respective Bureaus.

Estimates for expenses.

[See § 3666.]

5 July, 1862, c. 134, s. 5, v. 12, p. 511.

SEC. 431. There shall be a Hydrographic Office attached to the Bureau of Navigation in the Navy Department, for the improvement of the means for navigating safely the vessels of the Navy and of the mercantile marine, by providing, under the authority of the Secretary of the Navy, accurate and cheap nautical charts, sailing directions, navigators, and manuals of instructions for the use of all vessels of the United States, and for the benefit and use of navigators generally.

Hydrographic Office.

21 June, 1866, c. 129, s. 1, v. 14, p. 69.

SEC. 432. The Secretary of the Navy is authorized to cause to be prepared, at the Hydrographic Office attached to the Bureau of Navigation in the Navy Department, maps, charts, and nautical books relating to and required in navigation, and to publish and furnish them to navigators at the cost of printing and paper, and to purchase the plates and copyrights of such existing maps, charts, navigators, sailing directions and instructions, as he may consider necessary, and when he may deem it expedient to do so, and under such regulations and instructions as he may prescribe.

Maps, charts, &c.

21 June, 1866, c. 129, s. 2, v. 14, p. 69.

Money received
from sale of maps,
charts, &c.

21 June, 1866, c.
129, s. 3, v. 14, p. 69.

Naval Observa-
tory.

3 March, 1865, c.
114, v. 13, p. 533.

Meridians.

28 Sept., 1850, c.
80, s. 1, v. 9, p. 515.

Nautical Alma-
nac.

3 March, 1857, c.
111, s. 3, v. 11, p.
246.

SEC. 433. All moneys which may be received from the sale of maps, charts, and nautical books shall be returned by the Secretary of the Navy into the Treasury of the United States, to be used in the further preparation and publication of maps, charts, navigators, sailing directions, and instructions for the use of seamen, to be sold at the rates as set forth in the preceding section.

SEC. 434. The officer of the Navy employed as superintendent of the Naval Observatory at Washington shall be entitled to receive the shore-duty pay of his grade, and no other.

SEC. 435. The meridian of the Observatory at Washington shall be adopted and used as the American meridian for all astronomical purposes, and the meridian of Greenwich shall be adopted for all nautical purposes.

SEC. 436. The Secretary of the Navy may place the supervision of the Nautical Almanac in charge of any officer or professor of mathematics in the Navy who is competent for that service. Such officer or professor, when so employed, shall be entitled to receive the shore-duty pay of his grade, and no other.

TITLE XI.

THE DEPARTMENT OF THE INTERIOR.

CHAPTER ONE.

THE DEPARTMENT.

| | |
|---|---------------------------|
| Sec. | Sec. |
| 437. Establishment of Department of the Interior. | 439. His duties. |
| 438. Assistant Secretary of the Interior. | 440. Clerks and employés. |

SEC. 437. There shall be at the seat of Government an Executive Department to be known as the Department of the Interior, and a Secretary of the Interior, who shall be the head thereof.

3 March, 1849, c. 108, s. 1, v. 9, p. 395.

SEC. 438. There shall be in the Department of the Interior an Assistant Secretary of the Interior, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of six thousand dollars a year, to be paid monthly. [See § 177.]

3 March, 1873, c. 226, s. 1, v. 17, p. 486.

SEC. 439. The Assistant Secretary of the Interior shall perform such duties in the Department of the Interior as shall be prescribed by the Secretary, or may be required by law.

SEC. 440. There shall also be in the Department of the Interior :

One chief clerk, at a salary of two thousand two hundred dollars a year.

A superintendent of the building, to be designated from the fourth-class clerks, who shall be paid two hundred dollars a year additional.

Three disbursing clerks.

The Secretary may, if he deem it necessary and proper, pay two hundred dollars a year additional to any four clerks of the fourth class.

Three messengers, at a salary of nine hundred dollars a year each.

One engineer, at a salary of one thousand four hundred dollars a year.

One captain of the watch, at one thousand two hundred dollars a year.

Twenty-eight watchmen for the general service of the Department building and all the bureaus therein, to be allotted to day or night service, as the Secretary may direct.

Public Documents: One superintendent, at a salary of two thousand five hundred dollars a year.

In the General Land Office:

One chief clerk, at a salary of two thousand dollars a year.

One principal clerk, on account of military bounty-lands, at a salary of two thousand dollars a year. [See §§ 169, 173, 174, 176.]

One draughtsman, at a salary of one thousand six hundred dollars a year.

One assistant draughtsman, at a salary of one thousand four hundred dollars a year.

Two packers, at a salary of seven hundred and twenty dollars a year each.

In the office of the Commissioner of Indian Affairs:

One chief clerk, at a salary of two thousand dollars a year.

In the office of the Commissioner of Pensions:

One chief clerk, at a salary of two thousand dollars a year.

Establishment of Department of the Interior.

Assistant Secretary of the Interior.

14 Mar., 1862, c. 41, s. 6, v. 12, p. 369.

3 March, 1873, c. 226, s. 1, v. 17, p. 486.

His duties.

14 Mar., 1862, c. 41, s. 6, v. 12, p. 369.

Clerks and employés.

3 March, 1849, c. 108, v. 9, pp. 395, 396.

25 April, 1812, c. 68, v. 2, p. 716.

4 July, 1836, c. 352, v. 5, pp. 107, 111.

3 March, 1853, c. 97, v. 10, pp. 189, 209.

2 March, 1867, c. 158, v. 14, p. 434.

3 March, 1873, c. 226, s. 1, v. 17, pp. 502, 503, 504.

8 July, 1870, c. 230, v. 16, p. 198.

One engineer, at one thousand four hundred dollars a year.

One assistant engineer, at one thousand dollars a year.

In the Patent-Office:

One chief clerk, at a salary of two thousand five hundred dollars a year.

One examiner in charge of interferences, at a salary of two thousand five hundred dollars a year.

One examiner in charge of trade-marks, at a salary of two thousand five hundred dollars a year.

Twenty-four principal examiners, at a salary of two thousand five hundred dollars a year each.

Twenty-four first assistant examiners, at a salary of one thousand eight hundred dollars a year each.

Twenty-four second assistant examiners, (two of whom may be women,) at a salary of one thousand six hundred dollars a year each.

Twenty-four third assistant examiners, at a salary of one thousand four hundred dollars a year each.

One librarian, at a salary of two thousand dollars a year.

One machinist, at a salary of one thousand six hundred dollars a year.

Three skilled draughtsmen, at a salary of one thousand two hundred dollars a year each.

Thirty-five copyists of drawings, at a salary of one thousand dollars a year each.

One messenger and purchasing clerk, at a salary of one thousand dollars a year.

One skilled laborer, at a salary of one thousand two hundred dollars a year.

Eight attendants in the model-room, at a salary of one thousand dollars a year each.

Eight attendants in the model-room, at a salary of nine hundred dollars a year each.

In the Office of Education:

One chief clerk, at a salary of two thousand dollars a year.

One statistician, at a salary of eighteen hundred dollars a year.

One translator, at a salary of one thousand six hundred dollars a year.

CHAPTER TWO.

THE SECRETARY OF THE INTERIOR.

Sec.

441. Duties of Secretary.

442. Powers of Secretary.

443. Supervision of census.

Sec.

444. Expenditures of the Department.

445. Annual report to Congress.

Duties of Secretary.

3 March, 1849, c. 108, ss. 3, 5, 6, 7, 8, 9, v. 9, p. 395.

8 July, 1870, c. 230, s. 1, v. 16, p. 198.

5 Feb., 1859, c. 22, s. 1, v. 11, p. 379.

20 July, 1868, c. 176, s. 1, v. 15, pp. 92, 106.

Maguire vs. Tyler, 1 Bl., 195.

Powers of Secretary.

1 March, 1873, c. 217, v. 17, p. 484.

SEC. 441. The Secretary of the Interior is charged with the supervision of public business relating to the following subjects:

First. The census; when directed by law.

Second. The public lands, including mines.

Third. The Indians.

Fourth. Pensions and bounty-lands.

Fifth. Patents for inventions.

Sixth. The custody and distribution of publications.

Seventh. Education.

Eighth. Government Hospital for the Insane.

Ninth. Columbia Asylum for the Deaf and Dumb.

SEC. 442. The Secretary of the Interior shall hereafter exercise all the powers and perform all the duties in relation to the Territories of the United States that were, prior to March first, eighteen hundred and seventy-three, by law or by custom exercised and performed by the Secretary of State.

SEC. 443. The Secretary of the Interior shall exercise supervisory and appellate powers in relation to all acts of marshals and others in taking and returning the census of the United States.

Supervision of census.

3 March, 1849, c. 108, s. 7, v. 9, p. 395.
Expenditures of the Department.

3 March, 1849, c. 108, s. 2, v. 9, p. 395.

SEC. 444. The Secretary of the Interior shall sign all requisitions for the advance or payment of money, out of the Treasury, upon estimates or accounts for expenditures upon business assigned by law to his Department; subject, however, to adjustment and control by the proper accounting officers of the Department of the Treasury. [See §§ 3660-3665, 3669.]

SEC. 445. The Secretary of the Interior shall make annual reports to Congress as follows: [See §§ 195, 196.]

Annual reports to Congress.

First. A report showing the nature, character, and amount of all claims presented to him during the preceding year under laws or treaty stipulations for compensation for depredations committed by Indians, whether allowed by him or not, and the evidence upon which his action was based.

29 May, 1872, c. 233, s. 7, v. 17, p. 190.

5 Feb., 1859, c. 22, s. 3, v. 11, p. 380.

Second. A report showing the quantity and kind of the copies of public journals, books, and documents which have been received by him for distribution on behalf of the Government, and showing, also, the time when, the place where, and the person to whom, any of the same have been distributed and delivered during the preceding year.

CHAPTER THREE.

THE GENERAL LAND-OFFICE.

| Sec. | Sec. |
|--|--|
| 446. Commissioner of the General Land-Office. | 453. Duties of Commissioner. |
| 447. Recorder of General Land-Office. | 454. Custody of seal, books, records, &c. |
| 448. Principal clerks on private and public land-claims. | 455. Plats of lands surveyed. |
| 449. Principal clerk of the surveys. | 456. Returns and accounts relative to lands. |
| 450. Secretary to the President to sign land-patents. | 457. Warrants for military lands. |
| 451. Assistant secretary to sign land-patents. | 458. Issue of patents for lands. |
| 452. Restriction upon officers, clerks, and employes. | 459. Duties of Recorder. |
| | 460. Copies of papers filed in the Department. |
| | 461. Fees for exemplifications of patents, &c. |

SEC. 446. There shall be in the Department of the Interior a Commissioner of the General Land-Office, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of four thousand dollars a year.

Commissioner of the General Land-Office.

68, s. 11, v. 2, p. 717. 4 July, 1836, c. 352, s. 1, v. 5, p. 107. 3 March, 1873, c. 226, s. 3, v. 17, p. 503.

SEC. 447. There shall be in the General Land-Office an officer called the Recorder of the General Land-Office, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of two thousand dollars a year.

25 April, 1812, c. 352, s. 3, v. 17, p. 503.

Recorder of General Land-Office.

4 July, 1836, c. 352, s. 4, v. 5, p. 111.

3 March, 1837, c. 33, s. 1, v. 5, pp. 163, 164.

SEC. 448. There shall be in the General Land-Office a Principal Clerk of the Public Lands, and a Principal Clerk on Private Land-Claims, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall each be entitled to a salary of one thousand eight hundred dollars a year; and they shall perform such duties as may be assigned to them by the Commissioner of the General Land-Office. And the chief-clerk of the General Land-Office shall perform the duties of the Commissioner of the General Land-Office in case of a vacancy in said office, or of the absence or sickness of the Commissioner.

Principal clerks on private and public land-claims.

4 July, 1836, c. 352, s. 2, v. 5, p. 109.

Principal clerk
of the surveys.

4 July, 1836, c.
352, s. 3, v. 5, p. 110.

Secretary to the
President to sign
land-patents.

4 July, 1836, c.
352, s. 6, v. 5, p. 111.

Assistant secre-
tary to sign land-
patents.

26 Jan., 1848, c.
4, v. 9, p. 209.

Restriction upon
officers, clerks, and
employés.

25 April, 1812, c.
68, s. 10, v. 2, p. 717.

Duties of Com-
missioner.

25 April, 1812, c.
68, s. 1, v. 2, p. 716.

4 July, 1836, c.
352, s. 1, v. 5, p. 107.

Barnard's Heirs *vs.* Ashley's Heirs et al., 18 How., 43. Bell *vs.* Hearne et al., 19 How., 252. Maguire *vs.* Tyler, 1 Black, 195.

Custody of seal,
books, records, &c.

25 April, 1812, c. 68,
ss. 4, 5, v. 2, p. 717.

Plats of lands
surveyed.

25 April, 1812, c.
68, s. 6, v. 2, p. 717.

Returns and ac-
counts relative to
lands.

25 April, 1812, c.
68, s. 9, v. 2, p. 717.

Warrants for mil-
itary lands.

25 April, 1812, c.
68, s. 7, v. 2, p. 717.

Issue of patents
for lands.

25 April, 1812, c.
68, s. 8, v. 2, p. 717.

3 March, 1841, c. 26, s. 2, v. 5, p. 417.

SEC. 449. There shall be in the General Land-Office a Principal Clerk of the Surveys, who shall be appointed by the President, by and with the advice and consent of the Senate; and shall be entitled to a salary of one thousand eight hundred dollars a year. He shall direct and superintend the making of surveys, the returns thereof, and all matters relating thereto, which are done through the officers of the Surveyor-General, and perform such other duties as may be assigned to him by the Commissioner of the General Land-Office.

SEC. 450. The President is authorized to appoint, from time to time, by and with the advice and consent of the Senate, a secretary, at a salary of one thousand five hundred dollars a year, whose duty it shall be, under the direction of the President, to sign in his name, and for him, all patents for land sold or granted under the authority of the United States.

SEC. 451. If at any time the number of patents for lands sold or granted under the authority of the United States, is such that they cannot be signed within a reasonable time by the secretary appointed under the preceding section, the President may appoint an assistant secretary to sign the same, but such assistant shall be employed by the express direction of the President, and only for such time as may be necessary to bring up the arrears of patents which may be ready for signature.

SEC. 452. The officers, clerks, and employés in the General Land-Office are prohibited from directly or indirectly purchasing or becoming interested in the purchase of any of the public land; and any person who violates this section shall forthwith be removed from his office.

4 July, 1836, c. 352, s. 14, v. 5, p. 112. [See §§ 243, 244.]

SEC. 453. The Commissioner of the General Land-Office shall perform, under the direction of the Secretary of the Interior, all executive duties appertaining to the surveying and sale of the public lands of the United States, or in anywise respecting such public lands, and, also, such as relate to private claims of land, and the issuing of patents for all agents^(a) of land under the authority of the Government.

SEC. 454. The Commissioner of the General Land-Office shall retain the charge of the seal heretofore adopted for the office, which may continue to be used, and of the records, books, papers, and other property appertaining to the Office.

SEC. 455. The Commissioner of the General Land-Office shall, when required by the President or either House of Congress, make a plat of any land surveyed under the authority of the United States, and give such information respecting the public lands and concerning the business of his Office as shall be directed.

SEC. 456. All returns relative to the public lands shall be made to the Commissioner of the General Land-Office; and he shall have power to audit and settle all public accounts relative to the public lands; and upon the settlement of any such account, he shall certify the balance, and transmit the account with the vouchers and certificate to the First Comptroller of the Treasury, for his examination and decision thereon.

SEC. 457. In all cases in which land has heretofore or shall hereafter be given by the United States for military services, warrants shall be granted to the parties entitled to such land by the Secretary of the Interior; and such warrants shall be recorded in the General Land-Office, in books to be kept for the purpose, and shall be located as is or may be provided by law; and patents shall afterwards be issued accordingly.

SEC. 458. All patents issuing from the General Land-Office shall be issued in the name of the United States, and be signed by the President, and countersigned by the Recorder of the General Land-Office; and shall be recorded in the Office, in books to be kept for the purpose.

^(a) Sec. 453, "agents" should be "grants."

SEC. 459. It shall be the duty of the Recorder of the General Land-Office, in pursuance of instructions from the Commissioner, to certify and affix the seal of the Office to all patents for public lands, and to attend to the correct engrossing, recording, and transmission of such patents. He shall prepare alphabetical indexes of the names of patentees, and of persons entitled to patents; and he shall prepare such copies and exemplifications of matters on file or recorded in the General Land-Office as the Commissioner may from time to time direct. Whenever the office of Recorder shall become vacant, or in case of his sickness or absence, the duties of his office shall be performed ad interim by the principal clerk on private land-claims.

Duties of Recorder.

25 April, 1812, c. 68, s. 8, v. 2, p. 717.
4 July, 1836, c. 352, s. 4, v. 5, p. 111.

SEC. 460. Whenever any person claiming to be interested in or entitled to land, under any grant or patent from the United States, applies to the Department of the Interior for copies of papers filed and remaining therein, in anywise affecting the title to such land, it shall be the duty of the Secretary of the Interior to cause such copies to be made out and authenticated, under his hand and the seal of the General Land-Office, for the person so applying.

Copies of papers filed in the Department.

23 Jan., 1823, c. 6, v. 3, p. 721.
4 July, 1836, c. 352, s. 7, v. 5, p. 111.

SEC. 461. All exemplifications of patents, or papers on file or of record in the General Land-Office, which may be required by parties interested, shall be furnished by the Commissioner upon the payment by such parties at the rate of fifteen cents per hundred words, and two dollars for copies of township plats or diagrams, with an additional sum of one dollar for the Commissioner's certificate of verification with the General Land-Office seal; and one of the employes of the Office shall be designated by the Commissioner as the receiving clerk, and the amounts so received shall, under the direction of the Commissioner, be paid into the Treasury; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government, nor for such unverified copies as the Commissioner in his discretion may deem proper to furnish.

Fees for exemplifications of patents, &c.

2 July, 1864, c. 224, v. 13, p. 375.

CHAPTER FOUR.

THE COMMISSIONER OF INDIAN AFFAIRS.

Sec.
462. Commissioner of Indian Affairs.
463. Duties of Commissioner.
464. Accounts for claims and disbursements.
465. Regulations relating to Indian Affairs.

Sec.
466. Presentation and payment of claims for Indian depredations.
467. Sale of arms, &c., to Indians prohibited.
468. Commissioner to report annually to Congress.
469. Reports of Indian supplies.

SEC. 462. There shall be in the Department of the Interior a Commissioner of Indian Affairs, who shall be appointed by the President, by and with the advice and consent of the Senate, and who shall be entitled to a salary of three thousand dollars a year.

Commissioner of Indian Affairs.

9 July, 1832, c. 174, s. 1, v. 4, p. 564.

SEC. 463. The Commissioner of Indian Affairs shall, under the direction of the Secretary of the Interior, and agreeably to such regulations as the President may prescribe, have the management of all Indian affairs, and of all matters arising out of Indian relations.

Duties of Commissioner.

9 July, 1832, c. 174, s. 1, v. 4, p. 564.
27 July, 1868, c. 259, s. 1, v. 15, p. 228.

SEC. 464. All accounts and vouchers for claims and disbursements connected with Indian affairs shall be transmitted to the Commissioner for administrative examination, and by him passed to the proper accounting officer of the Department of the Treasury for settlement.

Accounts for claims and disbursements.

9 July, 1832, c. 174, s. 3, v. 4, p. 564.

Regulations relating to Indian affairs.

30 June, 1834, c. 162, s. 17, v. 4, p. 738.

Presentation and payment of claims for Indian depredations.

29 May, 1872, c. 233, s. 7, v. 17, p. 190.

Sale of arms, &c., to Indians, prohibited.

14 Feb., 1873, c. 138, s. 1, v. 17, p. 457.

Commissioner to report annually to Congress.

2 March, 1867, c. 173, s. 3, v. 14, p. 515.

Reports of Indian supplies.

14 Feb., 1873, c. 138, s. 7, v. 17, p. 463.

SEC. 465. The President may prescribe such regulations as he may think fit for carrying into effect the various provisions of any act relating to Indian affairs, and for the settlement of the accounts of Indian affairs.

SEC. 466. The Secretary of the Interior shall prepare and cause to be published such regulations as he may deem proper, prescribing the manner of presenting claims arising under laws or treaty stipulations, for compensation for depredations committed by the Indians, and the degree and character of the evidence necessary to support such claims; he shall carefully investigate all such claims as may be presented, subject to the regulations prepared by him; and no payment on account of any such claims shall be made without a specific appropriation therefor by Congress.

SEC. 467. The Secretary of the Interior shall adopt such rules as may be necessary to prohibit the sale of arms or ammunition within any district or country occupied by uncivilized or hostile Indians, and shall enforce the same.

SEC. 468. The Commissioner of Indian Affairs shall annually report, separately, to Congress, a tabular statement showing distinctly the separate objects of expenditure under his supervision, and how much disbursed for each object, describing the articles and the quantity of each, and giving the name of each person to whom any part was paid, and how much was paid to him, and for what objects, so far as they relate to the disbursement of the funds appropriated for the incidental, contingent, or miscellaneous expenses of the Indian service, during the fiscal year next preceding each report. [See §§ 195, 196.]

SEC. 469. The Commissioner of Indian Affairs shall embody in his annual report the reports of all agents or commissioners issuing food, clothing, or supplies of any kind to Indians, stating the number of Indians present and actually receiving the same.

CHAPTER FIVE.

THE COMMISSIONER OF PENSIONS.

Sec.

470. Commissioner of Pensions.
471. Duties of the Commissioner.
472. Deputy Commissioner.

Sec.

473. Person to sign bounty-land warrants.
474. Investigation of attempts at fraud.

Commissioner of Pensions.

2 March, 1833, c. 54, s. 1, v. 4, pp. 619, 622.
3 March, 1835, c. 46,

SEC. 470. There shall be in the Department of the Interior a Commissioner of Pensions, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to receive a salary of four thousand dollars a year.

ss. 1, 2, 3, v. 4, p. 779. 3 March, 1837, c. 43, v. 5, p. 187. 4 March, 1840, c. 4, ss. 1, 2, 3, v. 5, p. 369. 4 March, 1840, c. 4, s. 4, v. 5, p. 370. 20 Jan., 1843, c. 4, v. 5, p. 597. 14 Jan., 1846, c. 4, s. 1, v. 9, p. 3. 19 Jan., 1849, c. 20, s. 1, v. 9, p. 341. 3 March, 1873, c. 226, s. 3, v. 17, p. 508.

Duties of the Commissioner.

2 March, 1833, c. 54, s. 1, v. 4, pp. 619, 622. 3 March, 1835,

SEC. 471. The Commissioner of Pensions shall perform, under the direction of the Secretary of the Interior, such duties in the execution of the various pension and bounty-land laws as may be prescribed by the President.

c. 46, s. 2, v. 4, p. 779. 3 March, 1837, c. 43, s. 2, v. 5, p. 187. 4 March, 1840, c. 4, s. 2, v. 5, p. 369. 4 March, 1840, c. 4, s. 4, v. 5, p. 370. 20 Jan., 1843, c. 4, s. 2, v. 5, p. 597.

Deputy Commissioner.

3 March, 1873, c. 234, s. 29, v. 17, p. 575.

SEC. 472. There shall be in the Department of the Interior a Deputy Commissioner of Pensions, who shall be appointed by the President, by and with the advice and consent of the Senate, who shall be charged with such duties in the Pension Bureau as may be prescribed by the Secretary of the Interior, or may be required by law, and in case of

death, resignation, absence, or sickness of the Commissioner, his duties shall devolve upon the Deputy Commissioner, until a successor is appointed or such absence or sickness ceases. The Deputy Commissioner shall be entitled to receive an annual salary of twenty-five hundred dollars.

SEC. 473. The Commissioner of Pensions is authorized, with the approval of the Secretary of the Interior, to appoint a person to sign the name of the Commissioner to certificates or warrants for bounty-lands; and certificates or warrants so signed shall be as valid as if signed by the Commissioner.

Person to sign bounty-land warrants.

20 Feb., 1856, c. 1, v. 11, p. 1.

SEC. 474. The Commissioner of Pensions is authorized to detail, from time to time, any of the clerks in his Office to investigate any suspected attempts to defraud the United States, in or affecting the administration of any law relative to pensions, and to aid in prosecuting any person implicated, with such additional compensation as is customary in cases of special service. Any person so detailed shall have the power to administer oaths in the course of any such investigation.

Investigation of attempts at fraud.

3 March, 1873, c. 234, s. 30, v. 17, p. 575.

CHAPTER SIX.

THE PATENT-OFFICE.

| Sec. | Sec. |
|--|---|
| 475. Establishment of the Patent-Office. | 487. Patent-agents may be refused recognition. |
| 476. Officers and employes. | 488. Printing of papers filed. |
| 477. Salaries. | 489. Printing copies of claims, laws, decisions, &c. |
| 478. Seal. | 490. Printing specifications and drawings. |
| 479. Bonds of Commissioner and chief clerk. | 491. Additional specifications and drawings. |
| 480. Restrictions upon officers and employes. | 492. Lithographing and engraving. |
| 481. Duties of Commissioner. | 493. Price of copies of specifications and drawings. |
| 482. Duties of examiners-in-chief. | 494. Annual report of the Commissioner. |
| 483. Establishment of regulations. | 495. Custody of collections of exploring expeditions. |
| 484. Arrangement and exhibition of models, &c. | 496. Disbursements for Patent-Office. |
| 485. Disposals of models on rejected applications. | |
| 486. Library. | |

SEC. 475. There shall be in the Department of the Interior an office known as the Patent-Office, where all records, books, models, drawings, specifications, and other papers and things pertaining to patents shall be safely kept and preserved.

Establishment of the Patent-Office.

8 July, 1870, c. 230, s. 1, v. 16, p. 198.

SEC. 476. There shall be in the Patent-Office a Commissioner of Patents, one Assistant Commissioner, and three examiners-in-chief, who shall be appointed by the President, by and with the advice and consent of the Senate. All other officers, clerks, and employes authorized by law for the Office shall be appointed by the Secretary of the Interior, upon the nomination of the Commissioner of Patents. [See § 169.]

Officers and employes.

8 July, 1870, c. 230, s. 2, v. 16, p. 198.

SEC. 477. The salaries of the officers mentioned in the preceding section shall be as follows:

Salaries.

The Commissioner of Patents, four thousand five hundred dollars a year.

8 July, 1870, c. 230, s. 4, v. 16, p. 199.

The Assistant Commissioner of Patents, three thousand dollars a year.

Three examiners-in-chief, three thousand dollars a year each.

SEC. 478. The seal heretofore provided for the Patent-Office shall be the seal of the Office, with which letters-patent and papers issued from the Office shall be authenticated.

Seal.

8 July, 1870, c. 230, s. 12, v. 16, p. 200.

Bonds of Commissioner and chief clerk.

8 July, 1870, c. 230, s. 6, v. 16, p. 199.

Restrictions upon officers and employés.

8 July, 1870, c. 230, s. 16, v. 16, p. 200.

Duties of Commissioner.

8 July, 1870, c. 230, s. 7, v. 16, p. 199.

Duties of examiners-in-chief.

8 July, 1870, c. 230, s. 10, v. 16, p. 199.

Establishment of regulations.

8 July, 1870, c. 230, s. 19, v. 16, p. 200.

Arrangement and exhibition of models, &c.

8 July, 1870, c. 230, s. 13, v. 6, p. 200.

Disposals of models on rejected applications.

8 July, 1870, c. 230, s. 14, v. 16, p. 200.

Library.

8 July, 1870, c. 230, s. 15, v. 16, p. 200.

Patent-agents may be refused recognition.

8 July, 1870, c. 230, s. 17, v. 16, p. 200.

Printing of papers filed.

8 July, 1870, c. 230, s. 18, v. 16, p. 200.

Printing copies of claims, laws, decisions, &c.

8 July, 1870, c. 230, s. 20, v. 16, p. 200.

Printing specifications and drawings.

11 Jan., 1871, Res. No. 5 v. 16, p. 590.

SEC. 479. The Commissioner of Patents and the chief clerk, before entering upon their duties, shall severally give bond, with sureties, to the Treasurer of the United States, the former in the sum of ten thousand dollars, and the latter in the sum of five thousand dollars, conditioned for the faithful discharge of their respective duties, and that they shall render to the proper officers of the Treasury a true account of all money received by virtue of their offices.

SEC. 480. All officers and employés of the Patent-Office shall be incapable, during the period for which they hold their appointments, to acquire or take, directly or indirectly, except by inheritance or bequest, any right or interest in any patent issued by the Office.

SEC. 481. The Commissioner of Patents, under the direction of the Secretary of the Interior, shall superintend or perform all duties respecting the granting and issuing of patents directed by law; and he shall have charge of all books, records, papers, models, machines, and other things belonging to the Patent-Office.

SEC. 482. The examiners-in-chief shall be persons of competent legal knowledge and scientific ability, whose duty it shall be, on the written petition of the appellant, to revise and determine upon the validity of the adverse decisions of examiners upon applications for patents, and for re-issues of patents, and in interference cases; and, when required by the Commissioner, they shall bear and report upon claims for extensions, and perform such other like duties as he may assign them.

SEC. 483. The Commissioner of Patents, subject to the approval of the Secretary of the Interior, may from time to time establish regulations, not inconsistent with law, for the conduct of proceedings in the Patent-Office.

SEC. 484. The Commissioner of Patents shall cause to be classified and arranged in suitable cases, in the rooms and galleries provided for that purpose, the models, specimens of composition, fabrics, manufactures, works of art, and designs, which have been or shall be deposited in the Patent-Office; and the rooms and galleries shall be kept open during suitable hours for public inspection.

SEC. 485. The Commissioner of Patents may restore to the respective applicants such of the models belonging to rejected applications as he shall not think necessary to be preserved, or he may sell or otherwise dispose of them after the application has been finally rejected for one year, paying the proceeds into the Treasury, as other patent-moneys are directed to be paid.

SEC. 486. There shall be purchased for the use of the Patent-Office a library of such scientific works and periodicals, both foreign and American, as may aid the officers in the discharge of their duties, not exceeding the amount annually appropriated for that purpose.

SEC. 487. For gross misconduct the Commissioner of Patents may refuse to recognize any person as a patent-agent, either generally or in any particular case; but the reasons for such refusal shall be duly recorded, and be subject to the approval of the Secretary of the Interior.

SEC. 488. The Commissioner of Patents may require all papers filed in the Patent-Office, if not correctly, legibly, and clearly written, to be printed at the cost of the party filing them.

SEC. 489. The Commissioner of Patents may print, or cause to be printed, copies of the claims of current issues, and copies of such laws, decisions, regulations, and circulars as may be necessary for the information of the public.

SEC. 490. The Commissioner of Patents is authorized to have printed, from time to time, for gratuitous distribution, not to exceed one hundred and fifty copies of the complete specifications and drawings of each patent hereafter issued, together with suitable indexes, one copy to be placed for free public inspection in each capitol of every State and Territory, one for the like purpose in the clerk's office of the district court

of each judicial district of the United States, except when such offices are located in State or territorial capitols, and one in the Library of Congress, which copies shall be certified under the hand of the Commissioner and seal of the Patent-Office, and shall not be taken from the depositories for any other purpose than to be used as evidence.

SEC. 491. The Commissioner of Patents is authorized to have printed such additional numbers of copies of specifications and drawings, certified as provided in the preceding section, at a price not to exceed the contract price for such drawings, for sale, as may be warranted by the actual demand for the same; and he is also authorized to furnish a complete set of such specifications and drawings to any public library which will pay for binding the same into volumes to correspond with those in the Patent-Office, and for the transportation of the same, and which shall also provide for proper custody for the same, with convenient access for the public thereto, under such regulations as the Commissioner shall deem reasonable.

SEC. 492. The lithographing and engraving required by the two preceding sections shall be awarded to the lowest and best bidders for the interests of the Government, due regard being paid to the execution of the work, after due advertising by the Congressional Printer under the direction of the Joint Committee on Printing; but the Joint Committee on Printing may empower the Congressional Printer to make immediate contracts for engraving, whenever, in their opinion, the exigencies of the public service will not justify waiting for advertisement and award; or if, in the judgment of the Joint Committee on Printing, the work can be performed under the direction of the Commissioner of Patents more advantageously than in the manner above prescribed, it shall be so done, under such limitations and conditions as the Joint Committee on Printing may from time to time prescribe.

SEC. 493. The price to be paid for uncertified printed copies of specifications and drawings of patents shall be determined by the Commissioner of Patents, within the limits of ten cents as the minimum and fifty cents as the maximum price.

SEC. 494. The Commissioner of Patents shall lay before Congress, in the month of January, annually, a report, giving a detailed statement of all moneys received for patents, for copies of records or drawings, or from any other source whatever; a detailed statement of all expenditures for contingent and miscellaneous expenses; a list of all patents which were granted during the preceding year, designating under proper heads the subjects of such patents; an alphabetical list of all the patentees, with their places of residence; a list of all patents which have been extended during the year; and such other information of the condition of the Patent-Office as may be useful to Congress or the public.

SEC. 495. The collections of the Exploring Expedition, now in the Patent-Office, shall be under the care and management of the Commissioner of Patents.

SEC. 496. All disbursements for the Patent-Office shall be made by the disbursing clerk of the Interior Department.

Additional specifications and drawings.

11 Jan., 1871, Res. No. 5, v. 16, p. 590.

Lithographing and engraving.

11 Jan., 1871, Res. No. 5, v. 16, p. 590.
24 Mar., 1871, c. 5, s. 1, v. 17, p. 2.

Price of copies of specifications and drawings.

24 March, 1871, c. 5, s. 2, v. 17, p. 3.

Annual report of the Commissioner.

8 July, 1870, c. 230, s. 9, v. 16, p. 199.

[See §§ 195, 196.]

Custody of collections of Exploring Expeditions.

4 Aug. 1854, c. 242, s. 8, v. 10, p. 572.

Disbursements for Patent-Office.

8 July, 1870, c. 230, s. 69, v. 16, p. 209.

CHAPTER SEVEN.

THE SUPERINTENDENT OF PUBLIC DOCUMENTS.

Sec.

497. Custody and distribution of public documents.

498. Statutes and reports of Supreme Court.

499. Register of publications received.

500. Manner of delivery.

Sec.

501. Distribution of copies of journals, books, &c.

502. Same subject.

503. Distribution of journals of Senate and House.

| | |
|---|--|
| Sec. | Sec. |
| 504. Distribution to legations and consulates. | 508. Duties of the superintendent of public documents. |
| 505. Distribution of surplus volumes, &c. | 509. Rooms for public documents. |
| 506. Books, &c., not to be removed from proper offices. | 510. Preparation of the Biennial Register. |
| 507. Superintendent of public documents. | 511. Distribution of Biennial Register. |

Custody and distribution of public documents.

5 Feb., 1859, c. 22, ss. 1, 5, 7, v. 11, pp. 379, 380.

Statutes and reports of Supreme Court.

3 Mar., 1873, c. 238, s. 2, v. 17, p. 578.

Register of publications received.

5 Feb., 1859, c. 22, s. 3, v. 11, p. 380.

Manner of delivery.

5 Feb., 1859, c. 22, s. 4, v. 11, p. 380.

Distribution of copies of journals, books, &c.

28 Jan., 1857, Res. No. 5, s. 3, v. 11, p. 253.

5 Feb., 1859, c. 22, s. 5, v. 11, p. 380.

2 Mar., 1861, c. 87, s. 1, v. 12, p. 244.

Same subject.

2 March, 1861, c. 87, s. 2, v. 12, p. 245.

SEC. 497. The Secretary of the Interior is charged with receiving, arranging, and safe-keeping for distribution, and of distributing to the persons entitled by law to receive the same, all printed journals of the two Houses of Congress, and all other books and documents of every nature whatever, already or hereafter directed by law to be printed or purchased for the use of the Government, except such as are directed to be printed or purchased for the particular use of Congress, or of either House thereof, or for the particular use of the Executive or of any of the Departments, and any person whose duty it shall be by law to deliver any of the same, shall deliver them at the rooms assigned by the Secretary of the Interior therefor.

SEC. 498. The Secretary of the Interior is required to furnish to the head of the Department of Justice, from time to time as they may be published, a sufficient number of the statutes of the United States and the reports of the Supreme Court of the United States, to be by him distributed to such officers of the courts of the United States as are now or may hereafter be by law entitled to receive them.

SEC. 499. A register of all publications received at the Department of the Interior for safe-keeping and distribution shall be kept, under the direction of the Secretary, showing the quantity and kind at any time received by him; and he shall cause to be entered in such register, at the proper time, the time when, the place where, and the person to whom any of such publications have been distributed or delivered.

SEC. 500. The publications received by the Secretary of the Interior for distribution shall be delivered out only on the written requisition of the heads of Departments, Secretary of the Senate, Clerk of the House of Representatives, Librarian of Congress, and other officers and persons who are by law authorized to receive the same, except where by law the Secretary of the Interior is required, without such requisition, to cause the same to be sent and delivered; and in either of such cases it shall be the duty of the Secretary of the Interior to cause the same to be sent and delivered, the expenses thereof, except when otherwise directed, to be charged on the contingent fund of the Department.

SEC. 501. The copies of journals, books, and public documents which are or may be authorized to be distributed to incorporated bodies, institutions, and associations within the States and Territories, shall be distributed to such bodies as shall be designated to the Secretary of the Interior by each of the Senators from the several States respectively, and by the Representatives in Congress from each congressional district, and by the Delegate from each Territory. The distribution shall be made in such manner that the quantity distributed to each congressional district and Territory shall be equal; except that whenever the number of copies of any publication is insufficient to supply therewith one institution, upon the designation of each member of the Senate and House of Representatives, the copies at the disposal of the Secretary may be distributed to such incorporated colleges, public libraries, theatres, literary and scientific institutions, boards of trade, or public associations, as he may select.

SEC. 502. The selection of an institution to receive the documents ordered to be published or procured at the first session of any Congress shall control the documents of the entire Congress, unless another designation be made before any distribution has taken place under the selection first made. Where the same work is printed by order both of the Senate and House of Representatives, the duplicates may be sent to different institutions, if so desired, by the member whose right it is to

direct the distribution. And the public documents to be distributed by the Secretary of the Interior shall be sent to the institutions already designated, unless he shall be satisfied that any such institution is no longer a suitable depository of the same. Congressional journals and public documents, authorized to be distributed to institutions on the designation of members of Congress, shall be sent to such libraries and institutions only as shall signify a willingness to pay the cost of their transportation.

SEC. 503. So many copies of the public journals of the Senate, and of the House of Representatives, shall be transmitted by the Secretary of the Interior to the executives of the several States and Territories, as shall be sufficient to furnish one copy to each executive, one copy to each branch of every State and territorial legislature, one copy to each university and college in each State, and one copy to the Historical Society incorporated, or which shall be incorporated, in each State. Fifty copies of the documents ordered by Congress to be printed shall be used for the purpose of exchange in foreign countries; the residue of the copies shall be deposited in the Library of the United States, subject to the future disposition of Congress.

SEC. 504. Only such of the books published by the Government, and usually known by the name of "public documents," shall hereafter be supplied to any legation or consulate of the United States as are first designated by the Secretary of State, by an order to be recorded in the State Department, as suitable for and required by such legation and consulate.

SEC. 505. Whenever there are in the custody of the Department of the Interior any sets of the documents of any session of Congress, or other documents or odd volumes, not necessary to supply deficiencies or losses that may happen in the Library of Congress, or in that of either of the Executive Departments, or in State or territorial libraries, the Secretary of the Interior shall distribute the same as equally as practicable to the several Senators, Representatives, and Delegates in Congress, for distribution to public libraries and other literary institutions in their respective districts.

SEC. 506. All such books and documents, when received at the proper offices, libraries, and other depositories, as provided by law, shall be kept there and not removed from such places.

5 Feb., 1859, c. 22, s. 10, v. 11, p. 381.

SEC. 507. There shall be in the Department of the Interior a superintendent of public documents, who shall be appointed by the Secretary, and shall be entitled to receive a salary of twenty-five hundred dollars a year.

SEC. 508. The superintendent of public documents shall be charged, subject to the general direction of the Secretary of the Interior, with the duty of collecting, arranging, preserving, packing, and distributing the publications received at the Department of the Interior for distribution; and with the duty of compiling and supervising the Biennial Register.

SEC. 509. Suitable rooms in the Department of the Interior shall be from time to time assigned by the Secretary for the journals, books, and documents.

SEC. 510. As soon as practicable after the last day of September in each year in which a new Congress is to assemble, a register shall be compiled and printed under the direction of the Secretary of the Interior, of which seven hundred and fifty copies shall be published, and which shall contain the following lists, made up to such last day of September:

1. Correct lists of all the officers, clerks, employés, and agents, civil, military, and naval, in the service of the United States, including cadets and midshipmen, which lists shall exhibit the amount of compensation, pay, and emoluments allowed to each, the State or country in which he

Distribution of journals of Senate and House.

27 Dec., 1813, Res. 1, v. 3, p. 140.

20 July, 1840, Res. 5, v. 5, p. 409.

Distribution to legations and consulates.

22 May, 1872, c. 194, v. 17, p. 144.

Distribution of surplus volumes, &c.

17 Feb., 1871, Res. 36, v. 16, p. 597.

Books, &c., not to be removed from proper offices.

Superintendent of public documents.

3 Mar., 1869, c. 121, s. 1, v. 15, p. 292.

Duties of the superintendent of public documents.

3 March, 1869, c. 121, s. 1, v. 15, pp. 283, 292.

Rooms for public documents.

3 March, 1869, c. 121, s. 1, v. 15, pp. 283, 292.

Preparation of Biennial Register.

27 April, 1816, Res. No. 6, ss. 1, 2, v. 3, p. 342.

14 July, 1832, Res. No. 11, v. 4, p. 608.

3 Mar., 1851, c. 32, s. 1, v. 9, p. 600.

2 Mar., 1861, c. 87, s. 4, v. 12, p. 245.

was born, the State or Territory from which he was appointed to office, and where employed.

2. A list of the names, force, and condition of all the ships and vessels belonging to the United States, and when and where built.

3. Lists of all printers of the laws of the United States, and of all printers employed by Congress or by any Department or officer of the Government, during the two years preceding the last day of September up to which such list is required to be made, with the compensation allowed to each, and designating the Department or officer causing the printing to be executed.

4. A statement of all allowances made by the Postmaster-General, within the same period of two years, to each contractor on contracts for carrying the mail, discriminating the sum paid as stipulated by the original contract and the sums paid as additional allowance.

**Distribution of
Biennial Register.**

27 April, 1816, Res.
6, s. 3, v. 3, p. 342.
3 March, 1851, c.
32, s. 1, v. 9, p. 600.

SEC. 511. On the first Monday in January, in each year when a new Congress is assembled, there shall be delivered to the President, the Vice-President, each head of a Department, each member of the Senate and House of Representatives, one copy of the Biennial Register; to the Secretary of the Senate and the Clerk of the House of Representatives, ten copies each, for the use of the respective Houses; to the Library of Congress, twenty-five copies; and to the secretary of state of each State, one copy; and the residue of the copies shall be disposed of as Congress shall, from time to time, direct.

CHAPTER EIGHT.

THE RETURNS OFFICE.

Sec.

512. Returns Office.

513. Clerk to file returns.

Sec.

514. Indexes.

515. Copies of returns.

Returns Office.

2 June, 1862, c. 93,
s. 4, v. 2, p. 412.

**Clerk to file re-
turns.**

2 June, 1862, c. 93,
s. 4, v. 12, p. 412.

Indexes.

2 June, 1862, c. 93,
s. 4, v. 12, p. 412.

Copies of returns.

2 June, 1862, c. 93,
s. 4, v. 12, p. 412.

SEC. 512. The Secretary of the Interior shall from time to time provide a proper apartment, to be called the Returns Office, in which he shall cause to be filed the returns of contracts made by the Secretary of War, the Secretary of the Navy, and the Secretary of the Interior, and shall appoint a clerk of the first class to attend to the same. [See §§ 3744-3747.]

SEC. 513. The clerk of the Returns Office shall file all returns made to the Office, so that the same may be of easy access, keeping all returns made by the same officer in the same place, and numbering them in the order in which they are made.

SEC. 514. The clerk of the Returns Office shall provide and keep an index-book, with the names of the contracting parties, and the number of each contract opposite to the names; and shall submit the index-book and returns to any person desiring to inspect it.

SEC. 515. The clerk of the Returns Office shall furnish copies of such returns to any person paying therefor at the rate of five cents for every one hundred words, to which copies certificates shall be appended in every case by the clerk making the same, attesting their correctness, and that each copy so certified is a full and complete copy of the return.

CHAPTER NINE.

THE OFFICE OF EDUCATION.

Sec.

516. Office of Education.

517. Commissioner of Education.

Sec.

518. Duties of Commissioner.

519. Rooms for Office of Education.

**Office of Educa-
tion.**

SEC. 516. There shall be in the Department of the Interior a Bureau called the Office of Education, the purpose and duties of which shall be

to collect statistics and facts showing the condition and progress of education in the several States and Territories, and to diffuse such information respecting the organization and management of schools and school-systems, and methods of teaching, as shall aid the people of the United States in the establishment and maintenance of efficient school-systems, and otherwise promote the cause of education throughout the country.

SEC. 517. The management of the Office of Education shall, subject to the direction of the Secretary of the Interior, be intrusted to a Commissioner of Education, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of three thousand dollars a year.

2 Mar., 1867, c. 158, s. 1, v. 14, p. 434.
20 July, 1868, c. 176, s. 1, v. 15, pp. 92, 106.

Commissioner of Education.
2 Mar., 1867, c. 158, s. 2, v. 14, p. 434.
20 July, 1868, c. 176, s. 1, v. 15, pp. 92, 106.

SEC. 518. The Commissioner of Education shall present annually to Congress a report embodying the results of his investigations and labors, together with a statement of such facts and recommendations as will, in his judgment, subserve the purpose for which the office is established.

Duties of Commissioner.
2 Mar., 1867, c. 158, s. 3, v. 14, p. 434.

SEC. 519. The Chief of Engineers shall furnish proper offices for the use of the Office of Education.

Rooms for Office of Education.
2 March, 1867, c. 158, s. 4, v. 14, p. 434.

2 March, 1867, c. 167, s. 2, v. 14, p. 466.

TITLE XII.

THE DEPARTMENT OF AGRICULTURE.

| | |
|--|--|
| Sec. | Sec. |
| 520. Establishment of the Department of Agriculture. | 525. Custody of property, records, &c. |
| 521. Commissioner of Agriculture. | 526. Duties of Commissioner. |
| 522. Clerks and employés. | 527. Purchase and distribution of seeds, plants, &c. |
| 523. Officers and employés. | 528. Annual and special reports of Commissioner. |
| 524. Bonds of Commissioner and chief clerk. | 529. Annual report of expenditures. |

Establishment of Department of Agriculture.

15 May, 1862, c. 72, s. 2, v. 12, p. 387.

Commissioner of Agriculture.

15 May, 1862, c. 72, s. 2, v. 12, p. 387.
3 March, 1873, c.

Clerks and employés.

15 May, 1862, c. 72, s. 4, p. 388.
3 March, 1873, c. 226, v. 17, p. 506.

SEC. 520. There shall be at the seat of Government a Department of Agriculture, the general design and duties of which shall be to acquire and to diffuse among the people of the United States useful information on subjects connected with agriculture, in the most general and comprehensive sense of that word, and to procure, propagate, and distribute among the people new and valuable seeds and plants.

SEC. 521. The Department of Agriculture shall be under the charge of a Commissioner of Agriculture, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall be entitled to a salary of four thousand dollars a year.

SEC. 522. There shall be in the Department of Agriculture:

One chief clerk, at a salary of two thousand dollars a year.

One chemist, at a salary of two thousand dollars a year.

One assistant chemist, at a salary of one thousand six hundred dollars a year.

One entomologist, at a salary of two thousand dollars a year.

One microscopist, at a salary of one thousand eight hundred dollars a year.

One botanist, at a salary of one thousand eight hundred dollars a year.

One statistician, at a salary of two thousand dollars a year.

One superintendent of experimental gardens and grounds, at a salary of two thousand dollars a year.

One assistant superintendent of experimental gardens and grounds, at a salary of one thousand two hundred dollars a year.

One disbursing clerk, at a salary of one thousand eight hundred dollars a year.

One superintendent of the seed-room, at a salary of one thousand eight hundred dollars a year.

One assistant superintendent of the seed-room, at a salary of one thousand two hundred dollars a year.

One librarian, at a salary of one thousand eight hundred dollars a year.

One engineer, at a salary of one thousand four hundred dollars a year.

One superintendent of the folding-room, at a salary of one thousand two hundred dollars a year.

Two attendants in the museum, at a salary of one thousand dollars a year each.

One carpenter, at a salary of nine hundred and sixty dollars a year.

Officers and employés.

15 May, 1862, c. 72, s. 4, v. 12, p. 388.

SEC. 523. The Commissioner of Agriculture shall appoint a chief clerk, with a salary of two thousand dollars a year, who in all cases during the necessary absence of the Commissioner, or when the office of Commissioner shall become vacant, shall perform the duties of Commissioner, and he shall appoint such other employés as Congress may from time to

time provide, with salaries corresponding to the salaries of similar officers in other Departments of the Government; and he shall, as Congress may from time to time provide, employ other persons, for such time as their services may be needed, including chemists, botanists, entomologists, and other persons skilled in the natural sciences pertaining to agriculture.

SEC. 524. The Commissioner, and the chief clerk, before entering upon their duties, shall severally give bonds to the Treasurer of the United States, the former in the sum of ten thousand dollars, and the latter in the sum of five thousand dollars, conditioned to render a true and faithful account to the Treasurer quarter-yearly of all moneys which shall be by them received by virtue of their office, with sureties to be approved by the Solicitor of the Treasury. Such bonds shall be filed in the office of the First Comptroller of the Treasury, to be by him put in suit upon any breach of the conditions thereof.

SEC. 525. The Commissioner of Agriculture shall have charge, in the building and premises appropriated to the Department, of the library, furniture, fixtures, records, and other property appertaining to it, or hereafter acquired for use in its business.

SEC. 526. The Commissioner of Agriculture shall procure and preserve all information concerning agriculture which he can obtain by means of books and correspondence, and by practical and scientific experiments, accurate records of which experiments shall be kept in his Office, by the collection of statistics, and by any other appropriate means within his power; he shall collect new and valuable seeds and plants; shall test, by cultivation, the value of such of them as may require such tests; shall propagate such as may be worthy of propagation; and shall distribute them among agriculturists.

SEC. 527. The purchase and distribution of seeds by the Department of Agriculture shall be confined to such seeds as are rare and uncommon to the country, or such as can be made more profitable by frequent changes from one part of our own country to another; and the purchase or propagation and distribution of trees, plants, shrubs, vines, and cuttings, shall be confined to such as are adapted to general cultivation and to promote the general interests of horticulture and agriculture throughout the United States.

25 June, 1864, c. 147, s. 1, v. 13, pp. 145, 155. 2 March, 1865, c. 73, 455. 2 March, 1867, c. 166, s. 1, v. 14, pp. 440, 452.

SEC. 528. The Commissioner of Agriculture shall annually make a general report in writing of his acts to the President and to Congress, in which he may recommend the publication of papers forming parts of or accompanying his report, which shall also contain an account of all moneys received and expended by him. He shall also make special reports on particular subjects whenever required to do so by the President or either House of Congress, or when he shall think the subject in his charge requires it.

SEC. 529. The Commissioner of Agriculture shall, on or before the fifteenth day of December in each year, make a report in detail to Congress of all moneys expended by him or under his direction.

[See §§ 3660-3665, 3669.]

Bonds of Commissioner and chief clerk.

15 May, 1862, c. 72, s. 4, v. 12, p. 388.

Custody of property, records, &c.

15 May, 1862, c.

72, s. 3, v. 12, p. 387.

15 Dec., 1868, Res.

1, v. 15, p. 343.

Duties of Commissioner.

15 May, 1862, c.

72, s. 3, v. 12, p. 387.

Purchase and distribution of seeds, plants, &c.

23 July, 1866, c.

208, s. 1, v. 14, pp.

199, 201.

2 March, 1867, c.

166, s. 1, v. 14, pp.

440, 452.

s. 1, v. 13, pp. 445,

455.

Annual and special reports of Commissioner.

15 May, 1862, c.

72, s. 3, v. 12, p. 387.

Annual report of expenditures.

2 March, 1867, c.

166, s. 1, v. 14, pp.

440, 445.

TITLE XIII. THE JUDICIARY.

CHAPTER ONE.

JUDICIAL DISTRICTS.

| Sec. | Sec. |
|---|--|
| 530. United States divided into judicial districts. | 541. New York. |
| 531. States constituting one district. | 542. Jurisdiction over waters near city of New York. |
| 532. Alabama. | 543. North Carolina. |
| 533. Arkansas. | 544. Ohio. |
| 534. Florida. | 545. Pennsylvania. |
| 535. Georgia. | 546. South Carolina. |
| 536. Illinois. | 547. Tennessee. |
| 537. Iowa. | 548. Texas. |
| 538. Michigan. | 549. Virginia. |
| 539. Mississippi. | 550. Wisconsin. |
| 540. Missouri. | |

United States divided into judicial districts.

SEC. 530. The United States shall be divided into judicial districts as follows :

24 Sept., 1789, c. 20, s. 1, v. 1, p. 73.

States constituting one district.

SEC. 531. The States of California, Connecticut, Delaware, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Minnesota, Nebraska, Nevada, New Hampshire, New Jersey, Oregon, Rhode Island, Vermont, and West Virginia, each, constitute one judicial district.

Conn., Del., Ky., Me., Md., Mass., N. H., N. J., S. C., 24

Sept., 1789, c. 20, s. 2, v. 1, p. 73. Cal., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Ind., 3 March, 1817, c. 100, s. 2, v. 3, p. 390. Kans., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128. La., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Nebr., 25 May, 1867, c. 7, s. 1, v. 15, p. 5. Nev., 27 Feb., 1865, c. 64, s. 1, v. 13, p. 440. N. C., 4 June, 1790, c. 17, s. 1, v. 1, p. 126; 29 April, 1802, c. 31, s. 7, v. 2, p. 162. Oreg., 3 March, 1859, c. 85, s. 2, v. 11, p. 437. R. I., 23 June, 1790, c. 21, s. 2, v. 1, p. 128. S. C., 21 Feb., 1823, c. 11, s. 1, v. 3, p. 726. Vt., 2 March, 1791, c. 12, s. 2, v. 1, p. 197. W. Va., 4 Feb., 1819, c. 12, s. 1, v. 3, p. 478; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124; 10 March, 1866, Res. 12, v. 14, p. 350.

Alabama.

7 August, 1848, c. 143, s. 1, v. 9, p. 274.
4 May, 1852, c. 25, s. 2, v. 10, p. 5.

SEC. 532. The State of Alabama is divided into three districts, which shall be called the southern, middle, and northern districts of Alabama. The southern district includes the counties of Mobile, Washington, Baldwin, Sumter, Clarke, Marengo, Greene, Pickens, Wilcox, Monroe, and Conecuh. The middle district includes the counties of Montgomery, Autauga, Coosa, Tallapoosa, Chambers, Talladega, Randolph, Macon, Russell, Barbour, Pike, Henry, Dale, Coffee, Covington, Lowndes, Dallas, Perry, Bibb, Shelby, Butler, and Tuscaloosa. The northern district includes the remaining counties of said State.

Arkansas.

15 June, 1836, c. 100, s. 4, v. 5, p. 51.
3 March, 1851, c. 24, s. 1, v. 9, p. 594.
27 Mar., 1854, c. 26, s. 1, v. 10, p. 269.
3 March, 1871, c. 106, s. 5, v. 16, p. 472.

SEC. 533. The State of Arkansas is divided into two districts, which shall be called the eastern and western districts of Arkansas. The western district includes the counties of Benton, Washington, Crawford, Scott, Polk, Franklin, Johnson, Madison, Carroll, Sevier, Sebastian, Phillips, Crittenden, Mississippi, Craighead, Greene, Randolph, Lawrence, Sharp, Poinsett, Cross, Saint Francis, Monroe, Woodruff, Jackson, Independence, Izard, Marion, Fulton, and Boone, and the country lying west of Missouri and Arkansas, known as "The Indian Territory." The eastern district includes the residue of said State. [See § 2153.]

17 June, 1844, c. 103, s. 1, v. 5, p. 680. 30 June, 1834, c. 161, s. 24, v. 4, p. 733.

SEC. 534. The State of Florida is divided into two districts, which shall be called the northern and southern districts of Florida. The northern district includes all that part of the State lying north of a line drawn due east and west from the northern part of Charlotte Harbor. The southern district includes the residue of said State.

SEC. 535. The State of Georgia is divided into two districts, which shall be called the northern and southern districts of Georgia. The northern district includes the counties of Troup, Meriwether, Pike, Butts, Jasper, Morgan, Greene, Taliaferro, Wilkes, and Lincoln, as they existed August 11, 1848, with all the counties north of them. The southern district includes the counties of Harris, Talbot, Upson, Monroe, Jones, Putnam, Hancock, Warren, and Columbia, as they existed at said date, with all the counties south of them.

SEC. 536. The State of Illinois is divided into two districts, which shall be called the northern and southern districts of Illinois. The northern district includes the counties of Henderson, Warren, Knox, Peoria, Woodford, Livingston, and Iroquois, as they existed February 13, 1855, with all the counties north of them. The southern district includes the residue of said State.

SEC. 537. The State of Iowa constitutes one district, which shall be called the district of Iowa. For the purpose of trying all issues of fact, triable by jury, in the district court, said district is divided into four divisions, which shall be called the northern, southern, western, and central divisions of the district of Iowa. The northern division includes the counties of Clinton, Jones, Linn, Beuton, Tama, Marshall, Grundy, Hardin, and Webster, with all the counties north of them and east of the counties of Calhoun, Pocahontas, Palo Alto, and Emmett, as all of said counties existed March 3, 1859. The southern division includes the counties of Scott, Cedar, Johnson, Iowa, Poweshiek, Mahaska, Marion, Lucas, Clarke, and Decatur, as they existed at the same date, with all the counties south and east of them. The western division includes the counties of Lyon, Osceola, Sioux, O'Brien, Plymouth, Cherokee, Woodbury, Ida, Monona, Crawford, Harrison, Shelby, Audubon, Pottawatomie, Cass, Mills, Montgomery, Fremont, and Page. The central division includes the residue of the State.

SEC. 538. The State of Michigan is divided into two districts, which shall be called the eastern and western districts of Michigan. The western district includes the territory and waters within the following boundaries, as they existed February 24, 1863, namely: commencing at the southwest corner of Branch County, in said State, and running thence north, on the west line of Branch and Calhoun Counties, to the south line of Barry County; thence east, on the north line of Calhoun and Jackson Counties, to the southeast corner of Eaton County; thence north, on the east boundary of Eaton County, to the south line of Clinton County; thence west, on the south boundary of said county, to the southwest corner thereof; thence north, on the west boundary of Clinton and Gratiot Counties, to the south boundary of Isabella County; thence west, on its south boundary, to the southwest corner of said last-named county; thence north, on the west line of Isabella and Clare Counties, to the south boundary of Missaukee County; thence east, on its south boundary, to the southeast corner of Missaukee County; thence north, on the east line of Missaukee, Kalamazoo, and Antrim Counties, to the south boundary of Emmett County; thence east, to the southeast corner of Emmett County; thence north, on the east boundary of Emmett County, to the Straits of Mackinac; thence north, to midway across said straits; thence westerly, in a direct line, to a point on the shore of Lake Michigan where the north boundary of Delta County reaches Lake Michigan; thence west, on the north line of Delta County, to the northwest corner of said Delta County; thence south, on the west boundary of said county, to the dividing-line between the States of Michigan and Wisconsin, in Green Bay; thence northeasterly, on said dividing-line, into Lake Michigan; and thence southerly, through

Florida.

3 March, 1845, c. 75, s. 3, v. 5, p. 788.
23 Feb., 1847, c. 20, ss. 1, 8, v. 9, pp. 131, 132.

Georgia.

11 Aug., 1848, c. 151, s. 1, v. 9, p. 280.

Illinois.

13 Feb., 1855, c. 96, s. 1, v. 10, p. 606.
11 July, 1862, c. 145, s. 1, v. 12, p. 536.

Iowa.

3 March, 1859, c. 85, ss. 5, 6, 7, v. 11, pp. 437, 438.
30 June, 1870, c. 178, s. 1, v. 16, p. 174.

Michigan.

24 Feb., 1863, c. 54, s. 1, v. 12, pp. 660, 661.
20 June, 1864, c. 143, s. 1, v. 13, p. 143.

Lake Michigan, to the southwest corner of the State of Michigan, on a line that will include within said boundaries the waters of Lake Michigan within the admiralty jurisdiction of the State of Michigan; thence east, on the south boundary of the State of Michigan, to the intersection of the west line of Hillsdale County. The eastern district includes all the territory and waters of said State not included within the foregoing boundaries.

Mississippi.

18 June, 1838, c. 115, s. 1, v. 5, p. 247.

SEC. 539. The State of Mississippi is divided into two districts, which shall be called the northern and southern districts of Mississippi. The northern district includes the counties of Noxubee, Winston, Attala, Carroll, Bolivar, Coahoma, Tunica, De Soto, Marshall, Tippah, Tishomingo, Itawamba, Monroe, Lowndes, Oktibbeha, Choctaw, Yalabusha, Tallahatchee, Panola, La Fayette, Pontotoc, and Chickasaw, as they existed June 18, 1838. The southern district includes the residue of said State.

Missouri.

3 March, 1857, c. 100, s. 1, v. 11, p. 197.

SEC. 540. The State of Missouri is divided into two districts, which shall be called the eastern and western districts of Missouri. The eastern district includes the counties of Schuyler, Adair, Knox, Shelby, Monroe, Audrain, Montgomery, Gasconade, Franklin, Washington, Reynolds, Shannon, and Oregon, as they existed January 1, 1857, with all the counties east of them. The western district includes the residue of said State.

New York.

9 April, 1814, c. 49, s. 1, v. 3, p. 120.
3 April, 1818, c. 32, s. 3, v. 3, p. 414.
25 Feb., 1865, c. 54, s. 1, v. 13, p. 438.

Jurisdiction over waters near city of New York.

25 Feb., 1865, c. 54, s. 2, v. 13, p. 438.

SEC. 541. The State of New York is divided into three districts, which shall be called the northern, eastern, and southern districts of New York. The northern district includes the counties of Rensselaer, Albany, Schoharie, and Delaware, with all the counties north of them. The eastern district includes the counties of Richmond, Kings, Queens, and Suffolk, with the waters thereof. The southern district includes the residue of said State, with the waters thereof.

SEC. 542. The district courts of the southern and eastern districts of New York shall have concurrent jurisdiction over the waters within the counties of New York, Kings, Queens, and Suffolk, and over all seizures made and all matters done in such waters; and all processes or orders issued out of either of said courts, or by any judge thereof, shall run and be executed in any part of the said waters.

North Carolina.

4 June, 1872, c. 282, ss. 1, 3, v. 17, p. 215.

SEC. 543. The State of North Carolina is divided into two districts, which shall be called the eastern and western districts of North Carolina. The western district includes the counties of Mecklenburg, Cabarras, Stanly, Montgomery, Richmond, Davie, Davidson, Randolph, Guilford, Rockingham, Stokes, Forsyth, Union, Anson, Caswell, Macon, Alamance, Orange, Chatham, Moore, Clay, Cherokee, Swain, Person, Jackson, Graham, Haywood, Transylvania, Henderson, Buncombe, Madison, Yancey, Mitchell, Watanga, Ashe, Alleghany, Caldwell, Burke, McDowell, Rutherford, Polk, Cleveland, Gaston, Lincoln, Catawba, Alexander, Wilkes, Surry, Iredell, Yadkin, and Rowan, and all territory embraced therein which may hereafter be erected into new counties. The eastern district includes the residue of said State.

Ohio.

10 Feb., 1855, c. 73, s. 1, v. 10, p. 604.

SEC. 544. The State of Ohio is divided into two districts, which shall be called the northern and southern districts of Ohio. The southern district includes the counties of Belmont, Guernsey, Muskingum, Licking, Franklin, Madison, Champaign, Shelby, and Mercer, as they existed February 10, 1855, with all the counties south of them. The northern district includes the residue of said State.

Pennsylvania.

20 April, 1818, c. 108, s. 1, v. 3, p. 462.
26 May, 1824, c. 170, s. 1, v. 4, p. 50.

SEC. 545. The State of Pennsylvania is divided into two districts, which shall be called the eastern and western districts of Pennsylvania. The western district includes the counties of Fayette, Greene, Washington, Allegheny, Westmoreland, Somerset, Bedford, Huntingdon, Centre, Mifflin, Clearfield, McKean, Potter, Jefferson, Cambria, Indiana, Armstrong, Butler, Beaver, Mercer, Crawford, Venango, Erie, Warren, Susquehanna, Bradford, Tioga, Union, Northumberland, Columbia, Luzerne, and Lycoming, as they existed April 20, 1818. The eastern district includes the residue of said State.

SEC. 546. The State of South Carolina is divided into two districts, which shall be called the eastern and western districts of the district of South Carolina. The western district includes the counties of Lancaster, Chester, York, Union, Spartanbnrgh, Greenville, Pendleton, Abbeville, Edgefield, Newberry, Laurens, and Fairfield, as they existed February 21, 1823. The eastern district includes the residue of said State.

South Carolina.
21 Feb., 1823, c.
11, s. 1, v. 3, p. 726.

SEC. 547. The State of Tennessee is divided into three districts, which shall be called the eastern, western, and middle districts of Tennessee. The eastern district includes the counties of Auderson, Bledsoe, Blount, Bradley, Campbell, Carter, Claiborne, Cocke, Cumberland, Grainger, Greene, Hamilton, Hancock, Hawkins, Jefferson, Johnson, Knōx, Mc-Minn, Marion, Meigs, Monroe, Morgan, Polk, Rhea, Roane, Scott, Sevier, Snllivan, Union, and Washington, as they existed February 19, 1856. The western district includes the counties of Benton, Carroll, Henry, Obion, Dyer, Gibson, Lauderdale, Haywood, Tipton, Shelby, Fayette, Hardeman, McNairy, Hardin, Perry, Madison, Henderson, and Weakley, as they existed June 18, 1838. The middle district includes the residue of said State.

Tennessee.
18 June, 1838, c.
118, s. 1, v. 5, p. 249.
18 Jan., 1839, c.
3, s. 1, v. 5, p. 313.
19 Feb., 1856, c.
8, s. 1, v. 11, p. 1.

SEC. 548. The State of Texas is divided into two districts, which shall be called the eastern and western districts of Texas. The eastern district includes the counties of Newton, Jasper, Jefferson, Orange, Tyler, Polk, Liberty, Galveston, Harris, Montgomery, Austin, Fort Bend, Brazoria, Colorado, Wharton, Matagorda, Lavaca, Jackson, Calhoun, De Witt, Victoria, Goliad, Refugio, San Patricio, Nueces, Cameron, Starr, Webb, and Hidalgo, as they existed in eighteen hundred and fifty-two. The western district includes the residue of said State.

Texas.
21 Feb., 1857, c.
57, s. 1, v. 11, p. 164.

SEC. 549. The State of Virginia is divided into two districts, which shall be called the eastern and western districts of Virginia. The western district includes the counties of Albemarle, Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Buchanan, Buckingham, Campbell, Carroll, Charlotte, Clarke, Craig, Cumberland, Floyd, Franklin, Frederick, Fluvanna, Giles, Grayson, Greene, Halifax, Henry, Highland, Lee, Madison, Montgomery, Nelson, Patrick, Page, Pulaski, Pittsylvania, Rappahannock, Roanoke, Rockbridge, Rockingham, Russell, Scott, Smyth, Shenandoah, Tazewell, Washington, Wise, Wythe, and Warren. The eastern district includes the residue of said State.

Virginia.
3 Feb., 1871, c. 35,
ss. 1, 3, v. 16, p. 403.

SEC. 550. The State of Wisconsin is divided into two districts, which shall be called the eastern and western districts of Wisconsin. The western district includes the counties of Rock, Jefferson, Dane, Green, Grant, Columbia, Iowa, La Fayette, Sauk, Richland, Crawford, Vernon, La Crosse, Monroe, Adams, Juneau, Buffalo, Chippewa, Dunn, Clark, Jackson, Eau Claire, Pepin, Marathon, Wood, Pierce, Polk, Portage, Saint Croix, Trempealeau, Douglas, Barron, Burnett, Ashland, and Bayfield. The eastern district includes the residue of said State.

Wisconsin.
29 June, 1870, c.
175, ss. 1, 3, v. 16, p.
171.

CHAPTER TWO.

DISTRICT COURTS—ORGANIZATION.

| Sec. | Sec. |
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| 551. District judges, appointment and residence. | 556. Arkansas, western district; clerks. |
| 552. Judges in Alabama, Georgia, Mississippi, North Carolina, South Carolina, and Tennessee. | 557. Kentucky; clerks. |
| 553. District judge of southern district of Florida. | 558. Deputy clerks. |
| 554. Salaries of district judges. | 559. Deputy clerks of the district court in Indiana. |
| 555. Clerks. | 560. Iowa; deputy clerks. |
| | 561. Compensation of deputy clerks. |
| | 562. Records, where kept. |

District judges, appointment and residence.

SEC. 551. A district judge shall be appointed for each district, except in the cases hereinafter provided. Every such judge shall reside in the district for which he is appointed, and for offending against this provision shall be deemed guilty of a high misdemeanor.

Conn., Del., Md., Mass., N. H., N. J., N. Y., Pa., Me., Va., Ky., 24 Sept., 1789, c. 20, s. 3, v. 1, p. 73; 18 Dec., 1812, c. 5, v. 2, p. 788. Ark., 15 June, 1836, c. 100, s. 4, v. 5, p. 51. Cal., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Fla., 3 March, 1845, c. 75, s. 3, v. 5, p. 788; 23 Feb., 1847, c. 20, s. 1, v. 9, p. 131. Ill., 3 March, 1819, c. 70, s. 2, v. 3, p. 502; 13 Feb., 1855, c. 96, s. 7, v. 10, p. 607. Ind., 3 March, 1817, c. 100, s. 2, v. 3, p. 390. Iowa, 3 March, 1845, c. 76, s. 2, v. 5, p. 789. Kans., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128. La., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Mo., 16 March, 1822, c. 12, s. 2, v. 3, p. 653; 3 March, 1857, c. 100, s. 7, v. 11, p. 198. Mich., 1 July, 1836, c. 234, s. 2, v. 5, p. 62; 24 Feb., 1863, c. 54, s. 7, v. 12, p. 661. N. Y., 29 April, 1812, c. 71, s. 1, v. 2, p. 719; 9 April, 1814, c. 49, s. 2, v. 3, p. 120; 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438. Nebr., 25 March, 1867, c. 7, s. 1, v. 15, p. 5. Nev., 27 Feb., 1865, c. 64, s. 1, v. 13, p. 440. N. C., 4 June, 1790, c. 17, s. 2, v. 1, p. 126; 29 April, 1802, c. 31, s. 7, v. 2, p. 162; 4 June, 1872, c. 282, s. 8, v. 17, p. 217. Ohio, 19 Feb., 1803, c. 7, s. 2, v. 2, p. 201; 10 Feb., 1855, c. 73, s. 7, v. 10, p. 605. Oreg., 3 March, 1857, c. 85, s. 2, v. 11, p. 437. Pa., 20 April, 1818, c. 108, ss. 2, 3, v. 3, p. 462; 26 May, 1824, c. 170, v. 4, p. 50. R. I., 23 June, 1790, c. 21, s. 2, v. 1, p. 128. Texas, 29 Dec., 1845, c. 1, s. 2, v. 9, p. 1; 21 Feb., 1857, c. 57, s. 5, v. 11, p. 165. Vt., 2 March, 1791, c. 12, s. 2, v. 1, p. 197. Va., 3 Feb., 1871, c. 35, s. 8, v. 16, p. 404. W. Va., 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Wis., 6 Aug., 1846, c. 89, s. 4, v. 9, p. 57; 29 June, 1870, c. 175, s. 8, v. 16, p. 172.

Judges in Alabama, Georgia, Mississippi, North Carolina, South Carolina and Tennessee.

SEC. 552. There shall be appointed in each of the States of Alabama, Georgia, Mississippi, South Carolina, and Tennessee, one district judge, who shall be district judge for each of the districts included in the State for which he is appointed, and shall reside within some one of the said districts. And for offending against this provision, such judges shall be liable as in the preceding section.

24 Sept., 1789, c. 20, s. 3, v. 1, p. 73; 18 Dec., 1812, c. 5, v. 2, p. 788. Ala., 21 April, 1820, c. 47, s. 2, v. 3, p. 564; 6 Feb., 1839, c. 20, s. 2, v. 5, p. 315; 10 March, 1824, c. 28, s. 2, v. 4, p. 9; 7 Aug., 1848, c. 143, s. 1, v. 9, p. 274. Ga., 11 Aug., 1848, c. 151, s. 2, v. 9, p. 280. Miss., 3 April, 1818, c. 29, s. 2, v. 3, p. 413; 18 June, 1838, c. 115, s. 2, v. 5, p. 247. S. C., 21 Feb., 1823, c. 11, v. 3, p. 726. Tenn., 31 Jan., 1797, c. 2, s. 2, v. 1, p. 496; 18 June, 1838, c. 118, s. 3, v. 5, p. 250; 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313.

District judge of southern district of Florida.

SEC. 553. The district judge for the southern district of Florida shall reside at Key West.

23 Feb., 1847, c. 20, s. 1, v. 9, p. 131.

Salaries of district judges.

SEC. 554. District judges are entitled to receive yearly salaries at the following rates, payable quarterly from the Treasury: The judge of the district of California five thousand dollars; the judge of the district of Louisiana four thousand five hundred dollars; the judges of the district of Massachusetts; the northern, southern, and eastern districts of New York; the eastern and western districts of Pennsylvania; the district of New Jersey; the district of Maryland; the southern district of Ohio, and the northern district of Illinois, four thousand dollars. The judges of all other districts three thousand five hundred dollars. No other allowance or payment shall be made to them for travel, expenses, or otherwise. [See §§ 597, 613.]

2 March, 1867, c. 163, s. 9, v. 14, p. 470. Nebr., 25 March, 1867, c. 7, s. 4, v. 15, p. 5. Wis., 30 June, 1870, c. 175, s. 8, v. 16, p. 172. Va., 3 Feb., 1871, c. 35, s. 8, v. 16, p. 404. Ark., 3 March, 1871, c. 106, s. 5, v. 16, p. 472. N. Car., 4 June, 1872, c. 282, s. 8, v. 17, p. 217.

SEC. 555. A clerk shall be appointed for each district court by the judge thereof, except in cases otherwise provided for by law.

Clerks.

20, s. 7, v. 1, p. 76.

24 Sept., 1789, c. 22, s. 2, v. 16, p. 45.

SEC. 556. In the western district of Arkansas there shall be appointed two clerks of the district court thereof; one of whom shall reside and keep his office at Fort Smith, and the other shall reside and keep his office at Helena.

Arkansas, western district; clerks.

3 March, 1871, c.

3 March, 1851, c. 24, s. 4, v. 9, p. 595. s. 4, v. 16, p. 472.

SEC. 557. In the district of Kentucky a clerk of the district court shall be appointed at each place of holding the court, in the same manner and subject to the same duties and responsibilities which are, or may be, provided concerning clerks in independent districts.

Kentucky; clerks.

15 May, 1862, c. 71, s. 7, v. 12, p. 387. 10 April, 1869, c. 22, s. 3, v. 16, p. 45.

SEC. 558. One or more deputies of any clerk of a district court may be appointed by the court, on the application of the clerk, and may be removed at the pleasure of judges authorized to make the appointment. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk, in his name, until a clerk is appointed and qualified; and for the default or misfeasances in office of any such deputy, whether in the life-time of the clerk or after his death, the clerk, and his estate, and the sureties in his official bond shall be liable; and his executor or administrator shall have such remedy for any such default or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his life-time.

Deputy clerks.

8 June, 1872, c. 336, v. 17, p. 330.

SEC. 559. In the district of Indiana the clerk of the district court must appoint a deputy clerk for said court held at New Albany, and a deputy clerk for said court held at Evansville; who shall reside and keep their offices at said places respectively. Each deputy shall keep in his office full records of all actions and proceedings in the district court held at the same place, and shall have the same power to issue all process from the said court that is or may be given to the clerks of other district courts in like cases.

Deputy clerks of the district court in Indiana.

3 March, 1871, c. 108, s. 1, v. 16, p. 473. 30 June, 1870, c. 180, ss. 1, 7, v. 16, p. 175.

8 June, 1872, c. 336, v. 17, p. 330.

SEC. 560. In the district of Iowa a deputy clerk of the district court shall be appointed at each place, in the four divisions of said district, where said court is required to be held; each of whom, in the absence of the clerk, may exercise all the official powers of clerk, at the place and within the division for which he is appointed.

Iowa; deputy clerks.

3 March, 1849, c. 124, s. 4, v. 9, p. 412.

85, ss. 5, 8, v. 11, pp. 437, 438. 30 June, 1870, c. 178, ss. 1, 3, v. 16, p. 174. 180, s. 7, v. 16, p. 175. 8 June, 1872, c. 336, v. 17, p. 330.

3 March, 1859, c. 30 June, 1870, c.

SEC. 561. The compensation of deputies of the clerks of the district courts shall be paid by the clerks, respectively, and allowed in the same manner that other expenses of the clerks' offices are paid and allowed.

Compensation of deputy clerks.

8 June, 1872, c. 336, v. 17, p. 330.

SEC. 562. The records of a district court shall be kept at the place where the court is held. When it is held at more than one place in any district, and the place of keeping the records is not specially provided by law, they shall be kept at either of the places of holding the court which may be designated by the district judge.

Records, where kept.

24 Sept., 1789, c. 20, s. 3, v. 1, p. 73.

CHAPTER THREE.

DISTRICT COURTS—JURISDICTION.

Sec.

563. Jurisdiction.

564. Certain seizures cognizable in any district into which the property is taken.

565. May proceed in prize causes after appeal.

566. Trial of issues of fact.

567. Transfer of records to district courts when a Territory becomes a State.

Sec.

568. District judge shall demand and compel delivery of records of territorial court.

569. Jurisdiction of district courts in cases transferred from territorial courts.

570. Commissioners to administer oaths to appraisers.

571. Certain district courts to have circuit court jurisdiction.

Jurisdiction.

Crimes and offenses.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

3 March, 1815, c. 101, s. 4, v. 3, p. 245. 23 Aug., 1842, c. 188, s. 3, v. 5, p. 517. 23 Feb., 1871, c. 100, s. 57, v. 16, p. 456.—*Ex parte Bollman*, 4 Cr., 75; *U. S. vs. Hudson*, 7 Cr., 32; *U. S. vs. Coolidge*, 1 Wh., 415; *U. S. vs. Bevans*, 3 Wh., 336.

Of piracy, when.

3 March, 1823, c. 72, v. 3, p. 789. 15 May, 1820, c. 113, v. 3, p. 600. 30 Jan., 1823, c. 7, v. 3, p. 721.—*The Palmyra*, 12 Wh., 1.

Penalties and forfeitures.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.—*Ketlaud vs. The Cassius*, 2 Dall., 365; *Hall vs. Warren*, 2 McLean, 332.

Suits at common law by United States or officers.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76. 3 March, 1815, c. 101, s. 4, v. 3, p. 245.—*Parsons vs. Bedford*, 3 Pet., 433; *Duncan vs. U. S.*, 7 Pet., 435.

Suits in equity to enforce internal-revenue taxes.

20 July, 1868, c. 186, s. 106, v. 15, p. 167.

Suits for penalties and damages for frauds against United States.

2 March, 1863, c. 67, s. 4, v. 12, p. 698.

Suits under postal laws.

3 March, 1845, c. 43, s. 20, v. 5, p. 739.

Admiralty causes and seizures on land.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

22 March, 1794, c. 11, s. 1, v. 1, p. 347.

10 May, 1800, c. 51, ss. 1, 5, v. 2, pp. 70, 71. 2 March, 1807, c. 22, ss. 2, 7, v. 2, pp. 426, 428. 6 Aug., 1861, c. 60, s. 2, v. 12, p. 319. 13 July, 1866, c. 184, ss. 9, 19, v. 14, pp. 111, 145, 152. 2 March, 1867, c. 169, ss. 10, 25, v. 14, pp. 475, 483. 20 July, 1868, c. 186, s. 106, v. 15, p. 167. 30 June, 1864, c. 173, ss. 41, 179, v. 13, pp. 239, 240, 305. 3 March, 1865, c. 78, s. 1, v. 13, p. 483.

Glass *vs.* Sloop Betsey, 3 Dall., 6; Bingham *vs.* Cabbo, 3 Dall., 19; *U. S. vs. Schooner Sallie*, 2 Cr., 406; Rose *vs.* Himely, 4 Cr., 241; *U. S. vs. Betsey and Charlotte*, 4 Cr., 443; Keene *vs.* U. S., 5 Cr., 304; The Samuel, 1 Wh., 9; L'Invincible, 1 Wh., 238;

SEC. 563. The district courts shall have jurisdiction as follows:

First. Of all crimes and offenses cognizable under the authority of the United States, committed within their respective districts, or upon the high seas, the punishment of which is not capital, except in the cases mentioned in section fifty-four hundred and twelve, Title "CRIMES." [See §§ 4300-4305.]

Second. Of all cases arising under any act for the punishment of piracy, when no circuit court is held in the district of such court.

Third. Of all suits for penalties and forfeitures incurred under any law of the United States.

Fourth. Of all suits at common law brought by the United States, or by any officer thereof, authorized by law to sue.

Fifth. Of all suits in equity to enforce the lieu of the United States upon any real estate for any internal-revenue tax, or to subject to the payment of any such tax any real estate owned by the delinquent, or in which he has any right, title, or interest. [See § 3207.]

Sixth. Of all suits for the recovery of any forfeiture or damages under section thirty-four hundred and ninety, Title "DEBTS DUE BY OR TO THE UNITED STATES;" and such suits may be tried and determined by any district court within whose jurisdictional limits the defendant may be found. [See §§ 3490-3494.]

Seventh. Of all causes of action arising under the postal laws of the United States.

Eighth. Of all civil causes of admiralty and maritime jurisdiction; saving to suitors in all cases the right of a common-law remedy, where the common law is competent to give it; and of all seizures on land and on waters not within admiralty and maritime jurisdiction. And such jurisdiction shall be exclusive, except in the particular cases where jurisdiction of such causes and seizures is given to the circuit courts.

U. S. *vs.* Coolidge, 1 Wh., 415; *Slocum vs. Mayberry*, 2 Wh., 1; *The Estrella*, 4 Wh., 298; *L'Amistad de Ruez*, 5 Wh., 385; *The Sarah*, 8 Wh., 391; *The Margaret*, 9 Wh., 119; *The Merino*, 9 Wh., 391; *Ramsay vs. Allegre*, 12 Wh., 611; *Hobart vs. Drogan*, 10 Pet., 108; *The Orleans vs. Phœbus*, 11 Pet., 175; *Smith vs. Condry*, 1 How., 28; *Waring vs. Clarke*, 5 How., 441; *New Jersey Steam Nav. Co. vs. Merchants' Bank*, 6 How., 344; *The Genesee Chief*, 12 How., 443; *Fretz vs. Bull*, 12 How., 466; *Walsh vs. Rogers*, 13 How., 283; *Steamboat New World vs. King*, 16 How., 469; *Bogart vs. Steamboat John Jay*, 17 How., 399; *Ward vs. Peck*, 18 How., 267; *Ure vs. Coffinann*, 19 How., 56; *Jackson vs. Steamboat Magnolia*, 20 How., 296; *People's Ferry Com. vs. Beers*, 20 How., 393; *Taylor vs. Carryl*, 20 How., 598; *Allen vs. Newberry*, 21 How., 244; *Nelson vs. Leland*, 22 How., 48; *Roach vs. Chapman*, 22 How., 129; *Ward vs. Thompson*, 22 How., 330; *Railroad vs. Steam Tow-boat Com.*, 23 How., 209; *Moorewood vs. Enequist*, 23 How., 491; *The Steamer St. Lawrence*, 1 Bl., 522; *The Propeller Commerce*, 1 Bl., 574; *The Plymouth*, 3 Wall., 20; *The Moses Taylor*, 4 Wall., 411; *Hine vs. Trevor*, 4 Wall., 555; *The Eddy*, 5 Wall., 481; *The Siren*, 7 Wall., 152; *The Belfast*, 7 Wall., 624; *The Eagle*, 8 Wall., 15; *The Maggie Hammond*, 9 Wall., 435; *Norwich Com. vs. Wright*, 13 Wall., 104; *Steamboat Com. vs. Chase*, 16 Wall., 522; *Atkins vs. The Disintegrating Com.*, 18 Wall., 272; *Corfield vs. Coryell*, 4 Wash. C. C., 371; *Clark vs. U. S.*, 2 Wash. C. C., 519; *The Abby*, 1 Mas., 360; *The Washington*, 4 Blatch., 101; *Jennings vs. Carson's Exs.*, 1 Pot. Ad., 1; *The Jerusalem*, 2 Gallis., 345; *De Lovio vs. Boit*, 2 Gallis., 398.

Ninth. Of all proceedings for the condemnation of property taken as prize, in pursuance of section fifty-three hundred and seventy-six, Title "INSURRECTION." Condemnation of property taken as prize.

6 Aug., 1861, c. 60, s. 2, v. 12, p. 319.

Tenth. Of all suits by the assignee of any debenture for drawback of duties, issued under any law for the collection of duties, against the person to whom such debenture was originally granted, or against the indorser thereof, to recover the amount of such debenture. Suits on debentures. 2 March, 1799, c. 22, s. 80, v. 1, p. 687.

Eleventh. Of all suits authorized by law to be brought by any person for the recovery of damages on account of any injury to his person or property, or of the deprivation of any right or privilege of a citizen of the United States by any act done in furtherance of any conspiracy mentioned in section nineteen hundred and eighty-five, Title, "CIVIL RIGHTS." Suits on account of injuries by conspirators in certain cases. 20 April, 1871, c. 22, s. 2, v. 17, p. 13.

Twelfth. Of all suits at law or in equity authorized by law to be brought by any person to redress the deprivation, under color of any law, ordinance, regulation, custom, or usage of any State, of any right, privilege, or immunity secured by the Constitution of the United States, or of any right secured by any law of the United States to persons within the jurisdiction thereof. Suits to redress deprivation of rights secured by the Constitution and laws to persons within jurisdiction of United States. 20 April, 1871, c. 22, s. 1, v. 17, p. 13. 31 May, 1870, c. 114, ss. 16, 18, v. 16, p. 144. 9 April, 1866, c. 31, s. 3, v. 14, p. 27.

Thirteenth. Of all suits to recover possession of any office, except that of elector of President or Vice-President, Representative or Delegate in Congress, or member of a State legislature, authorized by law to be brought, wherein it appears that the sole question touching the title to such office arises out of the denial of the right to vote to any citizen offering to vote, on account of race, color, or previous condition of servitude: *Provided*, That such jurisdiction shall extend only so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the Constitution of the United States, and secured by any law, to enforce the right of citizens of the United States to vote in all the States. Suits to recover offices. 31 May, 1870, c. 114, s. 23, v. 16, p. 146.

Fourteenth. Of all proceedings by the writ of quo warranto, prosecuted by any district attorney, for the removal from office of any person holding office, except as a member of Congress, or of a State legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution of the United States. Suits for removal of officers holding contrary to fourteenth amendment. 31 May, 1870, c. 114, s. 14, v. 16, p. 143.

Fifteenth. Of all suits by or against any association established under any law providing for national banking associations within the district for which the court is held. Suits against national banks. 3 June, 1864, c. 106, s. 57, v. 13, p. 116.—Kennedy vs. Gibson, 8 Wall., 506.

Suits by aliens for torts in violation of the law of nations.

Suits against consuls and vice-consuls.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76. 23 Aug., 1842, c. 188, v. 5, p. 517.—*Laury vs. Lausada*, 1 Am. L. Rev., 92.

In bankruptcy.

2 March, 1867, c. 176, s. 1, v. 14, p. 517.

Certain seizures cognizable in any district into which the property is taken.

13 July, 1861, c. 3, s. 4, 5, 9, v. 12, pp. 256, 257, 258.

May proceed in prize causes after appeal.

30 June, 1864, c. 174, s. 13, v. 13, p. 310.

[See § 4637.]

Trial of issues of fact.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

26 Feb., 1845, c. 20, v. 5, p. 726.

The Eagle, 8 Wall., 25.

Henderson's Distilled Spirits, 14 Wall., 44.

Transfer of records to district courts when a Territory becomes a State.

22 Feb., 1847, c. 17, s. 1, v. 9, p. 128.

22 Feb., 1848, c. 12, s. 2, v. 9, p. 212.

Bennetts. Porter, 9 How., 235.

Forsyth vs. U. S.,

District judge shall demand and compel delivery of records of territorial court.

22 Feb., 1847, c. 17, s. 1, v. 9, p. 128.

22 Feb., 1848, c. 12, s. 2, v. 9, p. 212.

Jurisdiction of district courts in cases transferred from territorial courts.

22 Feb., 1847, c. 17, s. 1, v. 9, p. 128.

Sixteenth. Of all suits brought by any alien for a tort only in violation of the law of nations, or of a treaty of the United States.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

Seventeenth. Of all suits against consuls or vice-consuls, except for offenses above the description aforesaid.

Eighteenth. The district courts are constituted courts of bankruptcy, and shall have in their respective districts original jurisdiction in all matters and proceedings in bankruptcy.

SEC. 564. Proceedings on seizures for forfeiture of any vessel or cargo entering any port of entry which has been closed by the President in pursuance of law, or of goods and chattels coming from a State or section declared by proclamation of the President to be in insurrection into other parts of the United States, or of any vessel or vehicle conveying such property, or conveying persons to or from such State or section, or of any vessel belonging, in whole or in part, to any inhabitant of such State or section, may be prosecuted in any district court into which the property so seized may be taken, and proceedings instituted; and the district court thereof shall have as full jurisdiction over such proceedings as if the seizure was made in that district. [See §§ 5301, 5317.]

SEC. 565. Any district court may, notwithstanding an appeal to the Supreme Court, in any prize cause, make and execute all necessary orders for the custody and disposal of the prize property, and, in case of an appeal from a decree of condemnation, may proceed to make a decree of distribution, so far as to determine what share of the prize shall go to the captors, and what vessels are entitled to participate therein.

SEC. 566. The trial of issues of fact in the district courts, in all causes except cases in equity and cases of admiralty and maritime jurisdiction, and except as otherwise provided in proceeding in bankruptcy, shall be by jury. In causes of admiralty and maritime jurisdiction relating to any matter of contract or tort arising upon or concerning any vessel of twenty tons burden or upward, enrolled and licensed for the coasting trade, and at the time employed in the business of commerce and navigation between places in different States and Territories upon the lakes and navigable waters connecting the lakes, the trial of issues of fact shall be by jury when either party requires it.

SEC. 567. When any Territory is admitted as a State, and a district court is established therein, all the records of the proceedings in the several cases pending in the court of appeals of said Territory at the time of such admission, and all records of the proceedings in the several cases in which judgments or decrees had been rendered in said territorial court before that time, and from which writs of error could have been sued out or appeals could have been taken, or from which writs of error had been sued out or appeals had been taken and prosecuted to the Supreme Court, shall be transferred to and deposited in the district court for the said State. [See § 704.]

9 How., 571. *McNulty vs. Batty*, 10 How., 72.

SEC. 568. It shall be the duty of the district judge, in the case provided in the preceding section, to demand of the clerk, or other person having possession or custody of the records therein mentioned, the delivery thereof, to be deposited in said district court; and, in case of the refusal of such clerk or person to comply with such demand, the said district judge shall compel the delivery of said records by attachment or otherwise, according to law.

SEC. 569. When any Territory is admitted as a State, and a district court is established therein, the said district court shall take cognizance of all cases which were pending and undetermined in the superior court of such Territory, from the judgments or decrees to be rendered in which

writs of error could have been sued out or appeals taken to the Supreme Court, and shall proceed to hear and determine the same. [See § 704.]

SEC. 570. Any district judge may appoint commissioners, before whom appraisers of vessels or goods and merchandise seized for breaches of any law of the United States may be sworn; and such oaths, so taken, shall be as effectual as if taken before the judge in open court. [See § 938.]

SEC. 571. The district courts for the western district of Arkansas, the northern district of Mississippi, the western district of South Carolina, and the district of West Virginia, shall have, in addition to the ordinary jurisdiction of district courts, jurisdiction of all causes, except appeals and writs of error, which are cognizable in a circuit court; and shall proceed therein in the same manner as a circuit court.

1848, c. 151, s. 8, v. 9, p. 281. Miss., 16 Feb., 1839, c. 27, s. 1, v. 5, p. 317. 1823, c. 11, v. 3, p. 726; 16 Aug., 1856, c. 119, ss. 1, 3, v. 11, p. 43. W. Va., 4 Feb., 1819, c. 12, s. 2, v. 3, p. 479; 3 March, 1837, c. 34, s. 3, v. 5, p. 177; 28 March, 1838, c. 46, s. 1, v. 5, p. 215; 11 June, 1864, c. 120, s. 1, v. 13, p. 124; 4 June, 1872, c. 284, s. 1, v. 17, p. 218.

22 Feb., 1848, c. 12, s. 2, v. 9, p. 212.

Commissioners to administer oaths to appraisers.

9 June, 1794, c. 64, s. 1, v. 1, p. 395.

Certain district courts to have circuit-court jurisdiction.

Ark., 3 Mar., 1851, c. 24, s. 3, v. 9, p. 595. Ga., 11 August,

S. C., 21 Feb., 1823, c. 11, v. 3, p. 726; 16 Aug., 1856, c. 119, ss. 1, 3, v. 11, p. 43. W. Va., 4 Feb., 1819, c. 12, s. 2, v. 3, p. 479; 3 March, 1837, c. 34, s. 3, v. 5, p. 177; 28 March, 1838, c. 46, s. 1, v. 5, p. 215; 11 June, 1864, c. 120, s. 1, v. 13, p. 124; 4 June, 1872, c. 284, s. 1, v. 17, p. 218.

CHAPTER FOUR.

DISTRICT COURTS—SESSIONS.

Sec.

- 572. Terms of district courts.
- 573. Effect of altering terms of district courts.
- 574. Court always open as court of admiralty, for certain purposes.
- 575. District court in southern district of Florida.
- 576. District courts in Wisconsin.
- 577. Kentucky and Indiana; how terms may be held.
- 578. Monthly adjournments for trial of criminal causes.
- 579. Adjourned terms.
- 580. Adjourned terms in Kentucky and Indiana.
- 581. Special terms.
- 582. Tennessee; when circuit judges may act as district judges.
- 583. Adjournment in case of non-attendance of the judge.
- 584. Adjournment in case of non-attendance of the judge, in certain districts.
- 585. Adjournment in Kentucky and Indiana, by written order, within first three days of terms.
- 586. Intermediate terms in California, Iowa, and Tennessee.
- 587. Business certified to circuit court in case of disability of district judge.
- 588. Suits brought in district court after order to certify to circuit court.

Sec.

- 589. Powers of district judge vested, during disability, in circuit judge.
- 590. Preparatory examinations and orders in admiralty cases, by district clerk.
- 591. District judge designated to perform duties of disabled judge.
- 592. Designation of another judge in case of accumulation of business.
- 593. When designation of another judge to be by Chief Justice United States.
- 594. Revocation and new appointment.
- 595. Duty of district judge to comply with designation and appointment.
- 596. Designation of district judge when public interest requires.
- 597. Expenses of a district judge designated to southern district of New York.
- 598. Disability of district judges in Florida.
- 599. Disability of judge of northern and southern districts of New York.
- 600. When district judge of eastern district of New York may act in southern district.
- 601. When district judge is interested in suit pending before him.
- 602. Continuances by vacancy in office of district judge.
- 603. Vacancy in office of district judge.

SEC. 572. The regular terms of the district courts shall be held at the times and places following, but when any of said dates shall fall on Sunday, the term shall commence on the following day:

In the southern district of Alabama, at Mobile, on the fourth Monday in April, and the second Monday after the fourth Monday in November.

In the middle district of Alabama, at Montgomery, on the fourth Monday in May and November.

In the northern district of Alabama, at Huntsville, on the third Monday in May and November.

In the eastern district of Arkansas, at Little Rock, on the first Monday in April and October.

In the western district of Arkansas, at Fort Smith, on the second Monday in May and November, and at Helena on the second Monday in March and September.

Terms of district courts.

Alabama.

7 Aug., 1848, c. 143, ss. 1, 2, v. 9, p. 274.

4 May, 1852, c. 25, s. 1, v. 10, p. 5.

2 March, 1827, c. 41, s. 1, v. 4, p. 226.

9 June, 1860, c. 85, s. 1, v. 12, p. 28.

Arkansas.

15 June, 1836, c. 100, s. 4, v. 5, p. 51.

3 March, 1839, c. 81, s. 5, v. 5, p. 337.

3 March, 1851, c. 24, s. 2, v. 9, p. 594. 3 March, 1871, c. 106, ss. 1, 5, v. 16, pp. 471, 472.

- California.**
19 Feb., 1864, c. 11, s. 8, v. 13, p. 5.
- Connecticut.**
24 Sept., 1789, c. 20, s. 3, v. 1, p. 74.
6 Feb., 1812, c. 20, v. 2, p. 676.
- Delaware.**
10 May, 1852, c. 33, s. 1, v. 10, p. 5.
- Florida.**
27 July, 1863, c. 270, s. 1, v. 15, p. 239.
23 Feb., 1847, c. 20, s. 2, v. 9, p. 131.
- Georgia.**
9 July, 1794, c. 64, s. 2, v. 1, p. 396.
29 April, 1802, c. 31, s. 15, v. 2, p. 165.
- Illinois.**
13 Feb., 1855, c. 96, s. 2, v. 10, p. 606.
23 April, 1856, c. 18, s. 1, v. 11, p. 4.
3 July, 1868, c. 118, s. 1, v. 15, p. 82.
- Indiana.**
10 March, 1838, c. 33, s. 1, v. 5, p. 215.
20 Feb., 1863, c. 47, s. 1, v. 12, p. 657.
- Iowa.**
3 March, 1859, c. 88, ss. 5, 6, 7, v. 11, pp. 437, 438.
15 July, 1862, c. 178, s. 1, v. 12, p. 576.
3 March, 1863, c. 69, s. 2, v. 12, p. 699.
30 June, 1870, c. 178, s. 2, v. 16, p. 174.
- Kansas.**
29 Jan., 1861, c. 20, s. 5, v. 12, p. 128.
- Kentucky.**
15 May, 1862, c. 71, s. 1, v. 12, p. 386.
1 Mar., 1873, c. 215, v. 17, p. 484.
- Louisiana.**
20 July, 1854, c. 99, s. 1, v. 10, p. 307.
27 July, 1866, c. 280, s. 1, v. 14, p. 300.
- Maine.**
24 Sept., 1789, c. 20, s. 3, v. 1, p. 74.
28 Nov., 1811, c. 2, s. 1, v. 2, p. 667.
27 Jan., 1831, c. 10, s. 1, v. 4, p. 434.
- In the district of California, at San Francisco, on the first Monday in April, on the second Monday in August, and on the first Monday in December.
- In the district of Connecticut, at New Haven, on the fourth Tuesday in February; at Hartford, on the fourth Tuesday in May; at New Haven, on the fourth Tuesday in August, and at Hartford on the fourth Tuesday in November.
- In the district of Delaware, at Wilmington, on the second Tuesday in January, April, June, and September.
- 14 June, 1856, c. 45, s. 1, v. 11, p. 22.
- In the northern district of Florida, at Tallahassee, on the first Monday in February, at Pensacola, on the first Monday in March, and at Jacksonville, on the first Monday in December.
- In the southern district of Florida, at Key West, on the first Monday in May and November.
- In the northern district of Georgia, at Atlanta, on the first Monday in March and September.
- In the southern district of Georgia, at Savannah, on the second Tuesday in February, May, August, and November.
- 11 Aug., 1848, c. 151, ss. 1, 2, v. 9, p. 280. 4 June, 1872, c. 284, s. 3, v. 17, p. 218.
- In the northern district of Illinois, at Chicago, on the first Monday in July and the third Monday in December.
- In the southern district of Illinois, at Springfield, on the first Monday in January and June, and at Cairo, on the first Monday in March and October.
- In the district of Indiana, at Indianapolis, on the first Tuesday in May and November, and at New Albany, on the first Monday in January and July, and at Evansville, on the first Monday in February and August.
- 30 June, 1870, c. 180, s. 1, v. 16, p. 175.
- In the northern division of the district of Iowa, at Dubuque, on the third Tuesday in April and November.
- In the southern division, at Keokuk, on the third Tuesday in March and September.
- In the central division, at Des Moines, on the second Tuesday in May and the third Tuesday in October.
- In the western division, at Council Bluffs, on the third Tuesday in January and July.
- In the district of Kansas, at the seat of government, on the second Monday in April, and at Leavenworth, on the second Monday in October.
- 8 June, 1872, c. 341, v. 17, p. 334.
- In the district of Kentucky, at Covington, on the second Monday in May and the first Monday in December; at Louisville, on the third Monday in February and the first Monday in October; at Frankfort, on the third Monday in May and the first Monday in January; and at Paducah, on the second Monday in April and the first Monday in November.
- In the district of Louisiana, at New Orleans, on the third Monday in February, May, and November.
- In the district of Maine, at Portland, on the first Tuesday in February; at Bangor, on the fourth Tuesday in June; at Bath, on the first Tuesday in September, and at Portland on the first Tuesday in December.
- 15 Feb., 1843, c. 32, s. 2, v. 5 p. 600. 14 July, 1862, c. 174, s. 1, v. 12, p. 575.

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| In the district of Maryland, at Baltimore, on the first Tuesday in March, June, September, and December. | Maryland. |
| 20, s. 3, v. 1, p. 74. 29 April, 1802, c. 31, s. 15, v. 2, p. 165. | 24 Sept., 1789, c. 20, s. 3, v. 1, p. 74. |
| In the district of Massachusetts, at Boston, on the third Tuesday in March, on the fourth Tuesday in June, on the second Tuesday in September, and on the first Tuesday in December. | Massachusetts. |
| 9 June, 1794, c. 64, s. 2, v. 1, p. 396. 3 March, 1813, c. 45, s. 3, v. 2, p. 815. | 24 Sept., 1789, c. 20, s. 3, v. 1, p. 74. |
| In the eastern district of Michigan, at Detroit, on the first Tuesday in March, June, and November. | Michigan. |
| In the western district of Michigan, at Grand Rapids, on the third Monday in May and October. | 24 Feb., 1863, c. 54, s. 2, v. 12, p. 661. |
| In the district of Minnesota, at Winona, on the first Monday in June, and at Saint Paul on the first Monday in October. | Minnesota. |
| 74, s. 1, v. 11, p. 402. 5 April, 1866, c. 26, s. 1, v. 14, p. 14. | 3 March, 1859, c. 26, s. 1, v. 14, p. 14. |
| In the northern district of Mississippi, at Oxford, on the first Monday in June and December. | Mississippi. |
| In the southern district of Mississippi, at Jackson, on the fourth Monday in January and June. | 18 June, 1838, c. 115, ss. 1, 2, v. 5, p. 247. 16 May, 1866, c. 83, s. 1, v. 14, p. 48. 5 May, 1830, c. 89, s. 1, v. 4, p. 399. 3 March, 1835, c. 34, s. 1, v. 4, p. 773. |
| In the eastern district of Missouri, at Saint Louis, on the first Monday in May and November. | Missouri. |
| In the western district of Missouri, at Jefferson, on the first Monday in March and September. | 3 March, 1857, c. 100, s. 2, v. 11, p. 197. 25 Feb., 1873, c. 200, s. 5, v. 17, p. 477. |
| In the district of Nebraska, at Omaha, on the first Monday in May and on the first Wednesday after the second Tuesday in October. | Nebraska. |
| c. 7, s. 2, v. 15, p. 5. 3 March, 1873, c. 263, v. 17, p. 601. | 25 March, 1867. |
| In the district of Nevada, at Carson City, on the first Monday in February, May, and October. | Nevada. |
| | 27 Feb., 1865, c. 64, s. 1, v. 13, p. 440. |
| In the district of New Hampshire, at Portsmouth, on the third Tuesday in March and September; at Exeter, on the third Tuesday in June and December. | New Hampshire. |
| In the district of New Jersey, at Trenton, on the third Tuesday in January, April, June, and September. | 24 Sept., 1789, c. 20, s. 3, v. 1, p. 74. |
| 38, s. 1, v. 5, p. 660. 12 Aug., 1848, c. 169, s. 1, v. 9, p. 303. | New Jersey. |
| In the northern district of New York, at Albany, on the third Tuesday in January; at Utica, on the third Tuesday in March; at Rochester, on the second Tuesday in May; at Buffalo, on the third Tuesday in August; at Auburn, on the third Tuesday in November; and, in the discretion of the judge of said court, one term annually at such time and place within the counties of Saint Lawrence, Clinton, Jefferson, Oswego, and Franklin as he may from time to time appoint. Such appointment shall be made by a notice of at least twenty days published in the State paper of the State of New York, and in one newspaper published at the place where said court is to be held; and said term shall be held only for the trial of issues of fact arising within said counties. | 4 June, 1844, c. 169, s. 1, v. 9, p. 303. |
| In the southern district of New York, in the city of New York, on the first Tuesday in every month. | New York. |
| In the eastern district of New York, in Brooklyn, on the first Wednesday in every month. | 4 July, 1864, c. 245, s. 1, v. 13, p. 385. |
| In the eastern district of North Carolina, at Elizabeth City, on the third Monday in April and October; at New Berne, on the fourth Monday in April and October; and at Wilmington, on the first Monday after the fourth Monday in April and October. | 29 May, 1830, c. 213, s. 1, v. 4, p. 422. |
| In the western district of North Carolina, at Greensborough, on the first Monday in April and October; at Statesville, on the third Monday in April and October; and at Asheville, on the first Monday in May and November. | 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438. |
| | 10 Mar., 1828, c. 16, s. 1, v. 4, p. 254. |
| | 1 July, 1870, c. 188, v. 16, p. 180. |
| | 4 June, 1872, c. 282, s. 2, v. 17, p. 215. |

- Ohio.**
 7 July, 1870, c. 214, v. 16, p. 192.
 23 May, 1872, c. 201, v. 17, p. 157.
 21 Feb., 1863, c. 49, v. 12, p. 657.
 In the northern district of Ohio, at Cleveland, on the first Tuesday in January, April, and October; and at Toledo, two terms, to be held at such times as shall be fixed by the judge of said district.
 In the southern district of Ohio, at Cincinnati, on the first Tuesday in February, April, and October.
- Oregon.**
 19 Feb., 1864, c. 11, s. 8, v. 13, p. 5.
 In the district of Oregon, at Portland, on the first Monday in March, July, and November.
- Pennsylvania.**
 9 June, 1794, c. 64, s. 2, v. 1, p. 396.
 20 April, 1818, c. 108, s. 1, v. 3, p. 462.
 15 May, 1820, c. 111, s. 1, v. 3, p. 598.
 5 April, 1826, c. 23, s. 1, v. 4, p. 153.
 8 May, 1840, c. 23, s. 1, v. 5, p. 380.
 27 July, 1842, c. 68, s. 1, v. 5, p. 496.
 28 July, 1866, c. 304, s. 1, v. 14, p. 342.
 21 Feb., 1871, c. 63, v. 16, p. 429.
 In the eastern district of Pennsylvania, at Philadelphia, on the third Monday in February, May, August, and November.
 In the western district of Pennsylvania, at Pittsburgh, on the first Monday in May, and on the third Monday in October; at Williamsport, on the third Monday in June, and on the first Monday in October; at Erie, on the second Monday in January, and third Monday in July.
- Rhode Island.**
 23 Mar., 1804, c. 31, s. 4, v. 2, p. 273.
 In the district of Rhode Island, at Providence, on the first Tuesday in February and August; at Newport, on the second Tuesday in May, and on the third Tuesday in October.
- South Carolina.**
 10 Feb., 1858, c. 5, s. 1, v. 11, p. 260.
 16 August, 1856, c. 119, s. 1, v. 11, p. 43.
 21 February, 1823, c. 11, v. 3, p. 726.
 In the eastern district of South Carolina, at Charleston, on the first Monday in January, May, July, and October. In the western district, at Greenville, on the first Monday in August.
- Tennessee.**
 25 June, 1868, c. 79, s. 1, v. 15, p. 80.
 In the eastern district of Tennessee, at Knoxville, on the second Monday in January and July.
 In the middle district of Tennessee, at Nashville, on the third Monday in April and October.
 In the western district of Tennessee, at Memphis, on the fourth Monday in May and November.
- Texas.**
 21 Feb., 1857, c. 57, s. 2, v. 11, p. 164.
 11 June, 1858, c. 147, s. 1, v. 11, p. 314.
 In the eastern district of Texas, at Brownsville, on the first Monday in March and October; at Galveston, on the first Monday in May and December.
 In the western district of Texas, at Austin, on the first Monday in January and June; at Tyler, on the fourth Monday in April, and on the first Monday in November.
- Vermont.**
 29 April, 1802, c. 31, s. 27, v. 2, p. 166.
 22 March, 1816, c. 31, s. 1, v. 3, p. 258.
 3 March, 1823, c. 45, s. 1, v. 3, p. 776.
 4 May, 1858, c. 28, s. 1, v. 11, p. 272.
 22 February, 1869, c. 43, s. 1, v. 15, p. 274.
 In the district of Vermont, at Burlington, on the fourth Tuesday in February; at Windsor, on the Monday next after the fourth Tuesday in July; at Rutland, on the sixth day of October.
- Virginia.**
 3 Feb., 1871, c. 35, ss. 2, 3, v. 16, p. 403.
 1 Feb., 1872, c. 10, v. 17, p. 27.
 13 April, 1872, c. 99, v. 17, p. 52.
 In the eastern district of Virginia, at Richmond, on the first Monday in April and October; at Alexandria, on the first Monday in January and July; and at Norfolk on the first Monday in May and November.
 In the western district of Virginia, at Danville, on the Tuesday after the fourth Monday in February and August; at Lynchburgh, on the Tuesday after the third Monday in March and September; at Abingdon, on the Tuesday after the fourth Monday in May and October; and at Harrisonburgh, on the Tuesday after the first Monday in May, and the Tuesday after the second Monday in October.
- West Virginia.**
 11 June, 1864, c. 120, s. 1, v. 13, p. 124.
 In the district of West Virginia, at Clarksburgh, on the twenty-fourth days of March and August; and at Wheeling, on the sixth days of April and September; and at Charleston, on the nineteenth days of April and September.
- Wisconsin.**
 29 June, 1870, c. 175, ss. 2, 3, v. 16, p. 171.
 9 May, 1872, c. 143, s. 1, v. 17, p. 88.
 In the eastern district of Wisconsin, at Oshkosh, on the first Monday in July; at Milwaukee, on the first Monday in January and October.
 In the western district of Wisconsin, at Madison, on the first Monday in June; and at La Crosse, on the third Tuesday in September.

SEC. 573. No action, suit, proceeding, or process in any district court shall abate or be rendered invalid by reason of any act changing the time of holding such court; but the same shall be deemed to be returnable to, pending, and triable in the terms established next after the return-day thereof.

Effect of altering terms of district courts.

See all acts altering terms.

SEC. 574. The district courts, as courts of admiralty, and as courts of equity, so far as equity jurisdiction has been conferred upon them, shall be deemed always open, for the purpose of filing any pleading, of issuing and returning mesne and final process, and of making and directing all interlocutory motions, orders, rules, and other proceedings, preparatory to the hearing, upon their merits, of all causes pending therein. And any district judge may, upon reasonable notice to the parties, make, and direct and award, at chambers, or in the clerk's office, and in vacation as well as in term, all such process, commissions, orders, rules, and other proceedings, whenever the same are not grantable of course, according to the rules and practice of the court.

Court always open as court of admiralty, for certain purposes.

23 August, 1842, c. 188, s. 5, v. 5, p. 517.

SEC. 575. The district court for the southern district of Florida shall at all times be open, for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction.

District court in southern district of Florida.

23 February, 1847, c. 20, s. 2, v. 9, p. 131.

SEC. 576. The district courts of the districts of Wisconsin shall at all times be open, for the purpose of hearing and deciding causes of admiralty and maritime jurisdiction, so far as the same can be done without a jury.

District courts in Wisconsin.

29 June, 1870, c. 175, ss. 1, 3, v. 16, p. 171. 26 February, 1845, c. 20, v. 5, p. 726.

29 May, 1848, c. 50, s. 4, v. 9, p. 234.

SEC. 577. In the districts of Kentucky and Indiana, the terms of the district courts shall not be limited to any particular number of days, nor shall it be necessary to adjourn by reason of the intervention of a term of the court elsewhere; but the court intervening may be adjourned over till the business of the court in session is concluded.

Kentucky and Indiana; how terms may be held.

Ky., 15 May, 1862, c. 71, s. 6, v. 12, p. 386. Ind., 30 June, 1870, c. 180, s. 6, v. 16, p. 175.

SEC. 578. District courts shall hold monthly adjournments of their regular terms, for the trial of criminal causes, when their business requires it to be done, in order to prevent undue expenses and delays in such cases.

Monthly adjournments for trial of criminal causes.

23 Aug., 1842, c. 188, s. 3, v. 5, p. 517.

SEC. 579. The judge of any district court in Indiana, Kentucky, Louisiana, Michigan, Ohio, Pennsylvania, and Texas, may adjourn the same from time to time, to meet the necessities or convenience of the business.

Adjourned terms.

v. 16, p. 175. Ky., 15 May, 1862, c. 71, s. 4, v. 12, p. 386. La., 20 July, 1854, c. 99, s. 1, v. 10, p. 307; 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Mich., 24 February, 1863, c. 54, s. 2, v. 12, p. 661. Ohio, 10 February, 1855, c. 73, s. 2, v. 10, p. 605. Pa., 20 April, 1818, c. 108, s. 1, v. 3, p. 462; 26 May, 1824, c. 170, s. 1, v. 4, p. 50; 28 July, 1866, c. 304, s. 1, v. 14, p. 342. Tex., 21 February, 1857, c. 57, s. 2, v. 11, p. 164.—*Mechanics' Bank vs. Withers*, 6 Wh., 106.

SEC. 580. In the districts of Kentucky and Indiana the intervention of a term of the district court at another place, or of a circuit court, shall not preclude the power to adjourn over to a future day.

Adjourned terms in Kentucky and Indiana.

15 May, 1862, c. 71, s. 4, v. 12, p. 386; 30 June, 1870, c. 180, s. 5, v. 16, p. 175.

SEC. 581. A special term of any district court may be held at the same place where any regular term is held, or at such other place in the district as the nature of the business may require, and at such time and upon such notice as may be ordered by the district judge. And any business may be transacted at such special term which might be transacted at a regular term.

Special terms.

12, p. 29. Ark., 15 June, 1836, c. 100, s. 4, v. 5, p. 51; 3 March, 1851, c. 24, s. 2, v. 9, p. 594. Cal., 28 September, 1850, c. 86, s. 3, v. 9, p. 522. Fla., 3 March, 1845, c. 75, s. 4, v. 5, p. 788; 23 February, 1847, c. 20, s. 2, v. 9, p. 131. Ill., 3 March, 1851, c. 44, s. 1, v. 9, p. 606. Ind., 30 June, 1870, c. 180, s. 4, v. 16, p. 175. Ky., 15 May, 1862, c. 71, s. 4, v. 12, p. 386. N. Car., 4 June, 1872, c. 282, s. 4, v. 17, p. 215. N. Y., 4 July, 1864, c. 245, s. 1, v. 13, p. 385. Teun., 26 Jan., 1864, c. 5, s. 2, v. 13, p. 2. Va., 3 Feb., 1871, c. 35, s. 4, v. 16, p. 403. Wis., 29 May, 1848, c. 50, s. 4, v. 9, p. 234; 29 June, 1870, c. 175, s. 4, v. 16, p. 171.

24 Sept., 1789, c. 20, s. 3, v. 1, p. 73.

Ala., 6 February, 1839, c. 20, s. 2, v. 5, p. 315; 9 June, 1860, c. 85, s. 3, v. 12, p. 606.

Tennessee; when circuit judges may act as district judges.

3 March, 1843, c. 74, s. 2, v. 5, p. 610.

Adjournment in case of non-attendance of the judge.

24 Sept., 1789, c. 20, s. 6, v. 1, p. 76.

26 March, 1804, c. 44, v. 2, p. 291.

Adjournment in case of non-attendance of the judge, in certain districts.

Ala., 10 March, 1824, c. 28, s. 9, v. 4, p. 10; 6 Feb., 1839, c. 20, s. 10, v. 5, p. 316.

Cal., 28 Sept., 1850, c. 86, s. 6, v. 9, p. 522. Ga., 18 August, 1848, c. 151, s. 10, v. 9, p. 281. Ind., 30 June, 1870, c. 180, s. 2, v. 16, p. 175. Iowa, 3 March, 1849, c. 124, s. 1, v. 9, p. 411. Ky., 15 May, 1862, c. 71, s. 2, v. 12, p. 386. N. Car., 23 Jan., 1812, c. 17, s. 2, v. 2, p. 676. Tenn., 18 June, 1838, c. 118, s. 7, v. 5, p. 250. W. Va., 26 May, 1824, c. 167, s. 3, v. 4, p. 49.

Adjournment in Kentucky and Indiana, by written order, within first three days of terms.

15 May, 1862, c. 71, s. 2, v. 12, p. 386.

30 June, 1870, c. 180, s. 2, v. 16, p. 175.

Intermediate terms in California, Iowa, and Tennessee.

28 Sept., 1850, c. 86, s. 6, v. 9, p. 522.

3 March, 1849, c. 124, s. 1, v. 9, p. 411.

1st June, 1838, c. 118, s. 8, v. 5, p. 250.

18 June, 1839, c. 3, s. 1, v. 5, p. 313.

Business certified to circuit court in case of disability of district judge.

2 March, 1809, c. 27, s. 1, v. 2, p. 534.

29 July, 1850, c. 30, s. 1, v. 9, p. 442.

2 April, 1852, c. 20, v. 10, p. 5.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Ex parte U. S., 1 Gallis., 338.

SEC. 582. In the case of the non-attendance of the district judge of Tennessee at any term of the district court in either of the districts thereof, the circuit justice, or circuit judge of the circuit to which such district belongs, may hold such term, and shall have and exercise the jurisdiction and powers given by law to a district judge.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

SEC. 583. If the judge of any district court is unable to attend at the commencement of any regular, adjourned, or special term, the court may be adjourned by the marshal, by virtue of a written order directed to him by the judge, to the next regular term, or to any earlier day, as the order may direct.

SEC. 584. If the judge of any district court in Alabama, California, Georgia, Indiana, Iowa, Kentucky, North Carolina, Tennessee, or West Virginia is not present at the time for opening the court, the clerk may open and adjourn the court from day to day for four days; and if the judge does not appear by two o'clock after noon of the fourth day, the clerk shall adjourn the court to the next regular term. But this section is subject to the provisions of the preceding and next sections.

SEC. 585. In the districts of Indiana and Kentucky, the district judge, in the case provided in the preceding section, may, by a written order to the clerk within the first three days of his term, adjourn the district court to a future day within thirty days of the first day. The clerk shall give notice of such adjournment by posting a copy of said order on the front door of the court-house where the court is to be held.

SEC. 586. Whenever the judge of any district court in the districts of California, Iowa, and Tennessee fails to hold any regular term thereof, it shall be his duty, if it appears that the business of the court requires it, to hold an intermediate term. Such intermediate term shall be appointed by an order under his hand and seal, addressed to the clerk and marshal at least thirty days previous to the time fixed therein for holding it, and the order shall be published the same length of time in the several newspapers published within such districts respectively. And at such intermediate term the business of the court shall have reference to and be proceeded with in the same manner as if it were a regular term.

SEC. 587. When satisfactory evidence is shown to the circuit judge of any circuit, or, in his absence, to the circuit justice allotted to the circuit, that the judge of any district therein is disabled to hold a district court, and to perform the duties of his office, and an application accordingly is made in writing to such circuit judge or justice, by the district attorney or marshal of the district, the said judge or justice, as the case may be, may issue his order in the nature of a certiorari, directed to the clerk of such district court, requiring him forthwith to certify into the next circuit court to be held in said district all suits and processes, civil and criminal, depending in said district court, and undetermined, with all the proceedings thereon, and all the files and papers relating thereto. Said order shall be immediately published in one or more newspapers printed in said district, at least thirty days before the session of such circuit court, and shall be sufficient notification to all concerned; and thereupon the circuit court shall proceed to hear and determine the suits and processes so certified. And all bonds and recognizances taken for, or returnable to, such district court, shall be held to be taken for, and returnable to, said circuit court, and shall have the same effect

therein as they could have had in the district court to which they were taken. [See § 637.]

SEC. 588. When an order has been made as provided in the preceding section, the clerk of the district court shall continue, during the disability of the district judge, to certify, as aforesaid, all suits, pleas, and processes, civil and criminal, thereafter begun in said court, and to transmit them to the circuit court next to be held in that district; and the said court shall proceed to hear and determine them as provided in said section: *Provided*, That when the disability of the district judge ceases or is removed, the circuit court shall order all such suits and proceedings then pending and undetermined therein, in which the district courts have an exclusive original cognizance, to be remanded, and the clerk of such court shall transmit the same, with all matters relating thereto, to the district court next to be held in that district; and the same proceedings shall then be had in the district court as would have been had if such suits had originated or been continued therein.

SEC. 589. In the case provided in the two preceding sections the circuit judge, and in his absence the circuit justice, shall have and exercise, during such disability, all the powers of every kind vested by law in such district judge. But this provision does not require them to hold any special court, or court of admiralty, at any other time than that fixed by law for holding the circuit court in said district.

SEC. 590. When the business of a circuit^(a) court is certified into the circuit court on account of the disability of the district judge, the district clerk shall be authorized, by order of the circuit judge, or, in his absence, of the circuit justice within whose circuit such district is included, to take, during such disability, all examinations and depositions of witnesses, and make all necessary rules and orders, preparatory to the final hearing of all causes of admiralty and maritime jurisdiction.

SEC. 591. When any district judge is prevented, by any disability, from holding any stated or appointed term of his district court, or of the circuit court in his district in the absence of the other judges, and that fact is made to appear by the certificate of the clerk, under the seal of the court, to the circuit judge, or, in his absence, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may, if in his judgment the public interests so require, designate and appoint the judge of any other district in the same circuit to hold said courts, and to discharge all the judicial duties of the judge so disabled, during such disability. Such appointment shall be filed in the clerk's office, and entered on the minutes of the said district court, and a certified copy thereof, under the seal of the court, shall be transmitted by the district clerk to the judge so designated and appointed.

SEC. 592. When, from the accumulation or urgency of business in any district court, the public interests require the designation and appointment hereinafter provided, and the fact is made to appear, by the certificate of the clerk, under the seal of the court, to the circuit judge, or, in his absence, to the circuit justice of the circuit in which the district lies, such circuit judge or justice may designate and appoint the judge of any other district in the same circuit to have and exercise within the district first named the same powers that are vested in the judge thereof; and each of the said district judges may, in case of such appointment, hold separately at the same time a district or circuit court in such district, and discharge all the judicial duties of a district judge therein; but no such judge shall hear appeals from the district court.

SEC. 593. If the circuit judge and circuit justice are absent from the circuit, or are unable to execute the provisions of either of the two preceding sections, or if the district judge so designated is disabled or neglects to hold the courts and transact the business for which he is designated, the district clerk shall certify the fact to the Chief Justice of the United States, who may thereupon designate and appoint, in the manner aforesaid, the judge of any district within such circuit or within any circuit next contiguous; and said appointment shall be transmitted

Suits brought in district court after order to certify to circuit court.

2 March, 1809, c. 27, s. 2, v. 2, p. 535.

Ex parte U. S., 1 Gallis., 338.

Powers of district judge vested, during disability, in circuit judge.

2 March, 1809, c. 27, s. 2, v. 2, p. 534.

Preparatory examinations and orders in admiralty cases by district clerk.

2 March, 1809, c. 27, s. 3, v. 2, p. 535.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

District judge designated to perform duties of disabled judge.

29 July, 1850, c. 30, s. 1, v. 9, p. 442.

10 April 1869, c. 22, s. 2, v. 16, p. 44.

Designation of another judge in case of accumulation of business.

2 April, 1852, c. 20, v. 10, p. 5.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

When designation of another judge to be by Chief Justice United States.

29 July, 1850, c. 30, s. 2, v. 9, p. 443.

2 April, 1852, c. 20, v. 10, p. 5.

(^a) Should be *district* court.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Revocation and new appointment.

29 July, 1850, c. 30, s. 4, v. 9, p. 443.

2 April, 1852, c. 20, v. 10, p. 5.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Duty of district judge to comply with designation and appointment.

29 July, 1850, c. 30, s. 3, v. 9, p. 443.

2 April, 1852, c. 20, v. 10, p. 5.

Designation of district judge when public interest requires.

3 March, 1871, c. 113, s. 3, v. 16, p. 494.

29 July, 1850, c. 30, s. 1, v. 9, p. 442.

Expenses of a district judge designated to southern district of New York.

5 March, 1872, c. 35, v. 17, p. 36.

Disability of district judges in Florida.

24 Feb., 1855, c. 125, v. 10, p. 615.

Disability of judge of northern and southern districts of New York.

3 April, 1818, c. 32, s. 1, v. 3, p. 414.

25 Feb., 1865, c. 54, s. 3, v. 13, p. 438.

When district judge of eastern district of New York may act in southern district.

25 Feb., 1865, c. 54, s. 3, v. 13, p. 438.

When district judge is interested in suit pending before him.

3 March, 1821, c. 51, v. 3, p. 643.

to the district clerk, and be acted upon by him as directed in the preceding section.

SEC. 594. The circuit judge, or circuit justice, or the Chief Justice, as the case may be, may, from time to time, if in his judgment the public interests so require, make a new designation and appointment of any other district judge within the said circuits, for the duties, and with the powers mentioned in the three preceding sections, and to revoke any previous designation and appointment.

SEC. 595. It shall be the duty of the district judge who is designated and appointed under either of the four preceding sections, to discharge all the judicial duties for which he is so appointed, during the continuance of such disability, or, in the case of an accumulation of business, during the time for which he is so appointed; and all the acts and proceedings in the courts held by him, or by or before him, in pursuance of said provisions, shall have the same effect and validity as if done by or before the district judge of the said district.

SEC. 596. It shall be the duty of every circuit judge, whenever in his judgment the public interest so requires, to designate and appoint, in the manner and with the powers provided in section five hundred and ninety-one, the district judge of any judicial district within his circuit to hold a district or circuit court in the place or in aid of any other district judge within the same circuit; and it shall be the duty of the district judge, so designated and appointed, to hold the district or circuit^(a) as aforesaid, without any other compensation than his regular salary as established by law, except in the case provided in the next section.

SEC. 597. Whenever a district judge, from another district, holds a district or circuit court in the southern district of New York, in pursuance of the preceding section, his expenses, not exceeding ten dollars a day, certified by him, shall be paid by the marshal of said district, as a part of the expenses of the court, and shall be allowed in the marshal's account.

SEC. 598. When a certificate of the judge of either of the districts of Florida, stating that he is disabled to hold any regular, special, or adjourned term of the court of such district, and requesting the judge of the other district to hold the same, is filed in the clerk's office of the place where it is to be held, the judge of the other district is authorized to hold such courts, and to exercise all the powers of district judge, in the district of the judge so certifying.

SEC. 599. Whenever the judge of the northern district of New York is disabled to perform the duties of his office, it shall be the duty of the judge of the southern district, upon receiving from him notice thereof, to hold the district court, and to perform all the duties of district judge for such district. And whenever the judge of the southern district is so disabled, it shall be the duty of the judge of the eastern district, upon a like notice, to hold the district court, and to perform all the duties of district judge for the southern district. In such cases the said judges, respectively, shall have the same powers as are vested in the judge so disabled.

SEC. 600. Whenever the judge of the southern district of New York deems it desirable, on account of the pressure of public business or other cause, that the judge of the eastern district shall perform the duties of a district judge in the southern district, an order to that effect may be entered upon the records of the district court thereof; and thereupon the judge of the eastern district shall have power to hold the district court, and to perform all the duties of district judge for the southern district.

SEC. 601. Whenever it appears that the judge of any district court is in any way concerned in interest in any suit pending therein, or has been of counsel for either party, or is so related to or connected with either party as to render it improper, in his opinion, for him to sit on the trial, it shall be his duty, on application by either party, to cause

(a) The word *court* omitted.

the fact to be entered on the records of the court; and, also, an order that an authenticated copy thereof, with all the proceedings in the suit, shall be forthwith certified to the next circuit court for the district; and if there be no circuit court therein, to the next circuit court in the State; and if there be no circuit court in the State, to the next convenient circuit court in an adjoining State; and the circuit court shall, upon the filing of such record with its clerk, take cognizance of and proceed to hear the case, in like manner as if it had originally and rightfully been commenced therein. [See § 637.]

8 May, 1792, c. 36, s. 11, v. 1, p. 278.

Spencer vs. Lapsley, 20 How., 266.

SEC. 602. When the office of judge of any district court is vacant, all process, pleadings, and proceedings pending before such court shall be continued of course until the next stated term after the appointment and qualification of his successor; except when such first-mentioned term is held as provided in the next section.

Continuances by vacancy in office of district judge.

24 Sept., 1789, c. 20, s. 6, v. 1, p. 76.

6 August, 1861, c. 59, v. 12, p. 318.

Vacancy in office of district judge.

6 August, 1861, c. 59, v. 12, p. 318.

SEC. 603. When the office of district judge is vacant in any district in a State containing two or more districts, the judge of the other or of either of the other districts may hold the district court, or the circuit court in case of the sickness or absence of the other judges thereof, in the district where the vacancy occurs, and discharge all the judicial duties of judge of such district, during such vacancy; and all the acts and proceedings in said courts, by or before such judge of an adjoining district, shall have the same effect and validity as if done by or before a judge appointed for such district.

CHAPTER FIVE.

JUDICIAL CIRCUITS.

Sec. 604. Circuits.

SEC. 604. The judicial districts of the United States are divided into nine circuits as follows:

Circuits.

First. The first circuit includes the districts of Rhode Island, Massachusetts, New Hampshire, and Maine.

24 Sept., 1789, c. 20, s. 4, v. 1, p. 74.

30 March, 1820, c. 27, s. 1, v. 3, p. 554.

Second. The second circuit includes the districts of Vermont, Connecticut, and New York.

23 July, 1866, c. 210, s. 2, v. 14, p. 209.

Third. The third circuit includes the districts of Pennsylvania, New Jersey, and Delaware.

25 March, 1867, c. 7, s. 2, v. 15, p. 5.

Fourth. The fourth circuit includes the districts of Maryland, Virginia, West Virginia, North Carolina, and South Carolina.

Fifth. The fifth circuit includes the districts of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas.

Sixth. The sixth circuit includes the districts of Ohio, Michigan, Kentucky, and Tennessee.

Seventh. The seventh circuit includes the districts of Indiana, Illinois, and Wisconsin.

Eighth. The eighth circuit includes the districts of Nebraska, Minnesota, Iowa, Missouri, Kansas, and Arkansas.

Ninth. The ninth circuit includes the districts of California, Oregon, and Nevada.

CHAPTER SIX.

CIRCUIT COURTS—ORGANIZATION.

| Sec. | Sec. |
|---|---|
| 605. Justices allotted to circuits, how designated. | 616. Cause certified back. |
| 606. Allotment of the justices to the circuits. | 617. Justices may hold courts of other circuits on request. |
| 607. Circuit judges. | 618. When no justice is allotted to a circuit. |
| 608. Circuit courts, where established. | 619. Clerks. |
| 609. Circuit courts, by whom to be held. | 620. Clerks in Kentucky. |
| 610. Justices of Supreme Court to attend once in every two years. | 621. Clerks in North Carolina. |
| 611. Judges of circuit courts may sit apart. | 622. Clerks in western district of Virginia. |
| 612. Circuit courts held at same time in different districts. | 623. Clerks in western district of Wisconsin. |
| 613. Criminal terms in the southern district of New York; how held. | 624. Deputy clerks. |
| 614. When district judges may sit in cases of appeal or error to their own decisions. | 625. Deputy clerks of circuit court in Indiana. |
| 615. When suits transferred from one circuit to another. | 626. Compensation of deputy clerks. |
| | 627. Commissioners. |
| | 628. Marshals not to be commissioners. |

Justices allotted to circuits, how designated.

SEC. 605. The words "circuit justice" and "justice of a circuit," when used in this Title, shall be understood to designate the justice of the Supreme Court who is allotted to any circuit; but the word "judge," when applied generally to any circuit, shall be understood to include such justice.

Allotment of the justices to the circuits.

SEC. 606. The Chief Justice and associate justices of the Supreme Court shall be allotted among the circuits by an order of the court, and a new allotment shall be made whenever it becomes necessary or convenient by reason of the alteration of any circuit, or of the new appointment of a Chief Justice or associate justice, or otherwise. If a new allotment becomes necessary at any other time than during a term, it shall be made by the Chief Justice, and shall be binding until the next term and until a new allotment by the court.

2 March, 1867, c. 156, s. 1, v. 14, p. 433.
Stuart vs. Laird, 1 Cr., 299.

Circuit judges.

SEC. 607. For each circuit there shall be appointed a circuit judge, who shall have the same power and jurisdiction therein as the justice of the Supreme Court, allotted to the circuit, and shall be entitled to receive a salary at the rate of six thousand dollars a year, payable quarterly on the first days of January, April, July, and October. Every circuit judge shall reside within his circuit.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.
3 March, 1871, c. 113, ss. 3, 4, v. 16, pp. 494, 495.

Circuit courts, where established.

SEC. 608. Circuit courts are established as follows: One for the three districts of Alabama, one for the eastern district of Arkansas, one for the southern district of Mississippi, and one for each district in the States not herein named; and shall be called the circuit courts for the districts for which they are established.

24 Sept., 1789, c. 20, s. 4, v. 1, p. 74.
Ala., 3 Mar., 1873, c. 223, ss. 2, 4, v. 17, pp. 484, 485.
Ark., 3 Mar., 1837, c. 34, s. 3, v. 5, p. 177; 3 Mar., 1851, c. 24, ss. 1, 3, v. 9, pp. 594, 595; 19 Feb., 1869, c. 34, v. 15, p. 271; 3 Mar., 1871, c. 106, s. 5, v. 16, p. 472.
Cal., Oreg., 3 Mar., 1863, c. 100, s. 2, v. 12, p. 794.
Fla., Minn., 15 July, 1862, c. 178, s. 2, v. 12, p. 576.
Ga., 11 Aug., 1848, c. 151, ss. 4, 5, 8, v. 9, pp. 280, 281; 4 June, 1872, c. 284, s. 1, v. 17, p. 218.
Ill., 19 Feb., 1855, c. 96, s. 2, v. 10, p. 606.
Ind., Iowa, Kans., 3 Mar., 1837, c. 34, s. 3, v. 5, p. 177.
Ky., 24 Feb., 1807, c. 16, s. 2, v. 2, p. 420.
La., 3 Mar., 1837, c. 34, s. 3, v. 5, p. 177; 27 July, 1866, c. 280, s. 1, v. 14, p. 300.
Mich., 24 Feb., 1863, c. 54, s. 2, v. 12, p. 661.
Miss., so. dist., 3 Mar., 1857, c. 34, s. 2, v. 5, p. 177; 18 June, 1838, c. 115, s. 1, v. 5, p. 247; 16 Feb., 1839, c. 27, ss. 1, 2, v. 5, p. 317.
Mo., 3 Mar., 1857, c. 100, s. 10, v. 11, p. 198; 8 June, 1872, c. 334, v. 17, p. 282; 25 Feb., 1873, c. 200, v. 17, p. 476.
Neb., 25 Mar., 1867, c. 7, s. 2, v. 15, p. 5.
Nev., 27 Feb., 1865, c. 64, s. 2, v. 13, p. 440.
N. Y., 9 Apr., 1814, c. 49, s. 3, v. 3, p. 121; 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438.
N. Car., 4 June, 1790, c. 17, s. 1, v. 1, p. 126.
Ohio, 10 Feb., 1855, c. 73, s. 2, v. 10, p. 604.
Penn., 20 Apr., 1818, c. 108, s. 4, v. 3, p. 462; 3 Mar., 1837, c. 34, s. 2, v. 5, p. 177.
R. I., 23 June, 1790, c. 21, s. 1, v. 1, p. 128.
Tenn., 24 Feb., 1807, c. 16, s. 2, v. 2, p. 420; 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313; 25 June, 1868, c. 79, s. 1, v. 15, p. 5.
Tex., 15 July, 1862, c. 178, s. 2, v. 12, p. 576.
Vt., 2 Mar., 1791, c. 12, s. 3, v. 1, p. 197.
Va., 3 Feb., 1871, c. 35, ss. 2, 3, v. 16, p. 403.
W. Va., 3 Mar., 1837, c. 34, s. 2, v. 5, p. 177; 11 June, 1864, c. 120, s. 1, v. 13, p. 124; 27 July, 1866, Res. 90, v. 14, p. 369.
Wis., 29 June, 1870, c. 175, ss. 1, 2, 3, v. 16, p. 171.

SEC. 609. Circuit courts shall be held by the circuit justice, or by the circuit judge of the circuit, or by the district judge of the district sitting alone, or by any two of the said judges sitting together.

Circuit courts; by whom to be held.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Justices of Supreme Court to attend once in every two years.

SEC. 610. It shall be the duty of the Chief Justice, and of each justice of the Supreme Court, to attend at least one term of the circuit court in each district of the circuit to which he is allotted during every period of two years.

10 April, 1869, c. 22, s. 4, v. 16, p. 45.

SEC. 611. Cases may be heard and tried by each of the judges holding a circuit court sitting apart by direction of the presiding justice or judge, who shall designate the business to be done by each.

Judges of circuit courts may sit apart.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

SEC. 612. Circuit courts may be held at the same time in the different districts of the same circuit.

Circuit courts held at same time in different districts.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

SEC. 613. The terms of the circuit court for the southern district of New York, appointed exclusively for the trial and disposal of criminal business, may be held by the circuit judge of the second judicial circuit and the district judges for the southern and eastern districts of New York, or any one of said three judges; and at every such term held by said judge of said eastern district he shall receive the sum of three hundred dollars, the same to be paid in the manner now prescribed by law for the payment of the expenses of another district judge while holding court in said district.

Criminal terms in the southern district of New York; how held.

7 Feb., 1873, c. 120, s. 2, v. 17, p. 422.

SEC. 614. A district judge sitting in a circuit court shall not give a vote in any case of appeal or error from his own decision, but may assign the reasons for such decision: *Provided*, That such a cause may, by consent of parties, be heard and disposed of by him when holding a circuit court sitting alone. When he holds a circuit court with either of the other judges, the judgment or decree in such cases shall be rendered in conformity with the opinion of the presiding justice or judge.

When district judges may sit in cases of appeal or error to their own decisions.

24 Sept., 1789, c. 20, s. 4, v. 1, p. 74.

29 April, 1802, c.

31, s. 5, v. 2, p. 158. 2 March, 1867, c. 185, s. 2, v. 14, p. 545.—Brigham *vs.* Cabbot, 3 Dall., 19.

SEC. 615. When it appears in any civil suit in any circuit court that all of the judges thereof who are competent by law to try said case are in any way interested therein, or have been of counsel for either party, or are so related or connected with either party as to render it, in the opinion of the court, improper for them to sit in such trial, it shall be the duty of the court, on the application of either party, to cause the fact to be entered on the records, and to make an order that an authenticated copy thereof, with all the proceedings in the case, shall be forthwith certified to the most convenient circuit court in the next adjoining State or in the next adjoining circuit; and said court shall, upon the filing of such record and order with its clerk, take cognizance of and proceed to hear and determine the case, in the same manner as if it had been rightfully and originally commenced therein; and the proper process for the due execution of the judgment or decree rendered in the cause shall run into and may be executed in the district where such judgment or decree was rendered, and also into the district from which the cause was removed.

When suits transferred from one circuit to another.

28 Feb., 1839, c. 36, s. 8, v. 5, p. 322.

3 March, 1863, c. 93, s. 2, v. 12, p. 768.

Spencer *vs.* Lapsley, 20 How., 264; Supervisors *vs.* Rogers, 7 Wall., 175; Richardson *vs.* Boston, 1 Curt. C. C., 250.

SEC. 616. The circuit justice, or the circuit judge of any circuit, may order any civil cause, which is certified into any court of the circuit under the provisions of the preceding section, to be certified back to the court whence it came; and then the latter shall proceed therein as if the cause had not been certified from it: *Provided*, That if, for any reason, it shall be improper for the judges of such court to try the cause so certified back, it shall be tried by some other judge holding such court, pursuant to the provisions of the next section.

Cause certified back.

3 March, 1863, c. 93, s. 2, v. 12, p. 768.

28 Feb., 1839, c. 36, s. 8, v. 5, p. 322.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Supervisors *vs.* Rogers, 7 Wall., 175.

Justices may hold courts of other circuits on request.

3 March, 1863, c. 93, s. 1, v. 12, p. 768.

Supervisors vs. Rogers, 7 Wall., 175.

When no justice is allotted to a circuit.

3 Mar., 1863, c. 93, ss. 2, 3, v. 12, p. 768.

Clerks.

24 Sept., 1789, c. 20, s. 7, v. 1, p. 76.

Clerks in Kentucky.

15 May, 1862, c. 71, s. 7, v. 12, p. 387.

10 April, 1869, c. 22, s. 3, v. 16, p. 45.

Clerks in North Carolina.

4 June, 1872, c. 282, s. 9, v. 17, p. 217.

Clerks in western district of Virginia.

3 Feb., 1871, c. 35, s. 9, v. 16, p. 404.

Clerks in western district of Wisconsin.

29 June, 1870, c. 175, s. 9, v. 16, p. 172.

Deputy clerks.

8 June, 1872, c. 336, v. 17, p. 330.

Deputy clerks of circuit court in Indiana.

3 March, 1871, c. 108, s. 1, v. 16, p. 473.

30 June, 1870, c. 180, ss. 1, 7, v. 16, p. 175.

SEC. 617. Whenever a circuit justice deems it advisable, on account of his disability or absence, or of his having been of counsel, or being interested in any case pending in the circuit court for any district in his circuit, or of the accumulation of business therein, or for any other cause, that said court shall be held by the justice of any other circuit, he may, in writing, request the justice of any other circuit to hold the same, during a time to be named in the request; and such request shall be entered upon the journal of the circuit court so to be holden. Thereupon it shall be lawful for the justice so requested to hold such court, and to exercise within and for said district, during the time named in said request, all the powers of the justice of such circuit.

SEC. 618. Whenever, by reason of death or resignation, no justice is allotted to a circuit, the Chief Justice of the Supreme Court may make a request as provided in the preceding section, which shall have effect in like manner until a justice is allotted to such circuit.

SEC. 619. A clerk shall be appointed for each circuit court by the circuit judge of the circuit, except in cases otherwise provided for by law.

SEC. 620. In the district of Kentucky, a clerk of the circuit court shall be appointed at each place of holding the court, in the same manner and subject to the same duties and responsibilities which are or may be provided for clerks in independent districts.

SEC. 621. In the western district of North Carolina the circuit and district judges shall appoint three clerks, each of whom shall be clerks both of the circuit and district courts for said western district of North Carolina. One shall reside and keep his office at Statesville, one shall reside and keep his office at Asheville, and the third shall reside and keep his office at Greensborough.

SEC. 622. In the western district of Virginia the circuit and district judges shall appoint four clerks, each of whom shall be clerks both of the circuit and district courts for said district. One of these clerks shall reside and keep his office at Lynchburgh, another shall reside and keep his office at Abingdon, another shall reside and keep his office at Danville, and the fourth shall reside and keep his office at Harrisonburgh, in said district.

SEC. 623. In the western district of Wisconsin the circuit and district judges shall appoint two clerks, each of whom shall be clerks both of the circuit and district courts for said district. One shall reside and keep his office at Madison, and the other shall reside and keep his office at La Crosse.

SEC. 624. One or more deputies of any clerk of a circuit court may be appointed by such court, on the application of the clerk, and may be removed at the pleasure of judges authorized to make the appointment. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office, and perform the duties of the clerk in his name until a clerk is appointed and qualified; and for the defaults or misfeasancess in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk, and his estate, and the sureties in his official bond shall be liable; and his executor or administrator shall have such remedy for any such defaults or misfeasancess committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

SEC. 625. In the district of Indiana a deputy clerk of the circuit court must be appointed for said court held at New Albany, and a deputy clerk for said court held at Evansville, who shall reside and keep their offices at said places respectively. Each deputy shall keep in his office full records of all actions and proceedings in the circuit court held at the same place, and shall have the same power to issue all process from the

said court that is or may be given to the clerks of other circuit courts in like cases.

SEC. 626. The compensations of deputies of clerks of the circuit courts shall be paid by the clerks, respectively, and allowed, in the same manner that other expenses of the clerks' offices are paid and allowed.

Compensation of deputy clerks.

8 June, 1872, c. 336, v. 17, p. 330.

Commissioners.

2 Mar., 1793, c.

22, s. 4, v. 1, p. 334.

20 Feb., 1812, c.

25, s. 1, v. 2, p. 679.

1 Mar., 1817, c.

30, v. 3, p. 350.

Marshals not to be commissioners.

16 Aug., 1856, c.

124, s. 13, v. 11, p. 50.

SEC. 627. Each circuit court may appoint, in different parts of the district for which it is held, so many discreet persons as it may deem necessary, who shall be called "commissioners of the circuit courts," and shall exercise the powers which are or may be expressly conferred by law upon commissioners of circuit courts. [See §§ 2025, 2026.]

SEC. 628. 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 the said courts.

CHAPTER SEVEN

CIRCUIT COURT—JURISDICTION.

Sec.

629. Jurisdiction.

630. In bankruptcy.

631. Appeals in admiralty causes.

632. Copies of proofs and entries certified to appellate court.

633. Writ of error to judgment of district courts.

634. Circuit court in and for the three districts of Alabama.

635. Writs of error and appeals within one year.

636. Judgment or decree on review.

637. Jurisdiction of cases transferred from district courts on account of disability, &c.

638. Courts always open for certain purposes.

639. Removal of suits against aliens, &c., where amount of \$500 in dispute.

640. Removal of suits against corporations organized under a law of the United States.

641. Removal of causes against persons denied any civil right, &c.

642. When petitioner is in actual custody of State court.

643. Removal of suits and prosecutions against revenue officers and officers acting under registration laws.

Sec.

644. Removal of suits by aliens in a particular case.

645. When copies of records are refused by clerk of State court.

646. Attachments, injunctions, and indemnity bonds to remain in force after removal.

647. Removal of suits where parties claim land under titles from different States.

648. Issues of fact; when to be tried by jury.

649. Issues of fact tried by the court.

650. Division of opinion in civil causes; decision by presiding judge.

651. Division of opinion in criminal causes; certificate.

652. Division of opinion in civil causes; certificate.

653. Business of the circuit court for the two districts of Missouri transferred, how.

654. Process issued out of former circuit court for Missouri.

655. Transfer of cases between eastern and western districts.

656. Custody of books, papers, &c., of circuit court of Missouri.

657. Circuit court for southern district of New York, how limited.

SEC. 629. The circuit courts shall have original jurisdiction as follows:

Jurisdiction.

First. Of all suits of a civil nature at common law or in equity, where the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, and an alien is a party, or the suit is between a citizen of the State where it is brought and a citizen of another State: *Provided*, That no circuit court shall have cognizance of any suit to recover the contents of any promissory note or other chose in action in favor of an assignee, unless a suit might have been prosecuted in such court to recover the said contents if no assignment had been made, except in cases of foreign bills of exchange.

Aliens, citizens of different States.

24 Sept., 1879, c. 20, s. 11, v. 1, p. 78.

Emory vs. Greenough, 3 Dall., 369; Bingham vs. Cabot, 3 Dall., 382; Turner vs. Enrille, 4

Dall., 7; Turner vs. Bank of North America, 4 Dall., 8; Mossman vs. Higginsou, 4 Dall., 12; Abercrombie vs. Dupuis, 1 Cr., 343; Hepburn vs. Ellzey, 2 Cr., 445; Strawbridge vs.

Curtiss, 3 Cr., 267; Mantalet *vs.* Murray, 4 Cr., 46; Chappel DeLaine *vs.* Dechenaux, 4 Cr., 306; Pollard *vs.* Dwight, 4 Cr., 421; Brown *vs.* Strode, 5 Cr., 303; Sere *vs.* Pitto, 6 Cr., 332; New Orleans *vs.* Winter, 1 Wh., 91; Morgan's Heirs *vs.* Morgan, 2 Wh., 290; Cameron *vs.* McRoberts, 3 Wh., 593; Young *vs.* Bryan, 6 Wh., 146; Wormley *vs.* Wormley, 8 Wh., 422; Childress *vs.* Emery, 8 Wh., 642; Gracie *vs.* Palmer, 8 Wh., 699; Mollan *vs.* Torrance, 9 Wh., 537; McDonald *vs.* Smally, 1 Pet., 620; Jackson *vs.* Twentymen, 2 Pet., 136; Bank of Kentucky *vs.* Wister, 2 Pet., 318; Connolly *vs.* Taylor, 2 Pet., 556; Buckner *vs.* Finley, 2 Pet., 586; Battier *vs.* Hine, 7 Pet., 252; Breedlove *vs.* Nicolet, 7 Pet., 413; Dunn *vs.* Clark, 8 Pet., 1; Boyce's Executors *vs.* Grundy, 9 Pet., 275; Livingston *vs.* Story, 11 Pet., 351; Clarke *vs.* Matthewson, 12 Pet., 164; Toland *vs.* Sprague, 13 Pet., 300, 327; Bank of Augusta *vs.* Earle, 13 Pet., 519; Bank of Vicksburgh *vs.* Slocumb, 14 Pet., 60; Irvine *vs.* Lowry, 14 Pet., 293; Levy *vs.* Fitzpatrick, 15 Pet., 171; Gordon *vs.* Longest, 16 Pet., 97; McNutt *vs.* Bland, 2 How., 9; Gwyn *vs.* Breedlove, 2 How., 19; Louisville Railroad Company *vs.* Letson, 2 How., 497; Gwyn *vs.* Barton, 6 How., 7; Bank of United States *vs.* Moss, 6 How., 31; Shelton *vs.* Tiffin, 6 How., 163; Smith *vs.* Kernochen, 7 How., 198; Sheldon *vs.* Sill, 8 How., 441; Shelby *vs.* Bacon, 10 How., 56; Chaffee *vs.* Hayward, 12 How., 208; Coffee *vs.* Planters' Bank, 13 How., 183; Haff *vs.* Hutchinson, 14 How., 586; Marshall *vs.* Baltimore and Ohio Railroad Company, 16 How., 314; Herndon *vs.* Ridgway, 17 How., 424; Jones *vs.* League, 18 How., 76; Lafayette Insurance Company *vs.* French, 18 How., 404; Union Bank *vs.* Vaiden, 18 How., 503; Jones *vs.* McMasters, 20 How., 8; Hyde *vs.* Stone, 20 How., 175; Chaffee *vs.* Hayward, 20 How., 208; Covington Drawbridge Company *vs.* Shepherd, 20 How., 227; Whyte *vs.* Gibbes, 20 How., 541; Irvine *vs.* Marshall, 20 How., 565; Covington Drawbridge Company *vs.* Shepherd, 21 How., 122; White *vs.* Railroad, 21 How., 575; Barber *vs.* Barber, 21 How., 582; Green's Administratrix *vs.* Creighton, 23 How., 90; Eberly *vs.* Moore, 24 How., 147; Fitch *vs.* Creighton, 24 How., 159; Freeman *vs.* Howe, 24 How., 460; Railroad *vs.* Wheeler, 1 Bl., 286; Minnesota Com. *vs.* Saint Paul Com., 2 Wall., 609; De Sobry *vs.* Nicholson, 3 Wall., 420; Barney *vs.* Baltimore City, 6 Wall., 287; Cowles *vs.* Mercer County, 7 Wall., 118; Payne *vs.* Hook, 7 Wall., 425; Brady *vs.* Rhine's Adm'r, 8 Wall., 393; Bushnell *vs.* Kennedy, 9 Wall., 387; Hornthall *vs.* Collector, 9 Wall., 566; Reilly *vs.* Golding, 10 Wall., 56; Jones *vs.* Andrews, 10 Wall., 327; Pennsylvania *vs.* Quicksilver Com., 10 Wall., 556; Coal Company *vs.* Blatchford, 11 Wall., 172; Insurance Company *vs.* Francis, 11 Wall., 210; Rice *vs.* Houston, 13 Wall., 66; Railway Company *vs.* Whitton, 13 Wall., 270; Christmas *vs.* Russell, 14 Wall., 69; City of Lexington *vs.* Butler, 14 Wall., 282; Horn *vs.* Lockhart, 17 Wall., 570; Martin *vs.* Taylor, 1 Wash. C. C., 1; Gale *vs.* Babcock, 4 Wash. C. C., 199, 344; Bobysball *vs.* Oppenheimer, 4 Wash. C. C., 482; United States *vs.* Ravara, 2 Dall., 297; Saint Luke's Hospital *vs.* Barclay, 3 Blatch., 259; Graham *vs.* Stucken, 4 Blatch., 50; Barr *vs.* Simpson, Bald., 543; Hatch *vs.* Dorr, 4 McLean, 112; Thaxter *vs.* Hatch, 6 McLean, 68; Bradford *vs.* Jenks, 2 McLean, 130; Wilkenson *vs.* Wilkenson, 2 Cur. C. C., 582; Dundas *vs.* Bowler, 3 McLean, 204; United States *vs.* Green, 4 Mas., 427.

Suits in equity by the United States.

24 Sept., 1789, c. 20, s. 11, v. 1, p. 78.

Suits at common law by United States or officers.

24 Sept., 1789, c. 20, ss. 9, 11, v. 1, pp. 76, 78. 3 March, 1815, c. 101, s. 4, v. 3, p. 245.—Dugan *vs.* U. S., 3 Wh., 172; Postmaster-General *vs.* Early, 12 Wh., 136; Parsons *vs.* Bedford, 3 Pet., 433; U. S. *vs.* Barker, 1 Paine, 156; Lorman *vs.* Clarke, 2 McLean, 572.

Suits under import, internal-revenue, and postal laws.

Imports, 2 March 1833, c. 57, s. 2, v. 4, p. 632.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76. Internal revenue, 13 July, 1866, c. 184, ss. 9, 19, v. 14, pp. 111, 145, 152. 2 March, 1867, c. 169, ss. 10, 25, v. 14, pp. 475, 483. 20 July, 1868, c. 186, s. 106, v. 15, p. 167. 30 June, 1864, c. 173, ss. 41, 179, v. 13, pp. 239, 240, 305. 3 March, 1865, c. 78, s. 1, v. 13, p. 483. Postal laws, 3 March, 1845, c. 43, s. 20, v. 5, p. 739.

Suits for the enforcement of penalties.

3 March, 1855, c. 213, s. 15, v. 10, p. 720.

Condemnation of property used for insurrectionary purposes.

6 Aug., 1861, c. 60, s. 2, v. 12, p. 319.—Union Insurance Co. *vs.* U. S., 6 Wall., 759.

Second. Of all suits in equity, where the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, and the United States are petitioners.

Third. Of all suits at common law where the United States, or any officer thereof suing under the authority of any act of Congress, are plaintiffs.

Fourth. Of all suits at law or in equity, arising under any act providing for revenue from imports or tonnage, except civil causes of admiralty and maritime jurisdiction, and seizures on land or on waters not within admiralty and maritime jurisdiction, and except suits for penalties and forfeitures; of all causes arising under any law providing internal revenue, and of all causes arising under the postal laws.

Fifth. Of all suits and proceedings for the enforcement of any penalties provided by laws regulating the carriage of passengers in merchant vessels. [See § 4270.]

Sixth. Of all proceedings for the condemnation of property taken as prize, in pursuance of section fifty-three hundred and eight, Title "INSURRECTION." [See §§ 5308, 5309.]

Seventh. Of all suits arising under any law relating to the slave-trade. Suits under slave-trade laws.

22 March, 1794, c. 11, s. 1, v. 1, p. 347. 10 May, 1800, c. 51, ss. 1, 5, v. 2, pp. 70, 71. 2 March, 1807, c. 22, s. 7, v. 2, p. 28. 20 April, 1818, c. 91, ss. 1, 2, 4, 7, v. 3, pp. 450, 451, 452. 3 March, 1819, c. 101, s. 1, v. 3, p. 532.—U. S. *vs.* La Vengeance, 3 Dall., 297; U. S. *vs.* Schooner Sally, 2 Cr., 406; U. S. *vs.* Schooner Betsey and Charlotte, 4 Cr., 443; The Sarah, 8 Wh., 391.

Eighth. Of all suits by the assignee of any debenture for drawback of duties, issued under any law for the collection of duties against the person to whom such debenture was originally granted, or against any indorser thereof, to recover the amount of such debenture. Suits on debentures. 2 March, 1799, c. 22, s. 80, v. 1, p. 687. (688.)

Ninth. Of all suits at law or in equity arising under the patent or copyright laws of the United States. Patent and copyright suits.

8 July, 1870, c. 230, ss. 55, 106, v. 16, pp. 206, 215.—Allen *vs.* Blunt, 1 Blatch., 480; Good-year *vs.* Day, 1 Blatch., 565; Goodyear *vs.* Union India Rubber Co., 4 Blatch., 63; Burr *vs.* Gregory, 2 Paine, 426; Brooks *vs.* Stolly, 3 McLean, 523; Pulte *vs.* Derby, 5 McLean, 328.

Tenth. Of all suits by or against any banking association established in the district for which the court is held, under any law providing for national banking associations. Suits against national banks.

3 June, 1864, c. 106, s. 57, v. 13, p. 116.—Kennedy *vs.* Gibson, 8 Wall., 506.

Eleventh. Of all suits brought by or against any banking association established in the district for which the court is held, under the provisions of Title "THE NATIONAL BANKS," to enjoin the Comptroller of the Currency, or any receiver acting under his direction, as provided by said title. Suits to enjoin the Comptroller of the Currency. 3 June, 1864, c. 106, ss. 50, 57, v. 13, pp. 115, 116.

Twelfth. Of all suits brought by any person to recover damages for any injury to his person or property on account of any act done by him, under any law of the United States for the protection or collection of any of the revenues thereof, or to enforce the right of citizens of the United States to vote in the several States. Suits for injuries on account of acts done under laws of the United States. 2 March, 1833, c. 57, s. 2, v. 4, p. 632.

13 July, 1866, c. 184, s. 67, v. 14, p. 171. 28 Feb., 1871, c. 99, s. 15, v. 16, p. 438. 31 May, 1870, c. 114, v. 16, p. 140.

Thirteenth. Of all suits to recover possession of any office, except that of elector of President or Vice-President, Representative or Delegate in Congress, or member of a State legislature, authorized by law to be brought, wherein it appears that the sole question touching the title to such office arises out of the denial of the right to vote to any citizen offering to vote, on account of race, color, or previous condition of servitude: *Provided*, That such jurisdiction shall extend only so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the Constitution of the United States, and secured by any law to enforce the right of citizens of the United States to vote in all the States. Suits to recover offices. 31 May, 1870, c. 114, s. 23, v. 16, p. 140.

Fourteenth. Of all proceedings by the writ of quo warranto, prosecuted by any district attorney, for the removal from office of any person holding office, except as a member of Congress or of a State legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution of the United States. Suits for removal of officers holding contrary to 14th amendment. 31 May, 1870, c. 114, s. 14, v. 16, p. 143.

Fifteenth. Of all suits to recover pecuniary forfeitures under any act to enforce the right of citizens of the United States to vote in the several States. Suits for penalties under laws to enforce elective franchise. 28 Feb., 1871, c. 99, s. 15, v. 16, p. 438.

31 May, 1870, c. 114, ss. 2, 3, 4, 8, v. 16, pp. 140, 141, 142. 28 Feb., 1871, c. 99, s. 15, v. 16, p. 438.

Sixteenth. Of all suits authorized by law to be brought by any person to redress the deprivation, under color of any law, statute, ordinance, regulation, custom, or usage of any State, of any right, privilege, or immunity, secured by the Constitution of the United States, or of any right secured by any law providing for equal rights of citizens of the United States, or of all persons within the jurisdiction of the United States. Suits to redress deprivation of rights secured by the Constitution and laws to persons within jurisdiction of United States. 20 April, 1871, c. 22, s. 1, v. 17, p. 13.

31 May, 1870, c. 114, ss. 16, 18, v. 16, p. 114. 9 April, 1866, c. 31, s. 3, v. 14, p. 27.

Suits on account of injuries by conspirators in certain cases.

20 April, 1871, c. 22, s. 2, v. 17, p. 13.

Suits against persons having knowledge of conspiracy, &c.

20 April, 1871, c. 22, s. 6, v. 17, p. 15.

Suits against officers and owners of vessels.

28 Feb., 1871, c. 100, s. 57, v. 16, p. 456.

Crimes and offenses.

24 Sept., 1789, c. 20, s. 11, v. 1, p. 78.

U. S. vs. Hudson and Goodwin, 7 Cr., 32; *U. S. vs. Cooledge*, 1 Wh., 415; *U. S. vs. Bevans*, 3 Wh., 336; *U. S. vs. Coombs*, 12 Pet., 72; *State of Pennsylvania vs. Wheeling Bridge*, 13 How., 563; *U. S. vs. Jackalow*, 1 Bl., 484; *U. S. vs. Holliday*, 3 Wall., 407; *U. S. vs. Wood*, 2 Wh., Cr. Cas., 325; *U. S. vs. Ta-wan-ga-ca*, Hemp., 304; *U. S. vs. Terrell*, Hemp., 411, 422; *U. S. vs. Alberty*, Hemp., 444.

In bankruptcy.

2 March, 1867, c. 176, ss. 2, 8, v. 14, pp. 518, 520.

Appeals in admiralty causes.

24 Sept., 1789, c. 20, s. 21, v. 1, p. 83.

3 March, 1803, c. 40, s. 2, v. 2, p. 244.

30 June, 1864, c. 170, s. 13, v. 13, p. 310.

1 June, 1872, c. 255, s. 2, v. 17, p. 196.—*Mordecai vs. Lindsay*, 19 How., 199; *Montgomery vs. Anderson*, 21 How., 386; *U. S. vs. Woonson*, 1 Gallis., 4; *McLellan vs. U. S.*, 1 Gallis., 226; *Hollen and Cargo*, 1 Mas., 431.

Copies of proofs and entries certified to appellate court.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 163.

Writ of error to judgments of district courts.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.

Patterson vs. U. S., 2 Wh., 221; *Smith vs. Allyn*, 1 Paine, 453; *Postmaster-General vs. Cross*, 4 Wash. C. C., 326.

Circuit court in and for the three districts of Alabama.

3 March, 1873, c. 223, s. 4, v. 17, p. 485.

Writs of error and appeals within one year.

1 June, 1872, c. 255, s. 2, v. 17, p. 196.

Seventeenth. Of all suits authorized by law to be brought by any person on account of any injury to his person or property, or of the deprivation of any right or privilege of a citizen of the United States, by any act done in furtherance of any conspiracy mentioned in section nineteen hundred and eighty, Title "CIVIL RIGHTS."

Blyew vs. U. S., 13 Wall., 581.

Eighteenth. Of all suits authorized by law to be brought against any person who, having knowledge that any of the wrongs mentioned in section nineteen hundred and eighty, are about to be done, and, having power to prevent or aid in preventing the same, neglects or refuses so to do, to recover damages for any such wrongful act. [See § 1951.]

Nineteenth. Of all suits and proceedings arising under section fifty-three hundred and forty-four, Title "CRIMES," for the punishment of officers and owners of vessels, through whose negligence or misconduct the life of any person is destroyed.

Twentieth. Exclusive cognizance of all crimes and offenses cognizable under the authority of the United States, except where it is or may be otherwise provided by law, and concurrent jurisdiction with the district courts of crimes and offenses cognizable therein.

SEC. 630. The circuit courts shall have jurisdiction in matters in bankruptcy, to be exercised within the limits and in the manner provided by law.

SEC. 631. From all final decrees of a district court in causes of equity or of admiralty and maritime jurisdiction, except prize causes, where the matter in dispute exceeds the sum or value of fifty dollars, exclusive of costs, an appeal shall be allowed to the circuit court next to be held in such district, and such circuit court is required to receive, hear, and determine such appeal.

1 June, 1872, c. 255, s. 2, v. 17, p. 196.—*Mordecai vs. Lindsay*, 19 How., 199; *Montgomery vs. Anderson*, 21 How., 386; *U. S. vs. Woonson*, 1 Gallis., 4; *McLellan vs. U. S.*, 1 Gallis., 226; *Hollen and Cargo*, 1 Mas., 431.

SEC. 632. In case of an appeal, as provided by the preceding section, copies of the proofs, and of such entries and papers on file as may be necessary on hearing of the appeal, may be certified up to the appellate court.

SEC. 633. Final judgments of a district court in civil actions, where the matter in dispute exceeds the sum or value of fifty dollars, exclusive of costs, may be re-examined and reversed or affirmed in a circuit court, holden in the same district, upon a writ of error.

SEC. 634. The circuit court in and for the three districts of Alabama shall exercise appellate and revisory jurisdiction of the decrees and judgments of the district courts for the said districts, under the laws conferring and regulating the jurisdiction, powers, and practice of circuit courts in cases removed into such courts by appeal or writ of error.

SEC. 635. No judgment, decree, or order of a district court shall be reviewed by a circuit court, on writ of error or appeal, unless the writ of error is sued out, or the appeal is taken, within one year after the entry of such judgment, decree, or order: *Provided*, That where a party entitled to prosecute a writ of error or to take an appeal is an infant, or non compos mentis, or imprisoned, such writ of error may be prosecuted, or such appeal may be taken, within one year after the entry of the judgment, decree, or order, exclusive of the term of such disability. [See § 1003.]

SEC. 636. A circuit court may affirm, modify, or reverse any judgment, decree, or order of a district court brought before it for review, or may direct such judgment, decree, or order to be rendered, or such further proceedings to be had by the district court, as the justice of the case may require.

SEC. 637. When any cause, civil or criminal, of whatever nature, is removed into a circuit court, as provided by law, from a district court wherein the same is cognizable, on account of the disability of the judge of such district court, or by reason of his being concerned in interest therein, or having been of counsel for either party, or being so related to or connected with either party to such cause as to render it improper, in his opinion, for him to sit on the trial thereof, such circuit court shall have the same cognizance of such cause, and in like manner, as the said district court might have, or as said circuit (*) might have if the same had been originally and lawfully commenced therein; and shall proceed to hear and determine the same accordingly. [See §§ 587, 601.]

SEC. 638. The circuit courts, as courts of equity, shall be deemed always open for the purpose of filing any pleading, of issuing and returning mesne and final process, and of making and directing all interlocutory motions, orders, rules, and other proceedings, preparatory to the hearing, upon their merits, of all causes pending therein. And any judge of a circuit court may, upon reasonable notice to the parties, make, and direct and award, at chambers or in the clerk's office, and in vacation as well as in term, all such process, commissions, orders, rules, and other proceedings, whenever the same are not grantable, of course, according to the rules and practice of the court.

SEC. 639. Any suit commenced in any State court, wherein the amount in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, to be made to appear to the satisfaction of said court, may be removed, for trial, into the circuit court, for the district where such suit is pending, next to be held after the filing of the petition for such removal hereinafter mentioned, in the cases and in the manner stated in this section.

First. When the suit is against an alien, or is by a citizen of the State wherein it is brought, and against a citizen of another State, it may be removed on the petition of such defendant, filed in said State court at the time of entering his appearance in said State court.

Second. When the suit is against an alien and a citizen of the State wherein it is brought, or is by a citizen of such State against a citizen of the same, and a citizen of another State, it may be so removed, as against said alien or citizen of another State, upon the petition of such defendant, filed at any time before the trial or final hearing of the cause, if, so far as it relates to him, it is brought for the purpose of restraining or enjoining him, or is a suit in which there can be a final determination of the controversy, so far as concerns him, without the presence of the other defendants as parties in the cause. But such removal shall not take away or prejudice the right of the plaintiff to proceed at the same time with the suit in the State court, as against the other defendants.

Third. When a suit is between a citizen of the State in which it is brought and a citizen of another State, it may be so removed on the petition of the latter, whether he be plaintiff or defendant, filed at any time before the trial or final hearing of the suit, if, before or at the time of filing said petition, he makes and files in said State court an affidavit, stating that he has reason to believe and does believe that, from prejudice or local influence, he will not be able to obtain justice in such State court.

In order to such removal, the petitioner in the cases aforesaid must, at the time of filing his petition therefor, offer in said State court good and sufficient surety for his entering in such circuit court, on the first day of its session, copies of said process against him, and of all pleadings, depositions, testimony, and other proceedings in the cause,

(*) The word *court* omitted in the Roll.

Judgment or decree on review.

1 June, 1872, c. 255, s. 2, v. 17, p. 196.

Jurisdiction of cases transferred from district courts on account of disability, &c.

2 March, 1809, c. 27, s. 1, v. 2, p. 534.
3 March, 1821, c. 51, v. 3, p. 643.

Courts always open for certain purposes.

23 Aug., 1842, c. 188, s. 5, v. 5, p. 517.

Removal of suits against aliens, &c., where amount of \$500 in dispute.

24 Sept., 1789, c. 20, s. 12, v. 1, p. 79.
27 July, 1866, c. 288, v. 14, p. 306.
2 March, 1867, c. 196, v. 14, p. 558.

Eurtetiqui vs. D'Arcy, 9 Pet., 692; *Gordon vs. Longest*, 16 Pet., 97; *Kanouse vs. Martin*, 15 How., 198; *Parker vs. Overman*, 18 How., 137; *Wood vs. Davis*, 18 How., 467; *Green vs. Custer*, 23 How., 484; *West vs. Aurora City*, 6 Wall., 139; *Bushnell vs. Kennedy*, 9 Wall., 387; *Insurance Co. vs. Weide*, 9 Wall., 677; *Railway Com. vs. Whitton*, 13 Wall., 270; *City of Lexington vs. Butler*, 14 Wall., 282; *Case of the Sewing Machine Com's*, 18 Wall., 553; *Muns vs. Dupont*, 2 Wash. C. C., 463; *Beardsley vs. Torrey*, 4 Wash. C. C., 286; *Wright vs. Wells*, 1 Pet. C. C., 220; *Ladd vs. Tudor*, 3 Wood & M. C. C., 325; *Matthews vs.*

Lyall, 6 McLean, 13; *Brownell vs. Gordon*, 1 McAll. C. C., 207; *Gier vs. Gregg*, 4 McLean, 202; *Wilson vs. Bldgett*, 4 McLean, 363; *McLeod vs. Duncan*, 5 McLean, 342; *Hubbard vs. Northern R. R.*, 3 Blatch., 84; *Bliven vs. New England Screw Co.*, 3 Blatch. C. C., 111; *Barney vs. Globe Bank*, 5 Blatch. C. C., 107; *Screw Co. vs. Bliven*, 3 Blatch. C. C., 240; *Snydam vs. Ewing*, 2 Blatch. C. C., 359; *Sayles vs. Northwestern Ins. Co.*, 2 Curt. C. C., 212; *Bristol vs. Chapman*, 34 How. Pr., 140; *Shelby vs. Hoffman*, 7 Ohio St., 450; *In re Turner*, 3 Wall., Jr., 258; *In re Girard*, 3 Wall., Jr., 263; *Ward vs. Arredund*, 1 Paine, 410; *McVaughter vs. Cassily*, 4 McLean, 351; *Spraguius vs. County Court, Cooke*, 160; *Gibson vs. Johnson, Peters* C. C., 44; *Jersey vs. Babcock*, 4 Wash. C. C., 344; *Charter Oak Ins. Co. vs. Star Ins. Co.*, 6 Blatch. C. C., 208; *Roberts vs. Nelson*, 8 Blatch. C. C., 74; *Beecher vs. Gillett*, 1 Dill. C. C., 308; *Hatch vs. Railroad*, 6 Blatch. C. C., 105; *Bixby vs. Couse*, 8 Blatch. C. C., 73; *Field vs. Larmsdale*, 1 Deady, 288; *Dart vs. McKinney*, 9 Blatch., 359; *Akerly vs. Vilas*, 1 Abb. C. C., 284; *Fields vs. Lamb*, 1 Deady, 430; *Sands vs. Smith*, 1 Dillon, 290; *Johnson vs. Monell*, 1 Wool. C. C., 390; *Case vs. Douglass*, 1 Dillon, 299; *Boggs vs. Willard*, 16 Int. Rev. Rec., 22.

When the said copies are entered as aforesaid in the circuit court, the cause shall there proceed in the same manner as if it had been brought there by original process, and the copies of pleadings shall have the same force and effect, in every respect and for every purpose, as the original pleadings would have had by the laws and practice of the courts of such State if the cause had remained in the State court.

SEC. 640. Any suit commenced in any court other than a circuit or district court of the United States against any corporation other than a banking corporation, organized under a law of the United States, or against any member thereof as such member for any alleged liability of such corporation, or of such member as a member thereof, may be removed, for trial, in the circuit court for the district where such suit is pending, upon the petition of such defendant, verified by oath, stating that such defendant has a defense arising under or by virtue of the Constitution or of any treaty or law of the United States. Such removal, in all other respects, shall be governed by the provisions of the preceding section.

Removal of suits against corporations organized under a law of United States.

27 July, 1868, c. 255, s. 2, v. 15, p. 227.

27 July, 1866, c. 288, s. 1, v. 14, p. 306.

Fisk vs. Union F. R. R., 8 Blatch., 343.

Removal of causes against persons denied any civil right, &c.

31 May, 1870, c. 114, ss. 16, 18, v. 16, p. 144.

9 April, 1866, c. 31, s. 3, v. 14, p. 27.

3 March, 1863, c. 81, s. 5, v. 12, p. 756.

11 May, 1866, c. 80, ss. 3, 5, v. 14, p. 46.

Commonwealth vs. Artman, 3 Grant, 436.

Hodgson vs. Milward, 3 Grant, 418.

SEC. 641. When any civil suit or criminal prosecution is commenced in any State court, for any cause whatsoever, against any person who is denied or cannot enforce in the judicial tribunals of the State, or in the part of the State where such suit or prosecution is pending, any right secured to him by any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction of the United States, or against any officer, civil or military, or other person, for any arrest or imprisonment or other trespasses or wrongs, made or committed by virtue of or under color of authority derived from any law providing for equal rights as aforesaid, or for refusing to do any act on the ground that it would be inconsistent with such law, such suit or prosecution may, upon the petition of such defendant, filed in said State court, at any time before the trial or final hearing of the cause, stating the facts and verified by oath, be removed, for trial, into the next circuit court to be held in the district where it is pending. Upon the filing of such petition all further proceedings in the State courts shall cease, and shall not be resumed except as hereinafter provided. But all bail and other security given in such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. It shall be the duty of the clerk of the State court to furnish such defendant, petitioning for a removal, copies of said process against him, and of all pleadings, depositions, testimony, and other proceedings in the case. If such copies are filed by said petitioner in the circuit court on the first day of its session, the cause shall proceed therein in the same manner as if it had been brought there by original process; and if the said clerk refuses or neglects to furnish such copies, the petitioner may thereupon docket

the case in the circuit court, and the said court shall then have jurisdiction therein, and may, upon proof of such refusal or neglect of said clerk, and upon reasonable notice to the plaintiff, require the plaintiff to file a declaration, petition, or complaint in the cause; and, in case of his default, may order a nonsuit and dismiss the case at the costs of the plaintiff, and such dismissal shall be a bar to any further suit touching the matter in controversy. But if, without such refusal or neglect of said clerk to furnish such copies and proof thereof, the petitioner for removal fails to file copies in the circuit court as herein provided, a certificate, under the seal of the circuit court, stating such failure, shall be given, and upon the production thereof in said State court, the cause shall proceed therein as if no petition for a removal had been filed. (See § 1977.)

SEC. 642. When all the acts necessary for the removal of any suit or prosecution, as provided in the preceding section, have been performed, and the defendant petitioning for such removal is in actual custody on process issued by said State court, it shall be the duty of the clerk of said circuit court to issue a writ of habeas corpus cum causa, and of the marshal, by virtue of said writ, to take the body of the defendant into his custody, to be dealt with in said circuit court according to law and the orders of said court, or, in vacation, of any judge thereof; and the marshal shall file with or deliver to the clerk of said State court a duplicate copy of said writ.

SEC. 643. When any civil suit or criminal prosecution is commenced in any court of a State against any officer appointed under or acting by authority of any revenue law of the United States now or hereafter enacted, or against any person acting under or by authority of any such officer, on account of any act done under color of his office or of any such law, or on account of any right, title, or authority claimed by such officer or other person under any such law; or is commenced against any person holding property or estate by title derived from any such officer, and affects the validity of any such revenue law; or is commenced against any officer of the United States, or other person, on account of any act done under the provisions of Title XXVI, "THE ELECTIVE FRANCHISE," or on account of any right, title or authority claimed by such officer or other person under any of the said provisions, the said suit or prosecution may, at any time before the trial or final hearing thereof, be removed for trial into the circuit court next to be holden in the district where the same is pending, upon the petition of such defendant to said circuit court, and in the following manner: Said petition shall set forth the nature of the suit or prosecution, and be verified by affidavit; and, together with a certificate signed by an attorney or counselor at law of some court of record of the State where such suit or prosecution is commenced, or of the United States, stating that, as counsel for the petitioner, he has examined the proceedings against him, and carefully inquired into all the matters set forth in the petition, and that he believes them to be true, shall be presented to the said circuit court, if in session, or if it be not, to the clerk thereof at his office, and shall be filed in said office. The cause shall thereupon be entered on the docket of the circuit court, and shall proceed as a cause originally commenced in that court; but all bail and other security given upon such suit or prosecution shall continue in like force and effect as if the same had proceeded to final judgment and execution in the State court. When the suit is commenced in the State court by summons, subpoena, petition, or another process except capias, the clerk of the circuit court shall issue a writ of certiorari to the State court, requiring it to send to the circuit court the record and proceedings in the cause. When it is commenced by capias, or by any other similar form of proceeding by which a personal arrest is ordered, he shall issue a writ of habeas corpus cum causa, a duplicate of which shall be delivered to the clerk of the State court, or left at his office, by the marshal of the district, or his deputy, or by some person duly authorized thereto; and thereupon it shall be the duty of the State court to stay all further

When petitioner is in actual custody of State court.

5 Feb., 1867, c. 27, v. 14, p. 325.

3 March, 1863, c. 81, s. 5, v. 12, p. 756.

11 May, 1866, c. 80, ss. 3, 5, v. 14, p. 46.

9 April, 1866, c. 31, s. 3, v. 14, p. 27.

Removal of suits and prosecutions against revenue officers and officers acting under registration laws.

2 March, 1833, c. 57, s. 3, v. 4, p. 633.

13 July, 1866, c. 184, s. 67, v. 14, p. 171.

28 Feb., 1871, c. 99, s. 16, v. 16, p. 438.

Coggins vs. Lawrence, 2 Blatch. C. C., 304; Wood vs. Matthews, 2 Blatch. C. C., 370; Van Zandt vs. Maxwell, 2 Blatch. C. C., 421; Abranches vs. Schell, 4 Blatch. C. C., 256; Warner vs. Fowler, 4 Blatch. C. C., 311; Victor vs. Cisco, 5 Blatch. C. C., 123; Benchley vs. Gilbert, 8 Blatch., 147; Salem and Lowell R. R. vs. Boston and Lowell R. R., 21 Law Rep., 210; Peyton vs. Bliss, 1 Wool. C. C., 170.

proceedings in the cause, and the suit or prosecution, upon delivery of such process, or leaving the same as aforesaid, shall be held to be removed to the circuit court, and any further proceedings, trial, or judgment therein in the State court shall be void. And if the defendant in the suit or prosecution be in actual custody on mesne process therein, it shall be the duty of the marshal, by virtue of the writ of habeas corpus cum causa, to take the body of the defendant into his custody, to be dealt with in the cause according to law and the order of the circuit court, or, in vacation, of any judge thereof; and if, upon the removal of such suit or prosecution, it is made to appear to the circuit court that no copy of the record and proceedings therein in the State court can be obtained, the circuit court may allow and require the plaintiff to proceed de novo, and to file a declaration of his cause of action, and the parties may thereupon proceed as in actions originally brought in said circuit court. On failure of the plaintiff so to proceed, judgment of non-prosequitur may be rendered against him, with costs for the defendant.

Removal of suits by aliens in a particular case.

30 March, 1872, c. 72, v. 17, p. 44.

When copies of records are refused by clerk of State court.

2 March, 1833, c. 57, s. 4, v. 4, p. 634.
28 Feb. 1871, c. 99, s. 17, v. 16, p. 439.

Attachments, injunctions, and indemnity bonds to remain in force after removal.

24 Sept., 1789, c. 20, s. 12, v. 1, p. 79.
27 July, 1866, c. 288, v. 14, p. 306.
2 March, 1867, c. 196, v. 14, p. 558.
27 July, 1868, c. 255, s. 2, v. 15, p. 227.
9 April, 1866, c. 31, s. 3, v. 14, p. 27.
3 March, 1863, c. 81, s. 5, v. 12, p. 756.
11 May, 1866, c. 80, ss. 3, 5, v. 14, p. 46.
5 Feb., 1867, c. 27, v. 14, p. 385.
2 March, 1833, c. 57, s. 3, v. 4, p. 633.
13 July, 1866, c. 184, s. 67, v. 14, p. 171.
28 Feb., 1871, c. 99, s. 16, v. 16, pp. 438, 439.

SEC. 644. Whenever a personal action has been or shall be brought in any State court by an alien against any citizen of a State who is, or at the time the alleged action accrued was, a civil officer of the United States, being a non-resident of that State wherein jurisdiction is obtained by the State court, by personal service of process, such action may be removed into the circuit court of the United States in and for the district in which the defendant shall have been served with the process, in the same manner as now provided for the removal of an action brought in a State court by the provisions of the preceding section.

SEC. 645. In any case where a party is entitled to copies of the record and proceedings in any suit or prosecution in a State court, to be used in any court of the United States, if the clerk of said State court, upon demand, and the payment or tender of the legal fees, refuses or neglects to deliver to him certified copies of such records and proceedings, the court of the United States in which such record and proceedings are needed may, on proof by affidavit that the clerk of said State court has refused or neglected to deliver copies thereof, on demand as aforesaid, direct such record to be supplied by affidavit, or otherwise, as the circumstances of the case may require and allow; and, thereupon, such proceeding, trial, and judgment may be had in the said court of the United States, and all such processes awarded, as if certified copies of such records and proceedings had been regularly before the said court.

SEC. 646. When a suit is removed for trial from a State court to a circuit court, as provided in the foregoing sections, any attachment of the goods or estate of the defendant by the original process shall hold the same to answer the final judgment, in the same manner as by the laws of such State they would have been held to answer final judgment had it been rendered by the court in which the suit was commenced; and any injunction granted before the removal of the cause against the defendant applying for its removal shall continue in force until modified or dissolved by the United States court into which the cause is removed; and any bond of indemnity or other obligation, given by the plaintiff upon the issuing or granting of any attachment, writ of injunction, or other restraining process, against the defendant petitioning for the removal of the cause, shall also continue in full force and may be prosecuted by the defendant and made available for his indemnity in case the attachment, injunction, or other restraining process be set aside or dissolved, or judgment be rendered in his favor, in the same manner, and with the same effect as if such attachment, injunction, or other restraining process had been granted, and such bond had been originally filed or given in such State court.

SEC. 647. If, in any action commenced in a State court, where the title of land is concerned, and the parties are citizens of the same State, and the matter in dispute, exclusive of costs, exceeds the sum or value of five hundred dollars, the sum or value being made to appear to the satisfaction of the court, either party, before the trial, states to the court, and makes affidavit, if they require it, that he claims and shall rely upon a right or title to the land under a grant from a State other than that in which the suit is pending, and produces the original grant, or an exemplification of it, except where the loss of public records shall put it out of his power, and moves that the adverse party inform the court whether he claims a right or title to the land under a grant from the State in which the suit is pending, the said adverse party shall give such information, or otherwise not be allowed to plead such grant, or give it in evidence upon the trial; and if he gives information that he does claim under such grant, the party claiming under the grant first mentioned may, on motion, remove the cause for trial into the next circuit court to be holden in the district where such suit is pending. If the party so removing the cause is defendant, the removal shall be made under the regulations governing removals of a cause into such court by an alien; and neither party removing the cause shall be allowed to plead or give evidence of any other title than that stated by him as aforesaid as the ground of his claim.

SEC. 648. The trial of issues of fact in the circuit courts shall be by jury, except in cases of equity and of admiralty and maritime jurisdiction, and except as otherwise provided in proceedings in bankruptcy, and by the next section.

20, s. 12, v. 1, p. 79. 3 March, 1865, c. 86, s. 4, v. 13, p. 501.—*Elmore vs. Grymes*, 1 Pet., 471; *De Wolf vs. Rabaud*, 1 Pet., 497; *Crane vs. Morris's Lessee*, 6 Pet., 609; *Silsby vs. Foote*, 14 How., 222; *Castle vs. Ballard*, 23 How., 183.

SEC. 649. Issues of fact in civil cases in any circuit court may be tried and determined by the court, without the intervention of a jury, whenever the parties, or their attorneys of record, file with the clerk a stipulation in writing waiving a jury. The finding of the court upon the facts, which may be either general or special, shall have the same effect as the verdict of a jury. [See § 700.]

Guild vs. Frontin, 18 How., 135; *McGavock vs. Woodlief*, 20 How., 225; *Suydam vs. Williamson*, 20 How., 432; *Kelsey vs. Forsyth*, 21 How., 85; *Campbell vs. Boyreau*, 21 How., 223; *Burr vs. Des Moines Co.*, 1 Wall., 99; *Sanlet vs. Shepherd*, 4 Wall., 502; *Insurance Co. vs. Tweed*, 7 Wall., 44; *Genes vs. Bonnemere*, 7 Wall., 564; *Basset vs. U. S.*, 9 Wall., 38; *Norris vs. Jackson*, 9 Wall., 125; *Flanders vs. Tweed*, 9 Wall., 425; *Copeland vs. Insurance Co.*, 9 Wall., 467; *Coddington vs. Richardson*, 10 Wall., 516; *Bethel vs. Mathews*, 13 Wall., 1; *Dirst vs. Morris*, 14 Wall., 484; *Insurance Co. vs. Folsum*, 18 Wall., 237.

SEC. 650. Whenever, in any civil suit or proceeding in a circuit court held by a circuit justice and a circuit judge or a district judge, or by a circuit judge and a district judge, there occurs any difference of opinion between the judges as to any matter or thing to be decided, ruled, or ordered by the court, the opinion of the presiding justice or judge shall prevail, and be considered the opinion of the court for the time being.

Division of opinion in civil causes; decision by presiding judge.

1 June, 1872, c. 255, s. 1, v. 17, p. 196.

SEC. 651. Whenever any question occurs on the trial or hearing of any criminal proceeding before a circuit court upon which the judges are divided in opinion, the point upon which they disagree shall, during the same term, upon the request of either party, or of their counsel, be stated under the direction of the judges, and certified, under the seal of the court, to the Supreme Court at their next session; but nothing herein contained shall prevent the cause from proceeding if, in the opinion of the court, further proceedings can be had without prejudice to the merits. Imprisonment shall not be allowed nor punishment inflicted in any case where the judges of such court are divided in opinion upon the question touching the said imprisonment or punishment. [See § 697.]

Division of opinion in criminal causes; certificate.

29 April, 1802, c. 31, s. 6, v. 2, p. 159.

1 June, 1872, c. 255, s. 1, v. 17, p. 196.

7 Cr., 285; *Ross vs. Triplett*, 3 Wh., 600; *U. S. vs. Lancaster*, 5 Wh., 434; *U. S. vs. Daniel*, 6 Wh., 542; *Wayman vs. Southard*, 10 Wh., 1; *Devereaux vs. Marr*, 12 Wh., 212; *Do Wolf vs. Usher*, 3 Pet., 269; *Saunders vs. Gould*, 4 Pet., 392; *Grant vs. Raymond*, 6 Pet., 218;

Removal of suits where parties claim land under titles from different States.

24 Sept., 1789, c. 20, s. 12, v. 1, p. 79.

Town of Pawlet vs. Clark, 9 Cr., 292.

Issues of fact, when to be tried by jury.

24 Sept., 1789, c. 20, s. 12, v. 1, p. 79.

Issues of fact tried by the court.

3 March, 1865, c. 86, s. 4, v. 13, p. 501.

Grayham vs. Bayne, 18 How., 60;

U. S. vs. Bailey, 9 Pet., 267; *Davis vs. Braden*, 10 Pet., 286; *Smith vs. Vaughan*, 10 Pet., 366; *Packer vs. Nixon*, 10 Pet., 408; *Adams vs. Jones*, 12 Pet., 213; *White vs. Turk*, 12 Pet., 238; *U. S. vs. Briggs*, 5 How., 208; *Nesmith vs. Sheldon*, 6 How., 41; *Luther vs. Borden*, 7 How., 1; *U. S. vs. Chicago*, 7 How., 185; *Sadler vs. Hoover*, 7 How., 646; *Wilson vs. Barnum*, 8 How., 258; *Webster vs. Cooper*, 10 How., 54; *Dennistoun vs. Stewart*, 18 How., 565; *U. S. vs. City Bank of Columbus*, 19 How., 385; *Silliman vs. Hudson River Bridge*, 1 Bl., 582; *Daniels vs. R. R. Com.*, 3 Wall., 250; *Havemeyer vs. Iowa County*, 3 Wall., 294; *Brobst vs. Brobst*, 4 Wall., 2; *U. S. vs. Rosenburgh*, 7 Wall., 580.

Division of opinion in civil causes, certificate.

1 June, 1872, c. 255, s. 1, v. 17, p. 196.

29 April, 1802, c. 31, s. 6, v. 2, p. 159.

SEC. 652. When a final judgment or decree is entered in any civil suit or proceeding before any circuit court held by a circuit justice and a circuit judge or a district judge, or by a circuit judge and a district judge, in the trial or hearing whereof any question has occurred upon which the opinions of the judges were opposed, the point upon which they so disagreed shall, during the same term, be stated under the direction of the judges, and certified, and such certificate shall be entered of record. [See § 693.]

Ogle vs. Lee, 2 Cr., 33; *Hopburn vs. Ellzey*, 2 Cr., 445; *U. S. vs. Tyler*, 7 Cr., 285; *Ross vs. Triplett*, 3 Wh., 600; *U. S. vs. Lancaster*, 5 Wh., 434; *U. S. vs. Daniel*, 6 Wh., 542; *Wayman vs. Southard*, 10 Wh., 1; *Devereaux vs. Marr*, 12 Wh., 212; *De Wolf vs. Usher*, 3 Pet., 269; *Saunders vs. Gould*, 4 Pet., 392; *Bank U. S. vs. Green*, 6 Pet., 26; *Grant vs. Raymond*, 6 Pet., 218; *U. S. vs. Bailey*, 9 Pet., 267; *Davis vs. Braden*, 10 Pet., 286; *Smith vs. Vaughan*, 10 Pet., 366; *Packer vs. Nixon*, 10 Pet., 408; *Adams vs. Jones*, 12 Pet., 207; *White vs. Turk*, 12 Pet., 238; *U. S. vs. Briggs*, 5 How., 208; *Nesmith vs. Sheldon*, 6 How., 41; *Luther vs. Borden*, 7 How., 1; *U. S. vs. Chicago*, 7 How., 185; *Sadler vs. Hoover*, 7 How., 646; *Wilson vs. Barnum*, 8 How., 258; *Dennistoun vs. Stewart*, 18 How., 565; *U. S. vs. City Bank of Columbus*, 19 How., 385; *Silliman vs. Hudson River Bridge*, 1 Bl., 582; *Ex parte Gordon*, 1 Bl., 503; *Ward vs. Chamberlain*, 2 Bl., 430; *Daniels vs. R. R. Com.*, 3 Wall., 250; *Havemeyer vs. Iowa County*, 3 Wall., 294; *Brobst vs. Brobst*, 4 Wall., 2; *U. S. vs. Rosenburgh*, 7 Wall., 580; *Hannauer vs. Woodruff*, 10 Wall., 482.

Business of the circuit court for the two districts of Missouri transferred, how.

25 Feb., 1873, c. 200, s. 1, v. 17, p. 476.

SEC. 653. The circuit court for the eastern district of Missouri, is vested with full and complete jurisdiction to hear, determine, and dispose of, according to the usual course of judicial proceedings, all suits, causes, motions, and other matters which were pending in the circuit court of the United States in and for the districts of Missouri at the time the said circuit court for the eastern district of Missouri was created, on the eighth day of June, eighteen hundred and seventy-two, and also all other matters which have since arisen that pertain to said suits or causes, and also to make all orders and issue of^(*) all processes which said circuit court of the United States in and for the districts of Missouri might have done if it had not ceased to exist; and said circuit court for said eastern district of Missouri is vested with jurisdiction and authority to do all and singular that may in the due course of judicial proceedings pertain to any of said suits, causes, or unfinished business as fully as the said circuit court in and for the districts of Missouri might have done if said circuit court had not ceased to exist.

Process issued out of former circuit court for Missouri.

25 Feb., 1873, c. 200, s. 2, v. 17, p. 476.

SEC. 654. The service of process, mesne or final, issued out of said circuit court of the United States in and for the districts of Missouri, which service was had after the eighth day of June, eighteen hundred and seventy-two, and all levies, seizures, and sales made thereunder, also all service, seizures, levies, and sales made under any process which issued as out of said court after the said eighth day of June, eighteen hundred and seventy-two, are made valid, and all said processes are to be deemed returnable to said circuit court of the United States in and for the eastern district of Missouri as of the return day thereof.

Transfer of cases between eastern and western districts.

25 Feb., 1873, c. 200, s. 3, v. 17, p. 476.

SEC. 655. Either of the circuit courts for the eastern and for the western district of Missouri may order any suit, cause, or other matter pending therein, and commenced prior to the creation of said new court, to be transferred for trial or determination to the other of said circuit courts when, in the opinion of the court, said transfer ought to be made; and the court to which said transfer is made shall have as full authority and jurisdiction over the same from the date the certified transcript of the record thereof is filed as if the same had been originally pending therein.

(*) The word *of* in the Roll redundant.

SEC. 656. That the clerk of the circuit court for the eastern district of Missouri, and his successors in office, shall have the custody of all records, books, papers, and property belonging or in any wise appertaining to said circuit court of the United States in and for the districts of Missouri, and, as such custodians and the successors of the clerk of said last-named court, they are hereby invested with the same powers and authority with respect thereto as the clerk thereof had during the existence of said last-named circuit court. Said circuit court for the eastern district of Missouri is hereby made the successor of said circuit court of the United States in and for the districts of Missouri as to all suits, causes, and unfinished business therein or in any wise pertaining thereto, except as hereinbefore provided.

Custody of books, papers, &c., of circuit court of Missouri.

25 Feb., 1873, c. 200, s. 4, v. 17, p. 476.

SEC. 657. The original jurisdiction of the circuit court for the southern district of New York shall not be construed to extend to causes of action arising within the northern district of said State.

Circuit court for southern district of New York, how limited.

3 April, 1818, c. 32, s. 6, v. 3, p. 415. *Wheeler vs. McCormick*, 8 Blatch. C. C., 267.

CHAPTER EIGHT.

CIRCUIT COURTS—SESSIONS

Sec.

658. Terms.

659. Recognizances to a certain term in southern district of New York.

660. Effect of altering terms of circuit courts.

661. Special sessions for trial of criminal cases.

662. Special sessions for criminal trials near the place of the offense.

663. Adjourned terms, Missouri.

Sec.

664. California, Oregon, and Nevada, special sessions.

665. Kentucky and Indiana, special terms.

666. Tennessee, special terms.

667. North Carolina, special terms.

668. Virginia, Wisconsin, special terms.

669. Special terms, general rule.

670. Special terms, business transacted at.

671. Adjournment in absence of the judges.

672. Adjournment in absence of the judges, by written order.

SEC. 658. The regular terms of the circuit courts shall be held in each year, at the times and places following; but when any of said dates shall fall on Sunday, the term shall commence on the following day:

Terms.

In and for the southern district of Alabama, at Mobile, on the second Monday in April and the fourth Monday in December.

Alabama, S. D.

34, s. 2, v. 5, p. 177. 22 February, 1838, c. 12, s. 1, v. 5, p. 210. 6 August, 1842, c. 180, s. 1, v. 5, p. 507. 12 April, 1844, c. 12, s. 3, v. 5, p. 655. 1 March, 1845, c. 39, s. 1, v. 5, p. 731. 15 July, 1862, c. 178, s. 1, v. 12, p. 576.

3 March, 1837, c.

In and for the eastern district of Arkansas, at Little Rock, on the second Monday in April and the fourth Monday in October.

Arkansas.

3 March, 1837, c. 34, s. 2, v. 5, p. 177. 21 May, 1872, c. 176, s. 1, v. 17, p. 135.

In the district of California, at San Francisco, on the first Monday in February, the second Monday in June, and the first Monday in October.

California.

19 Feb., 1864, c. 11, s. 1, v. 13, p. 4. 27 July, 1866, c. 280, s. 1, v. 14, p. 300.

In the district of Connecticut, at New Haven, on the fourth Tuesday in April; and at Hartford, on the third Tuesday in September.

Connecticut.

13 April, 1792, c. 21, s. 2, v. 1, p. 253. 24 February, 1843, c. 44, s. 1, v. 5, p. 601.

In the district of Delaware, at Wilmington, on the third Tuesdays in June and October.

Delaware.

10 May, 1852, c. 33, s. 1, v. 10, p. 5. 14 June, 1856, c. 45, s. 1, v. 11, p. 22.

In the southern district of Florida, at Key West, on the first Mondays in May and November.

Florida.

In the northern district of Florida, at Tallahassee, on the first Monday in February; at Pensacola, on the first Monday in March; and at Jacksonville, on the first Monday in December.

23 Feb., 1847, c.

20, s. 2, v. 9, p. 131.

15 July, 1862, c.

178, s. 1, v. 12, p.

576. 27 July, 1868, c. 270, s. 1, v. 15, p. 239.

- Georgia.** In the southern district of Georgia, at Savannah, on the second Monday in April; and on the Thursday after the first Monday in November.
In the northern district of Georgia, at Atlanta, on the second Mondays in March and September.
21 Jan., 1829, c. 8, s. 1, v. 4, p. 331.
1 March, 1845, c. 39, s. 1, v. 5, p. 731. 11 Aug., 1848, c. 151, ss. 4, 5, 8, v. 9, pp. 280, 281.
4 June, 1872, c. 284, s. 3, v. 17, p. 218.
- Illinois.** In the northern district of Illinois, at Chicago, on the first Monday in July and the third Monday in December.
In the southern district of Illinois, at Springfield, on the first Mondays in January and June.
19 Feb., 1855, c. 96, s. 2, v. 10, p. 606.
23 April, 1856, c. 18, s. 1, v. 11, p. 4.
- Indiana.** In the district of Indiana, at Indianapolis, on the first Tuesday in May and November; and at New Albany, on the first Monday in January and July; and at Evansville, on the first Monday in February and August.
10 March, 1838, c. 33, s. 1, v. 5, p. 215.
20 Feb., 1863, c. 47, s. 1, v. 12, p. 657. 30 June, 1870, c. 180, s. 1, v. 16, p. 175.
- Iowa.** In the district of Iowa, at Des Moines, on the second Mondays in May and October.
13 June, 1863, c. 9, s. 1, v. 12, p. 634. 2 March, 1863, c. 69, s. 2, v. 12, p. 699. 21 May, 1872, c. 176, s. 1, v. 17, p. 135.
- Kansas.** In the district of Kansas, at Leavenworth, on the first Monday in June; and at the seat of government of the State, on the fourth Monday in November.
21 Jan., 1861, c. 20, s. 5, v. 12, p. 128.
13 Jan., 1863, c. 9, s. 1, v. 12, p. 634. 21 May, 1872, c. 176, s. 1, v. 17, p. 135. 8 June, 1872, c. 341, v. 17, p. 334.
- Kentucky.** In the district of Kentucky, at Covington, on the third Monday in April and the first Monday in December; at Louisville, on the third Monday in February and the first Monday in October; at Frankfort, on the third Monday in May and the first Monday in January; and at Paducah, on the third Monday in March and the first Monday in November.
15 May, 1862, c. 71, s. 1, v. 12, p. 386.
- Louisiana.** In the district of Louisiana, at New Orleans, on the fourth Monday in April and the first Monday in November.
1 March, 1845, c. 39, s. 1, v. 5, p. 731. 20 July, 1854, c. 99, s. 2, v. 10, p. 307. 23 July, 1866, c. 210, s. 2, v. 14, p. 209. 27 July, 1866, c. 280, s. 1, v. 14, p. 300.
- Maine.** In the district of Maine, at Portland, on the twenty-third days of April and September.
3 March, 1823, c. 41, s. 1, v. 3, p. 774. 13 Feb., 1843, c. 32, s. 1, v. 5, p. 600. 11 August, 1848, c. 154, s. 1, v. 9, p. 282.
- Maryland.** In the district of Maryland, at Baltimore, on the first Mondays in April and November.
3 March, 1837, c. 34, s. 2, v. 5, p. 177. 7 July, 1838, c. 193, s. 1, v. 5, p. 308.
- Massachusetts.** In the district of Massachusetts, at Boston, on the fifteenth days of May and October.
26 March, 1812, c. 45, s. 1, v. 2, p. 696.
- Michigan.** In the eastern district of Michigan, at Detroit, on the first Tuesdays in March, June, and November.
24 Feb., 1863, c. 54, s. 2, v. 12, p. 661.
- Minnesota.** In the district of Minnesota, at Saint Paul, on the third Monday in June and the second Monday in December.
13 Jan., 1863, c. 9, s. 1, v. 12, p. 635. 21 May, 1872, c. 176, s. 1, v. 17, p. 135.
- Mississippi, S. D.** In the southern district of Mississippi, at Jackson, on the first Mondays in May and November.
3 March, 1837, c. 34, s. 2, v. 5, p. 177. 18 June, 1838, c. 115, s. 1, v. 5, p. 247. 16 Feb., 1839, c. 27, ss. 1, 2, v. 5, p. 317.
- Missouri.** In the eastern district of Missouri, at Saint Louis, on the third Mondays in March and September.
In the western district of Missouri, at Jefferson, on the third Mondays in April and November.
21 May, 1872, c. 176, s. 1, v. 17, p. 135. 8 June, 1872, c. 334, ss. 1, 2, v. 17, pp. 282, 283.

In the district of Nebraska, at Omaha, on the first Monday in May and the second Monday in November.

Nebraska.

18 May, 1872, c. 176, s. 1, v. 17, p. 135.

In the district of Nevada, at Carson City, on the first Mondays in March, August, and December.

Nevada.

27 Feb., 1865, c. 64, s. 2, v. 13, p. 440.

In the district of New Hampshire, at Portsmouth, on the eighth day of May; and at Exeter on the eighth day of October.

New Hampshire.

3 Mar., 1823, c. 41, s. 1, v. 3, p. 773.

In the district of New Jersey, at Trenton, on the fourth Tuesdays in March and September.

New Jersey.

24 Sept., 1789, c. 12 Aug., 1848, c. 169, s.

20, s. 5, v. 1, p. 75. 3 March, 1797, c. 27, s. 1, v. 1, p. 517. 1, v. 9, p. 303.

In the northern district of New York, at Canandaigua, on the third Tuesday in June; at Albany on the second Tuesday in October; and when the term appointed to be held at Albany is adjourned, it shall be adjourned to meet at the same place on the third Tuesday in January; and when said adjourned term is adjourned it shall be adjourned to meet in Utica on the third Tuesday in March. The said adjourned terms shall be held for the transaction of civil business only.

New York.

20 May, 1830, c. 213, s. 2, v. 4, p. 422.

10 April, 1832, c. 15, s. 1, v. 4, p. 497.

8 Aug. 1846, c. 98, s. 1, v. 9, p. 72.

4 July, 1864, c. 245, s. 2, v. 13, p. 385.

25 Feb., 1865, c. 54, s. 1, v. 13, p. 438.

7 Feb., 1873, c. 120, ss. 1, 2, v. 17, p. 422.

In the southern district of New York, at the city of New York, on the first Monday in April and the third Monday in October; and for the trial of criminal causes and suits in equity, on the last Monday in February; and exclusively for the trial and disposal of criminal cases, and matters arising and pending in said court, on the second Wednesday in January, March, and May, on the third Wednesday in June, and on the second Wednesday in October and December: *Provided*, That the holding of any of the last-mentioned terms for criminal business shall not dispense with nor affect the holding of any other term of the court at the same time, and that the pending of any other term of the court shall not prevent the holding of any of the said terms for criminal business.

In the eastern district of New York, at Brooklyn, on the first Wednesday in every month.

In the eastern district of North Carolina, at Raleigh, on the first Monday in June and the last Monday in November.

North Carolina.

15 July, 1846, c. 38, v. 9, p. 38.

15 Feb., 1847, c. 9, v. 9, p. 126.

4 June, 1872, c. 282, s. 2, v. 17, p. 215.

In the western district of North Carolina, at Greensborough, on the first Mondays in April and October; at Statesville, on the third Mondays in April and October; and at Asheville, on the first Mondays in May and November.

In the northern district of Ohio, at Cleveland, on the first Tuesdays in January, April, and October.

Ohio.

21 Feb., 1863, c. 49, v. 12, p. 657.

7 July, 1870, c. 214, v. 16, p. 192.

In the southern district of Ohio, at Cincinnati, on the first Tuesdays in February, April, and October.

In the district of Oregon, at Portland, on the first Mondays in January, May, and September.

Oregon.

19 Feb., 1864, c. 11, s. 1, v. 13, p. 4.

In the eastern district of Pennsylvania, at Philadelphia, on the first Mondays in April and October.

Pennsylvania.

3 March, 1797, c. 27, s. 1, v. 1, p. 517.

20 April, 1818, c. 108, s. 4, v. 3, p. 462.

3 March, 1837, c. 34, s. 2, v. 5, p. 177.

9, p. 631. 21 Feb.,

In the western district of Pennsylvania, at Erie, on the second Monday in January and third Monday in July; at Pittsburgh, on the second Mondays in May and November; and at Williamsport, on the third Mondays in June and September.

3 March, 1843, c. 97, s. 1, v. 5, p. 628. 3 March, 1851, c. 40, s. 1, v. 9, p. 631. 21 Feb., 1871, c. 63, v. 16, p. 429.

In the district of Rhode Island, at Providence, on the fifteenth days of June and November.

Rhode Island.

22 Feb., 1867, c. 60, s. 1, v. 14, p. 399.

South Carolina.

10 Feb., 1858, c. 5, s. 2, v. 11, p. 260.
24 Feb., 1829, c. 19, v. 4, p. 335. 4 May, 1826, c. 37, s. 2, v. 4, p. 160. 3 March, 1825, c. 78, s. 1, v. 4, p. 124.

In the district of South Carolina, at Charleston, on the first Monday in April; and at Columbia, on the fourth Monday in November.

Tennessee.

25 June, 1868, c. 79, s. 1, v. 15, p. 80.

In the eastern district of Tennessee, at Knoxville, on the second Mondays in January and July.

In the middle district of Tennessee, at Nashville, on the third Mondays in April and October.

In the western district of Tennessee, at Memphis, on the fourth Mondays in May and November.

Texas.

21 Feb., 1857, c. 58, s. 2, v. 11, p. 164.
11 June, 1858, c. 147, s. 1, v. 11, p. 314.
15 July, 1862, c. 178, s. 1, v. 12, p. 576.

In the eastern district of Texas, at Brownsville, on the first Mondays in March and October; and at Galveston, on the first Mondays in May and December.

In the western district of Texas, at Austin, on the first Mondays in January and June; and at Tyler, on the fourth Monday in April and the first Monday in November.

Vermont.

3 March, 1797, c. 27, s. 1, v. 1, p. 517.
22 March, 1816, c. 31, ss. 1, 4, v. 3, p. 258. 4 May, 1858, c. 28, s. 1, v. 11, p. 272. 22 Feb., 1869, c. 43, s. 1, v. 15, p. 274.

In the district of Vermont, at Burlington, on the fourth Tuesday in February; at Windsor, on the fourth Tuesday in July; and at Rutland, on the third day of October.

Virginia.

3 Feb., 1871, c. 35, s. 3, v. 16, p. 403.
1 Feb., 1872, c. 10, v. 17, p. 27.
13 April, 1872, c. 99, v. 17, p. 52.

In the eastern district of Virginia, at Richmond, on the first Monday in April and October; at Alexandria, on the first Monday in January and July; and at Norfolk, on the first Monday in May and November.

In the western district of Virginia, at Danville, on the Tuesday after the fourth Monday in February and August; at Lynchburgh, on the Tuesday after the third Monday in March and September; at Harrisonburgh, on the Tuesday after the first Monday in May and the Tuesday after the second Monday in October; and at Abingdon, on the Tuesday after the fourth Monday in May and October.

West Virginia.

3 March, 1837, c. 34, s. 2, v. 5, p. 177.
13, p. 124. 27 July, 1866, Res. No. 90, v. 14, p. 369.

In the district of West Virginia, at Parkersburgh, on the first Monday in August.

Wisconsin.

29 June, 1870, c. 175, ss. 2, 3, v. 16, p. 171.
9 May, 1872, c. 143, s. 1, v. 17, p. 88.

In the eastern district of Wisconsin, at Oshkosh, on the first Monday in July; and at Milwaukee, on the first Monday in January and October.

In the western district of Wisconsin, at Madison, on the first Monday in June; and at La Crosse, on the third Tuesday in September.

Recognizances to a certain term in southern district of New York.

7 Feb., 1873, c. 120, s. 2, v. 17, p. 423.
Effect of altering terms of circuit courts.

See all acts altering terms.

Special sessions for trial of criminal causes.

24 Sept., 1789, c. 20, s. 5, v. 1, p. 75.

Special sessions for criminal trials near the place of the offense.

SEC. 659. All recognizances and bail-bonds taken in criminal cases for an appearance at a circuit court in the southern district of New York, conditioned upon an appearance at the next one of the terms appointed by the act of February seven, eighteen hundred and seventy-three, shall be valid.

SEC. 660. No action, suit, proceeding, or process in any circuit court shall abate or be rendered invalid by reason of any act changing the time of holding such court; but the same shall be deemed to be returnable to, pending, and triable in the terms established, next after the return day thereof.

SEC. 661. Any circuit court may, at its own discretion, or at the discretion of the Supreme Court, hold special sessions for the trial of criminal causes.

SEC. 662. The Supreme Court, or, when that court is not sitting, any circuit justice or circuit judge, together with the judge of the proper district, may direct special sessions of a circuit court to be held, for the trial of criminal causes, at any convenient place within the district

nearer to the place where the offenses are said to be committed than the place appointed by law for the stated sessions. The clerk of such court shall, at least thirty days before the commencement of such special session, cause the time and place for holding it to be notified, for at least three weeks, consecutively, in one or more of the newspapers published nearest to the place where it is to be held. All process, writs, and recognizances respecting juries, witnesses, bail, or otherwise, which relate to the cases to be tried at such special sessions, shall be considered as belonging to such sessions, in the same manner as if they had been issued or taken in reference thereto. Any such session may be adjourned from time to time to any time previous to the next stated term of the court; and all business depending for trial at any special session shall, at the close thereof, be considered as removed to the next stated term.

SEC. 663. The circuit courts for the several districts of Missouri may at any time order adjourned terms thereof. In the eastern district a copy of the order shall be posted on the door of the court-room, and shall be advertised in some newspaper printed in Saint Louis, and in the western district a copy of the order shall be posted on the door of the court-room, and advertised in some newspaper printed in the city of Jefferson, at least twenty days before the adjourned term is held. At such adjourned term any business may be transacted which might be transacted at a regular term.

SEC. 664. In the districts of California, Oregon, and Nevada the circuit justice or circuit judge may appoint special sessions of the circuit courts, to be held at the places where the regular sessions are held, by an order under his hand and seal, directed to the marshal and clerk of such court at least fifteen days before the time fixed for the commencement of such special sessions. Said order shall be published by the marshal in one or more of the newspapers within the district where such sessions are to be held.

SEC. 665. In the districts of Kentucky and Indiana the district judge, and, in his absence, the circuit justice or circuit judge, may, by a written order to the clerk of the circuit court, appoint a special term of such court; and by said order the judge may prescribe the duties of the officers of the court in summoning juries, and in the performance of other acts necessary for the holding of such special term, or the court may, by its order, after it is opened, prescribe the duties of its officers, and the mode of proceeding, and any of the details thereof. Notice of such special term shall be given by the clerk, by posting a copy of said order on the front door of the court-house where the court is to be held, and by publishing the same in one or more newspapers in the same place.

SEC. 666. In each of the districts of Tennessee the judges of the circuit court may appoint special terms thereof, to be held at the place where the regular terms are held; and notice of such special terms shall be published, for four consecutive weeks, in at least one newspaper printed at the place where the court is to be held.

SEC. 667. In each of the districts of North Carolina the circuit court may order special terms thereof to be held at such times and places in said district as the court may designate: *Provided*, That no special term of the circuit court for either district shall be appointed, except by and with the concurrence and consent of the circuit judge.

SEC. 668. In each of the districts of Virginia and of Wisconsin the circuit court may order special terms, and direct a grand or petit jury, or both, to attend the same, by an order, to be entered of record twenty days before the day on which such special term is to convene: *Provided*, That no special term of such circuit courts shall be appointed in any of the said districts, except by and with the concurrence and consent of the circuit judge.

2 March, 1793, c. 22, s. 3, v. 1, p. 334.
10 April, 1869, c. 22, s. 2, v. 16, p. 44.

U. S. vs. The Insurgents, 2 Dall., 513.

U. S. vs. Cornell, 2 Mas., 98.

Adjourned terms, Missouri.

8 June, 1872, c. 334, s. 3, v. 17, p. 283.

Mechanics' Bank vs. Withers, 3 Dall., 19.

Anon., 1 Cr. C. C., 159.

California, Oregon, and Nevada, special sessions.

19 Feb., 1864, c. 11, s. 3, v. 13, p. 4.

3 March, 1863, c. 100, s. 1, v. 12, p. 794.

27 Feb., 1865, c. 64, s. 2, v. 13, p. 440.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Kentucky and Indiana, special terms.

15 May, 1862, c. 71, s. 2, v. 12, p. 386.

30 June, 1870, c. 180, s. 2, v. 16, p. 175.

Tennessee, special terms.

26 Jan., 1864, c. 5, s. 2, v. 13, p. 2.

North Carolina, special terms.

4 June, 1872, c. 282, s. 4, v. 17, p. 215.

Virginia, Wisconsin, special terms.

29 June, 1870, c. 175, s. 4, v. 16, p. 171.

3 Feb., 1871, c. 35, s. 4, v. 16, p. 403.

Special terms,
general rule.

4 July, 1840, c. 43,
s. 2, v. 5, p. 393.

Special terms,
business transacted at.

15 May, 1862, c.
71, s. 2, v. 12, p. 386.

30 June, 1870, c.
180, s. 2, v. 16, p.
175.

21 Feb., 1855, c.
113, s. 3, v. 10, p.
612.

29 June, 1870, c.
175, s. 4, v. 16, p.
171.

3 Feb., 1871, c. 35, s. 4, v. 16, p. 403. 4 July, 1840, c. 43, s. 2, v. 5, p. 393. 26 Jan., 1864, c. 5, s. 2, v. 13, p. 2. 19 Feb., 1864, c. 11, s. 3, v. 13, p. 4. 27 Feb., 1865, c. 64, s. 7, v. 13, p. 440. 4 June, 1872, c. 282, s. 4, v. 17, p. 215.

Adjournment in
absence of the
judges.

24 Sept., 1789, c.
20, s. 6, v. 1, p. 76.

19 May, 1794, c.
32, v. 1, p. 369.

10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Adjournment, in
absence of the
judges, by written
order.

4 July, 1840, c.
43, s. 1, v. 5, p. 392.

18 Jan., 1839, c.
3, s. 9, v. 5, p. 314.

SEC. 669. In the districts not mentioned in the five preceding sections, the presiding judge of any circuit court may appoint special sessions thereof, to be held at the places where the regular sessions are held.

SEC. 670. At any special term of a circuit court in any district in Indiana, Kentucky, Missouri, North Carolina, Virginia, and Wisconsin, any business may be transacted which might be transacted at any regular term of such court. At any special term of a circuit court in any other district, it shall be competent for the court to entertain jurisdiction of and to hear and decide all cases in equity, cases in error or on appeal, issues of law, motions in arrest of judgment, motion for a new trial, and all other motions, and to award executions and other final process, and to do and transact all other business, and direct all other proceedings, in all causes pending in the circuit court, except trying any cause by a jury, in the same way and with the same effect as the same might be done at any regular session of said court.

SEC. 671. If neither of the judges of a circuit court is present to open any session, the marshal may adjourn the court from day to day until a judge is present: *Provided*, That if neither of them attends before the close of the fourth day after the time appointed for the commencement of the session, the marshal may adjourn the court to the next regular term.

SEC. 672. If neither of the judges of a circuit court be present to open and adjourn any regular or adjourned or special session, either of them may, by a written order, directed alternatively to the marshal, and, in his absence, to the clerk, adjourn the court from time to time, as the case may require, to any time before the next regular term.

CHAPTER NINE.

SUPREME COURT—ORGANIZATION.

Sec.

- 673. Number of justices.
- 674. Precedence of the associate justices.
- 675. Vacancy in the office of Chief Justice.
- 676. Salaries of judges.
- 677. Clerk, marshal, and reporter.
- 678. Deputies of the clerk.

Sec. -

- 679. Records of the old court of appeals.
- 680. Marshal of the Supreme Court.
- 681. Duties of the reporter.
- 682. Reporter's salary and price of reports.
- 683. Distribution of the Supreme Court reports.

Number of jus-
tices.

10 April, 1869, c.
22, s. 1, v. 16, p. 44.

Precedence of the
associate justices.

24 Sept., 1789, c.
20, s. 1, v. 1, p. 73.

Vacancy in the
office of Chief Jus-
tice.

24 Sept., 1789, c.
20, s. 1, v. 1, p. 73.

25 June, 1868, c.
81, s. 1, v. 15, p. 80.

SEC. 673. The Supreme Court of the United States shall consist of a Chief Justice of the United States and eight associate justices, any six of whom shall constitute a quorum.

SEC. 674. The associate justices shall have precedence according to the dates of their commissions, or, when the commissions of two or more of them bear the same date, according to their ages.

SEC. 675. In case of a vacancy in the office of Chief Justice, or of his inability to perform the duties and powers of his office, they shall devolve upon the associate justice who is first in precedence, until such disability is removed, or another Chief Justice is appointed and duly qualified. This provision shall apply to every associate justice who succeeds to the office of Chief Justice.

SEC. 676. The Chief Justice of the Supreme Court of the United States shall receive the sum of ten thousand five hundred dollars a year, and the justices thereof shall receive the sum of ten thousand dollars a year each, to be paid monthly.

SEC. 677. The Supreme Court shall have power to appoint a clerk and a marshal for said court, and a reporter of its decisions.

Salaries of judges.
3 March, 1873, c. 226, s. 1, v. 17, p. 486.
Clerk, marshal, and reporter.
24 Sept., 1789, c. 20, s. 7, v. 1, p. 76. 26 Aug., 1842, c. 202, s. 2, v. 5, p. 524. 29 Aug., 1842, c. 264, s. 1, v. 5, p. 545. 2 March, 1867, c. 156, s. 2, v. 14, p. 433.

SEC. 678. One or more deputies of the clerk of the Supreme Court may be appointed by the court on the application of the clerk, and may be removed at the pleasure of the court. In case of the death of the clerk, his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk in his name until a clerk is appointed and qualified; and for the defaults or misfeasances in office of any such deputy, whether in the lifetime of the clerk or after his death, the clerk, and his estate, and the sureties in his official bond shall be liable; and his executor or administrator shall have such remedy for any such defaults or misfeasances committed after his death as the clerk would be entitled to if the same had occurred in his lifetime.

SEC. 679. The records and proceedings of the court of appeals, appointed previous to the adoption of the present Constitution, shall be kept in the office of the clerk of the Supreme Court, who shall give copies thereof to any person requiring and paying for them in the manner provided by law for giving copies of the records and proceedings of the Supreme Court; and such copies shall have like faith and credit with all other proceedings of said court.

SEC. 680. The marshal is entitled to receive a salary at the rate of three thousand five hundred dollars a year. He shall attend the court at its sessions; shall serve and execute all process and orders issuing from it, or made by the Chief Justice or an associate justice in pursuance of law; and shall take charge of all property of the United States used by the court or its members. With the approval of the Chief Justice he may appoint assistants and messengers to attend the court, with the compensation allowed to officers of the House of Representatives of similar grade.

SEC. 681. The reporter shall cause the decisions of the Supreme Court made during his office to be printed and published within eight months after they are made; and, within the same time, shall deliver three hundred copies of the volumes of said reports to the Secretary of the Interior. And he shall, in any year when he is so directed by the court, cause to be printed and published a second volume of said decisions, of which he shall deliver, in like manner and time, three hundred copies.

SEC. 682. The reporter shall be entitled to receive from the Treasury an annual salary of twenty-five hundred dollars, when his report of said decisions constitutes one volume, and an additional sum of fifteen hundred dollars when, by direction of the court, he causes to be printed and published, in any year, a second volume. But said salary and compensation, respectively, shall be paid only when he causes such decisions to be printed, published, and delivered within the time and in the manner prescribed by law, and upon the condition that the volumes of said reports shall be sold by him to the public for a price not exceeding five dollars a volume.

SEC. 683. The three hundred copies of said reports delivered to the Secretary of the Interior shall be distributed as follows: To the President, the justices of the Supreme Court, the circuit judges, the judges of the district courts, the judges of the Court of Claims, the judges of the supreme court of the District of Columbia, the judges of the several territorial courts, the Secretary of State, the Secretary of the Treasury, the Secretary of War, the Secretary of the Navy, the Secretary of the

Deputies of the clerk.

8 June, 1872, c. 336, v. 17, p. 330.

Records of the old court of appeals.

8 May, 1792, c. 36, s. 12, v. 1, p. 279.

Marshal of the Supreme Court.

2 March, 1867, c. 156, s. 2, v. 14, p. 443.
27 Feb., 1861, c. 15, s. 7, v. 2, p. 106.
24 Sept., 1789, c. 20, s. 27, v. 1, p. 87.

Duties of the reporter.

29 Aug., 1842, c. 264, s. 1, v. 5, p. 545.
21 May, 1866, c. 88, s. 1, v. 14, p. 51.
23 July, 1866, c. 208, s. 1, v. 14, p. 191, (205.)
2 March, 1867, c. 168, s. 10, v. 14, p. 471.

Reporter's salary and price of reports.

29 Aug., 1842, c. 264, s. 1, v. 5, p. 545.
21 May, 1866, c. 88, s. 1, v. 14, p. 51.
23 July, 1866, c. 208, s. 1, v. 14, p. 191, (205.)
2 March, 1867, c. 168, s. 10, v. 14, p. 471.

Distribution of the Supreme Court reports.

29 Aug., 1842, c. 264, s. 1, v. 5, p. 545.
2 March, 1861, c. 87, s. 6, v. 12, p. 245.

15 July, 1870, c. 292, s. 1, v. 16, p. 291, (307.)
 23 July, 1866, c. 208, s. 1, v. 15, p. 191, (205.)

Interior, the Postmaster-General, the Attorney-General, the Solicitor-General, the Secretary of the Senate, for the use of the Senate, the Clerk of the House of Representatives, for the use of the House of Representatives, the governors of the Territories, the Commissioner of Agriculture, the Commissioner of Internal Revenue, the Commissioner of Indian Affairs, the Commissioner of Pensions, the Commissioner of the General Land-Office, the Commissioner of Patents, the Commissioner of Customs, the Commissioner of Education, the Paymaster-General, the First and Second Comptrollers of the Treasury, the First, Second, Third, Fourth, Fifth, and Sixth Auditors of the Treasury, the Solicitor of the Treasury, the Register of the Treasury, the Treasurer of the United States, and the heads of such other executive offices as may hereafter be provided by law, of equal grade with any of the said officers, each one copy; to the Secretary of the Senate, for the use of the standing committees of the Senate, ten copies; and to the Clerk of the House of Representatives, for the use of the standing committees of the House, twelve copies; and the residue of said copies shall be deposited in the Library of Congress, to become a part of said Library. The copies received by any officer under this section shall, in case of his death, resignation, or dismissal from office, be delivered up to his successor in office.

CHAPTER TEN.

SUPREME COURT—SESSIONS.

Sec.
 684. Terms.

685. Adjournments for want of a quorum.

Sec.

686. Preparatory orders made by less than a quorum.

Terms.

23 July, 1866, c. 210, s. 1, v. 14, p. 209.

24 Jan., 1873, c. 64, v. 17, p. 419.

Adjournments for want of a quorum.

29 April, 1802, c. 31, s. 1, v. 2, p. 156.

21 Jan., 1829, c. 12, ss. 1, 2, v. 4, p. 332.

Preparatory orders made by less than a quorum.

29 April, 1802, c. 31, s. 1, v. 2, p. 156.

21 Jan., 1829, c. 12, s. 1, v. 4, p. 323. 23 July, 1866, c. 210, s. 1, v. 14, p. 209.

SEC. 684. The Supreme Court shall hold, at the seat of Government, one term annually, commencing on the second Monday in October, and such adjourned or special terms as it may find necessary for the dispatch of business; and suits, proceedings, recognizances, and processes pending in or returnable to said court shall be tried, heard, and proceeded with as if the time of holding said sessions had not been hereby altered.

SEC. 685. If, at any session of the Supreme Court, a quorum does not attend on the day appointed for holding it, the justices who do attend may adjourn the court from day to day for twenty days after said appointed time, unless there be sooner a quorum. If a quorum does not attend within said twenty days, the business of the court shall be continued over till the next appointed session; and if, during a term, after a quorum has assembled, less than that number attend on any day, the justices attending may adjourn the court from day to day until there is a quorum, or may adjourn without day.

SEC. 686. The justices attending at any term when less than a quorum is present, may, within the twenty days mentioned in the preceding section, make all necessary orders touching any suit, proceeding, or process, depending in or returned to the court, preparatory to the hearing, trial, or decision thereof.

CHAPTER ELEVEN.

SUPREME COURT—JURISDICTION.

Sec.
 687. Original jurisdiction.
 688. Writs of prohibition and mandamus.
 689. Issues of fact.
 690. Appellate jurisdiction.
 691. Judgments in circuit court on writ of error.
 692. Appeals in equity and admiralty cases.
 693. Review of decisions of circuit court on certificate of division of opinion.
 694. Cases pending in Supreme Court from middle and northern districts of Alabama.
 695. Appeals in prize causes.
 696. Appeals in prize causes remaining in circuit courts.
 697. Points certified on division of opinion in a circuit court.
 698. Transcripts on appeals.
 699. Writs of error and appeals, without reference to amount.

Sec.
 700. Cases tried by the circuit court, without the intervention of a jury.
 701. Judgment or decree on review.
 702. Writs of error and appeals from territorial courts.
 703. When a Territory becomes a State after judgment or decree in territorial court.
 704. Judgments and decrees of district courts in cases transferred from territorial courts.
 705. Judgments and decrees of supreme court of District of Columbia.
 706. Cases where matter in dispute exceeds \$100.
 707. Appeals from the Court of Claims.
 708. Time and manner of appeals from the Court of Claims.
 709. Judgments and decrees of State courts on writ of error.
 710. Precedence of writs of error to State courts in criminal cases.

SEC. 687. The Supreme Court shall have exclusive jurisdiction of all controversies of a civil nature where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens, in which latter cases it shall have original, but not exclusive, jurisdiction. And it shall have exclusively all such jurisdiction of suits or proceedings against ambassadors, or other public ministers, or their domestics, or domestic servants, as a court of law can have consistently with the law of nations; and original, but not exclusive, jurisdiction of all suits brought by ambassadors, or other public ministers, or in which a consul or vice-consul is a party. [See §§ 4063-4066.]

Original jurisdiction.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 80.

States:

Fowler *vs.* Lindsey, 3 Dall., 411; New York *vs.* Connecticut, 4 Dall., 1; U. S. *vs.* Peters, 5 Cr., 115; Cohens *vs.* Virginia, 6 Wh.,

264; Osborn *vs.* U. S. Bank, 9 Wh., 738; Governor of Georgia *vs.* Madrazo, 1 Pet., 110; Cherokee Nation *vs.* Georgia, 5 Pet., 1; New Jersey *vs.* New York, 5 Pet., 284; *Ex parte* Madrazo, 7 Pet., 627; Rhode Island *vs.* Massachusetts, 12 Pet., 657; Rhode Island *vs.* Massachusetts, 13 Pet., 23; Rhode Island *vs.* Massachusetts, 14 Pet., 210; Rhode Island *vs.* Massachusetts, 15 Pet., 233; Rhode Island *vs.* Massachusetts, 4 How., 591; Missouri *vs.* Iowa, 7 How., 660; Florida *vs.* Georgia, 17 How., 478; Pennsylvania *vs.* Wheeling Bridge, 18 How., 460; Kentucky *vs.* Dennison, Gov., 24 How., 66; Georgia *vs.* Stanton, 6 Wall., 50; Texas *vs.* White, 7 Wall., 700; Pennsylvania *vs.* Quicksilver Com., 10 Wall., 553; Virginia *vs.* West Virginia, 11 Wall., 39; Commonwealth *vs.* Bontwell, 13 Wall., 526.

Embassadors:

U. S. *vs.* Ravara, 2 Dall., 297; U. S. *vs.* Ortega, 11 Wh., 467.

SEC. 688. The Supreme Court shall have power to issue writs of prohibition to the district courts, when proceeding as courts of admiralty and maritime jurisdiction; and writs of mandamus, in cases warranted by the principles and usages of law, to any courts appointed under the authority of the United States, or to persons holding office under the authority of the United States, where a State, or an ambassador, or other public minister, or a consul or vice-consul is a party.

Writs of prohibition and mandamus.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 80.

Prohibition:

U. S. *vs.* Peters, 3 Dall., 121; *Ex parte* Christy, 3 How.,

292; *Ex parte* Gordon, 1 Bl., 503; U. S. *vs.* Hoffman, 4 Wall., 155; *Ex parte* Warmonth, 17 Wall., 67.

Mandamus:

Hayburn's Case, 2 Dall., 409; U. S. *vs.* Lawrence, 3 Dall., 42; Livingston *vs.* Dorge, 7 Cr., 577; *Ex parte* Burr, 9 Wh., 529; Bank of Columbia *vs.* Sweeney, 1 Pet., 567; *Ex parte* Bradstreet, 4 Pet., 102; *Ex parte* Crane, 5 Pet., 190; *Ex parte* Roberts, 6 Pet., 216; *Ex parte* Davenport, 6 Pet., 661; *Ex parte* Bradstreet, 6 Pet., 774; *Ex parte* Bradstreet, 7 Pet., 634; *Ex parte* Bradstreet, 8 Pet., 588; Life and Fire Insurance Com. *vs.* Adams, 9 Pet., 571, 573; *Ex parte* Hoyt, 13 Pet., 279; *Ex parte* Whitney, 13 Pet., 404; *Ex parte* Taylor, 14 How., 3; *Ex parte* William Many, 14 How., 24; Stafford *vs.* Union Bank of Louisiana, 17 How., 275; *Ex parte* Secombe, 19 How., 9; Mussina *vs.* Cavazos, 20 How., 280; *Ex parte* Ransom *vs.* City of New York, 20 How., 581; U. S., *ex rel.*, *vs.* Addison, 22 How., 174; *Ex parte* Kentucky *vs.* Dennison, 24 How., 66; White's Admr. *vs.* U. S., 1 Bl., 501; *Ex parte* Fleming, 2 Wall., 759; Commissioner of Patents *vs.* Whitely, 4 Wall., 533-4; Riggs *vs.* Johnson County, 6 Wall., 188; *Ex parte* De Groot, 6 Wall., 497; *Ex parte* Bradley, 7 Wall., 364; *Ex parte* Graham, 10 Wall., 541; Commonwealth *vs.* Bontwell, 13 Wall., 526; *Ex parte* Russell, 13 Wall., 664; *Ex parte* Newman, 14 Wall., 152.

Issues of fact.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 80.
Appellate jurisdiction.

SEC. 689. The trial of issues of fact in the Supreme Court, in all actions at law against citizens of the United States, shall be by jury.

SEC. 690. The Supreme Court shall have appellate jurisdiction in the cases hereinafter specially provided for.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 80. — *Sample vs. Hagar*, 4 Wall., 431.

Judgments in circuit court, on writ of error.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.
3 March, 1803, c. 40, s. 2, v. 2, p. 244.
4 July, 1840, c. 43, s. 3, v. 5, p. 393.

SEC. 691. All final judgments of any circuit court, or of any district court acting as a circuit court, in civil actions brought there by original process, or removed there from courts of the several States, and all final judgments of any circuit court in civil actions removed there from any district court by appeal or writ of error, where the matter in dispute, exclusive of costs, exceeds the sum or value of two thousand dollars, may be re-examined and reversed or affirmed in the Supreme Court, upon a writ of error.

Wilson vs. Daniel, 3 Dall., 401; *Williamson vs. Kincaid*, 4 Dall., 20; *Course vs. Stead*, 4 Dall., 22; *U. S. vs. McDowell*, 4 Cr., 316; *Durousseau vs. U. S.*, 6 Cr., 307; *Wise vs. Turnpike Co.*, 7 Cr., 276; *Peyton vs. Robertson*, 9 Wh., 527; *Gordon vs. Ogden*, 3 Pet., 33; *Smith T. vs. Honey*, 3 Pet., 469; *U. S. vs. Eighty-four boxes sugar*, 7 Pet., 453; *Lee vs. Lee*, 8 Pet., 44; *Hagan vs. Faison*, 10 Pet., 160; *Minor vs. Tillotson*, 1 How., 287; *Knapp vs. Banks*, 2 How., 73; *Matheson's Admr. vs. Grant's Admr.*, 2 How., 263; *Barry vs. Merceni*, 5 How., 103; *Mayberry vs. Thompson*, 5 How., 121; *Bayard vs. Lombard*, 9 How., 530; *Brooks vs. Norris*, 11 How., 204; *Connor vs. Peugh's Lessee*, 18 How., 394; *Stevens vs. Gladding*, 19 How., 64; *Dred Scott vs. Sanford*, 19 How., 393; *Doswell vs. De La Lanza*, 20 How., 29; *Payne vs. Niles*, 20 How., 219; *Snydam vs. Williamson*, 20 How., 427; *Warner vs. Norton*, 20 How., 461; *Roberts vs. Cooper*, 20 How., 467; *McPaul vs. Ramsay*, 20 How., 527; *Barton vs. Forsyth*, 20 How., 533; *Holcombe vs. McKusick*, 20 How., 552; *McCargo vs. Chapman*, 20 How., 555; *Rice vs. Minnesota, &c., Railroad*, 21 How., 52; *Richmond vs. Milwaukee*, 21 How., 391; *U. S., ex rel., vs. Addison*, 22 How., 174; *Kellogg vs. Forsyth*, 24 How., 186; *Hecker vs. Fowler*, 1 Bl., 95; *Pratt vs. Fitzhugh*, 1 Bl., 271; *Ex parte Gordon*, 1 Bl., 503; *Taylor vs. Morton*, 2 Bl., 481; *De Kraft vs. Burney*, 2 Bl., 704; *Pomroy's Lessee vs. Bank of Indiana*, 1 Wall., 592; *Ryan vs. Bindley*, 1 Wall., 66; *Burr vs. Des Moines R. R., &c.*, 1 Wall., 99; *Lee vs. Watson*, 1 Wall., 337; *Gregg vs. Forsyth*, 2 Wall., 56; *Heckers vs. Fowler*, 2 Wall., 123; *Cooke vs. U. S.*, 2 Wall., 218; *Marine Bank vs. Fulton Bank*, 2 Wall., 252; *Harvey vs. Tyler*, 2 Wall., 328; *Sparrow vs. Strong*, 3 Wall., 103; *Simpson vs. Dall*, 3 Wall., 460, (473); *Rogers vs. Burlington*, 3 Wall., 654; *U. S. vs. Dashiell*, 3 Wall., 688; *Walker vs. U. S.*, 4 Wall., 163; *Davidson vs. Lanier*, 4 Wall., 453; *Sparrow vs. Strong*, 4 Wall., 584; *U. S. vs. McMasters*, 4 Wall., 682; *Barton vs. Forsyth*, 5 Wall., 190; *Thompson vs. Riggs*, 5 Wall., 663; *McClane vs. Boon*, 6 Wall., 244; *City of Washington vs. Dennison*, 6 Wall., 495; *Ex parte McArdle*, 7 Wall., 506; *Washington County vs. Durant*, 7 Wall., 694; *Avendano vs. Gay*, 8 Wall., 376; *Morris's Cotton*, 8 Wall., 507; *Steamboat Burns*, 9 Wall., 237; *New Orleans Railroad vs. Morgan*, 10 Wall., 256; *Masterson vs. Herndon*, 10 Wall., 416; *Miller vs. U. S.*, 11 Wall., 268; *Cook vs. Burnley*, 11 Wall., 672; *Germain vs. Mason*, 12 Wall., 259; *Knox vs. Exchange Bank*, 12 Wall., 379; *Hampton vs. Rouse*, 13 Wall., 187; *Insurance Co. vs. Barton*, 13 Wall., 603; *O'Dowd vs. Russell*, 14 Wall., 402; *Merrill vs. Petty*, 16 Wall., 344; *Moore vs. Robbins*, 18 Wall., 588; *St. Clair County vs. Lovingson*, 18 Wall., 628.

Appeals in equity and admiralty cases.

3 March, 1803, c. 40, s. 2, v. 2, p. 244.
30 June, 1864, c. 174, s. 13, v. 13, p. 310.

SEC. 692. An appeal shall be allowed to the Supreme Court from all final decrees of any circuit court, or of any district court acting as a circuit court, in cases of equity, and of admiralty and maritime jurisdiction, where the matter in dispute, exclusive of costs, exceeds the sum or value of two thousand dollars, and the Supreme Court is required to receive, hear, and determine such appeals.

U. S. vs. Brig Union, 4 Cr., 216; *The San Pedro*, 2 Wh., 132; *Conn vs. Penn.*, 5 Wh., 424; *Gordon vs. Ogden*, 3 Pet., 33; *Oliver vs. Alexander*, 6 Pet., 143; *U. S. vs. Nourse*, 6 Pet., 470; *Bank of Alexandria vs. Hooff*, 7 Pet., 168; *Owings vs. Kinkannon*, 7 Pet., 399; *U. S. vs. Eighty-four boxes of sugar*, 7 Pet., 453; *Stratton vs. Jarvis*, 8 Pet., 4; *Lee vs. Lee*, 8 Pet., 44; *Jackson vs. Ashton*, 8 Pet., 148; *Bank of U. S. vs. Daniel*, 12 Pet., 32; *Lea vs. Kelly*, 15 Pet., 213; *Young vs. Smith*, 15 Pet., 287; *Parish vs. Ellis*, 16 Pet., 451; *Forgay vs. Conrad*, 6 How., 201; *Perkins vs. Fourniquet*, 6 How., 206; *Bayard vs. Lombard*, 9 How., 530; *Gruner vs. U. S.*, 11 How., 163; *Spear vs. Place*, 11 How., 522; *Southard vs. Russel*, 12 How., 139; *Rich vs. Lambert*, 12 How., 347; *Perkins vs. Fourniquet*, 14 How., 328; *Stafford vs. Union Bank La.*, 16 How., 135; *Adams vs. Law*, 16 How., 144; *Shields vs. Thomas*, 17 How., 3; *Udall vs. Steamship Ohio*, 17 How., 17; *Verden vs. Coleman*, 18 How., 86; *Craighead vs. Wilson*, 18 How., 199; *Hudgins vs. Kemp*, 18 How., 530; *Beebe vs. Russel*, 19 How., 283; *Farrelly vs. Woodfolk*, 19 How., 288; *Brown vs. Shannon*, 20 How., 58; *McMickin vs. Perin*, 20 How., 133; *Richmond vs. Milwaukee*, 21 How., 80; *Vallance vs. Forsyth*, 21 How., 389; *Richmond vs. Milwaukee*, 21 How., 391; *U. S. vs. Fossatt*, 21 How., 450; *Rogers vs. Law*, 21 How., 526; *Nelson vs. Leland*, 22 How., 46; *Day vs. Washburn*, 23 How., 309; *Clifton vs. Sheldon*, 23 How., 481; *Gridley vs. Westbrook*, 23 How., 503; *Sampson vs. Welsh*, 24 How., 207; *Wabash and Erie Canal*

vs. Beers, 1 Bl., 54; *Pratt vs. Fitzhugh*, 1 Bl., 271; *Ship Marcellus*, 1 Bl., 414; *Cleveland vs. Chamberlain*, 1 Bl., 419; *U. S. vs. Knight's Admr.*, 1 Bl., 488; *Mississippi & Missouri R. R. vs. Ward*, 2 Bl., 485; *Callan vs. May*, 2 Bl., 541; *Sturgis vs. Clough*, 1 Wall., 269; *Malarin vs. U. S.*, 1 Wall., 282; *Blossom vs. Railroad Co.*, 1 Wall., 655; *U. S. vs. Gomez*, 1 Wall., 690; *Humiston vs. Stainthorp*, 2 Wall., 106; *Railroad Co. vs. Soutter*, 2 Wall., 440, 510; *Newell vs. Norton and Ship*, 3 Wall., 267; *Barrel vs. Transportation Co.*, 3 Wall., 424; *The Douro*, 3 Wall., 564; *Merryam vs. Haas*, 3 Wall., 687; *U. S. vs. Gomez*, 3 Wall., 752; *Seaver vs. Bigelows*, 5 Wall., 208; *Rubber Co. vs. Goodyear*, 6 Wall., 153; *The Grace Girdler*, 6 Wall., 441; *Edmonson vs. Bloomshire*, 7 Wall., 306; *Thompson vs. Dean*, 7 Wall., 342; *The Baltimore*, 7 Wall., 382; *Sheets vs. Selden*, 7 Wall., 416; *Ex parte McCardle*, 7 Wall., 506; *Railroad Co. vs. Bradleys*, 7 Wall., 575; *Washington County vs. Durant*, 7 Wall., 694; *The Lucy*, 8 Wall., 307; *Morris's Cotton*, 8 Wall., 507; *Latham's Appeal*, 9 Wall., 145; *Steamboat Burns*, 9 Wall., 237; *Hoe vs. Wilson*, 9 Wall., 501; *The Nonesuch*, 9 Wall., 504; *Herndon vs. Howard*, 9 Wall., 664; *Masterson vs. Herndon*, 10 Wall., 416; *Morgan vs. Thornhill*, 11 Wall., 65; *The Protector*, 11 Wall., 82; *French vs. Shoemaker*, 12 Wall., 86; *Bigler vs. Waller*, 12 Wall., 142; *Germain vs. Mason*, 12 Wall., 259; *Knox vs. Exchange Bank*, 12 Wall., 379; *Hall vs. Allen*, 12 Wall., 452; *Mead vs. Thompson*, 15 Wall., 635; *Merrill vs. Petit*, 16 Wall., 344; *Marin vs. Lalley*, 17 Wall., 14; *Ex parte Warmonth*, 17 Wall., 64; *Rodd vs. Heartt*, 17 Wall., 354; *Moore vs. Robbins*, 18 Wall., 588; *St. Clair County vs. Livingston*, 18 Wall., 628.

SEC. 693. Any final judgment or decree, in any civil suit or proceeding before a circuit court which was held, at the time, by a circuit justice and a circuit judge or a district judge, or by the circuit judge and a district judge, wherein the said judges certify as provided by law, that their opinions were opposed upon any question which occurred on the trial or hearing of the said suit or proceeding, may be reviewed and affirmed or reversed or modified by the Supreme Court, on writ of error or appeal, according to the nature of the case, and subject to the provisions of law applicable to other writs of error or appeals in regard to bail and supersedeas. [See § 652.]

SEC. 694. Nothing in the act of March three, eighteen hundred and seventy-three, relating to the circuit and district courts for the middle and northern districts of Alabama, shall affect the jurisdiction of the Supreme Court to hear and determine any cause or proceeding pending in said court at the date of said act on writ of error or appeal from the district courts of either of said districts.

SEC. 695. An appeal shall be allowed to the Supreme Court from all final decrees of any district court in prize causes, where the matter in dispute, exclusive of costs, exceeds the sum or value of two thousand dollars; and shall be allowed, without reference to the value of the matter in dispute, on the certificate of the district judge that the adjudication involves a question of general importance. And the Supreme Court shall receive, hear, and determine such appeals and shall always be open for the entry thereof. [See § 1009.]

enbury vs. United States, 5 Wall., 819; *The Alicia*, 7 Wall., 571.

SEC. 696. An appeal shall be allowed to the Supreme Court from all final decrees of any circuit court in prize causes depending therein on the thirtieth day of June, eighteen hundred and sixty-four, in the same manner, and subject to the same conditions as appeals in prize causes from the district courts.

SEC. 697. When any question occurs on the hearing or trial of any criminal proceeding before a circuit court, upon which the judges are divided in opinion, and the point upon which they disagree is certified to the Supreme Court according to law, such point shall be finally decided by the Supreme Court; and its decision and order in the premises shall be remitted to such circuit court, and be there entered of record, and shall have effect according to the nature of the said judgment and order. [See § 651.]

vs. Ellzey, 2 Cr., 445; *U. S. vs. Tyler*, 7 Cr., 285; *Ross vs. Triplett*, 3 Wh., 600; *U. S. vs. Lancaster*, 5 Wh., 434; *U. S. vs. Daniel*, 6 Wh., 542; *Wayman vs. Sonthard*, 10 Wh., 1; *Devereaux vs. Marr*, 12 Wh., 212; *Wolf vs. Usher*, 3 Pet., 269; *Saunders vs. Gould*, 4 Pet., 392; *Grant vs. Raymond*, 6 Pet., 218; *U. S. vs. Bailey*, 9 Pet., 267; *Davis vs. Braden*, 10 Pet., 286; *Smith vs. Vaughan*, 10 Pet., 366; *Packer vs. Nixon*, 10 Pet., 408; *Adams vs. Jones*, 12 Pet., 207; *White vs. Turk*, 12 Pet., 238; *U. S. vs. Stone*, 14 Pet., 524; *U. S. vs. Briggs*, 5 How., 208; *Nesmith vs. Sheldon*, 6 How., 41; *Luther vs. Borden*, 7 How., 1; *U. S. vs. Chicago*, 7 How., 185; *Sadler vs. Hoover*, 7 How., 646; *Wilson vs. Barnum*, 8 How.,

Review of decisions of circuit court on certificate of division of opinion.

1 June, 1872, c. 255, s. 1, v. 17, p. 196.

Cases pending in Supreme Court from middle and northern districts of Alabama.

3 March, 1873, c. 223, s. 3, v. 17, p. 485.

Appeals in prize causes.

30 June, 1864, c. 174, s. 13, v. 13, p. 310.

3 March, 1803, c. 40, s. 2, v. 2, p. 244.

The Admiral, 3 Wall. 603; *With-*

Appeals in prize causes remaining in circuit courts.

30 June, 1864, c. 174, s. 13, v. 13, p. 310.

Points certified on division of opinion in a circuit court.

29 April, 1802, c. 31, s. 6, v. 2, p. 159.

Ogle vs. Lee, 2 Cr., 33; *Hepburn*

258; *Webster vs. Cooper*, 10 How., 54; *Dennistoun vs. Stewart*, 18 How., 565; *U. S. vs. City Bank Columbus*, 19 How., 385; *Ex parte Gordon*, 1 Bl., 503; *Silliman vs. Hudson River Bridge Co.*, 1 Bl., 582; *Ward vs. Chamberlain*, 2 Bl., 430; *Daniels vs. Railroad*, 3 Wall., 250; *Havemeyer vs. Iowa County*, 3 Wall., 294; *Brobst vs. Brobst*, 4 Wall., 2; *U. S. vs. Rosenburgh*, 7 Wall., 580; *Hannauer vs. Woodruff*, 10 Wall., 482; *U. S. vs. Avery*, 13 Wall., 251; *Insurance Company vs. Comstock*, 16 Wall., 258.

Transcripts on appeals.

3 March, 1803, c. 40, s. 2, v. 2, p. 244.
26 Feb., 1853, c. 80, s. 1, v. 10, p. 163.
30 June, 1864, c. 174, s. 13, v. 13, p. 310.

Conn. vs. Penn., 5 Wh., 424; *Villabolas vs. U. S.*, 6 How., 81; *U. S. vs. Curry*, 6 How., 106; *Steamer Virginia vs. West*, 19 How., 182; *Mesa vs. U. S.*, 2 Bl., 721; *U. S. vs. Gomez*, 3 Wall., 763, 766; *The Mabey*, 10 Wall., 419.

Writs of error and appeals, without reference to amount.

Patent and copy-right cases.

8 July, 1870, c. 230, ss. 56, 107, v. 16, pp. 207, 215. — *Hogg vs. Emerson*, 6 How., 477; *Stimpson vs. Railroad*, 10 How., 346; *Sizer vs. Maney*, 16 How., 98; *Brown vs. Shanun*, 20 How., 55.

Actions for enforcement of any revenue law.

31 May, 1844, c. 31, v. 5, p. 658. — *Curry vs. Curtis*, 3 How., 244; *U. S. vs. Carr*, 8 How., 9; *U. S. vs. Bromley*, 12 How., 88; *Mason vs. Gamble*, 21 How., 390.

Actions against revenue officers.

27 March, 1868, c. 34, s. 1, v. 15, p. 44.

Cases on account of deprivation of rights of citizens or under the Constitution.

20 April, 1871, c. 22, ss. 1, 2, v. 17, p. 13, 1, 3, v. 14, p. 27.

Suits for injuries by conspirators against civil rights.

20 April, 1871, c. 22, s. 2, v. 17, p. 13.

Cases tried by the circuit court without the intervention of a jury.

3 March, 1865, c. 86, s. 4, v. 13, p. 501. See acts.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.

3 March, 1803, c. 40, s. 2, v. 2, p. 244. — *Barnes vs. Williams*, 11 Wh., 415; *Prentice vs. Zane's Admr.*, 8 How., 470; *Stimpson vs. Railroad*, 10 How., 329; *Graham vs. Bayne*,

SEC. 698. Upon the appeal of any cause in equity, or of admiralty and maritime jurisdiction, or of prize or no prize, a transcript of the record, as directed by law to be made, and copies of the proofs, and of such entries and papers on file as may be necessary on the hearing of the appeal, shall be transmitted to the Supreme Court: *Provided*, That either the court below or the Supreme Court may order any original document or other evidence to be sent up, in addition to the copy of the record, or in lieu of a copy of a part thereof. And on such appeals no new evidence shall be received in the Supreme Court, except in admiralty and prize causes. [See § 750.]

SEC. 699. A writ of error may be allowed to review any final judgment at law, and an appeal shall be allowed from any final decree in equity hereinafter mentioned, without regard to the sum or value in dispute:

First. Any final judgment at law or final decree in equity of any circuit court, or of any district court acting as a circuit court, or of the supreme court of the District of Columbia, or of any Territory, in any case touching patents-rights or copyrights.

Second. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action brought by the United States for the enforcement of any revenue law thereof.

Third. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action against any officer of the revenue for any act done by him in the performance of his official duty, or for the recovery of any money exacted by or paid to him which shall have been paid into the Treasury.

Fourth. Any final judgment at law or final decree in equity of any circuit court, or of any district court acting as a circuit court, in any case brought on account of the deprivation of any right, privilege, or immunity secured by the Constitution of the United States, or of any right or privilege of a citizen of the United States.

Fifth. Any final judgment of a circuit court, or of any district court acting as a circuit court, in any civil action brought by any person on account of injury to his person or property by any act done in furtherance of any conspiracy mentioned in section nineteen hundred and eighty, Title "CIVIL RIGHTS."

SEC. 700. When an issue of fact in any civil cause in a circuit court is tried and determined by the court without the intervention of a jury, according to section six hundred and forty-nine, the rulings of the court in the progress of the trial of the cause, if excepted to at the time, and duly presented by a bill of exceptions, may be reviewed by the Supreme Court upon a writ of error or upon appeal; and when the finding is special the review may extend to the determination of the sufficiency of the facts found to support the judgment. [See § 649.]

18 How., 62; *Suydam vs. Williamson*, 20 How., 432; *Kelsey vs. Forsyth*, 21 How., 85; *Campbell vs. Boyreau*, 21 How., 223; *Cuculln vs. Emmerling*, 22 How., 83; *Burr vs. Des Moines Com.*, 1 Wall., 99; *Insurance Com. vs. Tweed*, 7 Wall., 44; *Basset vs. U. S.*, 9 Wall., 38; *Norris vs. Jackson*, 9 Wall., 125; *Flanders vs. Tweed*, 9 Wall., 425; *Copelin vs. Insurance Com.*, 9 Wall., 467; *Coddington vs. Richards*, 10 Wall., 516; *Smith vs. Sac County*, 11 Wall., 139; *Bethel vs. Mathews*, 13 Wall., 1; *Dirst vs. Morris*, 14 Wall., 484; *Dickinson vs. Planters' Bank*, 16 Wall., 250; *Insurance Com. vs. Folsom*, 18 Wall., 237; *Town of Ohio vs. Marcy*, 18 Wall., 552.

SEC. 701. The Supreme Court may affirm, modify, or reverse any judgment, decree, or order of a circuit court, or district court acting as a circuit court, or of a district court in prize causes, lawfully brought before it for review, or may direct such judgment, decree, or order to be rendered, or such further proceedings to be had by the inferior court, as the justice of the case may require. The Supreme Court shall not issue execution in a cause removed before it from such courts, but shall send a special mandate to the inferior court to award execution thereupon.

Judgment or decree on review.

1 June, 1872, c. 255, s. 2, v. 17, p. 196.
24 Sept., 1789, c. 20, s. 24, v. 1, p. 85.
3 March, 1803, c. 40, s. 2, v. 2, p. 244.
30 June, 1864, c. 174, s. 13, v. 13, p. 310.

Sheehy vs. Mandeville, 6 Cr., 266; *Martin vs. Hunter's Lessee*, 1 Wh., 304; *Lanusse vs. Barker*, 3 Wh., 147; *U. S. Bank vs. Smith*, 11 Wh., 182; *Fowle vs. Common Council of Alexandria*, 11 Wh., 324; *Barnes vs. Williams*, 11 Wh., 416; *McArthur vs. Porter's Lessee*, 1 Pet., 626; *Farrar vs. U. S.*, 5 Pet., 389; *U. S. vs. Hawkins*, 10 Pet., 125; *Mackey vs. U. S.*, 10 Pet., 342; *Ex parte Sibbold*, 12 Pet., 492; *West vs. Bradshaw*, 14 Pet., 51; *U. S. vs. Boyd*, 15 Pet., 209; *Garland vs. Davis*, 4 How., 131; *Cutler vs. Rae*, 7 How., 732; *Humphreys vs. Leggett*, 9 How., 297; *McNulty vs. Batty*, 10 How., 72; *Graham vs. Bayne*, 18 How., 63; *Suydam vs. Williamson*, 20 How., 440; *Taylor vs. Morton*, 2 Bl., 481; *Ex parte Dubuque & Pacific R. R.*, 1 Wall., 69; *Railroad vs. Scutter*, 2 Wall., 510; *Ex parte McCordle*, 7 Wall., 506; *Ex parte Morris & Johnson*, 9 Wall., 607; *Insurance Com. vs. Boykin*, 12 Wall., 433; *Insurance Com. vs. Piaggio*, 16 Wall., 378; *U. S. vs. Huckabee*, 16 Wall., 435; *Walbran vs. Babbitt*, 16 Wall., 577.

SEC. 702. The final judgments and decrees of the supreme court of any Territory, except the Territory of Washington, in cases where the value of the matter in dispute, exclusive of costs, to be ascertained by the oath of either party, or of other competent witnesses, exceeds one thousand dollars, may be reviewed and reversed or affirmed in the Supreme Court, upon writ of error or appeal, in the same manner and under the same regulations as the final judgments and decrees of a circuit court. In the Territory of Washington the value of the matter in dispute must exceed two thousand dollars, exclusive of costs. And any final judgment or decree of the supreme court of said Territory in any cause^(a) the Constitution or a statute or treaty of the United States is brought in question may be reviewed in like manner. [See §§ 1909, 1911.]

Writs of error and appeals from territorial courts.

Utah, 9 September, 1850, c. 51, s. 9, v. 9, p. 455; New Mexico, 9 September, 1850, c. 49, s. 10, v. 9, p. 449; Washington, 2 Mar., 1853, c. 90, s. 9, v. 10, p. 175; Dakota, 2 Mar., 1861, c. 86, s. 9, v. 12, p. 241; Arizona, 24 February, 1863, c. 56, s. 2, v. 12, p. 665; Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811; Montana, 26 May, 1864, c. 95, s. 9, v. 13, p. 88; Wyoming, 25 July, 1868, c. 235, s. 9, v. 15, p. 180. — *Sheppard vs. Wilson*, 5 How., 210; *United States vs. Vigil*, 10 Wall., 423; *Wells vs. McGregor*, 13 Wall., 188; *Bartemeyer vs. Iowa*, 14 Wall., 26.

SEC. 703. In all cases where the judgment or decree of any court of a Territory might be reviewed by the Supreme Court on writ of error or appeal, such writ of error or appeal may be taken, within the time and in the manner provided by law, notwithstanding such Territory has, after such judgment or decree, been admitted as a State; and the Supreme Court shall direct the mandate to such court as the nature of the writ of error or appeal requires.

When a Territory becomes a State after judgment or decree in territorial court.

12 June, 1858, c. 154, s. 18, v. 11, p. 328.

Hunt vs. Palas, 4 How., 589; *Freeborn vs. Smith*, 2 Wall., 160.

SEC. 704. The judgments or decrees of any district court, in cases transferred to it from the superior court of any Territory, upon the admission of such Territory as a State, under sections five hundred and sixty-seven and five hundred and sixty-eight, may be reviewed and reversed or affirmed upon writs of error sued out of, or appeals taken to, the Supreme Court, in the same manner as if such judgments or decrees had been rendered in said superior court of such Territory. And the mandates and all writs necessary to the exercise of the appellate jurisdiction of the Supreme Court in such cases shall be directed to such district court, which shall cause the same to be duly executed and obeyed. [See §§ 567, 569.]

Judgments and decrees of district courts in cases transferred from territorial courts.

22 Feb., 1847, c. 17, s. 1, v. 9, p. 128.
22 Feb., 1848, c. 12, s. 2, v. 9, p. 212.

Express Co. vs. Kountze Bros., 8 Wall., 342.

(a) The word *where* omitted in the Roll.

Judgments and decrees of supreme court of District of Columbia.

3 March, 1863, c. 91, s. 11, v. 12, p. 764.

27 Feb., 1801, c. 15, s. 8, v. 2, p. 106.

2 April, 1816, c. 39, s. 1, v. 3, p. 261. — *U. S. vs. Moore*, 3 Cr., 159; *Young vs. Bank of Alexandria*, 4 Cr., 384; *Carter's Heirs vs. Cutting*, 8 Cr., 251; *Peyton vs. Robertson*, 9 Wh., 527; *Brown vs. Wiley*, 4 Wall., 165; *Garnett vs. U. S.*, 11 Wall., 256; *Smith vs. Mason*, 14 Wall., 419.

Cases where matter in dispute exceeds \$100.

2 April, 1816, c. 39, s. 2, v. 3, p. 261.

3 March, 1863, c. 91, ss. 2, 11, v. 12, pp. 763, 764.

Lee vs. Lee, 8 Pet., 44; *Campbell vs. Reed*, 2 Wall., 198.

Appeals from the Court of Claims.

25 June, 1868, c. 71, s. 1, v. 15, p. 75.

3 March, 1863, c. 92, ss. 5, 11, v. 12, pp. 766, 767.

De Groot vs. U. S., 5 Wall., 419; *U. S. vs. Adams*, 6 Wall., 101; *Ex parte Zellner*, 9 Wall., 245; *U. S. vs. Ayres*, 9 Wall., 608; *U. S. vs. Adams*, 9 Wall., 661; *Ex parte Roberts*, 15 Wall., 384.

Time and manner of appeals from the Court of Claims.

3 March, 1863, c. 92, ss. 5, 11, v. 12, pp. 766, 767. 25 June, 1868, c. 71, s. 1, v. 15, p. 75.

Judgments and decrees of State courts on writ of error.

5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.

24 Sept., 1789, c. 20, s. 25, v. 1, p. 85.

Olney vs. Arnold, 3 Dall., 308; *Hepburn vs. Elzey*, 2 Cr., 445; *Gordon vs. Cadleugh*, 3 Cr., 268; *Matthews vs. Zane*, 4 Cr., 382; *Owings vs. Norwood's Lessee*, 5 Cr., 344; *Martin vs. Hunter's Lessee*, 1 Wh., 304; *Inglee vs. Coolidge*, 2 Wh., 363; *Miller vs. Nichols*, 4 Wh., 311; *Gibbons vs. Ogden*, 6 Wh., 448; *Ewell vs. Van Ness*, 8 Wh., 312; *Williams vs. Norris*, 12 Wh., 117; *Montgomery vs. Hernandez*, 12 Wh., 129; *Gwynn's Heirs vs. Jackson*, 12 Wh., 135; *Hickie vs. Starke*, 1 Pet., 94; *Ross vs. Barland*, 1 Pet., 655; *Wilson vs. Blackbird Creek Marsh Com.*, 2 Pet., 245; *Satterlee vs. Mathewson*, 2 Pet., 380; *Weston vs. City Council Charleston*, 2 Pet., 449; *Harris vs. Denuie*, 3

SEC. 705. The final judgment or decree of the supreme court of the District of Columbia, in any case where the matter in dispute, exclusive of costs, exceeds the value of one thousand dollars, may be re-examined and reversed or affirmed in the Supreme Court of the United States, upon writ of error or appeal, in the same manner and under the same regulations as are provided in cases of writs of error on judgments, or appeals from decrees rendered in a circuit court.

SEC. 706. The writ of error or appeal provided by the preceding section may be allowed in any case where the value of the matter in dispute, exclusive of costs, is less than one thousand dollars, but more than one hundred dollars, upon the petition in writing of either party, accompanied by a copy of the proceedings complained of, and an assignment of errors, exhibited to any justice of the Supreme Court, if said justice is of opinion that such errors involve questions of law of such extensive operation as to render a decision of them by the Supreme Court desirable. The allowance in such case shall be by the written order of said justice, directed to the clerk of the supreme court of said District, to allow the appeal or issue the writ of error.

SEC. 707. An appeal to the Supreme Court shall be allowed, on behalf of the United States, from all judgments of the Court of Claims adverse to the United States, and on behalf of the plaintiff in any case where the amount in controversy exceeds three thousand dollars, or where his claim is forfeited to the United States by the judgment of said court, as provided in section one thousand and eighty-nine.

SEC. 708. All appeals from the Court of Claims shall be taken within ninety days after the judgment is rendered, and shall be allowed under such regulations as the Supreme Court may direct.

SEC. 709. A final judgment or decree in any suit in the highest court of a State, in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under, the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the Constitution, treaties, or laws of the United States, and the decision is in favor of their validity; or where any title, right, privilege, or immunity is claimed under the Constitution, or any treaty or statute of, or commission held or authority exercised under, the United States, and the decision is against the title, right, privilege, or immunity specially set up or claimed, by either party, under such Constitution, treaty, statute, commission, or authority, may be re-examined and reversed or affirmed in the Supreme Court upon a writ of error. The writ shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States; and the proceeding upon the reversal shall be the same, except that the Supreme Court may, at their discretion, proceed to a final decision of the case, and award execution, or remand the same to the court from which it was so removed. [See § 1017.]

The Supreme Court may re-affirm, reverse, modify, or affirm the judgment or decree of such State court, and may, at their discretion, award execution, or remand the same to the court from which it was removed by the writ.

Pet., 292; *Craig vs. Missouri*, 4 Pet., 410; *Fisher's Lessee vs. Cockerell*, 5 Pet., 248; *Maynard vs. Aspasia*, 5 Pet., 505; *Davis vs. Packard*, 6 Pet., 41; *City of New Orleans vs. Armas*, 9 Pet., 223; *Crowell vs. Randell*, 10 Pet., 368; *McBride vs. Hoey*, 11 Pet., 167; *Reed's Lessee vs. Marsh*, 13 Pet., 153; *Ocean Ins. Com. vs. Polleys*, 13 Pet., 157; *Mitchell vs. Lennox*, 14 Pet., 49; *Kentucky vs. Griffith*, 14 Pet., 56; *Holmes vs. Jennison*, 14 Pet., 540; *Fulton vs. McAfee*, 16 Pet., 149; *City of Mobile vs. Eslava*, 16 Pet., 234; *Armstrong vs. Treasurer of Athens Co.*, 16 Pet., 281; *Mills vs. Brown*, 16 Pet., 525; *Chouteau vs. Eckhart*, 2 How., 344; *Mackay vs. Dillon*, 4 How., 421; *Pepper vs. Dunlap*, 5 How., 51; *Walker vs. Taylor*, 5 How., 64; *Commercial Bank of Cin. vs. Buckingham's Exrs.*, 5 How., 317; *Scott vs. Jones*, 5 How., 343; *Erwin vs. Lowry*, 7 How., 172; *Smith vs. Hunter*, 7 How., 738; *Almonester vs. Kenton*, 9 How., 1; *Strader vs. Baldwin*, 9 How., 261; *Doe vs. Eslava*, 9 How., 421; *Doe vs. Mobile*, 9 How., 451; *Henderson vs. Tennessee*, 10 How., 311; *Clements vs. Berry*, 11 How., 398; *Webster vs. Reid*, 11 How., 437; *Gill vs. Oliver's executors*, 11 How., 529; *Miners' Bank vs. Iowa*, 12 How., 1; *Williams vs. Oliver*, 12 How., 111; *Kanouse vs. Martin*, 14 How., 23; *Lawler vs. Walker*, 14 How., 149; *State Bank of Ohio vs. Knoop*, 16 How., 369; *Poydras de la Land vs. Treasurer of Louisiana*, 17 How., 1; *Heirs of Poydras de la Land vs. Treasurer of Louisiana*, 18 How., 192; *Calcott vs. Stanton*, 18 How., 243; *United States vs. Booth*, 18 How., 476; *Maxwell vs. Newbold*, 18 How., 511; *Cousin vs. Blanc's Executor*, 19 How., 202; *Bell vs. Hearne*, 19 How., 252; *Michigan Central Railroad vs. Michigau Southern Railroad*, 19 How., 379; *Burke vs. Gaines*, 19 How., 388; *Wynn vs. Morris*, 20 How., 3; *Christ Church vs. County Philadelphia*, 20 How., 26; *Withers vs. Buckley*, 20 How., 84; *Moreland vs. Paige*, 20 How., 522; *Beers vs. Arkansas*, 20 How., 527; *Abelman vs. Booth*, 21 How., 507; *White vs. Wright*, 22 How., 19; *Verden vs. Coleman*, 22 How., 192; *Lytle vs. Arkansas*, 22 How., 193; *Berthold vs. McDonald*, 22 How., 334; *Medberry vs. State of Ohio*, 24 How., 413; *Porter vs. Foley*, 24 How., 415; *Reddall vs. Bryan*, 24 How., 420; *Maguire vs. Tyler*, 1 Bl., 195; *Attorney-General vs. Federal-street Meeting-House*, 1 Bl., 262; *Farney vs. Towle*, 1 Bl., 350; *Hoyt vs. Shelden*, 1 Bl., 518; *Taylor vs. Morton*, 2 Bl., 481; *Congdon vs. Goodman*, 2 Bl., 574; *Randall vs. Howard*, 2 Bl., 585; *Minnesota vs. Batchelder*, 1 Wall., 116; *Bridge Proprietors vs. Hoboken Co.*, 1 Wall., 142; *Day vs. Gallup*, 2 Wall., 97; *The Binghamton Bridge*, 3 Wall., 51; *Lewis vs. Campean*, 3 Wall., 106; *Mining Company vs. Baggs*, 3 Wall., 304; *Buck vs. Colbath*, 3 Wall., 334; *McGuire vs. The Commonwealth*, 3 Wall., 382; *Ex parte Milligan*, 4 Wall., 113; *Railroad Com. vs. Rock*, 4 Wall., 177; *Lanfier vs. Hunley*, 4 Wall., 209; *Ryan vs. Thomas*, 4 Wall., 603; *Green vs. Van Buskirk*, 5 Wall., 307; *Townsend vs. Greeley*, 5 Wall., 326; *Walker vs. Villavaso*, 6 Wall., 124; *Rector vs. Ashley*, 6 Wall., 142; *Reichart vs. Felps*, 6 Wall., 160; *Millengar vs. Hartupce*, 6 Wall., 258; *The Victory*, 6 Wall., 382; *Hamilton Com. vs. Massachusetts*, 6 Wall., 632; *The Banks vs. The Mayor*, 7 Wall., 16; *Twitchell vs. The Commonwealth*, 7 Wall., 321; *Austin vs. The Aldermen*, 7 Wall., 694; *Furnan vs. Nicholl*, 8 Wall., 44; *Gibson vs. Chauteau*, 8 Wall., 314; *Aldrich vs. Etna Com.*, 8 Wall., 491; *Maguire vs. Tyler*, 8 Wall., 651; *Worthy vs. The Commissioners*, 9 Wall., 611; *Downham vs. Alexandria*, 9 Wall., 661; *Gleason vs. Florida*, 9 Wall., 779; *Carpenter vs. Williams*, 9 Wall., 785; *Messenger vs. Mason*, 10 Wall., 507; *Railroad Com. vs. McClure*, 10 Wall., 511; *Bethel vs. Demorest*, 10 Wall., 537; *Parnellee vs. Lawrence*, 11 Wall., 36; *Insurance Co. vs. The Treasurer*, 11 Wall., 204; *Runkiu vs. The State*, 11 Wall., 380; *Knox vs. Exchange Bank*, 12 Wall., 379; *People vs. Central Railroad*, 12 Wall., 455; *Trebilcock vs. Wilson*, 12 Wall., 687; *West Tennessee Bank vs. Citizens' Bank*, 13 Wall., 432; *Dooley vs. Smith*, 13 Wall., 604; *Cockroft vs. Vose*, 14 Wall., 5; *Tennessee Bank vs. Bank of Louisiana*, 14 Wall., 9; *Palmer vs. Marston*, 14 Wall., 10; *Sevier vs. Haskell*, 14 Wall., 13; *Steines vs. Franklin*, 14 Wall., 15; *Kennebec Railroad vs. Portland Railroad*, 14 Wall., 23; *Bartemeyer vs. Iowa*, 14 Wall., 26; *Hurley vs. Street*, 14 Wall., 85; *Caperton vs. Bowyer*, 14 Wall., 216; *Caperton vs. Ballard*, 14 Wall., 238; *O'Dowd vs. Russell*, 14 Wall., 402; *Delmas vs. Insurance Com.*, 14 Wall., 661; *Railroads vs. Richmond*, 15 Wall., 3; *Railroad vs. Johnson*, 15 Wall., 8; *Tarver vs. Keach*, 15 Wall., 67; *Salomons vs. Graham*, 15 Wall., 208; *Pennywit vs. Eaton*, 15 Wall., 380; *Moses vs. The Mayor*, 15 Wall., 387; *Hall vs. Jordan*, 15 Wall., 393; *Commercial Bank vs. Rochester*, 15 Wall., 639; *Smith vs. Adsit*, 16 Wall., 185; *Bank vs. Turnhull*, 16 Wall., 190; *Marqueze vs. Bloom*, 16 Wall., 351; *Taylor vs. Taintor*, 16 Wall., 366; *Steamboat Com. vs. Chase*, 16 Wall., 522; *Crapo vs. Kelly*, 16 Wall., 610; *Tyler vs. Magwire*, 17 Wall., 253; *Miller vs. Joseph*, 17 Wall., 655.

SEC. 710. Cases on writ of error, to revise the judgment of a State court in any criminal case, shall have precedence, on the docket of the Supreme Court, of all cases to which the Government of the United States is not a party, excepting only such cases as the court, in its discretion, may decide to be of public importance.

Precedence of writs of error to State courts in criminal cases.

13 July, 1866, c. 184, s. 69, v. 14, p.

172. 24 Sept., 1789, c. 20, s. 25, v. 1, p. 85. 5 Feb., 1867, c. 28, s. 2, v. 14, p. 383.

CHAPTER TWELVE.

PROVISIONS COMMON TO MORE THAN ONE COURT OR JUDGE.

| Sec. | Sec. |
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| 711. Exclusive jurisdiction of courts of United States. | 733. Suits for internal-revenue taxes, where to be brought. |
| 712. Oath of United States judges. | 734. Seizures, where cognizable. |
| 713. Judges prohibited from practicing law. | 735. Captures of insurrectionary property, where cognizable. |
| 714. Judges resigning entitled, in certain cases, to salary for life. | 736. Proceedings to enjoin Comptroller of the Currency. |
| 715. Criers of the courts. Attendants on juries. | 737. When a part of several defendants cannot be served. |
| 716. Power to issue writs. | 738. Suits in equity against absent defendants, to subject property in the district. |
| 717. Writs of <i>ne exeat</i> . | 739. Suits against inhabitants of United States to be brought where they reside or are found. |
| 718. Temporary restraining orders. | 740. Suits not of a local nature in States containing several districts. |
| 719. Injunctions. | 741. Suits of a local nature in States containing several districts. |
| 720. Injunction to stay proceedings in State courts. | 742. When land lies in different districts of same State. |
| 721. Laws of the States, rules of decision. | 743. In Indiana; where actions may be commenced. |
| 722. Proceedings, civil and criminal, in vindication of civil rights. | 744. Iowa; where suits are to be brought. |
| 723. When suits in equity may be maintained. | 745. Kentucky; where suits to be returned and tried. |
| 724. Power to order production of books and writings in actions at law. | 746. Causes in progress of trial not discontinued by arrival of new term. |
| 725. Power to impose oaths and punish contempts. | 747. Parties may manage their causes personally or by counsel. |
| 726. New trials. | 748. Certain officers forbidden to practice as attorneys, &c. |
| 727. Power to hold to security for the peace and good behavior. | 749. Penalty for violating preceding section. |
| 728. Power to enforce awards of foreign consuls, &c., in certain cases. | 750. Final record, how made in equity and admiralty causes. |
| 729. Offenses punishable with death, where tried. | |
| 730. Offenses on the high seas, &c., where triable. | |
| 731. Offenses begun in one district and completed in another. | |
| 732. Suits for pecuniary penalties and forfeitures, where to be brought. | |

Exclusive jurisdiction of courts of United States.

24 Sept., 1789, c. 20, ss. 9, 11, v. 1, pp. 76, 78.

Martin vs. Hunter's Lessee, 1 Wh., 329; *Houston vs. Moore*, 5 Wh., 24, 29; *Prigg vs. Pennsylvania*, 16 Pet., 658; *Ely vs. Peck*, 7 Conn., 239; *The State vs. Adams*, 4 Blackf., 146; *Haney vs. Sharp*, 1 Dana, 442; *U. S. vs. Lathrop*, 17 Johns., 4; *U. S. vs. Campbell*, Tappan's R., 29; *State vs. McBride*, 1 Rice, (So. C.), 400; *Commonwealth vs. Feely*, 1 Va. Cases, 321; *Jackson vs. Rose*, 2 Va. Cases, 34.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

Kotland vs. The Cassius, 2 Dall., 365; *Martin vs. Hunter's Lessee*, 1 Wh., 329; *Houston vs. Moore*, 5 Wh., 24, 29; *Prigg vs. Pennsylvania*, 16 Pet., 658; *Hall vs. Warren*, 2 McLean, 332; *Ely vs. Peck*, 7 Conn., 239; *The State vs. Adams*, 4 Blackf., 146; *Haney vs. Sharp*, 1 Dana, 442; *U. S. vs. Lathrop*, 17 Johns., 4; *U. S. vs. Campbell*, Tappan's R., 276; *State vs. McBride*, 1 Rice, (So. C.), 400; *Commonwealth vs. Feely*, 1 Va. Cases, 321; *Jackson vs. Rose*, 2 Va. Cases, 34.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

The Hine vs. Trevor, 4 Wall., 555, (569); *The Belfast*, 7 Wall., 625.

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

13 July, 1866, c.

184, s. 9, v. 14, p. 111. 3 March, 1867, c. 169, s. 25, v. 14, p. 483. 6 Aug., 1861, c. 60, s. 2, v. 12, p. 319.—*Slocum vs. Mayberry*, 2 Wh., 1; *Gelston vs. Hoyt*, 3 Wh., 246, (312.)

SEC. 711. The jurisdiction vested in the courts of the United States in the cases and proceedings hereinafter mentioned, shall be exclusive of the courts of the several States:

First. Of all crimes and offenses cognizable under the authority of the United States.

Second. Of all suits for penalties and forfeitures incurred under the laws of the United States.

Third. Of all civil causes of admiralty and maritime jurisdiction; saving to suitors, in all cases, the right of a common-law remedy, where the common law is competent to give it.

Fourth. Of all seizures under the laws of the United States, on land or on waters not within admiralty and maritime jurisdiction.

Fifth. Of all cases arising under the patent-right or copyright laws of the United States. Patent and copy right cases.

8 July, 1870, c. 230, ss. 55, 56, 58, 106, v. 16, pp. 206, 207, 215.

Sixth. Of all matters and proceedings in bankruptcy.

2 March, 1867, c. 176, s. 1, v. 14, p. 517.

Seventh. Of all controversies of a civil nature, where a State is a party, except between a State and its citizens, or between a State and citizens of other States, or aliens.

States.

24 Sept., 1789, c. 20, s. 13, v. 1, p. 80.

Georgia vs. Brailsford, 2 Dall., 402; *Chisholm vs. Georgia*, 2 Dall., 419; *Hollingsworth vs. Virginia*, 3 Dall., 378; *New York vs. Connecticut* 4 Dall., 1; *Governor of Georgia vs. Madrazo*, 1 Pet., 110; *New Jersey vs. New York*, 5 Pet., 284; *Rhode Island vs. Massachusetts*, 12 Pet., 657; *Florida vs. Georgia*, 11 How., 293.

Eighth. Of all suits or proceedings against ambassadors, or other public ministers, or their domestics, or domestic servants, or against consuls or vice consuls.

Foreign ministers and their servants, and consuls.

24 Sept., 1789, c. 20, ss. 9, 11, 13, v. 1, pp. 76, 78, 80.—*U. S. vs. Ravara*, 2 Dall., 297; *Cohens vs. Virginia*, 6 Wh., 407; *Davis vs. Packard*, 7 Pet., 276; *St. Luke's Hospital vs. Barkley et al.*, 3 Blatchf., 259.

SEC. 712. The justices of the Supreme Court, the circuit judges, and the district judges, hereafter appointed, shall take the following oath before they proceed to perform the duties of their respective offices: "I, ———, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as ———, according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States: So help me God."

Oath of United States judges.

24 Sept., 1789, c. 20, s. 8, v. 1, p. 76.

SEC. 713. It shall not be lawful for any judge appointed under the authority of the United States to exercise the profession or employment of counsel or attorney, or to be engaged in the practice of the law. And any person offending against the prohibition of this section shall be deemed guilty of a high misdemeanor.

Judges prohibited from practicing law.

18 Dec., 1812, c. 5, v. 2, p. 788.

SEC. 714. When any judge of any court of the United States resigns his office, after having held his commission as such at least ten years, and having attained the age of seventy years, he shall, during the residue of his natural life, receive the same salary which was by law payable to him at the time of his resignation.

Judges resigning entitled, in certain cases, to salary for life.

10 April, 1869, c. 22, s. 5, v. 16, p. 45.

SEC. 715. The circuit and district courts may appoint criers for their courts, to be allowed the sum of two dollars per day; and the marshals may appoint such a number of persons, not exceeding five, as the judges of their respective courts may determine, to attend upon the grand and other juries, and for other necessary purposes, who shall be allowed for their services the sum of two dollars per day, to be paid by and included in the accounts of the marshal, out of any money of the United States in his hands. Such compensation shall be paid only for actual attendance, and, when both courts are in session at the same time, only for attendance on one court.

Criers of the courts, attendants on juries.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 165.
2 March, 1867, c. 156, s. 2, v. 14, p. 433.

SEC. 716. The Supreme Court and the circuit and district courts shall have power to issue writs of scire facias. They shall also have power to issue all writs not specifically provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the usages and principles of law.

Power to issue writs.

24 Sept., 1789, c. 20, s. 14, v. 1, p. 81.
2 March, 1793, c. 22, s. 5, v. 1, p. 334.

Mandamus: McIntire vs. Wood, 7 Cr., 504; *Kendall vs. U. S.*, 12 Pet., 524; *Decatur vs. Paulding*, 14 Pet., 497; *Brashear vs. Mason*, 6 How., 92; *Commissioners of Knox County vs. Aspinwall*, 24 How., 376; *Supervisors vs. U. S.*, 4 Wall., 435; *Commr. Patents vs. Whitely*, 4 Wall., 522; *Van Hoffman vs. City of Quincy*, 4 Wall., 535; *U. S. vs. The Commissioner*, 5 Wall., 563; *Riggs vs. Johnson County*, 6 Wall., 166; *Walkley vs. Muscatine*, 6 Wall., 481; *Ex parte De Groot*, 6 Wall., 497; *Benbow vs. Iowa City*, 7 Wall., 313; *Ex parte Bradley*, 7 Wall., 364; *Butz vs. City of Muscatine*, 8 Wall., 575; *The Mayor vs. Lord*, 9 Wall., 409; *Litchfield vs. The Register and Receiver*, 9 Wall., 575; *Bath County vs. Amy*, 13 Wall., 244; *Graham vs. Norton*, 15 Wall., 427; *Insurance Com. vs. Comstock*, 16 Wall., 258; *In re Turner*, 3 Wall., jr., C. C., 258; *Spraggins vs. County Court*, Cooke, 160.

Injunctions: Georgia vs. Brailsford, 2 Dall., 402; *New York vs. Connecticut*, 4 Dall., 1; *Diggs vs. Woleott*, 4 Cr., 179; *Marine Insurance Co. vs. Hodgson*, 7 Cr., 332; *Osborne vs.*

Bank of U. S., 9 Wh., 738; *Parker vs. Judges of Circuit Court of Maryland*, 12 Wh., 561; *Boyle vs. Zacharie & Turner*, 6 Pet., 658; *Mississippi vs. Johnson*, 4 Wall., 475; *Gaines vs. Thompson*, 7 Wall., 347; *Litchfield vs. The Register and Receiver*, 9 Wall., 575; *Perry vs. Parker*, 1 Wood. & M., 280; *Bonaparte vs. Railroad*, 1 Baldw., 205, (218.)

Certiorari: *Fenimore vs. U. S.*, 3 Dall., 362; *Stewart vs. Ingle*, 9 Wh., 526; *Clark vs. Hackett*, 1 Bl., 77; *Ex parte Vallandigham*, 1 Wall., 243; *Ex parte Dougan*, 2 Wall., 134; *Stearns vs. U. S.*, 4 Wall., 1; *U. S. vs. Adams*, 9 Wall., 661.

Supersedes: *Hogan vs. Ross*, 11 How., 294; *Ex parte The Milwaukee R. R. Co.*, 5 Wall., 188.

Executions: *Bank of U. S. vs. Halstead*, 10 Wh., 56.

Writs of ne exeat. SEC. 717. Writs of ne exeat may be granted by any justice of the Supreme Court, in cases where they might be granted by the Supreme Court; and by any circuit justice or circuit judge, in cases where they might be granted by the circuit court of which he is a judge. But no writ of ne exeat shall be granted unless a suit in equity is commenced, and satisfactory proof is made to the court or judge granting the same that the defendant designs quickly to depart from the United States.

Gurnon vs. Boccaline, 2 Wash. C. C., 130.

Temporary restraining orders.

1 June, 1872, c. 255, s. 7, v. 17, p. 197.

Injunctions.

2 March, 1793, c. 22, s. 5, v. 1, p. 334.

13 Feb., 1807, c. 13, v. 2, p. 418.

10 April, 1869, c. 22, s. 1, v. 16, p. 44.

1 June, 1872, c. 255, s. 7, v. 17, p. 197.

Injunction to stay proceedings in State courts.

2 March, 1793, c. 22, s. 5, v. 1, p. 334.

Diggs vs. Wolcott, 4 Cr., 179; *Peck vs. Jenness*, 7 How., 625; *Watson vs. Jones*, 13 Wall., 719.

Laws of the States, rules of decision.

24 Sept., 1789, c. 20, s. 34, v. 1, p. 92.

Brown vs. Van Braam, 3 Dall., 344; *Robinson vs. Campbell*, 3 Wh., 212; *Cohens vs. Virginia*, 6 Wh., 264; *Wayman vs. Southard*, 10 Wh., 1; *Green vs. Neal's Lessee*, 6 Pet., 291; *Ross vs. Duval*, 13 Pet., 45; *Swift vs. Tyson*, 16 Pet., 1; *Lane vs. Vick*, 3 How., 464; *Luthr vs. Bordeu*, 7 How., 1; *Williamson vs. Berry*, 8 How., 495; *Van Rensselaer vs. Kearney*, 11 How., 297; *U. S. vs. Reid*, 12 How., 361; *Neves vs. Scott*, 13 How., 268; *Carroll vs. Carroll's Lessee*, 16 How., 275; *Morgan vs. Chrtaneous*, 20 How., 1; *Fenn vs. Holme*, 21 How., 481; *Jeter vs. Hewitt*, 22 How., 352; *Snydam vs. Williamson*, 24 How., 327; *Sheirburn vs. Cordova*, 24 How., 423; *Haussnecht vs. Claypool*, 1 Bl., 431; *Jefferson Branch Bank vs. Skelly*, 1 Bl., 436; *Conway vs. Taylor's Executor*, 1 Bl., 603; *Chicago vs. Robbins*, 2 Bl., 418; *Leffingwell vs. Warren*, 2 Bl., 599; *Bridge Proprietors vs. Hoboken Com.*, 1 Wall., 145; *Gelpcke vs. Dubuque*, 1 Wall., 175; *Christie vs. Pridgeon*, 4 Wall., 203; *Mitchell vs. Burlington*, 4 Wall., 274; *Ewing vs. City of St. Louis*, 5 Wall., 419; *Nichols vs. Levi*, 5 Wall., 433; *Delmas vs. Insurance Com.*, 14 Wall., 667, 8; *Boyce vs. Tabb*, 18 Wall., 546.

Proceedings, civil and criminal, in vindication of civil rights.

9 April, 1866, c. 31, s. 3, v. 14, p. 27.

SEC. 718. Whenever notice is given of a motion for an injunction out of a circuit or district court, the court or judge thereof may, if there appears to be danger of irreparable injury from delay, grant an order restraining the act sought to be enjoined until the decision upon the motion; and such order may be granted with or without security, in the discretion of the court or judge.

SEC. 719. Writs of injunction may be granted by any justice of the Supreme Court in cases where they might be granted by the Supreme Court; and by any judge of a circuit court in cases where they might be granted by such court. But no justice of the Supreme Court shall hear or allow any application for an injunction or restraining order in any cause pending in the circuit to which he is allotted, elsewhere than within such circuit, or at such place outside of the same as the parties may stipulate in writing, except when it cannot be heard by the circuit judge of the circuit or the district judge of the district. And an injunction shall not be issued by a district judge, as one of the judges of a circuit court, in any case where a party has had a reasonable time to apply to the circuit court for the writ; nor shall any injunction so issued by a district judge continue longer than to the circuit court next ensuing, unless so ordered by the circuit court.

SEC. 720. The writ of injunction shall not be granted by any court of the United States to stay proceedings in any court of a State, except in cases where such injunction may be authorized by any law relating to proceedings in bankruptcy. [See § 5106.]

SEC. 721. The laws of the several States, except where the Constitution, treaties, or statutes of the United States otherwise require or provide, shall be regarded as rules of decision in trials at common law, in the courts of the United States, in cases where they apply.

SEC. 722. The jurisdiction in civil and criminal matters conferred on the district and circuit courts by the provisions of this Title, and of Title "CIVIL RIGHTS," and of Title "CRIMES," for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United

States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.

SEC. 723. Suits in equity shall not be sustained in either of the courts of the United States in any case where a plain, adequate, and complete remedy may be had at law.

31 May, 1870, c. 114, s. 18, v. 16, p. 144.

When suits of equity may be maintained.

24 Sept., 1789, c. 20, s. 16, v. 1, p. 82. —*Robinson vs. Campbell*, 3 Wh., 212; *Boyce's Executors vs. Grundy*, 3 Pet., 210; *Ex parte Tillinghast*, 4 Pet., 108; *Clark vs. Smith*, 13 Pet., 195; *U. S. vs. Price*, 9 How., 83; *Bennett vs. Butterworth*, 11 How., 669; *Ex parte Secombe*, 19 How., 9; *Hipp vs. Babin*, 19 How., 271; *Hungerford vs. Sigerson*, 20 How., 156; *Parker vs. Winnepiseogee Co.*, 2 Bl., 545; *Watts vs. Sutherland*, 5 Wall., 74; *Thompson vs. Railroad Cos.*, 6 Wall., 134.

SEC. 724. In the trial of actions at law, the courts of the United States may, on motion and due notice thereof, require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery. If a plaintiff fails to comply with such order, the court may, on motion, give the like judgment for the defendant as in cases of nonsuit; and if a defendant fails to comply with such order, the court may, on motion, give judgment against him by default.

Power to order production of books and writings in actions at law.

24 Sept., 1789, c. 20, s. 15, v. 1, p. 82.

Thompson vs. Selden, 20 How., 194; *Geyger's Lessee vs. Geyger*, 2 Dall. C. C., 332; *Maye vs.*

Carberry, 2 Cr. C. C., 336; *Bank U. S. vs. Kurtz*, 2 Cr. C. C., 342; *Hilton's Lessee vs. Brown*; 1 Wash. C. C., 298; *Bas vs. Steele*, 3 Wash. C. C., 381; *Durham vs. Riley*, 4 Wash. C. C., 126; *Vasse vs. Miffin*, 4 Wash. C. C., 519; *Jacques vs. Collins*, 2 Blatchf., 23; *Iasigi vs. Brown*, 1 Cur. C. C., 301.

SEC. 725. The said courts shall have power to impose and administer all necessary oaths, and to punish, by fine or imprisonment, at the discretion of the court, contempts of their authority: *Provided*, That such power to punish contempts shall not be construed to extend to any cases except the misbehavior of any person in their presence, or so near thereto as to obstruct the administration of justice, the misbehavior of any of the officers of said courts in their official transactions, and the disobedience or resistance by any such officer, or by any party, juror, witness, or other person, to any lawful writ, process, order, rule, decree, or command of the said courts.

Power to impose oaths and punish contempts.

24 Sept., 1789, c. 20, s. 17, v. 1, p. 83.

2 March, 1831, c. 99, s. 1, v. 4, p. 487.

Ex parte Garland, 4 Wall., 378.

SEC. 726. All of the said courts shall have power to grant new trials, in cases where there has been a trial by jury, for reasons for which new trials have usually been granted in the courts of law.

New trials.

24 Sept., 1789, c. 20, s. 17, v. 1, p. 83.

Warner vs. Norton, 20 How., 448; *Zantzinger vs. Waitman*, 2 Cr. C. C., 478; *Lloyd vs. Scott*, 4 Cr. C. C., 206; *U. S. vs. White*, 5 Cr. C. C., 38; *U. S. vs. Keene*, 1 McLean, 429; *U. S. vs. Connor*, 3 McLean, 573; *U. S. vs. Macomb*, 5 McLean, 286; *U. S. vs. Wanson*, 1 Gall., 5; *U. S. vs. Gilbert*, 2 Sumn., 19; *Cunningham vs. Bell*, 5 Mas., 161; *U. S. vs. Halberstadt*, Gilp., 262; *Rochelle vs. Phillips*, Hemp., 22; *Parker vs. Lewis*, Hemp., 72; *U. S. vs. Beaty*, Hemp., 487; *U. S. vs. Harding*, 1 Wall., jr., 127; *Clark vs. Manufacturers' Ins. Co.*, 2 Wood. & M., 472.

SEC. 727. The judges of the Supreme Court and of the circuit and district courts, the commissioners of the circuit courts, and the judges and other magistrates of the several States who are or may be authorized by law to make arrests for offenses against the United States, shall have the like authority to hold to security of the peace, and for good behavior, in cases arising under the Constitution and laws of the United States, as may be lawfully exercised by any judge or justice of the peace of the respective States, in cases cognizable before them.

Power to hold to security for the peace and good behavior.

16 July, 1798, c. 83, v. 1, p. 609.

24 Sept., 1789, c. 20, s. 33, v. 1, p. 91.

2 March, 1793, c.

22, s. 4, v. 1, p. 334. 23 August, 1842, c. 188, s. 1, v. 5, p. 516. 15 May, 1862, c. 71, s. 8, v. 12, p. 387. 10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Power to enforce awards of foreign consuls, &c., in certain cases.

8 August, 1846, c. 105, v. 9, p. 78.

SEC. 728. The district and circuit courts, and the commissioners of the circuit courts, shall have power to carry into effect, according to the true intent and meaning thereof, the award, or arbitration, or decree of any consul, vice-consul, or commercial agent of any foreign nation, made or rendered by virtue of authority conferred on him as such consul, vice-consul, or commercial agent, to sit as judge or arbitrator in such differences as may arise between the captains and crews of the vessels belonging to the nation whose interests are committed to his charge; application for the exercise of such power being first made to such court or commissioner by petition of such consul, vice-consul, or commercial agent. And said courts and commissioners may issue all proper remedial process, mesne and final, to carry into full effect such award, arbitration, or decree, and to enforce obedience thereto, by imprisonment in the jail or other place of confinement in the district in which the United States may lawfully imprison any person arrested under the authority of the United States, until such award, arbitration, or decree is complied with, or the parties are otherwise discharged therefrom, by the consent in writing of such consul, vice-consul, or commercial agent, or his successor in office, or by the authority of the foreign government appointing such consul, vice-consul, or commercial agent: *Provided, however,* That the expenses of the said imprisonment, and maintenance of the prisoners, and the cost of the proceedings, shall be borne by such foreign government, or by its consul, vice-consul, or commercial agent requiring such imprisonment. The marshals of the United States shall serve all such process, and do all other acts necessary and proper to carry into effect the premises, under the authority of the said courts and commissioners.

Offenses punishable with death, where tried.

SEC. 729. The trial of offenses punishable with death shall be had in the county where the offense was committed, where that can be done without great inconvenience.

24 September, 1789, c. 20, s. 29, v. 1, p. 88. 16 July, 1862, c. 189, s. 2, v. 12, p. 589.

Offenses on the high seas, &c., where triable.

SEC. 730. The trial of all offenses committed upon the high seas or elsewhere, out of the jurisdiction of any particular State or district, shall be in the district where the offender is found, or into which he is first brought.

30 April, 1790, c. 9, s. 8, v. 1, p. 113. 20 April, 1818, c. 88, s. 4, v. 3, p. 448. 15 May, 1820, c. 113, ss. 3, 4, 5, v. 3, p. 600. 3 March, 1825, c. 65, ss. 5, 14, v. 4, pp. 115, 118. 3 March, 1847, c. 51, v. 9, p. 175. —U. S. *vs.* Jackalow, 1 Bl., 484; U. S. *vs.* Baker, 5 Blatch., C. C., 6.

Offenses begun in one district and completed in another.

SEC. 731. When any offense against the United States is begun in one judicial district and completed in another, it shall be deemed to have been committed in either, and may be dealt with, inquired of, tried, determined, and punished in either district, in the same manner as if it had been actually and wholly committed therein.

2 March, 1867, c. 169, s. 30, v. 14, p. 484.

Suits for pecuniary penalties and forfeitures, where to be brought.

SEC. 732. All pecuniary penalties and forfeitures may be sued for and recovered either in the district where they accrue or in the district where the offender is found.

28 February, 1839, c. 36, s. 3, v. 5, p. 322. 13 July, 1866, c. 184, s. 9, v. 14, pp. 111, 145. 30 June, 1864, c. 173, ss. 41, 179, v. 13, pp. 239, 305.

Suits for internal-revenue taxes, where to be brought.

SEC. 733. Taxes accruing under any law providing internal revenue may be sued for and recovered either in the district where the liability for such tax occurs or in the district where the delinquent resides.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

Seizures, where cognizable.

SEC. 734. Proceedings on seizures, for forfeiture under any law of the United States, made on the high seas may be prosecuted in any district into which the property so seized is brought and proceedings instituted. Proceedings on such seizures made within any district shall be prose-

24 Sept., 1789, c. 20, s. 9, v. 1, p. 76.

cut in the district where the seizure is made, except in cases where it is otherwise provided.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.
 30 June, 1864, c. 173, s. 48, v. 13, p. 240. 2 March, 1867, c. 169, s. 25, v. 14, p. 483. 13 July, 1861, c. 3, ss. 4, 5, 9, v. 12, pp. 256, 257, 258. 6 August, 1861, c. 60, s. 2, v. 12, p. 319.—*Jennings vs. Carson*, 4 Cr., 2; *Ship Richmond vs. U. S.*, 9 Cr., 102; *Sloop Abby*, 1 Mas., 360; *Schooner Boleua and cargo*, 1 Gallis, 75; *The Washington*, 4 Blatchf., 101; *Brig Little Ann*, 1 Paine, 40.

SEC. 735. Proceedings for the condemnation of any property captured as prize, whether on the high seas or elsewhere out of the limits of any judicial district, or within any district, on account of its being purchased or acquired, sold or given, with intent to use or employ the same, or to suffer it to be used or employed, in aiding, abetting, or promoting any insurrection against the Government of the United States, or knowingly so used or employed by the owner thereof, or with his consent, may be prosecuted in any district where the same may be seized, or into which it may be taken and proceedings first instituted.

Captures of insurrectionary property, where cognizable.

6 August, 1861, c. 60, s. 2, v. 12, p. 319.

Insurance Co. vs. U. S., 6 Wall., 759.

SEC. 736. All proceedings by any national banking association to enjoin the Comptroller of the Currency, under the provisions of any law relating to national banking associations, shall be had in the district where such association is located.

Proceedings to enjoin Comptroller of the Currency.

3 June, 1864, c. 106, ss. 50, 57, v. 13, pp. 115, 116.

SEC. 737. When there are several defendants in any suit at law or in equity, and one or more of them are neither inhabitants of nor found within the district in which the suit is brought, and do not voluntarily appear, the court may entertain jurisdiction, and proceed to the trial and adjudication of the suit between the parties who are properly before it; but the judgment or decree rendered therein shall not conclude or prejudice other parties not regularly served with process nor voluntarily appearing to answer; and non-joinder of parties who are not inhabitants of nor found within the district, as aforesaid, shall not constitute matter of abatement or objection to the suit.

When a part of several defendants cannot be served.

28 Feb., 1839, c. 36, s. 1, v. 5, p. 321.

Bank of Vicksburg vs. Slocomb, 14 Pet., 60; *Louisville. R. R. Co. vs. Letson*, 2 How., 556; *Union Bank vs. Stafford*, 12

How., 327; *Hagan vs. Walker*, 14 How., 36; *Rundel vs. Delaware and Raritan Canal Co.*, 14 How., 95; *Nor. Indiana R. R. vs. Michigan Central R. R.*, 15 How., 233; *Shields vs. Barrow*, 17 How., 130; *Coiron et al. vs. Millandon et al.*, 19 How., 115; *Clearwater vs. Meredith*, 21 How., 489; *Barney vs. Baltimore City*, 6 Wall., 285; *Taylor vs. Cook*, 2 McLean, 516; *Cooper vs. Gordon*, 4 McLean, 6.

SEC. 738. When any defendant in a suit in equity to enforce any legal or equitable lien or claim against real or personal property within the district where the suit is brought is not an inhabitant of nor found within the said district, and does not voluntarily appear thereto, it shall be lawful for the court to make an order directing such absent defendant to appear, plead, answer, or demur to the complainant's bill at a certain day, therein to be designated; and the said order shall be served on such absent defendant, if practicable, wherever found, or, where such personal service is not practicable, shall be published in such manner as the court shall direct. If such absent defendant does not appear, plead, answer, or demur within the time so limited, or within some further time to be allowed by the court in its discretion, it shall be lawful for the court, upon proof of the service or publication of the said order, and of the performance of the directions contained therein, to entertain jurisdiction, and proceed to the hearing and adjudication of such suit, in the same manner as if such absent defendant had been served with process within the said district. But the said adjudication shall, as regards such absent defendant without appearance, affect his property within such district only.

Suits in equity against absent defendants, to subject property in the district.

1 June, 1872, c. 255, s. 13, v. 17, p. 198.

SEC. 739. Except in the cases provided in the next three sections, no person shall be arrested in one district for trial in another, in any civil action before a circuit or district court; and except in the said cases and the cases provided by the preceding section, no civil suit shall be brought before either of said courts against an inhabitant of the United States,

Suits against inhabitants of United States to be brought where they reside or are found.

24 Sept., 1789, c. 20, s. 11, v. 1, p. 79. by any original process, in any other district than that of which he is an inhabitant or in which he is found at the time of serving the writ.

4 May, 1858, c. 27, ss. 1, 2, v. 11, p. 272. 1 June, 1872, c. 255, s. 13, v. 17, p. 198.—Pollard & Pickett *vs.* Dwight, 4 Cr., 421; Logan *vs.* Patrick, 5 Cr., 288; Gracie *vs.* Palmer, 8 Wh., 699; Toland *vs.* Sprague, 12 Pet., 300; Levy *vs.* Fitzpatrick, 15 Pet., 167; Herndon *vs.* Ridgway, 17 How., 424; Harrison *vs.* Rowan, 1 Pet. C. C., 489; Segoe *vs.* Thomas, 3 Blatch., 11; Moffat *vs.* Soley, 2 Paine, 103; Flanders *vs.* Insurance Co., 3 Mas., 158; Picquet *vs.* Swan, 5 Mas., 35.

Suits not of a local nature in States containing several districts.

4 May, 1858, c. 27, s. 1, v. 11, p. 272.

24 Feb., 1863, c. 54, s. 9, v. 12, p. 662.

SEC. 740. When a State contains more than one district, every snit not of a local nature, in the circuit or district courts thereof, against a single defendant, inhabitant of such State, must be brought in the district where he resides; but if there are two or more defendants, residing in different districts of the State, it may be brought in either district, and a duplicate writ may be issued against the defendants, directed to the marshal of any other district in which any defendant resides. The clerk issuing the duplicate writ shall indorse thereon that it is a true copy of a writ sued out of the court of the proper district; and such original and duplicate writs, when executed and returned into the office from which they issue, shall constitute and be proceeded on as one suit; and upon any judgment or decree rendered therein, execution may be issued, directed to the marshal of any district in the same State.

Suits of a local nature in States containing several districts.

SEC. 741. In snits of a local nature, where the defendant resides in a different district, in the same State, from that in which the suit is brought, the plaintiff may have original and final process against him, directed to the marshal of the district in which he resides.

4 May, 1858, c. 27, s. 1, v. 11, p. 272.

When land lies in different districts of same State.

4 May, 1858, c. 27, s. 2, v. 11, p. 272.

SEC. 742. Any suit of a local nature, at law or in equity, where the land or other subject-matter of a fixed character lies partly in one district and partly in another, within the same State, may be brought in the circuit or district court of either district; and the court in which it is brought shall have jurisdiction to hear and decide it, and to cause mesne or final process to be issued and executed, as fully as if the said subject-matter were wholly within the district for which such court is constituted.

In Indiana; where actions may be commenced.

3 March, 1871, c. 108, s. 1, v. 16, p. 473.

SEC. 743. In the district of Indiana all actions of which the circuit and district courts have jurisdiction may be instituted in said courts, respectively, held at New Albany and Evansville, in the first instance, by filing the proper pleadings or other papers in the offices of the deputy clerks performing the duties of clerks of said courts respectively; and all proper and lawful process shall issue therefrom in the same manner as from other circuit and district courts in like cases.

Iowa; where suits are to be brought.

3 March, 1849, c. 124, ss. 1, 3, v. 9, pp. 410, 411.

30 June, 1870, c. 178, ss. 1, 3, v. 16, p. 174.

SEC. 744. In the district of Iowa all snits not of a local nature in the district court against a single defendant, inhabitant of such State, must be brought in the division of the district where he resides; but if there are two or more defendants, residing in different divisions of the district, such suits may be brought in either division, and duplicate writs may be sent to the other defendants. The clerk issuing the duplicate writ shall indorse thereon that it is a true copy of a writ sued out of the court in the proper division of the district; and the original and duplicate writs, when executed and returned into the office from which they issue, shall constitute and be proceeded in as one suit. All issues of fact in such suits shall be tried at a term of the court held in the division where the suit is so brought.

Kentucky; where suits to be returned and tried.

15 May, 1862, c. 71, s. 9, v. 12, p. 387.

SEC. 745. In the district of Kentucky the clerks of the circuit and district courts, respectively, upon issuing original process in a civil action, shall make it returnable to the court nearest to the county of the residence of the defendant, or of that defendant whose county is nearest a court, if he have information sufficient, and shall immediately, upon payment by the plaintiff of his fees accrued, send the papers filed to the clerk of the court to which the process is made returnable; and whenever the process is not thus made returnable, any defendant may, upon motion, on or before the calling of the cause, have it transferred

to the court to which it should have been sent had the clerk known the residence of the defendant when the action was brought.

SEC. 746. When the trial or hearing of any cause, civil or criminal, in a circuit or district court, has been commenced and is in progress before a jury or the court, it shall not be stayed or discontinued by the arrival of the time fixed by law for another session of said court; and the court may proceed therein and bring it to a conclusion, in the same manner and with the same effect as if another stated term of the court had not intervened.

SEC. 747. In all the courts of the United States the parties may plead and manage their own causes personally, or by the assistance of such counsel or attorneys at law as, by the rules of the said courts, respectively, are permitted to manage and conduct causes therein.

SEC. 748. No clerk, assistant or deputy clerk, of any territorial, district, or circuit court, or of the Court of Claims, or the Supreme Court of the United States, or marshal or deputy marshal of the United States within the district for which he is appointed, shall act as a solicitor, proctor, attorney, or counsel in any cause depending in either of said courts, or in any district for which he is acting as such officer.

SEC. 749. Whosoever violates the preceding section shall be stricken from the roll of attorneys by the court upon complaint, upon which the respondent shall have due notice, and be heard in his defense; and in the case of a marshal or deputy marshal so acting, he shall be recommended by the court for dismissal from office.

SEC. 750. In equity and admiralty causes, only the process, pleadings, and decree, and such orders and memorandums as may be necessary to show the jurisdiction of the court and regularity of the proceedings, shall be entered upon the final record. [Sec § 698.]

Causes in progress of trial not discontinued by arrival of new term.

2 March, 1855, c. 140, s. 1, v. 10, p. 620.

Parties may manage their causes personally or by counsel.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92.

Certain officers forbidden to practice as attorneys, &c.

16 Jan., 1873, c. 36, s. 1, v. 17, p. 411.

Penalty for violating preceding section.

16 Jan., 1873, c. 36, s. 2, v. 17, p. 411.

Final record, how made in equity and admiralty causes.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 163.

CHAPTER THIRTEEN.

HABEAS CORPUS.

| Sec. | Sec. |
|---|--|
| 751. Power of courts to issue writs of <i>habeas corpus</i> . | 760. Denial of return, counter-allegations, amendments. |
| 752. Power of judges to grant writs of <i>habeas corpus</i> . | 761. Summary hearing; disposition of party. |
| 753. Writs of <i>habeas corpus</i> when prisoner is in jail. | 762. In cases involving the law of nations, notice to be served on State attorney-general. |
| 754. Application for the writ of <i>habeas corpus</i> . | 763. Appeals in cases of <i>habeas corpus</i> to circuit court. |
| 755. Allowance and direction of the writ. | 764. Appeal to Supreme Court. |
| 756. Time of return. | 765. Appeals, how taken. |
| 757. Form of return. | 766. Pending proceedings in certain cases, action by State authority void. |
| 758. Body of the party to be produced. | |
| 759. Day for hearing. | |

SEC. 751. The Supreme Court and the circuit and district courts shall have power to issue writs of *habeas corpus*.

Power of courts to issue writs of *habeas corpus*.

24 Sept., 1789, c. 20, s. 14, v. 1, p. 81. 10 April, 1869, c. 22, s. 2, v. 16, p. 44. 2 March, 1833, c. 57, s. 7, v. 4, p. 634. 5 Feb., 1867, c. 28, s. 1, v. 14, p. 385. 29 Aug., 1842, c. 257, s. 1, v. 5, p. 539.—U. S. *vs.* Hamilton, 3 Dall., 17; *Ex parte* Burford, 3 Cr., 448; *Ex parte* Bollman, 4 Cr., 75; *Ex parte* Wilson, 6 Cr., 52; *Ex parte* Kearney, 7 Wh., 38; *Ex parte* Watkins, 3 Pet., 193; *Ex parte* Watkins, 7 Pet., 568; *Ex parte* Milburn, 9 Pet., 704; Holmes *vs.* Jennison, 14 Pet., 540; *Ex parte* Barry, 2 How., 65; *Ex parte* Dorr, 3 How., 103; Barry *vs.* Mercein, 5 How., 103; *In re* Metzger, 5 How., 176; *In re* Kaine, 14 How., 103; *Ex parte* Wells, 18 How., 307; *Ex parte* Milligan, 4 Wall., 2; *Ex parte* McCordle, 6 Wall., 318; *Ex parte* McCordle, 7 Wall., 506; *Ex parte* Yerger, 8 Wall., 85; *Ex parte* Lange, 18 Wall., 163; *In re* Heinrich, 5 Blatchf., 414; *Ex parte* Keeler, Hemps., 306; U. S. *vs.* Williamson, 3 Am. Law Rep., 729; Bennet *vs.* Bennet, 1 Deady, 299; *Ex parte* Evarts, 7 Am. Law Rep., 79; Norris *vs.* Newton, 5 McLean, 22; U. S. *vs.* Rector, 5 McLean, 174; Veremaitre's Case, 13 Law Rep., 608; *Ex parte* Sifford, 5 Am. Law R., 659; *Ex parte* Mc-

Can, 14 Am. Law Rep., 158; *U. S. vs. French*, 1 Gallis, 1; *Ex parte Cheeney*, 5 Law Rep., 19; *Ex parte Des Roches*, 1 McAllis, 68; *Ex parte Pleasants*, 4 Cr. C. C., 314; *Ex parte Turner*, 6 Int. Rev. Rec., 147; *Ex parte Jenkins*, 2 Wall., jr., 521; *Ex parte Robinson*, 6 McLean, 355; *Ex parte Smith*, 3 McLean, 121; *Meade's Case*, 1 Brock., 324; *U. S. vs. Anderson*, Cooke, 143.

Power of judges to grant writs of *habeas corpus*.

SEC. 752. The several justices and judges of the said courts, within their respective jurisdictions, shall have power to grant writs of *habeas corpus* for the purpose of an inquiry into the cause of restraint of liberty.

24 Sept., 1789, c. 20, s. 14, v. 1, p. 81. 10 April, 1869, c. 22, s. 2, v. 16, p. 44. 2 March, 1833, c. 57, s. 7, v. 4, p. 634. 5 Feb., 1867, c. 28, s. 1, v. 14, p. 385. 29 Aug., 1842, c. 257, s. 1, v. 5, p. 539.

Writ of *habeas corpus* when prisoner is in jail.

SEC. 753. The writ of *habeas corpus* shall in no case extend to a prisoner in jail, unless where he is in custody under or by color of the authority of the United States, or is committed for trial before some court thereof; or is in custody for an act done or omitted in pursuance of a law of the United States, or of an order, process, or decree of a court or judge thereof; or is in custody in violation of the Constitution or of a law or treaty of the United States; or, being a subject or citizen of a foreign state, and domiciled therein, is in custody for an act done or omitted under any alleged right, title, authority, privilege, protection, or exemption claimed under the commission, or order, or sanction of any foreign state, or under color thereof, the validity and effect whereof depend upon the law of nations; or unless it is necessary to bring the prisoner into court to testify.

24 Sept., 1789, c. 20, s. 14, v. 1, p. 81. 2 March, 1833, c. 57, s. 7, v. 4, p. 634. 5 Feb., 1867, c. 28, s. 1, v. 14, p. 385. 29 Aug., 1842, c. 257, s. 1, v. 5, p. 539.

Ex parte Dorr, 3 How., 103; *Ex parte Barnes*, 1 Sprague, 133.

Application for the writ of *habeas corpus*.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

Allowance and direction of the writ.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

Ex parte Watkins, 3 Pet., 193; *Ex parte Milligan*, 4 Wall., 2, (110.)

Time of return.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

Form of return.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

Body of the party to be produced.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

Day for hearing.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

Denial of return, counter-allegations, amendments.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

Summary hearing; disposition of party.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

SEC. 754. Application for a writ of *habeas corpus* shall be made to the court, or justice, or judge authorized to issue the same, by complaint in writing, signed by the person for whose relief it is intended, setting forth the facts concerning the detention of the party restrained, in whose custody he is detained, and by virtue of what claim or authority, if known. The facts set forth in the complaint shall be verified by the oath of the person making the application.

SEC. 755. The court, or justice, or judge to whom such application is made shall forthwith award a writ of *habeas corpus*, unless it appears from the petition itself that the party is not entitled thereto. The writ shall be directed to the person in whose custody the party is detained.

SEC. 756. Any person to whom such writ is directed shall make due return thereof within three days thereafter, unless the party be detained beyond the distance of twenty miles; and if beyond that distance and not beyond a distance of a hundred miles, within ten days; and if beyond the distance of a hundred miles, within twenty days.

SEC. 757. The person to whom the writ is directed shall certify to the court, or justice, or judge before whom it is returnable the true cause of the detention of such party.

SEC. 758. The person making the return shall at the same time bring the body of the party before the judge who granted the writ.

SEC. 759. When the writ is returned, a day shall be set for the hearing of the cause, not exceeding five days thereafter, unless the party petitioning requests a longer time.

SEC. 760. The petitioner or the party imprisoned or restrained may deny any of the facts set forth in the return, or may allege any other facts that may be material in the case. Said denials or allegations shall be under oath. The return and all suggestions made against it may be amended, by leave of the court, or justice, or judge, before or after the same are filed, so that thereby the material facts may be ascertained.

SEC. 761. The court, or justice, or judge shall proceed in a summary way to determine the facts of the case, by hearing the testimony and arguments, and thereupon to dispose of the party as law and justice require.

SEC. 762. When a writ of habeas corpus is issued in the case of any prisoner who, being a subject or citizen of a foreign state and domiciled therein, is committed, or confined, or in custody, by or under the authority or law of any one of the United States, or process founded thereon, on account of any act done or omitted under any alleged right, title, authority, privilege, protection, or exemption, claimed under the commission or order or sanction of any foreign state, or under color thereof, the validity and effect whereof depend upon the law of nations, notice of the said proceeding, to be prescribed by the court, or justice, or judge at the time of granting said writ, shall be served on the attorney-general or other officer prosecuting the pleas of said State, and due proof of such service shall be made to the court, or justice, or judge before the hearing.

SEC. 763. From the final decision of any court, justice, or judge inferior to the circuit court, upon an application for a writ of habeas corpus or upon such writ when issued, an appeal may be taken to the circuit court for the district in which the cause is heard :

1. In the case of any person alleged to be restrained of his liberty in violation of the Constitution, or of any law or treaty of the United States.

2. In the case of any prisoner who, being a subject or citizen of a foreign state, and domiciled therein, is committed or confined, or in custody by or under the authority or law of the United States, or of any State, or process founded thereon, for or on account of any act done or omitted under any alleged right, title, authority, privilege, protection, or exemption, set up or claimed under the commission, order, or sanction of any foreign state or sovereignty, the validity and effect whereof depend upon the law of nations, or under color thereof.

SEC. 764. From the final decision of such circuit court an appeal may be taken to the Supreme Court in the cases described in the last clause of the preceding section.

SEC. 765. The appeals allowed by the two preceding sections shall be taken on such terms, and under such regulations and orders, as well for the custody and appearance of the person alleged to be in prison or confined or restrained of his liberty, as for sending up to the appellate tribunal a transcript of the petition, writ of habeas corpus, return thereto, and other proceedings, as may be prescribed by the Supreme Court, or, in default thereof, by the court or judge hearing the cause.

SEC. 766. Pending the proceedings or appeal in the cases mentioned in the three preceding sections, and until final judgment therein, and after final judgment of discharge, any proceeding against the person so imprisoned or confined or restrained of his liberty, in any State court, or by or under the authority of any State, for any matter so heard and determined, or in process of being heard and determined, under such writ of habeas corpus, shall be deemed null and void.

In cases involving the law of nations, notice to be served on State attorney-general.

29 Aug., 1842, c. 257, v. 5, p. 539.

Appeals in cases of habeas corpus to circuit court.

29 Aug., 1842, c. 257, v. 5, p. 539.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

27 March, 1868, c. 34, s. 2, v. 15, p. 44.

Ex parte McCardle, 6 Wall., 318; *Ex parte* McCardle, 7 Wall., 506; *Ex parte* Yerger, 8 Wall., 85.

Appeal to Supreme Court.

29 Aug., 1842, c. 257, v. 5, p. 539.

Appeals, how taken.

29 Aug., 1842, c. 257, v. 5, p. 539.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

Pending proceedings in certain cases, action by State authority void.

29 Aug., 1842, c. 257, v. 5, p. 539.

5 Feb., 1867, c. 28, s. 1, v. 14, p. 385.

CHAPTER FOURTEEN.

DISTRICT ATTORNEYS, MARSHALS, AND CLERKS.

Sec.

- 767. District attorneys.
- 768. Iowa, district attorney.
- 769. Term and oath of district attorneys.
- 770. Salaries of district attorneys.
- 771. Duties of district attorneys.
- 772. Statement of suits for fines, penalties, and forfeitures.
- 773. Returns of district attorneys to Solicitor of the Treasury.
- 774. Returns of district attorneys to Commissioner of Internal Revenue.

Sec.

- 775. Reports by district attorney to Department of Justice.
- 776. Marshals.
- 777. Georgia, (N. D.,) marshal's office in.
- 778. Iowa, marshal.
- 779. Marshal's term.
- 780. Deputy marshals.
- 781. Marshal's salaries for extra services.
- 782. Oath of marshals and deputy marshals.
- 783. Marshal's bond.

- Sec.
 784. Suits on marshal's bond; costs.
 785. Marshal's bond to remain after judgment as further security.
 786. Limitation of suit on marshal's bonds.
 787. Duties of marshal.
 788. Marshals shall have, in each State, the same power as sheriffs in executing the laws of the United States.
 789. In case of death of the marshals, deputies to continue.
 790. Marshals and deputy marshals, when removed or office expires, may execute process in their hands.
 791. Marshal's returns to the Solicitor of the Treasury.

- Sec.
 792. Returns of marshals to Auditor of Post-Office Department.
 793. Vacancies in office of district attorney and marshal, how filled temporarily.
 794. Oath of clerks.
 795. Clerk's bond.
 796. Bond of deputy clerks.
 797. Clerk to forward to Solicitor of the Treasury a list of judgments.
 798. Account of payments and moneys in court to be stated by the clerk.
 799. Oaths to persons identifying papers in admiralty causes, when administered by clerks.

District attorneys.

SEC. 767. There shall be appointed in each district, except in the middle district of Alabama, and the northern district of Georgia, and the western district of South Carolina, a person learned in the law, to act as attorney for the United States in such district. The district attorney of the northern district of Alabama shall perform the duties of district attorney of the middle district of said State; and the district attorney of the southern district of Georgia shall perform the duties of district attorney of the northern district of said State; and the district attorney of the eastern district of South Carolina shall perform the duties of district attorney for the western district of said State.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92. Ala., 21 April, 1820, c. 47, s. 6, v. 3, p. 565; 10 March, 1824, c. 28, s. 8, v. 4, p. 10; 6 Feb., 1839, c. 20, s. 7, v. 5, p. 316. Ark., 15 June, 1836, c. 100, s. 6, v. 5, p. 51; 3 March 1851, c. 24, s. 4, v. 9, p. 595. Ga., 11 Aug., 1848, c. 151, s. 7, v. 9, p. 281. Fla., 3 March, 1845, c. 75, s. 7, v. 5, p. 788; 23 Feb., 1847, c. 20, s. 5, v. 9, p. 131. Ill., 3 March, 1819, c. 70, s. 4, v. 3, p. 503; 13 Feb., 1855, c. 96, s. 9, v. 10, p. 607. Ind., 3 March, 1817, c. 100, s. 4, v. 3, p. 391. Iowa, 3 March, 1845, c. 76, s. 4, v. 5, p. 789. Kans., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128. La., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Mich., 1 July, 1836, c. 234, s. 4, v. 5, p. 62; 24 Feb., 1863, c. 54, s. 8, v. 12, p. 661. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Miss., 3 April, 1818, c. 29, s. 4, v. 3, p. 413; 18 June, 1838, c. 115, s. 6, v. 5, p. 248. Mo., 16 Mar., 1922, c. 12, s. 4, v. 3, p. 653; 3 March, 1857, c. 100, ss. 8, 9, v. 11, p. 198. Nebr., 25 Mar., 1867, c. 7, s. 1, v. 15, p. 5. Nev., 27 Feb., 1865, c. 64, s. 1, v. 13, p. 440. N. Y., 3 March, 1815, c. 95, v. 3, p. 235; 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438. N. C., 4 June, 1790, c. 17, s. 1, v. 1, p. 126; 4 June, 1872, c. 282, s. 7, v. 17, p. 217. Ohio, 19 Feb., 1802, c. 7, s. 4, v. 2, p. 202; 10 Feb., 1855, c. 73, s. 8, v. 10, p. 605. Oreg., 3 March, 1859, c. 85, s. 3, v. 11, p. 437. Pa., 20 April, 1818, c. 108, s. 5, v. 3, p. 463. Tenn., 29 April, 1802, c. 31, s. 20, v. 2, p. 165; 18 June, 1838, c. 118, s. 11, v. 5, p. 250; 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313. Tex., 29 Dec., 1845, c. 1, s. 3, v. 9, p. 1; 21 Feb., 1857, c. 57, s. 6, v. 11, p. 165. Vt., 2 March, 1791, c. 12, s. 1, v. 1, p. 197. Va., 3 Feb., 1871, c. 35, s. 8, v. 16, p. 404. W. Va., 4 Feb., 1819, c. 12, s. 1, v. 3, pp. 478, 479; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Wis., 6 Aug., 1846, c. 89, s. 5, v. 9, p. 57; 29 June, 1870, c. 175, s. 8, v. 16, p. 172.

Iowa, district attorney.

SEC. 768. The district attorney of the district of Iowa shall perform the duties of district attorney for all of the divisions of said district.

3 March, 1849, c. 124, s. 5, v. 9, p. 412. 3 March, 1859, c. 85, ss. 5, 8, v. 11, pp. 437, 438. 30 June, 1870, c. 178, ss. 1, 3, v. 16, p. 174.

Term and oath of district attorneys.

SEC. 769. District attorneys shall be appointed for a term of four years, and their commissions shall cease and expire at the expiration of four years from their respective dates. And every district attorney, before entering upon his office, shall be sworn to a faithful execution thereof.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92. 15 May, 1820, c. 102, ss. 1, 2, v. 3, p. 582.

Salaries of district attorneys.

SEC. 770. The district attorney for the southern district of New York is entitled to receive quarterly, for all his services, a salary at the rate of six thousand dollars a year. For extra services the district attorney for the district of California is entitled to receive a salary at the rate of five hundred dollars a year, and the district attorneys for all other districts at the rate of two hundred dollars a year.

N. Y., (S. D.) 6 Aug., 1861, c. 55, s. 1, v. 12, p. 317. Cal., 28 Sept., 1850, c. 86, s. 8, v. 9, p. 522. Districts in 1841, 3 March, 1841, c. 35, s. 1, v. 5, p. 427. Ark., (W. D.), 3 March, 1851, c. 24, s. 4, v. 9, p. 595. Fla., (N. D.), 3 March, 1845, c. 75, s. 7, v. 5, p. 788. Fla., (S. D.), 23 Feb., 1847, c. 20, s. 5, v. 9, p. 131. Iowa, 3 March, 1845, c. 76, s. 4, v. 5, p. 789. Kans., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128. Mich., (W. D.), 24 Feb., 1863, c. 54, s. 8, v. 12, p. 661. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Nebr., 8 June, 1872, c. 350, v. 17, p. 337. N. Y., (E. D.), 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438. Ohio, (S. D.), 10 Feb., 1855, c. 73, s. 8, v. 10, p. 605. Oreg., 3 March, 1859, c. 85, s. 3, v. 11, p. 437. Nev., 20 July, 1868, c. 176, s. 1, v. 15, p. 109.

Texas, (E. D.,) 29 Dec., 1845, c. 1, s. 3, v. 9, p. 1. Texas, (W. D.,) 21 Feb., 1857, c. 57, s. 6, v. 11, p. 165. W. Va., 4 Feb., 1819, c. 12, ss. 1, 3, v. 3, pp. 478, 479; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Wis., 6 Aug., 1846, c. 89, s. 5, v. 9, p. 57; 29 June, 1870, c. 175, s. 8, v. 16, p. 172.

SEC. 771. It shall be the duty of every district attorney to prosecute, in his district, all delinquents for crimes and offenses cognizable under the authority of the United States, and all civil actions in which the United States are concerned, and, unless otherwise instructed by the Secretary of the Treasury, to appear in behalf of the defendants in all suits or proceedings pending in his district against collectors, or other officers of the revenue, for any act done by them or for the recovery of any money exacted by or paid to such officers, and by them paid into the Treasury.

Avoy, 4 Blatch., 418; U. S. *vs.* Stowell, 2 Curt. C. C., 153; The Anna, Blatch. Pr. Cas., 463; U. S. *vs.* Ingersoll, Crabbe, 135.

SEC. 772. Every district attorney shall, on instituting any suit for the recovery of any fine, penalty, or forfeiture, immediately transmit to the Solicitor of the Treasury a statement thereof.

Duties of district attorneys.

24 Sept., 1789, c. 20, s. 35, v. 1, p. 92. 3 Mar., 1863, c. 76, s. 13, v. 12, p. 741.

Levy Court *vs.* Ringgold, 5 Pet., 451; U. S. *vs.* Corrie, 23 Law Rep., 145; U. S. *vs.* McBlatch. Pr. Cas., 337;

Statement of suits for fines, penalties, and forfeitures.

29 May, 1830, c. 153, s. 4, v. 4, p. 415.

SEC. 773. Every district attorney shall, immediately after the end of every term of the circuit and district courts for his district, forward to the Solicitor of the Treasury, except in the cases provided for in the next section, a full and particular statement, accompanied by the certificate of the clerks of said courts, respectively, of all causes pending in said courts, and of all causes decided therein during such term, in which the United States are party. He shall also, on the first day of October in each year, make a return to said Solicitor of the number of suits and proceedings commenced, pending, and determined within his district during the fiscal year next preceding the date of such return, showing the date when such proceeding or suit in each case was commenced. If the determination thereof has been delayed or continued beyond the usual or reasonable period, the reasons must be set forth, and a statement must be made of the measures taken by the district attorney to press such proceedings or suits to a close.

Returns of district attorneys to Solicitor of the Treasury.

29 May, 1830, c. 153, s. 3, v. 4, p. 414. 3 March, 1863, c. 76, s. 13, v. 12, p. 741.

2 March, 1867, c. 169, s. 3, v. 14, pp. 471, 472.

SEC. 774. When any suit or proceeding arising under the internal-revenue laws, to which the United States are party, or any suit or proceeding against a collector or other officer of the internal revenue, wherein a district attorney appears, is commenced, the attorney for the district in which it is brought shall immediately report to the Commissioner of Internal Revenue the full particulars relating to the same; and he shall, immediately after the end of each term of the court in which such suit or proceeding is pending, forward to the said Commissioner a full and particular statement of its condition.

Returns of district attorneys to Commissioner of Internal Revenue.

2 March, 1867, c. 169, s. 3, v. 14, pp. 471, 472.

SEC. 775. Each district attorney shall, immediately after the end of every term in which any suit for moneys due on account of the Post-Office Department has been pending in his district, forward to the Department of Justice a statement of any judgment or order made, or step taken in the same, during such term, accompanied by a certificate of the clerk, showing the parties to and amount of every such judgment, with such other information as the Department of Justice may require. And the said attorney shall direct speedy and effectual execution upon said judgment, and the United States marshal to whom the same is directed shall make returns of the proceedings thereon to the Department of Justice, at such times as it may direct.

Reports by district attorney to Department of Justice.

2 July, 1836, c. 170, s. 16, v. 5, p. 83. 8 June, 1872, c. 335, s. 309, v. 17, p. 324.

SEC. 776. A marshal shall be appointed in each district, except in the middle district of Alabama, and the northern district of Georgia, and the western district of South Carolina. The marshal of the southern district of Alabama shall perform the duties of marshal of the middle district of said State, and shall keep an office at Montgomery, in said middle district. The marshal of the southern district of Georgia shall perform the duties of marshal of the northern district of said State.

Marshals.

24 Sept., 1789, c. 20 s. 27, v. 1, p. 87. Ala., 21 April, 1820, c. 47, s. 7, v. 3, p. 565; 5 May, 1820, c. 87, s.

1, v. 4, p. 399; 6 Feb., 1839, c. 20, s. 7, v. 5, p. 316. Ark., 15 June, 1836, c. 100, s. 7, v. 5, p. 51; 3 March, 1851, c. 24, s. 4, v. 9, p. 595. Ga., 11 August, 1848, c. 151, s. 7, v. 9, p. 281. Fla., 3 March, 1845, c. 75, s. 8, v. 5, p. 788; 23 Feb., 1847, c. 20, s. 6, v. 9, p. 131. Ill., 3 March, 1819, c. 70, s. 5, v. 3, p. 503; 13 Feb., 1855, c. 96, s. 9, v. 10, p. 607. Ind., 3 March, 1817, c. 100, s. 5, v. 3, p. 391. Iowa, 3 March, 1845, c. 76, s. 5, v. 5, p. 789. Kans., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128. La., 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Mich., 1 July, 1836, c. 234, s. 5, v. 5, p. 62; 24 Feb., 1863, c. 54, s. 8, v. 12, p. 661. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Miss., 3 April, 1818, c. 29, s. 5, v. 3, p. 413; 18 June, 1838, c. 115, s. 6, v. 5, p. 248. Mo., 16 March, 1822, c. 12, s. 5, v. 3, p. 653; 3 March, 1857, c. 100, ss. 8, 9, v. 11, p. 198. Nebr., 25 March, 1867, c. 7, s. 1, v. 15, p. 5. Nev., 27 Feb., 1865, c. 64, s. 1, v. 13, p. 440. N. Y., 3 March, 1815, c. 95, v. 3, p. 235; 25 Feb., 1865, c. 54, s. 1, v. 13, p. 438. N. C., 4 June, 1790, c. 17, s. 1, v. 1, p. 126. Ohio, 19 Feb., 1802, c. 7, s. 5, v. 2, p. 202; 10 Feb., 1855, c. 73, s. 8, v. 10, p. 605. Oreg., 3 March, 1859, c. 85, s. 3, v. 11, p. 437. Pa., 20 April, 1818, c. 108, s. 5, v. 3, p. 463. Tenn., 29 April, 1802, c. 31, s. 19, v. 2, p. 165; 18 June, 1838, c. 118, s. 10, v. 5, p. 250; 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313. Tex., 29 Dec., 1845, c. 1, s. 3, v. 9, p. 1; 21 Feb., 1857, c. 57, s. 6, v. 11, p. 165. Vt., 2 March, 1791, c. 12, s. 1, v. 1, p. 197. Va., 3 Feb., 1871, c. 35, s. 8, v. 16, p. 404. W. Va., 4 Feb., 1819, c. 12, ss. 1, 3, v. 3, pp. 478, 479; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Wis., 6 Aug., 1846, c. 89, s. 5, v. 9, p. 57; 29 June, 1870, c. 175, s. 8, v. 16, p. 172.

Georgia, (N. D.) SEC. 777. The marshal of the southern district of Georgia shall keep an office at Marietta, in the northern district, and his charges for mileage, in the execution of the duties of his office, within the northern district, shall be computed from Marietta.

Iowa, marshal. SEC. 778. The marshal of the district of Iowa shall perform the duties of marshal for all of the divisions of said district, and shall keep an office at each of the places in the four divisions of said district where the circuit and district courts thereof are required to be held; and his charges for mileage, in the execution of the duties of his office, within said district, shall be computed from the city of Iowa.

SEC. 779. Marshals shall be appointed for a term of four years.

SEC. 780. Every marshal may appoint one or more deputies, who shall be removable from office by the judge of the district court, or by the circuit court for the district, at the pleasure of either.

SEC. 781. Marshals are entitled to receive salaries, as a compensation for extra services, as follows: The marshal of the district of California, at the rate of five hundred dollars a year; the marshal of the districts of North Carolina, at the rate of four hundred dollars a year; the marshals of all other districts, except the southern and eastern districts of New York, the eastern district of Pennsylvania, the southern district of Illinois, the western district of Missouri, the northern and southern districts of Georgia, and the districts of Massachusetts, Maryland, and Nevada, at the rate of two hundred dollars a year.

Cal., 28 Sept., 1850, c. 86, s. 9, v. 9, p. 522; 27 July, 1866, c. 280, s. 1, v. 14, p. 300. N. C. and N. J., 25 Feb., 1808, c. 22, s. 1, v. 2, pp. 468, 469. Me., N. H., Vt., and Ky., 28 Feb., 1799, c. 19, s. 1, v. 1, p. 625. Tenn., 29 April, 1802, c. 31, s. 19, v. 2, p. 165; 24 Feb., 1807, c. 17, s. 4, v. 2, p. 421; 18 June, 1838, c. 118, s. 1, v. 5, p. 249; 18 Jan., 1839, c. 3, s. 1, v. 5, p. 313. R. I., 2 March, 1831, c. 91, s. 1, v. 4, p. 482. Conn., 6 Jan., 1829, c. 5, s. 1, v. 4, p. 330. Nebr., 8 June, 1872, c. 350, v. 17, p. 337. N. Y., (N. D.) and Pa., (W. D.), 15 May, 1820, c. 111, s. 4, v. 3, p. 598. Del., 24 Feb., 1835, c. 23, s. 1, v. 4, p. 753. Va., 21 Jan., 1829, c. 9, s. 1, v. 4, p. 331. W. Va., 4 Feb., 1819, c. 12, s. 4, v. 3, p. 479; 26 May, 1824, c. 167, s. 1, v. 4, p. 48; 11 June, 1864, c. 120, s. 1, v. 13, p. 124. Ohio, 19 Feb., 1803, c. 7, s. 5, v. 2, p. 202; 10 Feb., 1805, c. 73, s. 8, v. 10, p. 606. La., 8 April, 1812, c. 50, s. 4, v. 2, p. 703; 27 July, 1866, c. 280, s. 1, v. 14, p. 300. Miss., 3 April, 1818, c. 29, s. 5, v. 3, p. 413; 18 June, 1838, c. 115, s. 7, v. 5, p. 248. Ind., 3 March, 1817, c. 100, s. 5, v. 3, p. 391. Ill., (N. D.), 3 March, 1819, c. 70, s. 5, v. 3, p. 503; 13 Feb., 1855, c. 96, s. 8, v. 10, p. 607. Ala., 5 May, 1830, c. 87, s. 2, v. 4, p. 399. Mo., (E. D.), 16 March, 1822, c. 12, s. 5, v. 3, p. 653; 3 March, 1857, c. 100, s. 8, v. 11, p. 198. Mich., 1 July, 1836, c. 234, s. 5, v. 5, p. 62; 24 Feb., 1863, c. 54, s. 8, v. 12, p. 662. Ark., 15 June, 1836, c. 100, s. 7, v. 5, p. 51; 3 March, 1851, c. 24, s. 4, v. 9, p. 595. Fla., 3 March, 1845, c. 75, s. 8, v. 5, p. 788; 23 Feb., 1847, c. 20, s. 6, v. 9, p. 131. Tex., 29 Dec., 1845, c. 1, s. 3, v. 9, p. 2; 21 Feb., 1857, c. 57, s. 6, v. 11, p. 165. Wis., 6 Aug., 1846, c. 89, s. 5, v. 9, p. 58. Iowa, 3 March, 1845, c. 76, s. 5, v. 5, p. 789. Minn., 11 May, 1858, c. 31, s. 3, v. 11, p. 285. Oreg., 3 March, 1859, c. 85, s. 3, v. 11, p. 437. Kans., 29 Jan., 1861, c. 20, s. 4, v. 12, p. 128.

SEC. 782. Every marshal and deputy marshal shall, before he enters upon the duties of his appointment, take, before the district judge of the district, an oath or affirmation in the following form: "I, A. B., do solemnly swear (or affirm) that I will faithfully execute all lawful precepts directed to the marshal of the district of —, under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of marshal (or marshal's deputy, as the case may be) of the district of —, during my continuance in said office, and take only my lawful fees. So help me God." The words "so help me God" shall be omitted in all cases where an affirmation is admitted instead of an oath: *Provided*, That when any person who is appointed deputy marshal resides and is more than twenty miles from the place where the district judge resides and is, the said oath of office may be taken by him before any judge or justice of any State court within the same district, or before any justice of the peace having authority therein, or before any notary public duly appointed in such State, or before any commissioner of a circuit court for such district, and shall, when certified by such officer to the said district judge, be as effectual as if taken before such district judge.

SEC. 783. Every marshal, before he enters on the duties of his office, shall give bond before the district judge of the district, jointly and severally with two good and sufficient sureties, inhabitants and freeholders of such district, to be approved by said judge, in the sum of twenty thousand dollars, for the faithful performance of said duties by himself and his deputies. Said bond shall be filed and recorded in the office of the clerk of the district court or circuit court sitting within the district, and copies thereof, certified by the clerk, under the seal of the said court, shall be competent evidence in any court of justice.

Gwyn *vs.* Breedlove, 2 How., 29; Gwyn *vs.* Barton, 6 How., 7.

SEC. 784. In case of a breach of the condition of a marshal's bond, any person thereby injured may institute in his own name and for his sole use a suit on said bond, and thereupon recover such damages as shall be legally assessed, with costs of suit, for which execution may issue for him in due form. If such party fails to recover in the suit, judgment shall be rendered and execution may issue against him for costs in favor of the defendant; and the United States shall in no case be liable for the same.

vs. Breedlove, 2 How., 29; Gwyn *vs.* Buchanan, 4 How., 1; Gwyn *vs.* Rogers *vs.* The Marshall, 1 Wall., 644.

SEC. 785. The said bond shall remain, after any judgment rendered thereon, as a security for the benefit of any person injured by breach of the condition of the same, until the whole penalty has been recovered; and the proceedings shall always be as directed in the preceding section.

SEC. 786. No suit on a marshal's bond shall be maintained unless it is commenced within six years after the right of action accrues, saving, nevertheless, the rights of infants, married women, and insane persons, so that they sue within three years after their disabilities are removed.

Montgomery *vs.* Hernandez, 12 Wh., 133.

SEC. 787. It shall be the duty of the marshal of each district to attend the district and circuit courts when sitting therein, and to execute, throughout the district, all lawful precepts directed to him, and issued under the authority of the United States; and he shall have power to command all necessary assistance in the execution of his duty. [See § 4299.]

SEC. 788. The marshals and their deputies shall have, in each State, the same powers, in executing the laws of the United States, as the sheriffs and their deputies in such State may have, by law, in executing the laws thereof.

Oath of marshals and deputy marshals.

24 Sept., 1789, c. 20, ss. 7, 27, v. 1, pp. 76, 87.

25 Feb., 1799, c. 19, s. 2, v. 1, p. 625.

16 Sept., 1850, c. 52, ss. 1, 2, v. 9, p. 458.

Marshal's bond.

24 Sept., 1789, c. 20, s. 27, v. 1, p. 87.

10 April, 1806, c. 21, s. 1, v. 2, p. 372.

U. S. *vs.* Kirkpatrick, 9 Wh., 720; U. S. *vs.* Van Zandt, 11 Wh., 184; Dox *vs.* Postmaster-General, 1 Pet., 325; Gwyn *vs.* Barton, 6 How., 7.

Suits on marshal's bond; costs.

10 April, 1806, c. 21, s. 2, v. 2, p. 373.

U. S. *vs.* Giles, 9,

Cr., 212; U. S. *vs.* Morris, 10 Wh., 246; Williams *vs.* U. S., 1 How., 290; Gwyn *vs.* Barton, 6 How.,

Marshal's bond to remain after judgment as further security.

10 April, 1806, c. 21, s. 3, v. 2, p. 374.

Limitation of suit on marshal's bonds.

10 April, 1806, c. 21, s. 4, v. 2, p. 374.

Duties of marshal.

24 Sept., 1789, c. 20, s. 27, v. 1, p. 87.

U. S. *vs.* Giles, 9 Cr., 212.

Marshals shall have, in each State, the same powers as sheriffs in executing the laws of the United States.

In case of death of the marshals, deputies to continue.

24 Sept., 1789, c. 20, s. 28, v. 1, p. 87.

Marshals and deputy marshals, when removed, or office expires, may execute process in their hands.

24 Sept., 1789, c. 20, s. 28, v. 1, p. 87.
7 May, 1800, c. 45, s. 3, v. 2, p. 61.

Doolittle's Lessee vs. Bryan, 14 How., 563.

Marshal's return to the Solicitor of the Treasury.

15 May, 1820, c. 107, s. 8, v. 3, p. 596.
29 May, 1830, c. 153, s. 2, v. 4, p. 414.

Returns of marshals to Auditor of Post-Office Department.

2 July, 1836, c. 270, s. 16, v. 5, p. 83.

Vacancies in office of district attorney and marshal, how filled temporarily.

3 March, 1863, c. 93, s. 2, v. 12, p. 768.

Oath of clerks.

24 Sept., 1789, c. 20, s. 7, v. 1, p. 76.
30 June, 1870, c. 180, s. 7, v. 16, p. 175.

Clerk's bond.

24 Sept., 1789, c. 20, s. 7, v. 1, p. 76.
3 March, 1863, c. 93, s. 2, v. 12, p. 768.

SEC. 789. In case of the death of any marshal, his deputy or deputies shall continue in office, unless otherwise specially removed, and shall execute the same in the name of the deceased, until another marshal is appointed, as provided in this chapter, and duly qualified. The defaults or misfeasances in office of such deputies in the mean time shall be adjudged a breach of the condition of the bond given by the marshal who appointed them; and the executor or administrator of the deceased marshal shall have like remedy for the defaults and misfeasances in office of such deputies, during such interval, as he would be entitled to if the marshal had continued in life and in the exercise of his said office until his successor was appointed and duly qualified.

SEC. 790. Every marshal or his deputy, when removed from office, or when the term for which the marshal is appointed expires, shall have power, notwithstanding, to execute all such precepts as may be in their hands respectively at the time of such removal or expiration of office; and the marshal shall be held responsible for the delivery to his successor of all prisoners who may be in his custody at the time of his removal, or when the term for which he is appointed expires; and for that purpose he may retain such prisoners in his custody until his successor is appointed and duly qualified.

SEC. 791. Every marshal shall, within thirty days before the commencement of each term of the circuit and district courts in his district, make returns to the Solicitor of the Treasury of the proceedings had upon all writs of execution, or other process, which have been placed in his hands, for the collection of moneys adjudged and decreed to the United States in the said courts, respectively.

SEC. 792. Every marshal to whom any execution upon a judgment in any suit for moneys due on account of the Post-Office Department has been directed, shall make returns to the Sixth Auditor, at such times as he may direct, of the proceedings which have taken place upon the said process of execution.

SEC. 793. In case of a vacancy in the office of district attorney or marshal within any circuit, the circuit justice of such circuit may fill the same, and the person appointed by him shall serve until an appointment is made by the President, and the appointee is duly qualified, and no longer. The appointment made by such justice shall be in writing, which shall be filed in the clerk's office of the circuit court, and a copy thereof shall be entered upon the journal of said court. Any marshal so appointed shall give bond, as if appointed by the President, and the bond shall be approved by said justice. It shall then be filed in the clerk's office of said court, and a copy shall be entered on the journal of the court. A certified copy of such entry shall be prima-facie proof of the execution of such bond, and of the contents thereof.

SEC. 794. The clerk of the Supreme Court, and every clerk and deputy clerk of a circuit or district court, shall, before he enters upon the execution of his office, take an oath or affirmation in the following form: "I, A B, being appointed a clerk of —, do solemnly swear (or affirm) that I will truly and faithfully enter and record all the orders, decrees, judgments, and proceedings of the said court, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God." The words "so help me God" shall be omitted in all cases where an affirmation is admitted instead of an oath.

SEC. 795. The clerk of every court shall give bond, in a sum to be fixed and with sureties to be approved by the court which appoints him, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments, and determinations of the court of which he is clerk; and a new bond may be required whenever the court deems it proper that such bond should be given. A copy of every bond given by a clerk shall be entered on the journal of the court for which he is

appointed, and the bond shall be deposited for safe-keeping as the court may direct. A certified copy of such entry shall be prima-facie proof of the execution of such bond and of the contents thereof.

SEC. 796. Any circuit or district court may require any deputy clerk thereof to give bond to the United States for the faithful discharge of his duty as such deputy, in the same penalty, and with surety in the same manner, as is required by law of clerks; and such bond shall be recorded and preserved in like manner. But the taking of such bond shall not affect the legal responsibility of the clerk for the acts of such deputy.

SEC. 797. Every clerk of a circuit or district court shall, within thirty days after the adjournment of each term thereof, forward to the Solicitor of the Treasury a list of all judgments and decrees, to which the United States are parties, which have been entered in said courts, respectively, during such term, showing the amount adjudged or decreed, in each case, for or against the United States, and the term to which execution thereon will be returnable.

SEC. 798. At each regular session of any court of the United States, the clerk shall present to the court an account of all moneys remaining therein, or subject to its order, stating in detail in what causes they are deposited, and in what causes payments have been made; and said account and the vouchers thereof shall be filed in the court.

SEC. 799. The clerks of the district and circuit courts may, in the absence or in case of the disability of the judges, administer oaths to all persons identifying papers found on board of vessels or elsewhere, to be used on trials in admiralty causes.

Bond of deputy clerks.

30 June, 1870, c. 180, s. 7, v. 16, p. 175.

Clerk to forward to Solicitor of the Treasury a list of judgments.

15 May, 1820, c. 107, s. 8, v. 3, p. 596.

29 May, 1830, c. 153, s. 2, v. 4, p. 414.

Account of payments and moneys in court to be stated by the clerk.

24 March, 1871, c. 2, s. 3, v. 17, p. 2.

Oaths to persons identifying papers in admiralty causes, when administered by clerks.

8 May, 1792, c. 36, s. 10, v. 1, p. 278.

CHAPTER FIFTEEN.

JURIES.

Sec.
800. Jurors, qualifications and selection of, according to State laws.
801. Jurors in Pennsylvania.
802. Jurors, how to be apportioned in the district.
803. Writ of venire, how issued and served.
804. Talesmen for petit juries.
805. Special juries in the circuit courts.
806. New York.
807. Vermont, when petit jury to be summoned.
808. Number of grand jurors; completing jury.
809. Foreman of grand jury, appointment and powers of.
810. Grand juries, when summoned.
811. Discharge of grand juries.
812. Jurors not to be summoned oftener than once in two years.

Sec.
813. Grand juries of district courts may act in cases cognizable in circuit court.
814. Arkansas, western district, at Helena; jurors.
815. Juries in Kentucky and Indiana.
816. North Carolina, juries at special terms.
817. Juries for western district of South Carolina.
818. Vermont, charge to grand jury by the circuit court.
819. Challenges.
820. Additional causes of disqualification and challenge of grand and petit jurors.
821. Additional oath for grand and petit jurors.
822. Grand and petit jurors, in cases under act 20 April, 1871, c. 22.

SEC. 800. Jurors to serve in the courts of the United States, in each State respectively, shall have the same qualifications, subject to the provisions hereinafter contained, and be entitled to the same exemptions, as jurors of the highest court of law in such State may have and be entitled to at the time when such jurors for service in the courts of the United States are summoned; and they shall be designated by ballot, lot, or otherwise, according to the mode of forming such juries then practiced in such State court, so far as such mode may be practicable by the courts of the United States or the officers thereof. And for this purpose the said courts may, by rule or order, conform the designation and impaneling of juries, in substance, to the laws and usages relating

Jurors, qualifications and selection of, according to State laws.

20 July, 1840, c. 47, v. 5, p. 394.

17 June, 1862, c. 103, s. 1, v. 12, p. 430.

20 April, 1871, c. 22, s. 5, v. 17, p. 15.

3 March, 1849, c. 118, v. 9, p. 403.

15 July, 1870, c. 298, s. 3, v. 16, p. 363.
22 Dec., 1870, Res. 2, v. 16, p. 589.

Sibley vs. Footo, 14 How., 219, 220; *U. S. vs. Shackelford*, 18 How., 588; *U. S. vs. Reed*, 2 Blatchf., 435; *U. S. vs. Douglass*, 2 Blatchf., 208; *U. S. vs. Woodruff*, 4 McLean, 105.

Jurors in Pennsylvania.

3 March, 1849, c. 118, v. 9, p. 403.
20 July, 1840, c. 47, v. 5, p. 394.
13 May, 1800, c. 61, v. 2, p. 82.
15 July, 1870, c. 298, s. 3, v. 16, p. 363.
22 Dec., 1870, Res. 2, v. 16, p. 589.
1871, c. 22, s. 5, v. 17, p. 15.

Jurors, how to be apportioned in the district.

24 Sept., 1789, c. 20, s. 29, v. 1, p. 88.

U. S. vs. Stowell, Writ of venire, how issued and served.

24 Sept., 1789, c. 20, s. 29, v. 1, p. 88.

Talesmen for petit juries.

24 Sept., 1789, c. 20, s. 29, v. 1, p. 88.
3 March, 1865, c. 86, s. 1, v. 13, p. 500.
U. S. vs. Shackelford, 18 How., 588.
Special juries in the circuit courts.
29 April, 1802, c. 31, s. 30, v. 2, p. 167.
New York.

4 July, 1864, c. 245, s. 2, v. 13, p. 385.

Vermont, when petit jury to be summoned.

29 April, 1802, c. 31, s. 29, v. 2, p. 167.

Number of grand jurors; completing jury.

3 March, 1865, c. 86, s. 1, v. 13, p. 500.

to jurors in the State courts, from time to time in force in such State. This section shall not apply to juries to serve in the courts of the United States in Pennsylvania. [See § 1671.]

SEC. 801. Jurors to serve in the courts of the United States in Pennsylvania shall be designated by lot or otherwise, in each district respectively, according to the mode of forming juries, to serve in the highest courts of law therein, which was practiced before the passage of the act of July twenty, eighteen hundred and forty, chapter forty-seven, so far as the same shall render such designation practicable by the courts and marshals of the United States. But this provision is subject to the provisions relating to the qualifications and oath of jurors hereinafter contained.

No. 2, v. 16, p. 589. 17 June, 1862, c. 103, s. 1, v. 12, p. 430. 20 April,

SEC. 802. Jurors shall be returned from such parts of the district, from time to time, as the court shall direct, so as to be most favorable to an impartial trial, and so as not to incur an unnecessary expense, or unduly to burden the citizens of any part of the district with such services.

2 Cur. C. C., 153; *U. S. vs. Woodruff*, 4 McLean, 105.

SEC. 803. Writs of venire facias, when directed by the court, shall issue from the clerk's office, and shall be served and returned by the marshal in person, or by his deputy; or, in case the marshal or his deputy is not an indifferent person, or is interested in the event of the cause, by such fit person as may be specially appointed for that purpose by the court, who shall administer to him an oath that he will truly and impartially serve and return the writ.

SEC. 804. When, from challenges or otherwise, there is not a petit jury to determine any civil or criminal cause, the marshal or his deputy shall, by order of the court in which such defect of jurors happens, return jurymen from the by-standers sufficient to complete the panel; and when the marshal or his deputy is disqualified as aforesaid, jurors may be so returned by such disinterested person as the court may appoint, and such person shall be sworn, as provided in the preceding section.

SEC. 805. When special juries are ordered in any circuit court, they shall be returned by the marshal in the same manner and form as is required in such cases by the laws of the several States.

SEC. 806. No jury shall be drawn for service exclusively in the circuit court for the northern district of New York at the adjourned terms thereof required by law to be held at Albany and Utica, but the jury drawn to serve in the district court held at the same times and places with said adjourned terms shall be used for the trial of issues of fact arising in civil causes in said circuit court, and the verdicts of said jury, and all proceedings upon the trial of said issues, shall be of the same effect as if the said jury had been drawn to serve in the said circuit court.

SEC. 807. The clerk of the district court for Vermont shall not cause a petit jury to be summoned or returned to any session in which there shall appear to be no issue proper for trial by jury, unless by special order of the judge.

SEC. 808. Every grand jury empaneled before any district or circuit court shall consist of not less than sixteen nor more than twenty-three persons. If of the persons summoned less than sixteen attend, they shall be placed on the grand jury, and the court shall order the marshal to summon, either immediately or for a day fixed, from the body of the district, and not from the by-standers, a sufficient number of persons to complete the grand jury. And whenever a challenge to a grand juror is allowed, and there are not in attendance other jurors sufficient to

complete the grand jury, the court shall make a like order to the marshal to summon a sufficient number of persons for that purpose.

SEC. 809. From the persons summoned and accepted as grand jurors, the court shall appoint the foreman, who shall have power to administer oaths and affirmations to witnesses appearing before the grand jury.

Foreman of grand jury, appointment and powers of.

3 March, 1805, c. 86, s. 1, v. 13, p. 500.

SEC. 810. No grand jury shall be summoned to attend any circuit or district court unless one of the judges of such circuit court, or the judge of such district, in his own discretion, or upon a notification by the district attorney that such jury will be needed, orders a venire to issue therefor. And either of the said courts may in term order a grand jury to be summoned at such time, and to serve such time as it may direct, whenever, in its judgment, it may be proper to do so. But nothing herein shall operate to extend beyond the time permitted by law the imprisonment before indictment found of a person accused of a crime or offense, or the time during which a person so accused may be held under recognizance before indictment found.

Grand juries, when summoned.

24 Sept., 1789, c. 20, s. 29, v. 1, p. 88.
20 May, 1826, c. 136, v. 4, p. 188.
8 Aug., 1846, c. 98, s. 3, v. 9, p. 72.
16 Aug., 1856, c. 124, s. 7, v. 11, p. 50.

SEC. 811. The circuit and district courts, the district courts of the Territories, and the supreme court of the District of Columbia, may discharge their grand juries whenever they deem a continuance of the sessions of such juries unnecessary.

Discharge of grand juries.

16 Aug., 1856, c. 124, s. 7, v. 11, p. 50.

SEC. 812. No person shall be summoned as a juror in any circuit or district court more than once in two years, and it shall be sufficient cause of challenge to any juror called to be sworn in any cause that he has been summoned and attended said court as a juror at any term of said court held within two years prior to the time of such challenge.

Jurors not to be summoned oftener than once in two years.

15 July, 1870, c. 298, s. 2, v. 16, p. 363.

SEC. 813. The grand jury impaneled and sworn in any district court may take cognizance of all crimes and offenses within the jurisdiction of the circuit court for said district as well as of said district court.

Grand juries of district courts may act in cases cognizable in circuit court.

8 Aug., 1846, c. 98, s. 3, v. 9, p. 72.

SEC. 814. In the western district of Arkansas such number of jurors shall be summoned at every term of the district court thereof, to be held at Helena, as may have been ordered at a previous term, or by the district judge in vacation. And a grand jury may be summoned to attend any such term when ordered by the court or by the judge in vacation. In case of a deficiency of jurors, talesmen may be summoned by order of the court.

Arkansas, west district, at Helena; jurors.

3 March, 1871, c. 106, s. 2, v. 16, p. 472.

SEC. 815. In the several districts of Kentucky and Indiana, such number of jurors shall be summoned by the marshal at every term of the circuit and district courts, respectively, as may have been ordered of record at the previous term; and in case there is not a sufficient number of jurors in attendance at any time, the court may order such number to be summoned as, in its judgment, may be necessary to transact the business of the court. And a grand jury may be summoned to attend every term of the circuit or district court by order of the court. The marshal may summon juries and talesmen in case of a deficiency, pursuant to an order of the court made during the term, and they shall serve for such time as the court may direct.

Juries in Kentucky and Indiana.

15 May, 1862, c. 71, s. 3, v. 12, p. 386.
30 June, 1870, c. 180, s. 3, v. 16, p. 175.

SEC. 816. The circuit and district courts for either of the districts of North Carolina may order a grand or petit jury, or both to attend any special term thereof, by an order to be entered of record thirty days before the day on which such special term is appointed to convene.

North Carolina; juries at special terms.

4 June, 1872, c. 282, s. 4, v. 17, p. 215.

SEC. 817. The grand and petit jurors for the district court sitting in the western district of South Carolina shall be drawn from the inhabitants of said district who are liable, according to the laws of said State, to do jury duty in the courts thereof; and all jurors shall be drawn during the sitting of the court for the next succeeding term.

Juries for western district of South Carolina.

16 August, 1856, c. 119, s. 2, v. 11, p. 43.

21 Feb., 1823, c. 11, s. 1, v. 3, p. 726. 25 May, 1824, c. 145, s. 3, v. 4, p. 35.

Vermont, charge to grand jury by the circuit court.

29 April, 1802, c. 31, s. 29, v. 2, p. 167. Challenges.

8 June, 1872, c. 333, s. 2, v. 17, p. 282.

U. S. vs. Marchant and Colson, 12 Wh., 480.

Additional causes of disqualification and challenge of grand and petit jurors.

17 June, 1862, c. 103, s. 1, v. 12, p. 430.

Additional oath for grand and petit jurors.

17 June, 1862, c. 103, s. 2, v. 12, p. 430.

Grand and petit jurors, in cases under act 20 April, 1871, c. 22.

20 April, 1871, c. 22, s. 5, v. 17, p. 15.

SEC. 818. In the district of Vermont, it shall be the duty of the circuit court, at its regular sessions, to give in charge to the grand juries all crimes, offenses, and misdemeanors which are cognizable as well in the district court thereof as in the said circuit court.

SEC. 819. When the offense charged is treason or a capital offense, the defendant shall be entitled to twenty and the United States to five peremptory challenges. On the trial of any other felony, the defendant shall be entitled to ten and the United States to three peremptory challenges; and in all other cases, civil and criminal, each party shall be entitled to three peremptory challenges; and in all cases where there are several defendants or several plaintiffs, the parties on each side shall be deemed a single party for the purposes of all challenges under this section. All challenges, whether to the array or panel, or to individual jurors for cause or favor, shall be tried by the court without the aid of triers. (See §§ 1031, 4303.)

SEC. 820. The following shall be causes of disqualification and challenge of grand and petit jurors in the courts of the United States, in addition to the causes existing by virtue of section eight hundred and twelve, namely: Without duress and coercion to have taken up arms or to have joined any insurrection or rebellion against the United States; to have adhered to any insurrection or rebellion, giving it aid and comfort; to have given, directly or indirectly, any assistance in money, arms, horses, clothes, or anything whatever, to or for the use or benefit of any person whom the giver of such assistance knew to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States, or whom he had good ground to believe to have joined, or to be about to join, any insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; or to have counseled or advised any person to join any insurrection or rebellion, or to resist with force of arms the laws of the United States.

SEC. 821. At every term of any court of the United States the district attorney, or other person acting on behalf of the United States in said court, may move, and the court, in their discretion, may require the clerk to tender to every person summoned to serve as a grand or petit juror, or venireman or talesman, in said court, the following oath or affirmation, namely: "You do solemnly swear (or affirm) that you will support the Constitution of the United States of America; that you have not, without duress and constraint, taken up arms or joined any insurrection or rebellion against the United States; that you have not adhered to any insurrection or rebellion, giving it aid and comfort; that you have not, directly or indirectly, given any assistance in money, or any other thing, to any person or persons whom you knew, or had good ground to believe, to have joined, or to be about to join, said insurrection or rebellion, or to have resisted, or to be about to resist, with force of arms, the execution of the laws of the United States; and that you have not counseled or advised any person to join any insurrection or rebellion against, or to resist with force of arms, the laws of the United States." Any person declining to take said oath shall be discharged by the court from serving on the grand or petit jury, or venire, to which he may have been summoned.

SEC. 822. No person shall be a grand or petit juror in any court of the United States, upon any inquiry, hearing, or trial of any suit, proceeding, or prosecution based upon or arising under the provisions of Title "CIVIL RIGHTS" and of Title "CRIMES," for enforcing the provisions of the fourteenth amendment to the Constitution, who is, in the judgment of the court, in complicity with any combination or conspiracy in said Titles set forth; and every grand and petit juror shall, before entering upon any such inquiry, hearing, or trial, take and subscribe an oath, in open court, that he has never, directly or indirectly, counseled, advised, or voluntarily aided any such combination or conspiracy.

CHAPTER SIXTEEN.

FEES.

| Sec. | Sec. |
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| 823. Fees to be taxed. | 840. Clerks in California, Oregon, and Nevada. |
| 824. Attorneys, solicitors, and proctors. | 841. Compensation of marshal. |
| 825. Fees in revenue cases and in suits on official bonds. | 842. Additional compensation in prize causes. |
| 826. Fees on bonds, when not allowed. | 843. Allowances for each year made from the fees thereof. |
| 827. Fees of district attorney for defense of revenue officers. | 844. Payment of surplus fees into the Treasury. |
| 828. Clerks' fees. | 845. Auditing of accounts of district attorney, &c., in Department of Justice. |
| 829. Marshals' fees. | 846. Accounts of district attorneys, &c., to be certified to by district judge. |
| 830. What fees to be paid to marshals. | 847. Commissioners' fees. |
| 831. Attendance on rule-days and when circuit and district courts sit at same time. | 848. Witnesses' fees. |
| 832. Marshal of the Supreme Court of the United States. | 849. No officer of court to have witness fees. |
| 833. Semi-annual returns of fees by district attorneys, marshals, and clerks. | 850. Expenses of clerks, &c., of United States sent away as witnesses paid. |
| 834. What to be included in the semi-annual returns of district attorneys and marshals. | 851. Seamen sent home as witnesses. |
| 835. Compensation of district attorney. | 852. Fees of grand and petit jurors. |
| 836. Sum to be paid to district attorney of southern district of New York for office-expenses. | 853. Printers' fees. |
| 837. District attorney and marshal in Oregon and Nevada. | 854. Meaning of folio. |
| 838. Prosecution of frauds on the revenue. | 855. Jurors and witnesses, when paid by marshal. |
| 839. Compensation retained by a clerk. | 856. Fees of district attorneys, marshals, &c., how paid. |
| | 857. Fees, how recovered. |

SEC. 823. The following and no other compensation shall be taxed and allowed to attorneys, solicitors, and proctors in the courts of the United States, to district attorneys, clerks of the circuit and district courts, marshals, commissioners, witnesses, jurors, and printers in the several States and Territories, except in cases otherwise expressly provided by law. But nothing herein shall be construed to prohibit attorneys, solicitors, and proctors from charging to and receiving from their clients, other than the Government, such reasonable compensation for their services, in addition to the taxable costs, as may be in accordance with general usage in their respective States, or may be agreed upon between the parties.

Fees to be taxed.

26 Feb., 1853, c. 80, § 1, v. 10, p. 161.
3 March, 1855, c. 155, s. 12, v. 10, pp. 670, 671.

FEES OF ATTORNEYS, SOLICITORS, AND PROCTORS.

SEC. 824. On a trial before a jury, in civil or criminal causes or before referees, or on a final hearing in equity or admiralty, a docket fee of twenty dollars: *Provided*, That in cases of admiralty and maritime jurisdiction, where the libellant recovers less than fifty dollars, the docket fee of his proctor shall be but ten dollars.

Attorneys, solicitors, and proctors.

26 Feb., 1853, c. 80, s. 1, v. 10, pp. 161, 162.

In cases at law, when judgment is rendered without a jury, ten dollars.

Ex parte Robbins, 2 Gallis., 320; *The Anna, Blatch*. Fr. Cas., 337; *U. S. vs. Ingersoll*, Crabbe, 135.

In cases at law, when the cause is discontinued, five dollars.

For scire facias, and other proceedings on recognizances, five dollars.

For each deposition taken and admitted in evidence in a cause, two dollars and fifty cents.

For services rendered in cases removed from a district to a circuit court by writ of error or appeal, five dollars.

For examination by a district attorney, before a judge or commissioner, of persons charged with crime, five dollars a day for the time necessarily employed.

For each day of his necessary attendance in a court of the United States on the business of the United States, when the court is held at the place of his abode, five dollars; and for his attendance when the court is held elsewhere, five dollars for each day of the term.

For traveling from the place of his abode to the place of holding any court of the United States in his district, or to the place of any examination before a judge or commissioner, of a person charged with crime, ten cents a mile for going and ten cents a mile for returning.

When an indictment for crime is tried before a jury and a conviction is had, the district attorney may be allowed, in addition to the attorney's fees herein provided, a counsel fee, in proportion to the importance and difficulty of the cause, not exceeding thirty dollars.

Fees in revenue cases, and in suits on official bonds.

3 March, 1863, c. 76, s. 11, v. 12, p. 741.

Fees on bonds, when not allowed.

12 Oct., 1837, c. 3, s. 2, v. 5, p. 204.

Fees of district attorney for defense of revenue officers.

3 March, 1863, c. 76, s. 12, v. 12, p. 741.

SEC. 825. There shall be taxed and paid to every district attorney two per centum upon all moneys collected or realized in any suit or proceeding arising under the revenue laws, and conducted by him, in which the United States is a party, which shall be in lieu of all costs and fees in such proceeding.

SEC. 826. No fee shall accrue to any district attorney on any bond left with him for collection, or in a suit commenced on any bond for the renewal of which provision is made by law, unless the party neglects to apply for such renewal for more than twenty days after the maturity of the bond.

SEC. 827. When a district attorney appears by direction of the Secretary or Solicitor of the Treasury, on behalf of any officer of the revenue in any suit against such officer, for any act done by him, or for the recovery of any money received by him and paid into the Treasury in the performance of his official duty, he shall receive such compensation as may be certified to be proper by the court in which the suit is brought, and approved by the Secretary of the Treasury. [See § 4646.]

CLERKS' FEES.

Clerks' fees.

26 Feb., 1853, c. 80, s. 1, v. 10, pp. 163, 167.

Bottomlee vs. U. S., 1 Story, 153; *Pomeroy vs. Harter*, 1 McLean, 448; *Anon.*, Hempst., 450; *Erwin vs. Cummins*, Hempst., 703; *Ex parte Paris*, 3 Wood. & Min., 227.

SEC. 828. For issuing and entering every process, commission, summons, capias, execution, warrant, attachment, or other writ, except a writ of venire, or a summons or subpoena for a witness, one dollar.

For issuing a writ of summons or subpoena, twenty-five cents.

For filing and entering every declaration, plea, or other paper, ten cents.

For administering an oath or affirmation, except to a juror, ten cents.

For taking an acknowledgment, twenty-five cents.

For taking and certifying depositions to file, twenty cents for each folio of one hundred words.

For a copy of such deposition furnished to a party on request, ten cents a folio.

For entering any return, rule, order, continuance, judgment, decree, or recognizance, or drawing any bond, or making any record, certificate, return, or report, for each folio, fifteen cents.

For a copy of any entry or record, or of any paper on file, for each folio, ten cents.

For making dockets and indexes, issuing venire, taxing costs, and all other services, on the trial or argument of a cause where issue is joined and testimony given, three dollars.

For making dockets and indexes, taxing costs, and all other services, in a cause where issue is joined, but no testimony is given, two dollars.

For making dockets and indexes, taxing costs, and other services, in a cause which is dismissed or discontinued, or where judgment or decree is made or rendered without issue, one dollar.

For making dockets and taxing costs, in cases removed by writ of error or appeal, one dollar.

For affixing the seal of the court to any instrument, when required, twenty cents.

For every search for any particular mortgage, judgment, or other lien, fifteen cents.

For searching the records of the court for judgments, decrees, or other instruments constituting a general lien on real estate, and certifying the

result of such search, fifteen cents for each person against whom such search is required to be made.

For receiving, keeping, and paying out money, in pursuance of any statute or order of court, one per centum on the amount so received, kept, and paid.

For traveling from the office of the clerk, where he is required to reside, to the place of holding any court required by law to be held, five cents a mile for going and five cents for returning, and five dollars a day for his attendance on the court while actually in session.

All books in the offices of the clerks of the circuit and district courts, containing the docket or minute of the judgments, or decrees thereof, shall, during office hours, be open to the inspection of any person desiring to examine the same, without any fees or charge therefor.

Books in clerks' offices open to inspection.

12 Aug., 1848, c. 166, s. 1, v. 9, p. 292.

MARSHALS' FEES.

SEC. 829. For service of any warrant, attachment, summons, capias, or other writ, except execution, venire, or a summons or subpoena for a witness, two dollars for each person on whom service is made.

Marshals' fees.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 164.

For the keeping of personal property attached on mesue process, such compensation as the court, on petition setting forth the facts under oath, may allow.

For serving venires and summoning every twelve men as grand or petit jurors, four dollars, or thirty-three and one-third cents each. In States where, by the laws thereof, jurors are drawn by lot, by constables, or other officers of corporate places, the marshal shall receive, for each jury, two dollars for the use of the officers employed in drawing and summoning the jurors and returning each venire, and two dollars for his own services in distributing the venires. But the fees for distributing and serving venires, drawing and summoning jurors by township officers, including the mileage chargeable by the marshal for each service, shall not at any court exceed fifty dollars.

For holding a court of inquiry or other proceedings before a jury, including the summoning of a jury, five dollars.

For serving a writ of subpoena on a witness, fifty cents; and no further compensation shall be allowed for any copy, summons, or notice for a witness.

For serving a writ of possession, partition, execution, or any final process, the same mileage as is allowed for the service of any other writ, and for making the service, seizing or levying on property, advertising and disposing of the same by sale, set off, or otherwise according to law receiving and paying over the money, the same fees and poundage as are or shall be allowed for similar services to the sheriffs of the States, respectively, in which the service is rendered.

For each bail-bond, fifty cents.

For summoning appraisers, fifty cents each.

For executing a deed prepared by a party or his attorney, one dollar.

For drawing and executing a deed, five dollars.

For copies of writs or papers furnished at the request of any party, ten cents a folio.

For every proclamation in admiralty, thirty cents.

For serving an attachment in rem or a libel in admiralty, two dollars.

For the necessary expenses of keeping boats, vessels, or other property attached or libeled in admiralty, not exceeding two dollars and fifty cents a day.

When the debt or claim in admiralty is settled by the parties without a sale of the property, the marshal shall be entitled to a commission of one per centum on the first five hundred dollars of the claim or decree, and one-half of one per centum on the excess of any sum thereof over five hundred dollars: *Provided*, That, when the value of the property is less than the claim, such commission shall be allowed only on the appraised value thereof.

For sale of vessels or other property under process in admiralty, or under the order of a court of admiralty, and for receiving and paying over the money, two and one-half per centum on any sum under five hundred dollars, and one and one-quarter per centum on the excess of any sum over five hundred dollars.

For disbursing money to jurors and witnesses, and for other expenses, two per centum.

For expenses while employed in endeavoring to arrest, under process, any person charged with or convicted of a crime, the sum actually expended, not to exceed two dollars a day, in addition to his compensation for service and travel.

For every commitment or discharge of a prisoner, fifty cents.

For transporting criminals, ten cents a mile for himself and for each prisoner and necessary guard; except in the case provided for in the next paragraph.

12 May, 1864, c.
85, s. 1, v. 13, p. 74.

For transporting criminals convicted of a crime in any district or Territory where there is no penitentiary available for the confinement of convicts of the United States, to a prison in another district or Territory designated by the Attorney-General, the reasonable actual expense of transportation of the criminals, the marshal, and the guards, and the necessary subsistence and hire.

26 Feb., 1853, c.
80, s. 1, v. 10, p. 165.

For attending the circuit and district courts, when both are in session, or either of them when only one is in session, and for bringing in and committing prisoners and witnesses during the term, five dollars a day.

For attending examinations before a commissioner, and bringing in, guarding, and returning prisoners charged with crime, and witnesses, two dollars a day; and for each deputy not exceeding two, necessarily attending, two dollars a day.

For traveling from his residence to the place of holding court, to attend a term thereof, ten cents a mile for going only.

For travel, in going only, to serve any process, warrant, attachment, or other writ, including writs of subpoena in civil or criminal cases, six cents a mile, to be computed from the place where the process is returned to the place of service, or, when more than one person is served therewith, to the place of service which is most remote, adding thereto the extra travel which is necessary to serve it on the others. But when more than two writs of any kind required to be served in behalf of the same party on the same person might be served at the same time, the marshal shall be entitled to compensation for travel on only two of such writs; and to save unnecessary expense, it shall be the duty of the clerk to insert the names of as many witnesses in a cause in such subpoena as convenience in serving the same will permit.

In all cases where mileage is allowed to the marshal he may elect to receive the same or his actual traveling expenses, to be proved on his oath, to the satisfaction of the court. [See § 1660.]

What fees to be
paid to marshals.

26 Feb., 1853, c.
80, s. 2, v. 10, p. 165.

12 May, 1864, c.
85, ss. 1, 3, v. 13, pp.
74, 75.

22 June, 1870, c.
150, s. 15, v. 16, p.
164.

The Antelope, 12
Wh., 546.

SEC. 830. There shall be paid to the marshal his fees for services rendered for the United States, for summoning jurors and witnesses in behalf of the United States, and in behalf of any prisoner to be tried for a capital offense, for the maintenance of prisoners of the United States confined in jail for any criminal offense; also, for his reasonable actual expense for the transportation of criminals, and of the marshal and guards, to prisons designated by the Attorney-General, and for hire and subsistence in that behalf, as hereinbefore provided; also, his fees for the commitment or discharge of prisoners; his expenses necessarily incurred for fuel, lights, and other contingencies that may accrue in holding the courts within his district, and providing the books necessary to record the proceedings thereof: *Provided*, That he shall not incur, or be allowed, an expense of more than twenty dollars in any one year for furniture, or fifty dollars for rent of a building and making improvements thereon without first submitting a statement and estimates to the Attorney-General and getting his instructions in the premises.

SEC. 831. No per diem or other allowance shall be made to any district attorney, clerk of a circuit court, clerk of a district court, marshal or deputy marshal, for attendance at rule-days of a circuit or district court; and when the circuit and district courts sit at the same time no greater per diem or other allowance shall be made to any such officer than for an attendance on one court.

SEC. 832. The marshal of the Supreme Court of the United States shall be entitled to receive for the service of any warrant, attachment, summons, capias, or other writ, except execution, venire, or a summons, or subpoena for a witness, one dollar for each person on whom such service may be made. His fees for all other services shall be the same as are herein allowed to other marshals; but he shall pay into the Treasury of the United States all fees received by him, and render a true account thereof at the close of each term to the Attorney-General.

SEC. 833. Every district attorney, clerk of a district court, clerk of a circuit court, and marshal, shall, on the first days of January and July, in each year, or within thirty days thereafter, make to the Attorney-General, in such form as he may prescribe, a written return for the half year ending on said days, respectively, of all the fees and emoluments of his office, of every name and character, and of all the necessary expenses of his office, including necessary clerk-hire, together with the vouchers for the payment of the same for such last half year. He shall state separately in such returns the fees and emoluments received or payable under the bankrupt act; and every marshal shall state separately therein the fees and emoluments received or payable for services rendered by himself personally, those received or payable for services rendered by each of his deputies, naming him, and the proportion of such fees and emoluments which, by the terms of his service, each deputy is to receive. Said returns shall be verified by the oath of the officer making them. (See §§ 3085, 4644, 4647.)

SEC. 834. The preceding section shall not apply to the fees and compensation allowed to district attorneys by sections eight hundred and twenty-five and eight hundred and twenty-seven. All other fees, charges, and emoluments to which a district attorney or a marshal may be entitled, by reason of the discharge of the duties of his office, as now or hereafter prescribed by law, or in any case in which the United States will be bound by the judgment rendered therein, whether prescribed by statute or allowed by a court, or any judge thereof, shall be included in the semi-annual return required of said officers by the preceding section.

SEC. 835. No district attorney shall be allowed by the Attorney-General to retain of the fees and emoluments of his office which he is required to include in his semi-annual return, for his personal compensation, over and above the necessary expenses of his office, including necessary clerk-hire, to be audited and allowed by the proper accounting officers of the Treasury Department, a sum exceeding six thousand dollars a year, or exceeding that rate for any time less than a year.

SEC. 836. There shall be paid to the district attorney for the southern district of New York, in addition to his salary, at the rate of six thousand dollars a year, such sum as shall be necessary, together with the costs and fees allowed him by law, to pay such amount as may be fixed by the Attorney-General for the proper expenses of his office. But nothing in this or the preceding section shall forbid the allowance of additional compensation for services in prize causes, as provided in Title "PRIZE."

SEC. 837. The district attorneys and marshals for the districts of Oregon and Nevada shall be entitled to receive, for the like services, double the fees hereinbefore provided; but neither of them shall be allowed to retain of such fees any sum exceeding the aggregate compensation of such officer as hereinbefore provided.

Attendance on rule-days, and when circuit and district courts sit at same time

26 Feb., 1853, c. 80, s. 3, v. 10, p. 167.

Marshal of the Supreme Court of the United States.

27 June, 1864, c. 163, ss. 1, 4, v. 13, pp. 195, 196.

2 March, 1867, c. 156, s. 2, v. 14, p. 433.

22 June, 1870, c. 150, s. 15, v. 16, p. 164.

Semi-annual returns of fees by district attorneys, marshals, and clerks.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 165.

22 June, 1870, c. 150, s. 15, v. 16, p. 164.

What to be included in the semi-annual returns of district attorneys and marshals.

3 March, 1863, c. 76, ss. 11, 12, v. 12, p. 741.

27 June, 1864, c. 163, s. 2, v. 13, p. 196.

Compensation of district attorney.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 165.

3 March, 1863, c. 76, s. 11, v. 12, p. 741.

27 June, 1864, c. 163, s. 2, v. 13, p. 196.

Sum to be paid to district attorney of southern district of New York for office expenses.

6 Aug., 1861, c. 55, s. 1, v. 12, p. 317.

22 June, 1870, c. 150, s. 15, v. 16, p. 164.

30 June, 1864, c. 174, s. 19, v. 13, p. 312.

District attorney and marshal in Oregon and Nevada.

27 Feb., 1865, c. 64, s. 6, v. 13, p. 440.

Prosecution of
frauds on the rev-
enue.

3 March, 1873, c.
244, v. 17, p. 581.

SEC. 838. It shall be duty of every district attorney to whom any collector of customs, or of internal revenue, shall report, according to law, any case in which any fine, penalty, or forfeiture has been incurred in the district of such attorney for the violation of any law of the United States relating to the revenue, to cause the proper proceedings to be commenced and prosecuted without delay, for the fines, penalties, and forfeitures in such case provided, unless, upon inquiry and examination, he shall decide that such proceedings cannot probably be sustained, or that the ends of public justice do not require that such proceedings should be instituted; in which case he shall report the facts in customs cases to the Secretary of the Treasury, and in internal-revenue cases to the Commissioner of Internal Revenue for their direction. And for the expenses incurred and services rendered in all such cases, the district attorney shall receive and be paid from the Treasury such sum as the Secretary of the Treasury shall deem just and reasonable, upon the certificate of the judge before whom such cases are tried or disposed of: *Provided*, That the annual compensation of such district attorney shall not exceed the maximum amount prescribed by law, by reason of such allowance and payment.

Compensation re-
tained by a clerk.

26 Feb., 1853, c.
80, s. 3, v. 10, p. 166.
22 June, 1870, c.
150, s. 15, v. 16, p.
174.

U. S. *vs.* Bassett,
2 Story, 389.

SEC. 839. No clerk of a district court, or clerk of a circuit court, shall be allowed by the Attorney-General, except as provided in the next section, and in section eight hundred and forty-two to retain of the fees and emoluments of his office, or, in case both of the said clerkships are held by the same person, of the fees and emoluments of the said offices, respectively, for his personal compensation, over and above his necessary office expenses, including necessary clerk-hire, to be audited and allowed by the proper accounting officers of the Treasury, a sum exceeding three thousand five hundred dollars a year for any such district clerk or for any such circuit clerk, or exceeding that rate for any time less than a year.

Clerks in Califor-
nia, Oregon, and
Nevada.

26 Feb., 1853, c.
80, s. 1, v. 10, p. 163.
19 Feb., 1864, c.
11, s. 6, v. 13, p. 5.
27 Feb., 1865, c.
64, s. 7, v. 13, p. 440.
22 June, 1870, c.
150, s. 15, v. 16, p.
164.
8 June, 1872, c.
336, v. 17, p. 330.

SEC. 840. The clerks of the several circuit and district courts in California, Oregon, and Nevada shall be entitled to charge and receive double the fees hereinbefore allowed to clerks, and shall be allowed, respectively, by the Attorney-General, to retain of the fees so received by them, for their personal compensation, over and above the necessary expenses of their offices, including the salaries of deputy clerks, and necessary clerk-hire, to be audited by the proper accounting officers of the Treasury Department, any sum not exceeding seven thousand dollars a year, nor exceeding that rate for any time less than a year: *Provided*, That whenever, in either of the said districts, the same person holds the office of clerk of both the circuit and district courts, he shall be allowed by the Attorney-General to retain for his personal compensation, as aforesaid, only such sum as is herein allowed to be retained by a person holding the office of clerk of only one of the said courts.

Compensation of
marshal.

26 Feb., 1853, c.
80, s. 3, v. 10, p. 166.
2 March, 1861, c.
84, s. 1, v. 12, p. 219.
27 June, 1864, c.
163, s. 2, v. 13, p.
196.
22 June, 1870, c.
150, s. 15, v. 16, p.
164.

SEC. 841. No marshal shall be allowed by the Attorney-General, except as provided in the next section, to retain of the fees and emoluments which he is required to include in his semi-annual return, as aforesaid, for his personal compensation, over and above the necessary expenses of his office, including necessary clerk-hire, to be audited and allowed by the proper accounting officers of the Treasury Department, and a proper allowance to his deputies, any sum exceeding six thousand dollars a year, or exceeding that rate for any time less than a year. The allowance to any deputy shall in no case exceed three-fourths of the fees and emoluments received or payable for the services rendered by him, and may be reduced below that rate by the Attorney-General, whenever the returns show such rate to be unreasonable.

Additional com-
pensation in prize
causes.

30 June, 1864, c.
174, s. 19, v. 13, p.
312.

SEC. 842. Clerks and marshals may be allowed to retain, for all official services in prize causes, an additional compensation not exceeding in amount one-half of the maximum compensation allowed to them, respectively, by the three preceding sections.

SEC. 843. The allowances for personal compensation of district attorneys, clerks, and marshals, for each calendar year, shall be made from the fees and emoluments of that year, and not otherwise.

Allowances for each year made from the fees thereof.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 166.

SEC. 844. Every district attorney, clerk, and marshal shall, at the time of making his half-yearly return to the Attorney-General, pay into the Treasury, or deposit to the credit of the Treasurer, as he may be directed by the Attorney-General, any surplus of the fees and emoluments of his office, which said return shows to exist over and above the compensation and allowances authorized by law to be retained by him.

Payment of surplus fees into the Treasury.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 166.

22 June, 1870, c. 150, s. 15, v. 16, p. 164.

SEC. 845. In every case where the return of a district attorney, clerk, or marshal shows that a surplus may exist, the Attorney-General shall cause such returns to be carefully examined, and the accounts of disbursements to be regularly audited by the proper officer of his Department, and an account to be opened with such officer in proper books to be provided for that purpose.

Auditing of accounts of district attorney, &c., in Department of Justice.

26 Feb., 1853, c. 80, s. 3, v. 10, pp.

165, 166. 22 June, 1870, c. 150, s. 15, v. 16, p. 164.

SEC. 846. The accounts of district attorneys, clerks, marshals, and commissioners of circuit courts shall be examined and certified by the district judge of the district for which they are appointed, before they are presented to the accounting officers of the Treasury Department for settlement. They shall then be subject to revision upon their merits by said accounting officers, as in case of other public accounts: *Provided*, That no accounts of fees or costs paid to any witness or juror, upon the order of any judge or commissioner, shall be so re-examined as to charge any marshal for an erroneous taxation of such fees or costs.

Accounts of district attorneys, &c., to be certified to by district judge.

16 Aug., 1856, c. 124, ss. 1, 2, v. 11, p. 49.

COMMISSIONERS' FEES.

SEC. 847. For administering an oath, ten cents.

For taking an acknowledgment, twenty-five cents.

For hearing and deciding on criminal charges, five dollars a day for the time necessarily employed.

For attending to a reference in a litigated matter, in a civil cause at law, in equity, or in admiralty, in pursuance of an order of the court, three dollars a day.

For taking and certifying depositions to file, twenty cents for each folio.

For each copy of the same furnished to a party on request, ten cents for each folio.

For issuing any warrant or writ, and for any other service, the same compensation as is allowed to clerks for like services.

For issuing any warrant under the tenth article of the treaty of August nine, one thousand eight hundred and forty-two, between the United States and the Queen of the United Kingdom of Great Britain and Ireland, against any person charged with any crime or offense set forth in said article, two dollars.

For issuing any warrant under the provision of the convention for the surrender of criminals, between the United States and the King of the French, concluded at Washington November nine, one thousand eight hundred and forty-three, two dollars.

For hearing and deciding upon the case of any person charged with any crime or offense, and arrested under the provisions of said treaty, or of said convention, five dollars a day for the time necessarily employed.

For the examination and certificate in cases of applications for discharge of poor convicts imprisoned for non-payment of a fine or fine and costs, five dollars a day for the time necessarily employed, [See § 1042.]

Commissioners' fees.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 167.

1 June, 1872, c. 255, s. 16, v. 17, p. 199.

WITNESSES' FEES.

Witnesses' fees.

26 Feb., 1853, c.
80, s. 3, v. 10, p. 167.

SEC. 848. For each day's attendance in court, or before any officer pursuant to law, one dollar and fifty cents, and five cents a mile for going from his place of residence to the place of trial or hearing, and five cents a mile for returning. When a witness is subpoenaed in more than one cause between the same parties, at the same court, only one travel fee and one per diem compensation shall be allowed for attendance. Both shall be taxed in the case first disposed of, after which the per diem attendance fee alone shall be taxed in the other cases in the order in which they are disposed of.

When a witness is detained in prison for want of security for his appearance, he shall be entitled, in addition to his subsistence, to a compensation of one dollar a day. [Sec §§ 879, 881.]

No officer of
court to have wit-
ness fees.

SEC. 849. No officer of the United States courts, in any State or Territory, or in the District of Columbia, shall be entitled to witness fees for attending before any court or commissioner where he is officiating.

16 Aug., 1856, c. 124, s. 8, v. 11, p. 50. 21 July, 1852, c. 66, s. 1, v. 10, p. 16, (22.)

Expenses of
clerks, &c., of
United States sent
away as witnesses,
paid.

26 Feb., 1853, c.
80, s. 3, v. 10, pp.
167, 168.

Seamen sent
home as witnesses.

26 Feb., 1853, c.
80, s. 3, v. 10, p. 168.

SEC. 850. When any clerk or other officer of the United States is sent away from his place of business as a witness for the Government, his necessary expenses, stated in items and sworn to, in going, returning, and attendance on the court, shall be audited and paid; but no mileage, or other compensation in addition to his salary, shall in any case be allowed.

SEC. 851. There shall be paid to each seaman or other person who is sent to the United States from any foreign port, station, sea, or ocean, by any United States minister, chargé d'affaires, consul, captain, or commander, to give testimony in any criminal case depending in any court of the United States, such compensation, exclusive of subsistence and transportation, as such court may adjudge to be proper, not exceeding one dollar for each day necessarily employed in such voyage, and in arriving at the place of examination or trial. In fixing such compensation, the court shall take into consideration the condition of said seaman or witness, and whether his voyage has been broken up, to his injury, by his being sent to the United States.

When such seaman or person is transported in an armed vessel of the United States, no charge for subsistence or transportation shall be allowed. When he is transported in any other vessel, the compensation for his transportation and subsistence, not exceeding in any case fifty cents a day, may be fixed by the court, and shall be paid to the captain of said vessel accordingly.

JURORS' FEES.

Fees of grand
and petit jurors.

15 July, 1870, c.
298, s. 1, v. 16, p. 363.

Edwards vs.
Bond, 5 McLean,
300.

SEC. 852. For actual attendance at any court or courts, and for the time necessarily occupied in going to and returning from the same, three dollars a day during such attendance.

For the distance necessarily traveled from their residence in going to and returning from said court by the shortest practicable route, five cents a mile.

PRINTERS' FEES.

Printers' fees.

26 Feb., 1853, c.
80, s. 3, v. 10, p. 168.

SEC. 853. For publishing any notice, or order, required by law, or the lawful order of any court, Department, Bureau, or other person, in any newspaper, except as mentioned in sections thirty-eight hundred and twenty-three, thirty-eight hundred and twenty-four, and thirty-eight hundred and twenty-five, Title, "PUBLIC PRINTING, ADVERTISEMENTS, AND PUBLIC DOCUMENTS," forty cents per folio for the first insertion, and twenty cents per folio for each subsequent insertion. The compensation herein provided shall include the furnishing of lawful evidence,

under oath, of publication, to be made and furnished by the printer or publisher making such publication.

SEC. 854. The term folio, in this chapter, shall mean one hundred words, counting each figure as a word. When there are over fifty and under one hundred words, they shall be counted as one folio; but a less number than fifty words shall not be counted, except when the whole statute, notice, or order contains less than fifty words.

Meaning of folio.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 168.

FEES: HOW PAID AND RECOVERED.

SEC. 855. In cases where the United States are parties, the marshal shall, on the order of the court, to be entered on its minutes, pay to the jurors and witnesses all fees to which they appear by such order to be entitled, which sum shall be allowed him at the Treasury in his accounts.

Jurors and witnesses, when paid by marshal.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 168.

SEC. 856. The fees of district attorneys, clerks, marshals, and commissioners, in cases where the United States are liable to pay the same, shall be paid on settling their accounts at the Treasury.

Fees of district attorneys, marshals, &c., how paid.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 168.

SEC. 857. The fees and compensations of the officers and persons hereinbefore mentioned, except those which are directed to be paid out of the Treasury, shall be recovered in like manner as the fees of the officers of the States respectively for like services are recovered.

Fees, how recovered.

8 May, 1792, c. 36, s. 6, v. 1, p. 278.

CHAPTER SEVENTEEN.

EVIDENCE.

- Sec.
858. No witness excluded on account of color or interest, provided, &c.
859. Testimony of witnesses before Congress not admissible against them in criminal prosecutions.
860. Pleadings, disclosures, &c., not to be used in criminal proceedings.
861. Mode of proof in common-law actions.
862. Mode of proof in equity and admiralty causes.
863. Depositions *de bene esse*.
864. Mode of taking depositions *de bene esse*.
865. Transmission to the court of depositions *de bene esse*.
866. Depositions under a *dedimus potestatem* and in *perpetuam*, &c.
867. Depositions in *perpetuam*, &c., admissible at discretion of the court.
868. Depositions under a *dedimus potestatem*, how taken.
869. *Subpœna duces tecum* under a *dedimus potestatem*.
870. Witness under a *dedimus potestatem*, when required to attend.
871. Depositions in District of Columbia in suits pending elsewhere.
872. Same subject; when no commission nor notice.
873. Same subject; manner of taking and transmitting the deposition.
874. Same subject; witness-fees.
875. Letters rogatory from United States courts.
876. Subpœnas for witnesses to run into another district.
877. Witnesses, form of subpœna; attendance under.
878. Witnesses in behalf of indigent defendants in criminal cases.

- Sec.
879. Recognizance of witnesses at the hearing of charges in criminal cases.
880. Vermont, recognizance of witnesses, how taken.
881. Recognizance of witnesses required at any time on application of district attorney.
882. Copies of Department records and papers.
883. Copies of records, &c., in office of the Solicitor of the Treasury.
884. Instruments and papers of Comptroller of the Currency.
885. Organization certificates of national banks.
886. Transcripts from books, &c., of the Treasury in suits against delinquents.
887. Transcripts from books of the Treasury in indictments for embezzlement of public moneys.
888. Copies of returns in return-office.
889. Copies of post-office records and of Auditor's statement of account.
890. Copies of statements of demands by Post-Office Department.
891. Copies of records, &c., of General Land-Office.
892. Copies of records, &c., of Patent-Office.
893. Copies of foreign letters-patent.
894. Printed copies of specifications and drawings of patents.
895. Extracts from the Journals of Congress.
896. Copies of records, &c., in offices of United States consuls, &c.
897. Certain books and papers in offices of district and circuit courts in Texas, Florida, Wisconsin, Minnesota, Iowa, and Kansas.

| Sec. | Sec. |
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| 898. Transcribed records in the clerk's offices of western district of North Carolina. | 906. Proof of records, &c., kept in offices not pertaining to courts. |
| 899. When original records are lost or destroyed. | 907. Copies of foreign records, &c., relating to land-titles in the United States. |
| 900. Same subject. | 908. Little & Brown's edition of the statutes to be evidence. |
| 901. Same subject. | 909. Burden of proof, when it lies on claimant in seizure cases. |
| 902. Records of northern district of Illinois destroyed by fire. | 910. Possessory actions for recovery of mining-titles. |
| 903. Same subject. | |
| 904. Same subject. | |
| 905. Authentication of legislative acts and proof of judicial proceedings of States, &c. | |

No witness excluded on account of color or interest; provided, &c.

2 July, 1864, c. 210, s. 3, v. 13, p. 351.

3 March, 1865, c. 113, v. 13, p. 533.

16 July, 1862, c. 189, s. 1, v. 12, p. 588.

SEC. 858. In the courts of the United States no witness shall be excluded in any action on account of color, or in any civil action because he is a party to or interested in the issue tried: *Provided*, That in actions by or against executors, administrators, or guardians, in which judgment may be rendered for or against them, neither party shall be allowed to testify against the other, as to any transaction with, or statement by, the testator, intestate, or ward, unless called to testify thereto by the opposite party, or required to testify thereto by the court. In all other respects, the laws of the State in which the court is held shall be the rules of decision as to the competency of witnesses in the courts of the United States in trials at common law, and in equity and admiralty. [See § 1977.]

U. S. *vs.* Murphy, 16 Pet., 203; Smyth *vs.* Strader, 4 How., 420; U. S. *vs.* Reed, 12 How., 361; Wright *vs.* Bales, 2 Bl., 535; Green *vs.* U. S., 9 Wall., 655; Lucas *vs.* Brooks, 18 Wall., 436.

Testimony of witnesses before Congress not admissible against them in criminal prosecutions.

SEC. 859. No testimony given by a witness before either House, or before any committee of either House of Congress, shall be used as evidence in any criminal proceeding against him in any court, except in a prosecution for perjury committed in giving such testimony. But an official paper or record produced by him is not within the said privilege. [See § 103.]

24 Jan., 1862, c. 11, v. 12, p. 333. 24 Jan., 1857, c. 19, s. 2, v. 11, p. 156.

Pleadings, disclosures, &c., not to be used in criminal proceedings.

25 Feb., 1868, c. 13, s. 1, v. 15, p. 37.

SEC. 860. No pleading of a party, nor any discovery or evidence obtained from a party or witness by means of a judicial proceeding in this or any foreign country, shall be given in evidence, or in any manner used against him or his property or estate, in any court of the United States, in any criminal proceeding, or for the enforcement of any penalty or forfeiture: *Provided*, That this section shall not exempt any party or witness from prosecution and punishment for perjury committed in discovering or testifying as aforesaid.

Mode of proof in common-law actions.

SEC. 861. The mode of proof in the trial of actions at common law shall be by oral testimony and examination of witnesses in open court, except as hereinafter provided.

24 Sept., 1789, c. 20, s. 30, v. 1, p. 88. 20 Feb., 1812, c. 25, s. 3, v. 2, p. 632. 24 Jan., 1827, c. 4, ss. 1, 2, v. 4, pp. 157, 199.

Mode of proof in equity and admiralty causes.

SEC. 862. The mode of proof in causes of equity and of admiralty and maritime jurisdiction shall be according to rules now or hereafter prescribed by the Supreme Court, except as herein specially provided.

23 Aug. 1842, c. 188, s. 6, v. 5, p. 518.

Depositions *de bene esse*.

24 Sept., 1789, c. 20, s. 30, v. 1, p. 88.

1 March, 1817, c. 30, v. 3, p. 350.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 163.

29 July, 1854, c. 159, s. 2, v. 10, p. 315.

9 May, 1872, c. 146, v. 17, p. 89.

The Samuel, 1 Wh., 16; The Argo, 2 Wh., 287; The

SEC. 863. The testimony of any witness may be taken in any civil cause depending in a district or circuit court by deposition *de bene esse*, when the witness lives at a greater distance from the place of trial than one hundred miles, or is bound on a voyage to sea, or is about to go out of the United States, or out of the district in which the case is to be tried, and to a greater distance than one hundred miles from the place of trial, before the time of trial, or when he is ancient and infirm. The deposition may be taken before any judge of any court of the United States, or any commissioner of a circuit court, or any clerk of a district or circuit court, or any chancellor, justice, or judge of a supreme or superior court, mayor or chief magistrate of a city, judge of a county court or court of common pleas of any of the United States, or any notary public,

not being of counsel or attorney to either of the parties, nor interested in the event of the cause. Reasonable notice must first be given in writing by the party or his attorney proposing to take such deposition, to the opposite party or his attorney of record, as either may be nearest, which notice shall state the name of the witness and the time and place of the taking of his deposition; and in all cases in rem, the person having the agency or possession of the property at the time of seizure shall be deemed the adverse party, until a claim shall have been put in; and whenever, by reason of the absence from the district and want of an attorney of record or other reason, the giving of the notice herein required shall be impracticable, it shall be lawful to take such depositions as there shall be urgent necessity for taking, upon such notice as any judge authorized to hold courts in such circuit or district shall think reasonable and direct. Any person may be compelled to appear and depose as provided by this section, in the same manner as witnesses may be compelled to appear and testify in court.

pan vs. Beardsley, 10 Wall., 427; *Shutte vs. Thompson*, 15 Wall., 151; *Tooker vs. Thompson*, 3 McLean, 92; *Buckingham vs. Burgess*, 3 McLean, 368; *Moore vs. Nelson*, 3 McLean, 384; *Vose vs. Lawrence*, 4 McLean, 203; *Bell vs. Nimmon*, 4 McLean, 539; *Price vs. Morris*, 5 McLean, 4; *Goodhue vs. Bartlett*, 5 McLean, 186; *Wilkinson vs. Yale*, 6 McLean, 18; *Curtis vs. Central Railway*, 6 McLean, 401; *Prouty et al. vs. Draper et al.*, 2 Story, 199; *Carrington vs. Stimson*, 1 Curt., 437; *Evans vs. Hettich*, 3 Wash. C. C., 409; *Pettibone vs. Derringer*, 4 Wash. C. C., 215; *Merrill vs. Dawson*, Hemp., 563; *Dade vs. Young*, 1 Cr. C. C., 123; *Banks vs. Miller*, 1 Cr. C. C., 543; *Wheaton vs. Love*, 1 Cr. C. C., 451; *Vasse vs. Smith*, 2 Cr. C. C., 31; *Peyton vs. Veitch*, 2 Cr. C. C., 123; *Miller vs. Young*, 2 Cr. C. C., 53; *Garrett vs. Woodward*, 2 Cr. C. C., 190; *Thorpe vs. Simmons*, 2 Cr. C. C., 195; *Centre vs. Keene*, 2 Cr. C. C., 198; *Woodward vs. Hall*, 2 Cr. C. C., 235; *Edmonson vs. Barrell*, 2 Cr. C. C., 228; *Van Ness vs. Heineke*, 2 Cr. C. C., 259; *Bussard vs. Catalino*, 2 Cr. C. C., 421; *Luther vs. The Merritt Hunt, Newb.*, 4; *Allen vs. Blunt*, 2 W. & M., 122; *Whitney vs. Hunt*, 5 Cr. C. C., 120; *Paul vs. Lowry*, 2 Cr. C. C., 628; *Dinsmore vs. Maroney*, 4 Bl. C. C., 416; *Ex parte Humphrey*, 2 Bl. C. C., 228; *Brown vs. Piatt*, 2 Cr. C. C., 253; *The Argo*, 2 Gallis., 314; *Debatts vs. McCulloch*, 1 Cr. C. C., 286; *Barrell vs. Limington*, 4 Cr. C. C., 70; *In re Judson*, 3 Bl. C. C., 148; *Ex parte Peck*, 3 Bl. C. C., 113; *Rainer vs. Haynes*, Hemp., 689; *Cahoon vs. Ring*, 1 Cliff., 592; *Banert's Lessee vs. Day*, 3 Wash. C. C., 243; *Russel vs. Ashley*, Hemp., 546; *Ruggles vs. Bucknor*, 1 Paine C. C., 358; *U. S. vs. 1 Case Hair Pencils*, 1 Paine C. C., 400; *The Thomas and Henry*, 1 Brock., 367.

SEC. 864. Every person deposing as provided in the preceding section, shall be cautioned and sworn to testify the whole truth, and carefully examined. His testimony shall be reduced to writing by the magistrate taking the deposition, or by himself in the magistrate's presence, and by no other person, and shall, after it has been reduced to writing, be subscribed by the deponent.

Bell vs. Morrison, 1 Pet., 351; *Patapsco Ins. Co. vs. Southgate*, 5 Pet., 604; *Cook vs. Burnley*, 11 Wall., 659; *Shutte vs. Thompson*, 15 Wall., 151; *Doe dem. Moore vs. Nelson et al.*, 3 McLean, 383; *Jones vs. Knowles*, 1 Cr. C. C., 523; *Marstin vs. McRae*, Hemp., 688; *Rainer vs. Haynes*, Hemp., 689; *Thorpe & Burton vs. Simmons*, 2 Cr., 195; *Centre vs. Keene*, 2 Cr. C. C., 198; *Bussard vs. Catalino*, 2 Cr. C. C., 421.

SEC. 865. Every deposition taken under the two preceding sections shall be retained by the magistrate taking it, until he delivers it with his own hand into the court for which it is taken; or it shall, together with a certificate of the reasons as aforesaid of taking it and of the notice, if any, given to the adverse party, be by him sealed up and directed to such court, and remain under his seal until opened in court. But unless it appears to the satisfaction of the court that the witness is then dead, or gone out of the United States, or to a greater distance than one hundred miles from the place where the court is sitting, or that, by reason of age, sickness, bodily infirmity, or imprisonment, he is unable to travel and appear at court, such deposition shall not be used in the cause.

Shankwiker vs. Reading, 4 McLean, 240; *Thorp vs. Orr*, 2 Cr. C. C., 335.

SEC. 866. In any case where it is necessary, in order to prevent a failure or delay of justice, any of the courts of the United States may grant a *dedimus potestatem* to take depositions according to common usage; and any circuit court, upon application to it as a court of equity, may, according to the usages of chancery, direct depositions to be taken in *perpetuam rei memoriam*, if they relate to any matters that may be

London Packet, 2 Wh., 371; *Mechanics' Bank vs. Seaton*, 1 Pet., 299; *Bell vs. Morrison*, 1 Pet., 355; *Patapsco Ins. Co. vs. Southgate*, 5 Pet., 616; *Dick vs. Runnels*, 5 How., 7; *Harris vs. Wall*, 7 How., 693; *Fowler vs. Merrill*, 11 How., 375; *Walsh vs. Rogers*, 13 How., 283; *Hoyt vs. Hammekin*, 14 How., 350; *Nelson vs. Woodruff*, 1 Bl., 156; *The Ottawa*, 3 Wall., 271; *Tap-*

Mode of taking depositions *de bene esse*.

24 Sept., 1789, c. 20, s. 30, v. 1, p. 88.
9 May, 1872, c. 146, v. 17, p. 89.

Transmission to the court of depositions *de bene esse*.

24 Sept., 1789, c. 20, s. 30, v. 1, p. 88.

Beale vs. Thompson, 8 Cr., 70; *Evans vs. Hettich*, 7 Wh., 453; *Stein vs. Bowman*, 13 Pet., 209; *Harris vs. Wall*, 7 How., 693; *Jones vs. Neale*, Mart., (N. C.), 81; *Orr*, 2 Cr. C. C., 335.

Depositions under a *dedimus potestatem* and in *perpetuam*, &c.

24 Sept., 1789, c. 20, s. 30, v. 1, p. 88.

9 May, 1872, c. 146, v. 17, p. 89.

Guppy vs. Brown, 4 Dall. 410; *Buddicum vs. Kirk*, 3 Cr., 293; *Sergeant*

vs. Biddle, 4 Wh., 508; *Evans vs. Hettich*, 7 Wh., 453; *Gilpins vs. Consequa*, Pet. C. C., 85; *Nelson vs. U. S.*, Pet. C. C., 235; *Willings vs. Consequa*, Pet. C. C., 301; *Winthrop vs. Ins. Co.*, 2 Wash. C. C., 7; *Richardson vs. Golden*, 3 Wash. C. C., 109; *Bell vs. Davidson*, 3 Wash. C. C., 332; *Lonsdale vs. Brown*, 3 Wash. C. C., 404; *Dodge vs. Israel*, 4 Wash. C. C., 323; *The Schooner Ruby*, 5 Mas., 451; *Cunningham vs. Otis*, 1 Gall., 160; *Leroy vs. Delaware Ins. Co.*, 2 Wash. C. C., 223; *U. S. vs. Price's Admr.*, 2 Wash. C. C., 356; *Bauderau vs. Montgomery*, 4 Wash. C. C., 186; *Peters vs. Prevost*, 1 Paine, 65.

Depositions in perpetuum, &c., admissible at discretion of the court.

SEC. 867. Any court of the United States may, in its discretion, admit in evidence in any cause before it 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.

20 Feb., 1812, c. 25, s. 3, v. 2, p. 682.—*Gould vs. Gould*, 3 Story, 516.

Deposition under a *dedimus potestatem*, how taken.

24 Jan., 1827, c. 4, s. 1, v. 4, p. 197.

York Co. vs. Central R. R., 3 Wall., 113.

SEC. 868. When a commission is issued by any court of the United States for taking the testimony of a witness named therein at any place within any district or Territory, the clerk of any court of the United States for such district or Territory shall, on the application of either party to the suit, or of his agent, issue a subpoena for such witness, commanding him to appear and testify before the commissioner named in the commission, at a time and place stated in the subpoena; and if any witness, after being duly served with such subpoena, refuses or neglects to appear, or, after appearing, refuses to testify, not being privileged from giving testimony, and such refusal or neglect is proven to the satisfaction of any judge of the court whose clerk issues such subpoena, such judge may proceed to enforce obedience to the process, or punish the disobedience, as any court of the United States may proceed in case of disobedience to process of subpoena to testify issued by such court.

Subpoena *duces tecum* under a *dedimus potestatem*.

24 Jan., 1827, c. 4, s. 2, v. 4, p. 199.

1 *Burr's Trial*, 183.

SEC. 869. When either party in such suit applies to any judge of a United States court in such district or Territory for a subpoena commanding the witness, therein to be named, to appear and testify before said commissioner, at the time and place to be stated in the subpoena, and to bring with him and produce to such commissioner any paper or writing or written instrument or book or other document, supposed to be in the possession or power of such witness, and to be described in the subpoena, such judge, on being satisfied by the affidavit of the person applying, or otherwise, that there is reason to believe that such paper, writing, written instrument, book, or other document is in the possession or power of the witness, and that the same, if produced, would be competent and material evidence for the party applying therefor, may order the clerk of said court to issue such subpoena accordingly. And if the witness, after being served with such subpoena, fails to produce to the commissioner, at the time and place stated in the subpoena, any such paper, writing, written instrument, book, or other document, being in his possession or power, and described in the subpoena, and such failure is proved to the satisfaction of said judge, he may proceed to enforce obedience to said process of subpoena, or punish the disobedience in like manner as any court of the United States may proceed in case of disobedience to like process issued by such court. When any such paper, writing, written instrument, book, or other document is produced to such commissioner, he shall, at the cost of the party requiring the same, cause to be made a correct copy thereof, or of so much thereof as shall be required by either of the parties.

Witness under a *dedimus potestatem*, when required to attend.

24 Jan., 1827, c. 4, ss. 1, 2, v. 4, pp. 197, 199.

SEC. 870. No witness shall be required, under the provisions of either of the two preceding sections, to attend at any place out of the county where he resides, nor more than forty miles from the place of his residence, to give his deposition; nor shall any witness be deemed guilty of contempt for disobeying any subpoena directed to him by virtue of either of the said sections, unless his fee for going to, returning from,

and one day's attendance at, the place of examination, are paid or tendered to him at the time of the service of the subpoena.

SEC. 871. When a commission to take the testimony of any witness found within the District of Columbia, to be used in a suit depending in any State or territorial or foreign court, is issued from such court, or a notice to the same effect is given according to its rules of practice, and such commission or notice is produced to a justice of the supreme court of said District, and due proof is made to him that the testimony of such witness is material to the party desiring the same, the said justice shall issue a summons to the witness, requiring him to appear before the commissioners named in the commission or notice, to testify in such suit, at a time and at a place within said District therein specified.

SEC. 872. When it satisfactorily appears by affidavit to any justice of the supreme court of the District of Columbia, or to any commissioner for taking depositions appointed by said court—

First. That any person within said District is a material witness for either party in a suit pending in any State or territorial or foreign court;

Second. That no commission nor notice to take the testimony of such witness has been issued or given; and

Third. That, according to the practice of the court in which the suit is pending, the deposition of a witness taken without the presence and consent of both parties will be received on the trial or hearing thereof, such officer shall issue his summons, requiring the witness to appear before him at a place within the District, at some reasonable time, to be stated therein, to testify in such suit.

SEC. 873. Testimony obtained under the two preceding sections shall be taken down in writing by the officer before whom the witness appears, and shall be certified and transmitted by him to the court in which the suit is pending, in such manner as the practice of that court may require. If any person refuses or neglects to appear at the time and place mentioned in the summons, or, on his appearance, refuses to testify, he shall be liable to the same penalties as would be incurred for a like offense on the trial of a suit.

SEC. 874. Every witness appearing and testifying under the said provisions relating to the District of Columbia shall be entitled to receive for each day's attendance, from the party at whose instance he is summoned, the fees now provided by law for each day he shall give attendance.

SEC. 875. When any commission or letter rogatory, issued to take the testimony of any witness in a foreign country, in any suit in which the United States are parties or have an interest, is executed by the court or the commissioner to whom it is directed, it shall be returned by such court or commissioner to the minister or consul of the United States nearest the place where it is executed. On receiving the same, the said minister or consul shall indorse thereon a certificate, stating when and where the same was received, and that the said deposition is in the same condition as when he received it; and he shall thereupon transmit the said letter or commission, so executed and certified, by mail, to the clerk of the court from which the same issued, in the manner in which his official dispatches are transmitted to the Government. And the testimony of witnesses so taken and returned shall be read as evidence on the trial of the suit in which it was taken, without objection as to the method of returning the same. [See §§ 4071-4074.]

SEC. 876. Subpoenas for witnesses who are required to attend a court of the United States, in any district, may run into any other district: *Provided*, That in civil causes the witnesses living out of the district in which the court is held do not live at a greater distance than one hundred miles from the place of holding the same.

Depositions in Dist. of Col. in suits pending elsewhere.

3 March, 1869, c. 128, s. 1, v. 15, p. 324.

Same subject; when no commission nor notice.

3 March, 1869, c. 128, s. 2, v. 15, p. 325.

Same subject; manner of taking and transmitting the deposition.

3 March, 1869, c. 128, s. 3, v. 15, p. 325.

Same subject; witness-fees.

3 March, 1869, c. 128, s. 4, v. 15, p. 325.

Letters rogatory from United States courts.

3 March, 1863, c. 95, s. 4, v. 12, p. 770.
Nelson vs. U. S., Pet. C. C., 235.

Subpoenas for witnesses to run into another district.

2 March, 1793, c.

22, s. 6, v. 1, p. 335.—Patapsco Insurance Co. vs. Southgate, 5 Pet., 616; Russell vs. Ashley, Hempst., 546.

Witnesses, form of subpoena; attendance under.

6 Feb., 1853, c. 80, s. 3, v. 10, p. 169.

Witnesses in behalf of indigent defendants in criminal cases.

8 Aug., 1846, c. 98, s. 11, v. 9, p. 74.

Recognizance of witnesses at the hearing of charges in criminal cases.

24 Sept., 1789, c. 20, s. 33, v. 1, p. 91.

23 Aug., 1842, c. 188, s. 2, v. 5, p. 517.

8 Aug., 1846, c. 98, s. 7, v. 9, p. 73.

Vermont, recognizance of witnesses, how taken.

29 April, 1802, c. 31, s. 29, v. 2, p. 167.

Recognizance of witnesses required at any time on application of district attorney.

8 Aug., 1846, c. 98, s. 7, v. 9, p. 73.

Copies of Department records and papers.

15 Sept., 1789, c. 14, s. 5, v. 1, p. 69.

Copies of records, &c., in office of Solicitor of the Treasury.

SEC. 877. Witnesses who are required to attend any term of a circuit or district court on the part of the United States, shall be subpoenaed to attend to testify generally on their behalf, and not to depart the court without leave thereof, or of the district attorney; and under such process they shall appear before the grand or petit jury, or both, as they may be required by the court or district attorney.

SEC. 878. Whenever any person indicted in a court of the United States makes affidavit, setting forth that there are witnesses whose evidence is material to his defense; that he cannot safely go to trial without them; what he expects to prove by each of them; that they are within the district in which the court is held, or within one hundred miles of the place of trial; and that he is not possessed of sufficient means, and is actually unable to pay the fees of such witnesses, the court in term, or any judge thereof in vacation, may order that such witnesses be subpoenaed if found within the limits aforesaid. In such case the costs incurred by the process and the fees of the witnesses shall be paid in the same manner that similar costs and fees are paid in case of witnesses subpoenaed in behalf of the United States.

SEC. 879. Any judge or other officer who may be authorized to arrest and imprison or bail persons charged with any crime or offense against the United States may, at the hearing of any such charge, require of any witness produced against the prisoner, on pain of imprisonment, a recognizance, with or without sureties, in his discretion, for his appearance to testify in the case. And where the crime or offense is charged to have been committed on the high seas, or elsewhere within the admiralty and maritime jurisdiction of the United States, he may, in his discretion, require a like recognizance, with such sureties as he may deem necessary, of any witness produced in behalf of the accused, whose testimony in his opinion is important, and is in danger of being otherwise lost. [See §§ 848, 1014.]

SEC. 880. In the district of Vermont, all recognizances of witnesses, taken by any magistrate in said district, for their appearance to testify in any case cognizable either in the district or circuit court thereof, shall be to the circuit court next thereafter to be held in the said district.

SEC. 881. Any judge of the United States, on the application of a district attorney, and on being satisfied by proof that the testimony of any person is competent and will be necessary on the trial of any criminal proceeding in which the United States are parties or are interested, may compel such person to give recognizance, with or without sureties, at his discretion, to appear to testify therein; and, for that purpose, may issue a warrant against such person, under his hand, with or without seal, directed to the marshal or other officer authorized to execute process in behalf of the United States, to arrest and bring before him such person. If the person so arrested neglects or refuses to give recognizance in the manner required, the judge may issue a warrant of commitment against him, and the officer shall convey him to the prison mentioned therein. And the said person shall remain in confinement until he is removed to the court for the purpose of giving his testimony, or until he gives the recognizance required by said judge. [See § 848.]

SEC. 882. Copies of any books, records, papers, or documents in any of the Executive Departments, authenticated under the seals of such Departments, respectively, shall be admitted in evidence equally with the originals thereof.

22 Feb., 1849, c. 61, s. 3, v. 9, p. 347. 31 May, 1854, c. 60, s. 2, v. 10, p. 297.

SEC. 883. Copies of any documents, records, books, or papers in the office of the Solicitor of the Treasury, certified by him under the seal of his office, or, when his office is vacant, by the officer acting as Solicitor for the time, shall be evidence equally with the originals.

22 Feb., 1849, c. 61, s. 2, v. 9, p. 347.

SEC. 884. Every certificate, assignment, and conveyance executed by the Comptroller of the Currency, in pursuance of law, and sealed with his seal of office, shall be received in evidence in all places and courts; and all copies of papers in his office, certified by him and authenticated by the said seal, shall in all cases be evidence equally with the originals. An impression of such seal directly on the paper shall be as valid as if made on wax or wafer.

SEC. 885. Copies of the organization certificate of any national banking association, duly certified by the Comptroller of the Currency, and authenticated by his seal of office, shall be evidence in all courts and places within the jurisdiction of the United States of the existence of the association, and of every matter which could be proved by the production of the original certificate. [See § 5135.]

SEC. 886. When suit is brought in any case of delinquency of a revenue officer, or other person accountable for public money, a transcript from the books and proceedings of the Treasury Department, certified by the Register and authenticated under the seal of the Department, or, when the suit involves the accounts of the War or Navy Departments, certified by the Auditors respectively charged with the examination of those accounts, and authenticated under the seal of the Treasury Department, shall be admitted as evidence, and the court trying the cause shall be authorized to grant judgment and award execution accordingly. And all copies of bonds, contracts, or other papers relating to, or connected with, the settlement of any account between the United States and an individual, when certified by the Register, or by such Auditor, as the case may be, to be true copies of the originals on file, and authenticated under the seal of the Department, may be annexed to such transcripts, and shall have equal validity, and be entitled to the same degree of credit which would be due to the original papers if produced and authenticated in court: *Provided*, That where suit is brought upon a bond or other sealed instrument, and the defendant pleads "non est factum," or makes his motion to the court, verifying such plea or motion by his oath, the court may take the same into consideration, and, if it appears to be necessary for the attainment of justice, may require the production of the original bond, contract, or other paper specified in such affidavit.

vs. Lent, 1 Paine, 417; *U. S. vs. Martin*, 2 Paine, 68; *U. S. vs. Van Zandt*, 2 Cr. C. C., 328; *U. S. vs. Griffith*, 2 Cr. C. C. 336; *U. S. vs. Lee*, 2 Cr. C. C., 462; *U. S. vs. Harrill*, 1 McAll., 243; *U. S. vs. Mattison*, Gilp., 44; *U. S. vs. Corwin*, 1 Bond, 149.

SEC. 887. Upon the trial of any indictment against any person for embezzling public moneys, it shall be sufficient evidence, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the Treasury Department, as provided by the preceding section.

SEC. 888. A copy of any return of a contract returned and filed in the returns-office of the Department of the Interior, as provided by law, when certified by the clerk of the said office to be full and complete, and when authenticated by the seal of the Department, shall be evidence in any prosecution against any officer for falsely and corruptly swearing to the affidavit required by law to be made by such officer in making his return of any contract, as required by law, to said returns-office. [See § 3744.]

SEC. 889. Copies of the quarterly returns of postmasters and of any papers pertaining to the accounts in the office of the Sixth Auditor, and transcripts from the money-order account-books of the Post-Office Department, when certified by the Sixth Auditor under the seal of his office, shall be admitted as evidence in the courts of the United States, in civil suits and criminal prosecutions; and in any civil suit, in case of delinquency of any postmaster or contractor, a statement of the account, certified as aforesaid, shall be admitted in evidence, and the court shall be authorized thereupon to give judgment and award execution, subject to the provisions of law as to proceedings in such civil suits.

64, s. 38, v. 4, p. 113.—*U. S. vs. Hodge*, 13 How., 478; *Lawrence vs. U. S.*, 2 McLean, 581.

Instruments and papers of Comptroller of the Currency.

3 June, 1864, c. 106, s. 2, v. 13, p. 100.

Organization certificates of national banks.

3 June, 1864, c. 106, s. 6, v. 13, p. 101.

Transcripts from books, &c., of the Treasury, in suits against delinquents.

3 March, 1797, c. 20, s. 1, v. 1, p. 512.

3 March, 1817, c. 45, s. 11, v. 3, p. 367.

Walton vs. U. S., 9 Wh., 651; *U. S. vs. Buford*, 3 Pet., 12; *Smith vs. U. S.*, 5 Pet., 292; *Cox vs. U. S.*, 6 Pet., 172; *U. S. vs. Jones*, 8 Pet., 375; *Gratiot vs. U. S.*, 15 Pet., 336; *U. S. vs. Irving*, 1 How., 250; *Hoyt vs. U. S.*, 10 How., 109; *Bruce vs. U. S.*, 17 How., 437; *U. S. vs. Edwards*, 1 McLean, 467; *U. S. vs. Hilliard et al.*, 3 McLean, 324; *U. S.*

Transcripts from books of the Treasury in indictments for embezzlement of public moneys.

6 Aug., 1846, c. 20, s. 1, v. 1, p. 512.

Copies of returns in returns-office.

2 June, 1862, c. 93, s. 4, v. 12, p. 412.

Copies of Post-Office records and of Auditor's statement of accounts.

2 July, 1836, c. 270, s. 15, v. 5, p. 82.

17 May, 1864, c. 87, s. 11, v. 13, p. 78.

27 July, 1868, c. 246, s. 18, v. 15, p. 197.

3 March, 1825, c.

Copies of statements of demands by Post-Office Department.

27 July, 1868, c. 246, s. 19, v. 15, p. 197.

Copies of records, &c., of General Land-Office.

25 April, 1812, c. 68, s. 4, v. 2, p. 717.

4 July, 1836, c. 352, ss. 2, 7, v. 5, pp. 109, 111.

3 March, 1843, c. 95, ss. 1, 2, v. 5, pp. 627, 628.—*Galt vs. Galloway*, 4 Pet., 331.

Copies of records, &c., of Patent-Office.

8 July, 1870, c. 230, s. 57, v. 16, p. 207.

Brooks et al. vs. Jenkins et al., 3 McLean, 432; *Parker vs. Haworth*, 4 McLean, 370; *Pettibone vs. Deringer*, 4 Wash. C. C., 215; *Lee vs. Blandy*, 2 Fish., 89, (see 1 Bond, 361;) *Woodworth vs. Hall, Wood. & Min.*, 260; *Emerson vs. Hogg*, 2 Blatch., 12.

Copies of foreign letters-patent.

8 July, 1870, c. 230, s. 57, v. 16, p. 207.

Printed copies of specifications and drawings of patents.

11 Jan., 1871, Res. 5, v. 16, p. 590.

Extracts from the Journals of Congress.

8 Aug., 1846, c. 107, s. 1, v. 9, p. 80.

Copies of records, &c., in offices of United States consuls, &c.

8 Jan., 1869, c. 7, v. 15, p. 266.

Certain books and papers in offices of district and circuit courts in Texas, Florida, Wisconsin, Minnesota, Iowa, and Kansas.

27 June, 1864, c.

SEC. 890. In all suits for the recovery of balances due from postmasters, a copy, duly certified under the seal of the Sixth Auditor, of the statement of any postmaster, special agent, or other person, employed by the Postmaster-General or the Auditor for that purpose, that he has mailed a letter to such delinquent postmaster at the post-office where the indebtedness accrued, or at his last usual place of abode; that a sufficient time has elapsed for said letter to have reached its destination in the ordinary course of the mail; and that payment of such balance has not been received, within the time designated in his instructions, shall be received as sufficient evidence in the courts of the United States, or other courts, that a demand has been made upon the delinquent postmaster; but when the account of a late postmaster has been once adjusted and settled, and a demand has been made for the balance appearing to be due, and afterward allowances are made or credits entered, it shall not be necessary to make a further demand for the new balance found to be due.

SEC. 891. Copies of any records, books, or papers in the General Land-Office, authenticated by the seal and certified by the Commissioner thereof, or, when his office is vacant, by the principal clerk, shall be evidence equally with the originals thereof. And literal exemplifications of any such records shall be held, when so introduced in evidence, to be of the same validity as if the names of the officers signing and countersigning the same had been fully inserted in such record. [See §§ 2469, 2470.]

SEC. 892. Written or printed copies of any records, books, papers, or drawings belonging to the Patent-Office, and of letters-patent, authenticated by the seal and certified by the Commissioner or Acting Commissioner thereof, shall be evidence in all cases wherein the originals could be evidence; and any person making application therefor, and paying the fee required by law, shall have certified copies thereof.

SEC. 893. Copies of the specifications and drawings of foreign letters-patent, certified as provided in the preceding section, shall be prima-facie evidence of the fact of the granting of such letters-patent, and of the date and contents thereof.

SEC. 894. The printed copies of specifications and drawings of patents, which the Commissioner of Patents is authorized to print for gratuitous distribution, and to deposit in the capitols of the States and Territories, and in the clerk's offices of the district courts, shall, when certified by him and authenticated by the seal of his office, be received in all courts as evidence of all matters therein contained.

SEC. 895. Extracts from the Journals of the Senate, or of the House of Representatives, and of the Executive Journal of the Senate when the injunction of secrecy is removed, certified by the Secretary of the Senate or by the Clerk of the House of Representatives, shall be admitted as evidence in the courts of the United States, and shall have the same force and effect as the originals would have if produced and authenticated in court.

SEC. 896. Copies of all official documents and papers in the office of any consul, vice-consul, or commercial agent of the United States, and of all official entries in the books or records of any such office, certified under the hand and seal of such officer, shall be admitted in evidence in the courts of the United States. [See § 1707.]

SEC. 897. The transcripts into new books, made by the clerks of the district courts in the several districts of Texas, Florida, Wisconsin, Minnesota, Iowa, and Kansas, in pursuance of the act of June twenty-seven, eighteen hundred and sixty-four, chapter one hundred and sixty-five, from the records and journals transferred by them respectively, under the said act, to the clerks of the circuit courts in said districts, when certified by the clerks respectively making the same to be full and

true copies from the original books, shall have the same force and effect as records as the originals. And the certificates of the clerks of said circuit courts, respectively, of transcripts of any of the books or papers so transferred to them, shall be received in evidence with the like effect as if made by the clerk of the court in which the proceedings were had.

SEC. 898. The transcripts into new books made by the clerks of the circuit and district courts for the western district of North Carolina, in pursuance of the act of June four, eighteen hundred and seventy-two, chapter two hundred and eighty-two, when certified by the clerks respectively making the same to be full and true copies from the original books, shall have the same force and effect as records as the originals. And the certificates of the clerks of said circuit and district courts respectively, of transcripts of any of the said transcribed records, shall also be received in evidence with the like effect as if made by the proper clerk from the originals from which such records were transcribed.

SEC. 899. When the record of any judgment, decree, or other proceeding of any court of the United States is lost or destroyed, any party or person interested therein may, on application to such court, and on showing to its satisfaction that the same was lost or destroyed without his fault, obtain from it an order authorizing such defect to be supplied by a duly certified copy of the original record, where the same can be obtained; and such certified copy shall thereafter have, in all respects, the same effect as the original record would have had.

SEC. 900. When any such record is lost or destroyed, and the defect cannot be supplied as provided in the preceding section, any party or person interested therein may make a written application to the court to which the record belonged, verified by affidavit, showing such loss or destruction; that the same occurred without his fault or neglect; that certified copies of such record cannot be obtained by him; and showing also the substance of the record so lost or destroyed, and that the loss or destruction thereof, unless supplied, will or may result in damage to him. The court shall cause said application to be entered of record, and a copy of it shall be served personally upon every person interested therein, together with written notice that on a day therein stated, which shall not be less than sixty days after such service, said application will be heard; and if, upon such hearing, the court is satisfied that the statements contained in the application are true, it shall make and cause to be entered of record an order reciting the substance and effect of said lost or destroyed record. Said order shall have the same effect, so far as concerns the party or person making such application and the persons served as above provided, but subject to intervening rights, which the original record would have had, if the same had not been lost or destroyed.

SEC. 901. When any cause has been removed to the Supreme Court, and the original record thereof is afterward lost, a duly certified copy of the record remaining in said court may be filed in the court from which the cause was removed, on motion of any party or person claiming to be interested therein; and the copy so filed shall have the same effect as the original record would have had if the same had not been lost or destroyed.

SEC. 902. In the proceedings to restore the records of the circuit and district courts of the northern district of Illinois, destroyed by fire on the ninth of October, eighteen hundred and seventy-one, under the three preceding sections, the notice required may be served upon any non-resident of said district anywhere within the jurisdiction of the United States, or in any foreign country, the proof of the service of such notice, if made in a foreign country, to be certified by a minister or consul of the United States in such country, under his official seal.

SEC. 903. A certified copy of the official return of the district attorney, clerk of the circuit or district court, or the marshal of the northern district of Illinois, made in pursuance of law, and on file in the Department of Justice, relating to any cause in either of said courts to which

165, ss. 2, 4, v. 13, p. 199.

Transcribed records in the clerks' offices of western district of North Carolina.

4 June, 1872, c. 282, s. 10, v. 17, p. 217.

When original records are lost or destroyed.

3 March, 1871, c. 111, s. 1, v. 16, p. 474.

Same subject.

3 March, 1871, c. 111, s. 2, v. 16, p. 475.

Same subject.

3 March, 1871, c. 111, s. 3, v. 16, p. 475.

Records of northern district of Illinois destroyed by fire.

18 March, 1872, c. 56, s. 1, v. 17, p. 40.

Same subject.

18 March, 1872, c. 56, s. 2, v. 17, p. 41.

the United States was a party, the record of which was destroyed in said fire, may be filed in the court to which it appertains, and shall have the same force and effect as if it were an original return made to said court; and in any case in which the names of the parties, and the date and amount of the judgment or decree shall appear from such returns, it shall be lawful for the court in which they are filed to issue the necessary process to enforce such decree or judgment in the same manner as if the original record was before said court.

Same subject.
18 March, 1872, c.
56, s. 3, v. 17, p. 41.

SEC. 904. It shall be the duty of the district attorney for the northern district of Illinois to take such steps as may be necessary to restore the records and files of the circuit and district courts of said district which were destroyed by fire on the ninth of October, eighteen hundred and seventy-one, and in which the United States is interested, so far as the judges of said courts, respectively, shall deem it essential to the interests of the United States that said records and files be restored; and the judges of said courts, respectively, are authorized to direct such steps to be taken as, in their opinion, shall be deemed advisable to restore the judgment dockets and indices of said courts, and for that purpose may direct the performance, by the clerks of said courts, and by the United States attorney for said district, of any duty incident thereto; and said clerks and said district attorney shall be allowed such compensation and disbursements for services rendered under this section (in cases where no compensation is now provided by law for such services) as may be allowed by the Attorney-General, and certified to be just and reasonable by the judge of the court in which said services are rendered, and the amount so allowed shall be paid out of the judiciary fund: *Provided, however,* That the sum allowed the clerks of said courts shall not exceed the sum of twelve thousand dollars, and the entire compensation of the United States attorney for such services shall not exceed the sum of six thousand dollars.

Authentication of legislative acts and proof of judicial proceedings of States, &c.

26 May, 1790, c. 11, v. 1, p. 122.

27 March, 1804, c. 56, s. 2, v. 2, p. 299.

Ferguson *vs.* Harwood, 7 Cr., 408; Mills *vs.* Duryee, 7 Cr., 481; U. S. *vs.* Amedy, 11 Wh., 392; Buckner *vs.* Finley, 2 Pet., 592; Owings *vs.* Hull, 9 Pet., 627; Urtetiqui *vs.* D'Arbel, 9 Pet., 700; McElmoyle *vs.* Cohen, 13 Pet., 312; Stacey *vs.* Thrasher, 6 How., 44; Bank of Alabama *vs.* Dalton, 9 How., 522; D'Arcy *vs.* Ketchum, 11 How., 165; Railroad *vs.* Howard, 13 How., 307; Booth *vs.* Clark, 17 How., 322; Mason *vs.* Lawrason, 1 Cr. C. C., 190; Buford *vs.* Hickman, Hemp., 232; Craig *vs.* Brown, Pet. C. C., 354; Stewart *vs.* Gray, Hemp., 94; Gardner *vs.* Lindo, 1 Cr. C. C., 78; Trigg *vs.* Conway, Hemp., 538; Turner *vs.* Waddington, 3 Wash. C. C., 126; Catlin *vs.* Underhill, 4 McL., 199; Morgan *vs.* Curtenius, 4 McL., 366; Hale *vs.* Brotherton, 3 Cr. C. C., 594; Mewster *vs.* Spalding, 6 McL., 24; Parrot *vs.* Habersham, 1 Cr. C. C., 14; Talcott *vs.* Delaware Ins. Com., 2 Wash. C. C., 449; James *vs.* Stookey, 1 Wash. C. C., 330; Bennett *vs.* Bennett, Dist. Crt., Oregon, 1867.

Proofs of records, &c., kept in offices not pertaining to courts.

27 March, 1804, c. 56, ss. 1, 2, v. 2, pp. 298, 299.

21 Feb., 1871, c. 62, v. 16, p. 419.

SEC. 905. The acts of the legislature of any State or Territory, or of any country subject to the jurisdiction of the United States, shall be authenticated by having the seals of such State, Territory, or country affixed thereto. The records and judicial proceedings of the courts of any State or Territory, or of any such country, shall be proved or admitted in any other court within the United States, by the attestation of the clerk, and the seal of the court annexed, if there be a seal, together with a certificate of the judge, chief justice, or presiding magistrate, that the said attestation is in due form. And the said records and judicial proceedings, so authenticated, shall have such faith and credit given to them in every court within the United States as they have by law or usage in the courts of the State from which they are taken.

SEC. 906. All records and exemplifications of books, which may be kept in any public office of any State or Territory, or of any country subject to the jurisdiction of the United States, not appertaining to a court, shall be proved or admitted in any court or office in any other State or Territory, or in any such country, by the attestation of the keeper of the said records or books, and the seal of his office annexed, if there be a seal, together with a certificate of the presiding justice of the court of the county, parish, or district in which such office may be kept, or of the governor, or secretary of state, the chancellor or keeper of the great seal, of the State, or Territory, or country, that the said attestation is in due form, and by the proper officers. If the said certifi-

cate is given by the presiding justice of a court, it shall be further authenticated by the clerk or prothonotary of the said court, who shall certify, under his hand and the seal of his office, that the said presiding justice is duly commissioned and qualified; or, if given by such governor, secretary, chancellor, or keeper of the great seal, it shall be under the great seal of the State, Territory, or country aforesaid in which it is made. And the said records and exemplifications, so authenticated, shall have such faith and credit given to them in every court and office within the United States as they have by law or usage in the courts or offices of the State, Territory, or country, as aforesaid, from which they are taken.

SEC. 907. It shall be lawful for any keeper or person having the custody of laws, judgments, orders, decrees, journals, correspondence, or other public documents of any foreign government or its agents, relating to the title to lands claimed by or under the United States, on the application of the head of one of the Departments, the Solicitor of the Treasury, or the Commissioner of the General Land-Office, to authenticate copies thereof under his hand and seal, and to certify them to be correct and true copies of such laws, judgments, orders, decrees, journals, correspondence, or other public documents, respectively; and when such copies are certified by an American minister or consul, under his hand and seal of office, to be true copies of the originals, they shall be sealed up by him and returned to the Solicitor of the Treasury, who shall file them in his office, and cause them to be recorded in a book to be kept for that purpose. A copy of any such law, judgment, order, decree, journal, correspondence, or other public document, so filed, or of the same so recorded in said book, may be read in evidence in any court, where the title to land claimed by or under the United States may come into question, equally with the originals.

SEC. 908. The edition of the laws and treaties of the United States, published by Little & Brown, shall be competent evidence of the several public and private acts of Congress, and of the several treaties therein contained, in all the courts of law and equity and of maritime jurisdiction, and in all the tribunals and public offices of the United States, and of the several States, without any further proof or authentication thereof.

SEC. 909. In suits or informations brought, where any seizure is made pursuant to any act providing for or regulating the collection of duties on imports or tonnage, if the property is claimed by any person, the burden of proof shall lie upon such claimant: *Provided*, That probable cause is shown for such prosecution, to be judged of by the court.

22, ss. 70, 71, v. 1, p. 678.—*Locke vs. U. S.*, 7 Cr., 339; *The Luminary*, 8 Wh., 407; *Clifton vs. U. S.*, 4 How., 242; *Buckley vs. U. S.*, 4 How., 251; *Cluquot's Champagne*, 3 Wall., 143; *The John Griffin*, 15 Wall., 29; *U. S. vs. An Open Boat*, 5 Mas., 232.

SEC. 910. No possessory action between persons, in any court of the United States, for the recovery of any mining title, or for damages to any such title, shall be affected by the fact that the paramount title to the land in which such mines lie is in the United States; but each case shall be adjudged by the law of possession.

Copies of foreign records, &c., relating to land-titles in the United States.

22 Feb., 1849, c. 61, s. 1, v. 9, p. 346.
2 March, 1849, c. 82, v. 9, p. 350.

Little & Brown's edition of the Statutes to be evidence.

8 Aug., 1846, c. 100, s. 2, v. 9, p. 76.

Burden of proof, when it lies on claimant in seizure cases.

2 March, 1799, c.

Possessory actions for recovery of mining titles.

27 Feb., 1865, c. 64, s. 9, v. 13, p. 441.

CHAPTER EIGHTEEN.

PROCEDURE.

Sec.

- 911. Sealing and testing of writs.
- 912. Tests of process, day of.
- 913. Mesne process and proceedings in equity and admiralty.
- 914. Practice and proceedings in other than equity and admiralty cases.
- 915. Attachments.
- 916. Executions in common-law causes.
- 917. Power of the Supreme Court to regulate the practice of circuit and district courts.

Sec.

- 918. Practice in the several courts to be regulated by their own rules.
- 919. Suits for duties, imposts, taxes, penalties, or forfeitures.
- 920. Consolidation of revenue seizures.
- 921. Orders to save costs, and consolidation of causes of a like nature.
- 922. When the marshal or his deputy is a party in a cause.
- 923. Seizures for forfeiture, in certain cases.

- Sec.
924. Attachment in postal suits.
925. Application for warrant; by whom and how made.
926. Issuing warrant; duty of clerk and marshal.
927. Ownership of attached property; trial; other remedies.
928. Proceeds of attached property to be invested.
929. Publication of attachment.
930. Persons having property of defendants to account for it; sales void; personal notice.
931. Discharge of attachment bond.
932. Accrued rights not to be abridged.
933. Attachments dissolved in conformity with State laws.
934. Property taken under revenue laws irrepleviable.
935. Garnishees in suits by the United States on notes, &c.
936. Issue tendered when garnishee denies indebtedness.
937. Garnishee failing to appear.
938. Bailing of property seized under customs laws.
939. Sale after condemnation.
940. In cases of seizure, bailing of property in vacation.
941. Delivery bond in admiralty proceedings.
942. Special bail required in suits for duties and penalties.
943. When defendant giving bail in one district is committed in another.
944. Defendant held until judgment in the first suit.
945. Bail and affidavits may be taken by commissioners of circuit courts.
946. Calling of bail in Kentucky.
947. When clerks may take bail *de bene esse*.
948. Amendment of process.
949. Priority of cases in which a State is a party.
950. Notice of case for trial.
951. Suits of United States against individuals, what credits allowed.
952. In suits under postal laws; what credits allowed.
953. Bill of exceptions.
954. Defects of form; amendments.
955. Death of parties.
956. When one of several plaintiffs or defendants dies.
957. Delinquents for public money; judgment at return term, unless, &c.
958. Suits under postal laws; judgment at return term, unless, &c.
959. Suits on debentures; judgment at return term, unless, &c.
960. Suits on bonds for recovery of duties; judgment at return term, unless, &c.
961. Judgment for sum due in equity on bonds, &c.
962. Judgment for duties, &c., to state that it is to be collected in coin.
963. Interest on bonds for duties.
964. Interest on balances due Post-Office Department.
965. Interest on debentures.
966. Interest on judgments.
967. When judgments of United States courts cease to be liens.
968. When plaintiff or petitioner recovers in a circuit court less than certain amounts, he recovers no costs.
969. Costs in internal-revenue suits upon information.
970. Claimant not entitled to costs when reasonable cause of seizure.
971. Double costs when plaintiff is non-suited in action against officer making seizure, &c.
972. Copyright suits, full costs allowed.
973. Costs not recoverable in certain suits for infringement of patent, unless disclaimer entered, &c.
974. When costs of prosecution to be paid by defendant.
975. When costs are recovered by defendant in a prosecution.
976. Fees of clerk, marshal, &c.; when payable by informer, when by United States.
977. Costs, when several actions are brought against parties who might be joined in one.
978. Allowance of costs in libels against vessel and cargo.
979. Claimant's costs to be paid before possession, when, &c.
980. When district attorney is entitled to but one bill of costs for several prosecutions.
981. Taxation of fees of witness before a commissioner.
982. Attorney liable for costs vexatiously increased by him.
983. Bill of costs, how taxed.
984. Bill of costs to be sworn to before taxed or allowed.
985. Executions to run in all the districts of a State.
986. Executions in favor of United States to run in every State and Territory.
987. Executions stayed on conditions.
988. When judgment debtor entitled to a continuance of one term.
989. Execution not to issue against officers of revenue in cases of probable cause, &c.
990. Imprisonment for debt.
991. Discharge from arrest or imprisonment on mesne or final process.
992. Privileges of jail-limits.
993. Goods taken on a *feri facias*, how appraised.
994. Death of marshal after levy or after sale.
995. Moneys paid into court, where and how deposited.
996. How moneys deposited to be withdrawn.
- PROCEDURE ON ERROR AND APPEAL.
997. Removal of causes by writ of error.
998. Citation.
999. Citation; Supreme Court.
1000. Bond in error and on appeal.
1001. No bond required of United States, &c.
1002. Writs of error to district courts acting as circuit courts.
1003. Writs of error to State courts, manner of issue.
1004. Writs of error returnable to the Supreme Court, how issued.
1005. Amendment of writ of error.
1006. Amendment in prize appeals.

| Sec. | Sec. |
|---|---|
| 1007. Supersedeas. | 1025. Indictments, defects of form. |
| 1008. Writs of error and appeals to Supreme Court, time for taking. | 1026. Judgment on demurrer to an indictment. |
| 1009. Appeals in prize causes, within what time. | 1027. When several indictments against the same person, one writ sufficient. |
| 1010. Damages and costs on affirmance in error. | 1028. Copy of writ to be jailer's authority; original returned. |
| 1011. Reversal on error limited. | 1029. Writ for removal of a prisoner from one district to another. |
| 1012. Appeals from circuit courts to Supreme Court. | 1030. No writ necessary to bring into court a person in custody. |
| 1013. Where both parties appeal to the Supreme Court, one record sufficient. | 1031. When peremptory challenges exceed the number allowed by law. |
| CRIMINAL PROCEDURE. | |
| 1014. Offenders against the United States, how arrested and removed for trial. | 1032. Prisoner standing mute, &c. |
| 1015. Bail shall be admitted in cases not capital; by whom. | 1033. Copy of indictment and list of jurors and witnesses to be delivered to prisoner in capital cases. |
| 1016. Bail may be admitted in capital cases; by whom. | 1034. Persons indicted for capital crimes entitled to counsel and to compel witnesses. |
| 1017. Bail in criminal cases removed by writ of error from State courts. | 1035. Verdict of less offense than charged. |
| 1018. Surrender of criminals by their bail. | 1036. Verdict against part of several joint defendants. |
| 1019. New bail to be given in certain cases. | 1037. Indictments remitted by circuit and district courts to each other. |
| 1020. When penalty of recognizances may be remitted. | 1038. Remission from district to circuit court of difficult cases. |
| 1021. Indictments and presentments to be by at least twelve grand jurors. | 1039. All capital cases remitted from district to circuit courts. |
| 1022. Offenses against the elective franchise, how prosecuted. | 1040. When a capital case is carried to the Supreme Court, execution postponed. |
| 1023. Matters set forth in prosecutions for perjury before a naval court-martial. | 1041. Judgments for fines, how collected. |
| 1024. Charges which may be joined in one indictment shall be so joined. | 1042. Poor convicts sentenced and imprisoned for fines. |

SEC. 911. All writs and processes issuing from the courts of the United States shall be under the seal of the court from which they issue, and shall be signed by the clerk thereof. Those issuing from the Supreme Court or a circuit court shall bear teste of the Chief Justice of the United States, or, when that office is vacant, of the associate justice next in precedence, and those issuing from a district court shall bear teste of the judge, or, when that office is vacant, of the clerk thereof. The seals of the said courts shall be provided at the expense of the United States.

SEC. 912. All process issued from the courts of the United States shall bear teste from the day of such issue.

Sealing and testing of writs.

8 May, 1792, c. 36, s. 1, v. 1, p. 275.

Teste of process, day of.

1 June, 1872, c. 255, s. 4, v. 17, p. 197.

SEC. 913. The forms of mesne process and the forms and modes of proceeding in suits of equity and of admiralty and maritime jurisdiction in the circuit and district courts shall be according to the principles, rules, and usages which belong to courts of equity and of admiralty, respectively, except when it is otherwise provided by statute or by rules of court made in pursuance thereof; but the same shall be subject to alteration and addition by the said courts, respectively, and to regulation by the Supreme Court, by rules prescribed, from time to time, to any circuit or district court, not inconsistent with the laws of the United States.

Mesne process, and proceedings in equity and admiralty.

29 Sept., 1789, c. 21, s. 2, v. 1, p. 93.
8 May, 1792, c. 36, s. 2, v. 1, p. 276.
19 May, 1828, c. 68, s. 1, v. 4, p. 278.
1 Aug., 1842, c. 109, v. 5, p. 493.

Grayson *vs.* Virginia, 3 Dall., 320; Wayman *vs.* Southard, 10 Wh. 1; Bank of U. S. *vs.* Halstead, 10 Wh., 51; Munro *vs.* Almeida, 10 Wh., 488; Boyle *vs.* Zacharie, 6 Pet., 658; Duncan's Heirs *vs.* U. S., 7 Pet., 435; Beers *vs.* Haughton, 9 Pet., 359, 360; Harrison *vs.* Nixon, 9 Pet., 507; Story *vs.* Livingston, 13 Pet., 359; Gaines *vs.* Relf, 15 Pet., 9; Pennsylvania *vs.* Wheeling Bridge Co., 13 How., 564; McKinlay *vs.* Morrish, 21 How., 347.

SEC. 914. The practice, pleadings, and forms and modes of proceeding in civil causes, other than equity and admiralty causes, in the circuit and district courts, shall conform, as near as may be, to the practice, pleadings, and forms and modes of proceeding existing at the time in

Practice and proceedings in other than equity and admiralty causes.

1 June, 1872, c. 255, s. 5, v. 17, p. 197. like causes in the courts of record of the State within which such circuit or district courts are held, any rule of court to the contrary notwithstanding.

Elmore vs. Grynes, 1 Pet., 469; *U. S. vs. Robeson*, 9 Pet., 319; *Wilcox vs. Hunt*, 13 Pet., 378; *Minor vs. Tillotson*, 2 How., 392; *Gwyn vs. Barton*, 6 How., 7; *Townsend vs. Jemison*, 7 How., 706; *U. S. vs. Coxe*, 7 How., 833; *Sears vs. Eastburn*, 10 How., 187; *Fenn vs. Holme*, 21 How., 481; *Hooper vs. Scheimer*, 23 How., 249; *Sheirburn vs. Cordova*, 24 How., 423; *U. S. vs. Council of Keokuk*, 6 Wall., 514.

Attachments.

1 June, 1872, c. 255, s. 6, v. 17, p. 197.

SEC. 915. In common-law causes in the circuit and district courts the plaintiff shall be entitled to similar remedies, by attachment or other process, against the property of the defendant, which are now provided by the laws of the State in which such court is held for the courts thereof; and such circuit or district courts may, from time to time, by general rules, adopt such State laws as may be in force in the States where they are held in relation to attachments and other process: *Provided*, That similar preliminary affidavits or proofs, and similar security, as required by such State laws, shall be first furnished by the party seeking such attachment or other remedy.

Executions in common-law causes.

1 June, 1872, c. 255, s. 6, v. 17, p. 197.

Wayman vs. Southard, 10 Wh., 1; *Bank U. S. vs. Halstead*, 10 Wh., 51; *Boyle vs. Zacharie et al.*, 6 Pet., 648; *Ross vs. Duval*, 13 Pet., 45; *U. S. vs. Knight*, 14 Pet., 301; *Ames vs. Smith*, 16 Pet., 303; *Massingill vs. Downs*, 7 How., 760.

Power of the Supreme Court to regulate the practice of circuit and district courts.

23 Aug., 1842, c. 188, s. 6, v. 5, p. 518.

Wayman vs. Southard, 10 Wh., 43; *Poultney vs. The City of Lafayette*, 12 Pet., 472; *The Steamer St. Lawrence*, 1 Bl., 522; *Noonan vs. Lee*, 2 Bl., 509.

Practice in the several courts to be regulated by their own rules.

2 March, 1793, c. 22, s. 7, v. 1, p. 335.

23 Aug., 1842, c. 188, s. 6, v. 5, p. 518.

Wayman vs. Southard, 10 Wh., 43; *Mills vs. Bank U. S.*, 11 Wh., 431; *The Steamer St. Lawrence*, 1 Bl., 522.

Suits for duties, imposts, taxes, penalties, or forfeitures.

2 March, 1799, c. 22, s. 89, v. 1, pp. 695, 696.

4 August, 1790, c. 35, s. 67, v. 1, p. 176. 31 December, 1792, c. 1, s. 29, v. 1, p. 298. 18 Feb., 1793, c. 8, s. 35, v. 1, p. 317. 13 July, 1866, c. 184, s. 9, v. 14, pp. 111, 145. 8 June, 1872, c. 335, s. 303, v. 17, p. 323.

SEC. 916. The party recovering a judgment in any common-law cause in any circuit or district court, shall be entitled to similar remedies upon the same, by execution or otherwise, to reach the property of the judgment debtor, as are now provided in like causes by the laws of the State in which such court is held, or by any such laws hereafter enacted which may be adopted by general rules of such circuit or district court; and such courts may, from time to time, by general rules, adopt such State laws as may hereafter be in force in such State in relation to remedies upon judgments, as aforesaid, by execution or otherwise.

SEC. 917. The Supreme Court shall have power to prescribe, from time to time, and in any manner not inconsistent with any law of the United States, the forms of writs and other process, the modes of framing and filing proceedings and pleadings, of taking and obtaining evidence, of obtaining discovery, of proceeding to obtain relief, of drawing up, entering, and enrolling decrees, and of proceeding before trustees appointed by the court, and generally to regulate the whole practice, to be used, in suits in equity or admiralty, by the circuit and district courts.

SEC. 918. The several circuit and district courts may, from time to time, and in any manner not inconsistent with any law of the United States, or with any rule prescribed by the Supreme Court under the preceding section, make rules and orders directing the returning of writs and processes, the filing of pleadings, the taking of rules, the entering and making up of judgments by default, and other matters in vacation, and otherwise regulate their own practice as may be necessary or convenient for the advancement of justice and the prevention of delays in proceedings.

SEC. 919. All suits for the recovery of any duties, imposts, or taxes, or for the enforcement of any penalty or forfeiture provided by any act respecting imports or tonnage, or the registering and recording or enrolling and licensing of vessels, or the internal revenue, or direct taxes, and all suits arising under the postal laws, shall be brought in the name of the United States.

SEC. 920. Whenever two or more things belonging to the same person are seized for an alleged violation of the revenue laws, the whole must be included in one suit; and if separate actions are prosecuted in such cases, the court shall consolidate them.

SEC. 921. When causes of a like nature or relative to the same question are pending before a court of the United States, or of any Territory, the court may make such orders and rules concerning proceedings therein as may be conformable to the usages of courts for avoiding unnecessary costs or delay in the administration of justice, and may consolidate said causes when it appears reasonable to do so.

SEC. 922. When the marshal or his deputy is a party in any cause, the writs and precepts therein shall be directed to such disinterested person as the court or any justice or judge thereof may appoint, and the person so appointed may execute and return them.

Consolidation of revenue seizures.

26 Feb, 1853, c. 80, s. 1, v. 10, p. 162.

Orders to save costs, and consolidation of causes of a like nature.

22 July, 1813, c. 14, s. 3, v. 3, p. 21.

2 Sellon's Prac., 229.

When the marshal or his deputy is a party in a cause.

24 Sept., 1789, c. 20, s. 28, v. 1, p. 87.

SEC. 923. When any vessel, goods, wares, or merchandise are seized by any officer of the customs, and prosecuted for forfeiture by virtue of any law respecting the revenue, or the registering and recording, or the enrolling and licensing of vessels, the court shall cause fourteen days' notice to be given of such seizure and libel, by causing the substance of such libel, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some newspaper published near the place of seizure, and by posting up the same in the most public manner for the space of fourteen days, at or near the place of trial; and proclamation shall be made in such manner as the court shall direct. And if no person appears and claims such vessel, goods, wares, or merchandise, and gives bond to defend the prosecution thereof and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law.

Seizures for forfeiture in certain cases.

2 March, 1799, c. 22, ss. 70, 89, v. 1, pp. 678, 695, 696.

4 Aug., 1790, c. 35, s. 67, v. 1, p. 176.

31 Dec., 1792, c. 1, s. 29, v. 1, p. 298.

18 Feb., 1793, c. 8, s. 35, v. 1, p. 317.

SEC. 924. In all cases where debts are due from defaulting or delinquent postmasters, contractors, or other officers, agents, or employés of the Post-Office Department, a warrant of attachment may issue against all real and personal property and legal and equitable rights belonging to such officer, agent, or employé, and his sureties, or either of them, in the following cases:

Attachment in postal suits.

23 Feb., 1865, c. 47, s. 1, v. 13, pp. 432, 433.

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

Second. When such officer, agent, or employé, and 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 the same or any part thereof from the district wherein it is situate, with intent to defraud the United States.

And when any such property has been removed, certified copies of the warrant may be sent to the marshal of the district into which the same has been removed, under which certified copies he may seize said property and convey it to some convenient point within the jurisdiction of the court from which the warrant originally issued. And alias warrants may be issued in such cases upon due application, and the validity of the warrant first issued shall continue until the return day thereof.

SEC. 925. Application for such warrant of attachment may be made by any district or assistant district attorney, or any other person authorized by the Postmaster-General, before the judge, or, in his absence, before the clerk of any court of the United States having original jurisdiction of the cause of action. And such application shall be made upon an affidavit of the applicant, or of some other credible person, stating the existence of either of the grounds of attachment enumerated in the preceding section, and upon production of legal evidence of the debt.

Application for warrant; by whom and how made.

23 Feb., 1865, c. 47, s. 2, v. 13, p. 433.

Issuing warrant;
duty of clerk and
marshal.

23 Feb., 1865, c.
47, s. 2, v. 13, p. 433.

Ownership of at-
tached property;
trial; other reme-
dies.

23 Feb., 1865, c.
47, s. 3, v. 13, p. 433.

Proceeds of at-
tached property to
be invested.

23 Feb., 1865, c.
47, s. 4, v. 13, p. 433.

Publication of
attachment.

23 Feb., 1865, c.
47, s. 5, v. 13, p. 434.

Persons having
property of defend-
ants to account for
it; sales void; per-
sonal notice.

23 Feb., 1865, c.
47, s. 6, v. 13, p. 434.

Discharge of at-
tachment; bond.

23 Feb., 1865, c.
47, s. 7, v. 13, p. 434.

Accrued rights not
to be abridged.

23 Feb., 1865, c.
47, s. 9, v. 13, p. 434.

Attachments dis-
solved in conform-
ity with State laws.

14 March, 1848, c.
18, s. 1, v. 9, p. 213.
23 Feb., 1865, c.
47, ss. 1, 9, v. 13, pp.
432, 434.

SEC. 926. Upon any such application and upon due order of any judge of the court, or, in his absence, without such order, the clerk shall issue a warrant for the attachment of all the property of any kind belonging to the person specified in the affidavit, which warrant shall be executed with all possible dispatch 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. 927. At any time within twenty days before the return day of such warrant, the party whose property is attached may, on giving notice to the district attorney of his intention, file a plea in abatement, traversing the allegations of the affidavit, or denying the ownership of the property attached to be 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. And any party claiming ownership of the property attached and a specific return thereof, shall be confined to the remedy herein afforded, but his right to an action of trespass, or other action for damages, shall not be impaired hereby.

SEC. 928. When the property attached is sold on any interlocutory order of the court or is producing any revenue, the money arising from such sale or revenue shall be invested in securities of the United States, under the order of the court, and all accretions shall be held subject to the orders of the same.

SEC. 929. Immediately upon the execution of any such warrant of attachment, the marshal shall cause due publication thereof to be made, in the case of absconding debtors for two months and of non-residents for four months. The publication shall be made in some newspaper published in the district where the property is situate, and the details thereof shall be regulated by the order under which the warrant is issued.

SEC. 930. After the first publication of such notice of attachment as required by law, every person indebted to, or having possession of any property belonging to, the said defendants, or either of them, and having knowledge of such notice, shall account and answer for the amount of such debt and 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. And when the person indebted to, or having possession of the property of, such defendants, or either of them, is known to the district attorney or marshal, such officer shall see that personal notice of the attachment is served upon such person, but the want of such notice shall not invalidate the attachment.

SEC. 931. 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 such applicant shall execute to the United States a good and sufficient penal bond, in double the value of the property attached, to be approved by a judge of the court, and with condition for the return of said property, or to answer any judgment which may be rendered by the court in the premises.

SEC. 932. Nothing contained in the preceding eight sections shall be construed 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, or the adoption of State laws by, the United States courts.

SEC. 933. An attachment of property, upon process instituted in any court of the United States, to satisfy such judgment as may be recovered by the plaintiff therein, except in the cases mentioned in the preceding nine sections, shall be dissolved when any contingency occurs by which, according to the laws of the State where said court is held, such attachment would be dissolved upon like process instituted in the courts of said State: *Provided*, That nothing herein contained shall interfere with any priority of the United States in the payment of debts.

SEC. 934. All property taken or detained by any officer or other person, under authority of any revenue law of the United States, shall be irrepleviable, and shall be deemed to be in the custody of the law, and subject only to the orders and decrees of the courts of the United States having jurisdiction thereof.

Property taken under revenue laws irrepleviable.

2 March, 1833, c. 57, s. 2, v. 4, p. 632.
13 July, 1866, c. 184, s. 67, v. 14, p. 172.

SEC. 935. In any suit by the United States against a corporation for the recovery of money upon a bill, note, or other security, the debtors of the corporation may be summoned as garnishees; and it shall be the duty of any person so summoned to appear in open court and to depose, in writing, to the amount which he was indebted to the said corporation at the time of the service of the summons and at the time of making such deposition; and judgment may be entered in favor of the United States for the sum admitted by such garnishee to be due to the said corporation, in the same manner as if it had been due to the United States: *Provided*, That no judgment shall be entered against any garnishee until after judgment has been rendered against the corporation defendant to the said action, nor until the sum in which the garnishee stands indebted is actually due.

Garnishees in suits by the United States, on notes, &c.

20 April, 1818, c. 83, s. 8, v. 3, p. 443.

SEC. 936. When any person summoned as garnishee deposes in open court that he is not, and was not at the time of the service of the summons, indebted to such corporation, an issue may be tendered by the United States upon such demand, and if, upon the trial of that issue, a verdict is rendered against the garnishee, judgment shall be entered in favor of the United States, pursuant to such verdict, with costs of suit.

Issue tendered when garnishee denies indebtedness.

20 April, 1818, c. 83, s. 9, v. 3, p. 443.

SEC. 937. If any person summoned as garnishee, as aforesaid, fails to appear at the term of the court to which he is summoned, he shall be subject to attachment for contempt of the court

Garnishee failing to appear.

20 April, 1818, c. 83, s. 10, v. 3, p. 444.

SEC. 938. Upon the prayer of any claimant to the court, that any vessel, goods, wares, or merchandise, seized and prosecuted under any law respecting the revenue from imports or tonnage, or the registering and recording, or the enrolling and licensing of vessels, or any part thereof, should be delivered to him, the court shall appoint three proper persons to appraise such property, who shall be sworn in open court, or before a commissioner appointed by the district court to administer oaths to appraisers, for the faithful discharge of their duty; and the appraisement shall be made at the expense of the party on whose prayer it is granted. If, on the return of the appraisement, the claimant, with one or more sureties, to be approved by the court, shall execute a bond to the United States for the payment of a sum equal to the sum at which the property prayed to be delivered is appraised, and produce a certificate from the collector of the district where the trial is had, and of the naval officer thereof, if any there be, that the duties on the goods, wares, and merchandise, or tonnage-duty on the vessel so claimed, have been paid or secured in like manner as if the same had been legally entered, the court shall, by rule, order such vessel, goods, wares, or merchandise to be delivered to such claimant; and the said bond shall be lodged with the proper officer of the court. If judgment passes in favor of the claimant, the court shall cause the said bond to be canceled; but if judgment passes against the claimant, as to the whole or any part of such vessel, goods, wares, or merchandise, and the claimant does not within twenty days thereafter pay into the court, or to the proper officer thereof, the amount of the appraised value of such vessel, goods, wares, or merchandise so condemned, with the costs, judgment shall be granted upon the bond, on motion in open court, without further delay. [See § 570.]

Bailing of property seized under customs laws.

2 March, 1799, c. 22, s. 89, v. 1, pp. 695, 696.

4 Aug., 1790, c. 35, s. 67, v. 1, p. 176.

31 Dec., 1792, c. 1, s. 29, v. 1, p. 298.

18 Feb., 1793, c. 8, s. 35, v. 1, p. 317.

9 June, 1794, c. 64, s. 1, v. 1, p. 395.

SEC. 939. All vessels, goods, wares, or merchandise which shall be condemned by virtue of any law respecting the revenue from imports or tonnage, or the registering and recording, or the enrolling and licensing of vessels, and for which bonds shall not have been given by the

Sale after condemnation.

2 March, 1799, c. 22, s. 90, v. 1, p. 696.

4 Aug., 1790, c. 35, s. 68, v. 1, p. 177.
 31 Dec., 1792, c. 1, s. 29, v. 1, p. 298.
 18 Feb., 1793, c. 8, s. 35, v. 1, p. 317.

claimant, shall be sold by the marshal or other proper officer of the court in which condemnation shall be had, to the highest bidder, at public auction, by order of such court, and at such place as the court may appoint, giving at least fifteen days' notice (except in cases of perishable merchandise) in one or more of the public newspapers of the place where such sale shall be; or if no paper is published in such place, in one or more of the papers published in the nearest place thereto; for which advertising, a sum not exceeding five dollars shall be paid. And the amount of such sales, deducting all proper charges, shall be paid within ten days after such sale by the person selling the same to the clerk or other proper officer of the court directing such sale, to be by him, after deducting the charges allowed by the court, paid to the collector of the district in which such seizure or forfeiture has taken place, as hereinbefore directed.

In cases of seizure, bailing of property in vacation.

5 April, 1832, c. 66, v. 4, p. 503.
 2 March, 1799, c. 22, s. 89, v. 1, pp. 695, 696.
 4 Aug., 1790, c. 35, s. 67, v. 1, p. 176.
 31 Dec., 1792, c. 1, s. 29, v. 1, p. 298.
 18 Feb., 1793, c. 8, s. 35, v. 1, p. 317.

SEC. 940. In any cause of admiralty and maritime jurisdiction, or other case of seizure, depending in any court of the United States, any judge of the said court, in vacation, shall have the same authority to order any vessel, or cargo, or other property to be delivered to the claimants, upon bail or bond, or to be sold when necessary, as the said court has in term time, and to appoint appraisers, and exercise every other incidental power necessary to the complete execution of the authority herein granted; and the recognizance of bail or bond, under such order, may be executed before the clerk upon the party's producing the certificate of the collector of the district, of the sufficiency of the security offered; and the same proceedings shall be had in case of said order of delivery or of sale, as are had in like cases when ordered in term time: *Provided*, That upon every such application, either for an order of delivery or of sale, the collector and the attorney of the district shall have reasonable notice in cases of the United States, and the party or counsel in all other cases.

Delivery bond in admiralty proceedings.

3 March, 1847, c. 55, v. 9, p. 181.
 2 March, 1799, c. 22, s. 89, v. 1, pp. 695, 696.
 4 Aug., 1790, c. 35, s. 67, v. 1, p. 176.
 31 Dec., 1792, c. 1, s. 29, v. 1, p. 298.
 18 Feb., 1793, c. 8, s. 35, v. 1, p. 317.

SEC. 941. When a warrant of arrest or other process in rem is issued in any cause of admiralty jurisdiction, except the cases of seizure for forfeiture under any law of the United States, the marshal shall stay the execution of such process, or discharge the property arrested if the process has been levied, on receiving from the claimant of the property a bond or stipulation in double the amount claimed by the libellant, with sufficient surety, to be approved by the judge of the court where the cause is pending, or, in his absence, by the collector of the port, conditioned to answer the decree of the court in such cause. Such bond or stipulation shall be returned to the court, and judgment thereon, against both the principal and sureties, may be recovered at the time of rendering the decree in the original cause.

Special bail required in suits for duties and penalties.

2 March, 1799, c. 22, s. 65, v. 1, p. 676.
 28 Feb., 1839, c. 35, v. 5, p. 321.

SEC. 942. In all suits or prosecutions for the recovery of duties or pecuniary penalties prescribed by the laws of the United States, commenced in any State where, by the laws thereof, imprisonment for debt shall not have been abolished, the person against whom process is issued shall be held to special bail, subject to the rules which prevail in civil suits in which special bail is required.

When defendant giving bail in one district is committed in another.

2 March, 1799, c. 32, s. 1, v. 1, p. 727.

14 Jan., 1841, c. 2, v. 5, p. 410.—Conkl., 348, 349.

SEC. 943. When a defendant who has procured bail to respond to the judgment in a suit in any court of the United States in any district is afterward arrested in any other district and is committed to a jail, the use of which had been ceded to the United States for the custody of prisoners, the judge of the court wherein the suit in which the defendant has so procured bail is depending, shall, at the request of the bail, order that such defendant be held in said jail, in the custody of the marshal of the district in which it is. The said marshal, upon the delivery of such order, duly authenticated, shall receive such person into his custody, and thereupon be chargeable for an escape, and shall forthwith make a certificate, under his hand and seal, of such commitment, and transmit the same to the court from which the order issued, and, if required, shall make and deliver to such bail or to his attorney a duplicate thereof.

Upon the return of said certificate, the court which made the said order, or any judge thereof, may direct that an exoneretur be entered upon the bail-piece, where special bail shall have been found, or otherwise discharge such bail.

SEC. 944. When a defendant is committed by virtue of the order provided in the preceding section, he shall, unless sooner discharged by law, be holden in jail until final judgment is rendered in the suit in which he procured bail as aforesaid, and sixty days thereafter, if such judgment is rendered against him, in order that he may be charged in execution, which may, in such cases, be directed to and served by the marshal in whose custody he is.

SEC. 945. Bail and affidavits, when required or allowed in any civil cause in any circuit or district court, may be taken by a commissioner of the circuit court for the district; and such acknowledgments of bail and affidavits shall have the same effect as if taken before any judge of such courts.

Defendant held until judgment in the first suit.

2 Mar., 1799, c. 32, s. 3, v. 1, p. 727.

Bail and affidavits may be taken by commissioners of circuit courts.

25, s. 1, v. 2, p. 679. 1 March, 1817, c. 30, v. 3, p. 350.

SEC. 946. When a bail-bond is given for the appearance of any person to answer in the district or circuit court for the district of Kentucky, the clerk of such court shall call the party at the time he is bound to appear. If the party fails, the clerk shall enter such failure on his minutes, and on said entry judgment may afterward be made of record by the court; but if the party appears, the clerk shall take another bond, with sureties similar to the first, for further appearance at the next succeeding term of the court, and if the party fails to give such other bond and surety, he shall stand committed by order of the clerk until he complies.

20 Feb., 1812, c. 1817, c. 30, v. 3, p. 350. Calling of bail, in Kentucky.

15 May, 1862, c. 71, s. 10, v. 12, p. 387.

SEC. 947. Recognizances of special bail may be taken *de bene esse* by the clerks of the circuit and district courts, in the absence or in case of the disability of the judges, in any action depending in either of the said courts, where special bail is demandable.

When clerks may take bail *de bene esse*.

8 May, 1792, c. 36, s. 10, v. 1, p. 278.

SEC. 948. Any circuit or district court may at any time, in its discretion and upon such terms as it may deem just, allow an amendment of any process returnable to or before it, where the defect has not prejudiced, and the amendment will not injure the party against whom such process issues.

Amendment of process.

1 June, 1872, c. 255, s. 3, v. 17, p. 197.

SEC. 949. When a State is a party, or the execution of the revenue laws of a State is enjoined or stayed, in any suit in a court of the United States, such State or the party claiming under the revenue laws of a State, the execution whereof is enjoined or stayed, shall be entitled, on showing sufficient reason, to have the cause heard at any time after it is docketed, in preference to any civil cause pending in such court between private parties.

Priority of cases in which a State is a party.

30 June, 1870, c. 181, v. 16, p. 176.

SEC. 950. In all civil actions in the courts of the United States either party may notice the same for trial.

Notice of case for trial.

28 Feb., 1871, c. 99, s. 17, v. 16, p. 439.

SEC. 951. In suits brought by the United States against individuals, no claim for a credit shall be admitted, upon trial, except such as appear to have been presented to the accounting officers of the Treasury, for their examination, and to have been by them disallowed, in whole or in part, unless it is proved to the satisfaction of the court that the defendant is, at the time of the trial, in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting a claim for such credit at the Treasury by absence from the United States or by some unavoidable accident.

Suits of United States against individuals, what credits allowed.

2 March, 1797, c. 20, s. 3, v. 1, p. 514.

U. S. vs. Giles, 9 Cr., 236; Thelusson vs. Smith, 2 Wh., 396; U. S. vs.

Wilkins, 6 Wh., 143; Walton vs. U. S., 9 Wh., 650; Cox vs. U. S., 6 Pet., 202; U. S. vs. Refey, 7 Pet., 25; U. S. vs. Fillebrown, 7 Pet., 48; U. S. vs. Robeson, 9 Pet., 319; U. S. vs. Hawkins, 10 Pet., 125; U. S. vs. Laub, 12 Pet., 1; U. S. vs. Bank of Metropolis, 15 Pet., 377; Gratiot vs. U. S., 4 How., 112; U. S. vs. Buchanan, 8 How., 105; DeGroot vs. U. S., 5 Wall., 431; U. S. vs. Eekford, 6 Wall., 484; U. S. vs. Gilmore, 7 Wall., 491; Halliburton vs. U. S., 13 Wall., 63.

In suits under postal laws, what credits allowed.

2 July, 1836, c. 270, s. 15, v. 5, p. 82.

U. S. vs. Roberts, 9 How., 501; *U. S. vs. Hodge*, 13 How., 478; *Ware vs. U. S.*, 4 Wall., 617.

Bill of exceptions.

1 June, 1872, c. 255, s. 4, v. 17, p. 197.

Defects of form; amendments.

24 Sept., 1789, c. 20, s. 32, v. 1, p. 91.

Brig Caroline vs. U. S., 7 Cr., 496; *The Marianna Flora*, 11 Wh., 1; *Bank of Kentucky vs. Wistar*, 3 Pet., 431; *Jackson vs. Ashton*, 10 Pet., 480; *Woodward vs. Brown*, 13 Pet., 1; *Houseman vs. Schooner North Carolina*, 15 Pet., 40; *Matheson's Adm'r vs. Grant's Adm'r*, 2 How., 263; *Garland vs. Davis*, 4 How., 131; *Stockton vs. Bishop*, 4 How., 155; *Kennedy vs. Georgia Bank*, 8 How., 586; *Conrad vs. Griffey*, 11 How., 480; *Parks vs. Turner*, 12 How., 39; *Hudgins vs. Kemp*, 18 How., 530; *Insurance Co. vs. Mordecai*, 21 How., 195; *Porter vs. Foley*, 21 How., 393; *Railroad Co. vs. Lindsay*, 4 Wall., 650; *McVeigh vs. U. S.*, 8 Wall., 640.

Death of parties.

24 Sept., 1789, c. 20, s. 31, v. 1, p. 90.

Wilson vs. Codman's Ex'r, 3 Cr., 193; *McCoul vs. Lukamp's Adm'r*, 2 Wh., 111; *Green vs. Watkins*, 6 Wh., 260; *Macker's Heirs vs. Thomas*, 7 Wh., 530; *Clay vs. Smith*, 3 Pet., 411; *McNutt vs. Bland*, 2 How., 28; *Barribau vs. Brant*, 17 How., 43; *Griswold vs. Hill*, 1 Paue, 483; *Hatch vs. Eustace*, 1 Gall., 160.

When one of several plaintiffs or defendants dies.

24 Sept., 1789, c. 20, s. 31, v. 1, p. 90.

Delinquents for public money; judgment at return term, unless, &c.

3 March, 1797, c. 20, s. 3, v. 1, p. 514.

SEC. 952. No claim for a credit shall be allowed upon the trial of any suit for delinquency against a postmaster, contractor, or other officer, agent, or employé of the Post-Office Department, unless the same has been presented to the Sixth Auditor and by him disallowed, in whole or in part, or unless it is proved to the satisfaction of the court that the defendant is, at the time of trial, in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting to the said Auditor a claim for such credit by some unavoidable accident.

SEC. 953. A bill of exceptions allowed in any cause shall be deemed sufficiently authenticated if signed by the judge of the court in which the cause was tried, or by the presiding judge thereof, if more than one judge sat on the trial of the cause, without any seal of court or judge being annexed thereto.

SEC. 954. No summons, writ, declaration, return, process, judgment, or other proceedings in civil causes, in any court of the United States, shall be abated, arrested, quashed, or reversed for any defect or want of form; but such court shall proceed and give judgment according as the right of the cause and matter in law shall appear to it, without regarding any such defect, or want of form, except those which, in cases of demurrer, the party demurring specially sets down, together with his demurrer, as the cause thereof; and such court shall amend every such defect and want of form, other than those which the party demurring so expresses; and may at any time permit either of the parties to amend any defect in the process or pleadings, upon such conditions as it shall, in its discretion and by its rules, prescribe.

Matheson's Adm'r vs. Grant's Adm'r, 2 How., 263; *Garland vs. Davis*, 4 How., 131; *Stockton vs. Bishop*, 4 How., 155; *Kennedy vs. Georgia Bank*, 8 How., 586; *Conrad vs. Griffey*, 11 How., 480; *Parks vs. Turner*, 12 How., 39; *Hudgins vs. Kemp*, 18 How., 530; *Insurance Co. vs. Mordecai*, 21 How., 195; *Porter vs. Foley*, 21 How., 393; *Railroad Co. vs. Lindsay*, 4 Wall., 650; *McVeigh vs. U. S.*, 8 Wall., 640.

SEC. 955. When either of the parties, whether plaintiff, or petitioner, or defendant, in any suit in any court of the United States, dies before final judgment, the executor or administrator of such deceased party may, in case the cause of action survives by law, prosecute or defend any such suit to final judgment. The defendant shall answer accordingly; and the court shall hear and determine the cause and render judgment for or against the executor or administrator, as the case may require. And if such executor or administrator, having been duly served with a scire facias from the office of the clerk of the court where the suit is depending, twenty days beforehand, neglects or refuses to become party to the suit, the court may render judgment against the estate of the deceased party, in the same manner as if the executor or administrator had voluntarily made himself a party. The executor or administrator who becomes a party as aforesaid, shall, upon motion to the court, be entitled to a continuance of the suit until the next term of said court.

SEC. 956. If there are two or more plaintiffs or defendants, in a suit where the cause of action survives to the surviving plaintiff or against the surviving defendant, and one or more of them dies, the writ or action shall not be thereby abated; but, such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff against the surviving defendant.

SEC. 957. When suit is brought by the United States against any revenue officer or other person accountable for public money, who neglects or refuses to pay into the Treasury the sum or balance reported to be due to the United States, upon the adjustment of his account it shall be the duty of the court to grant judgment at the return term, upon motion, unless the defendant, in open court, (the United States attorney being present,) makes and subscribes an oath that he is equitably entitled to credits which had been, previous to the commencement of the

suit, submitted to the accounting officers of the Treasury, and rejected; specifying in the affidavit each particular claim so rejected, and that he cannot then safely come to trial. If the court, when such oath is made, subscribed, and filed, is thereupon satisfied, a continuance until the next succeeding term may be granted. Such continuance may also be granted when the suit is brought upon a bond or other sealed instrument, and the defendant pleads non est factum, or makes a motion to the court, verifying such plea or motion by his oath, and the court thereupon requires the production of the original bond, contract, or other paper specified in the affidavit. And no continuance shall be granted except as herein provided.

SEC. 958. In suits arising under the postal laws the court shall proceed to trial, and render judgment at the return term; but whenever service of process is not made at least twenty days before the return day of such term, the defendant is entitled to one continuance, if, on his statement, the court deems it expedient; and if he makes affidavit that he has a claim against the Post-Office Department, which has been submitted to and disallowed by the Sixth Auditor, specifying such claim in his affidavit, and that he could not be prepared for trial at such term for want of evidence, the court, if satisfied thereof, may grant a continuance until the next term.

SEC. 959. In all suits for the recovery of money upon debentures issued by the collectors of customs, under any act for the collection of duties, it shall be the duty of the court to grant judgment at the return term, unless the defendant, in open court, exhibits some plea, on oath, by which the court is satisfied that a continuance is necessary to the attainment of justice; in which case, and not otherwise, a continuance until the next term may be granted.

SEC. 960. When suit is brought on any bond for the recovery of duties due to the United States, it shall be the duty of the court to grant judgment at the return term, upon motion, unless the defendant, in open court, (the United States attorney being present,) makes oath that an error has been committed in the liquidation of the duties demanded upon such bond, specifying the errors alleged to have been committed, and that the same have been notified in writing to the collector of the district before the said return term; whereupon a continuance may be granted until the next term, and no longer, if the court is satisfied that such continuance is necessary for the attainment of justice.

SEC. 961. In all suits brought to recover the forfeiture annexed to any articles of agreement, covenant, bond, or other specialty, where the forfeiture, breach, or non-performance appears by the default or confession of the defendant, or upon demurrer, the court shall render judgment for the plaintiff to recover so much as is due according to equity. And when the sum for which judgment should be rendered is uncertain, it shall, if either of the parties request it, be assessed by a jury.

SEC. 962. In all suits by the United States for the recovery of duties upon imports, or of penalties for the non-payment thereof, the judgment shall recite that it is rendered for duties, and such judgment, with interest thereon, and costs, shall be payable in the coin by law receivable for duties; and the execution issued thereon shall set forth that the recovery is for duties, and shall require the marshal to satisfy the same in the coin by law receivable for duties; and in case of levy upon and sale of the property of the judgment debtor, the marshal shall refuse payment from any purchaser at such sale in any other money than that specified in the execution. (See § 3014.)

SEC. 963. Upon all bonds, on which suits are brought for the recovery of duties, interest shall be allowed, at the rate of six per centum a year, from the time when said bonds became due.

Suits under postal laws; judgment at return term, unless, &c.

3 March, 1825, c. 64, s. 38, v. 4, p. 113.
2 July, 1836, c. 270, s. 15, v. 5, p. 82.

Suits on debentures; judgment at return term unless, &c.

2 March, 1799, c. 22, s. 80, v. 1, pp. 688, 689.

Ex parte U. S., 8 Pet., 700.

Suits on bonds for recovery of duties; judgment at return term, unless, &c.

2 March, 1799, c. 22, s. 65, v. 1, p. 676.

Ex parte U. S., 8 Pet., 700.

Judgment for sum due in equity on bonds, &c.

24 Sept., 1789, c. 20, s. 26, v. 1, p. 87.

Farrar vs. U. S., 5 Pet., 373.

Judgment for duties, &c., to state that it is to be collected in coin.

3 March, 1865, c. 80, s. 12, v. 13, p. 494.

Interest on bonds for duties.

2 March, 1799, c. 22, s. 65, v. 1, p. 676.

Interest on balances due Post-Office Department.

SEC. 964. In all suits for balances due to the Post-Office Department, interest thereon shall be recovered, from the time of the default, at the rate of six per centum a year.

2 July, 1836, c. 270, s. 15, v. 5, p. 82.

Interests on debentures.

SEC. 965. In suits upon debentures, issued by the collectors of the customs under any act for the collection of duties, interest shall be allowed, at the rate of six per centum per annum, from the time when such debenture became due and payable.

2 March, 1799, c. 22, s. 80, v. 1, pp. 687, 689.

Interest on judgments.

SEC. 966. Interest shall be allowed on all judgments in civil causes, recovered in a circuit or district court, and may be levied by the marshal under process of execution issued thereon, in all cases where, by the law of the State in which such court is held, interest may be levied under process of execution on judgments recovered in the courts of such State; and it shall be calculated from the date of the judgment, at such rate as is allowed by law on judgments recovered in the courts of such State.

23 Aug., 1842, c. 118, s. 8, v. 5, p. 518.

Perkins vs. Four-niquet, 14 How., 328.

When judgments of United States courts cease to be liens.

SEC. 967. Judgments and decrees rendered in a circuit or district court, within any State, shall cease to be liens on real estate or chattels real, in the same manner and at like periods as judgments and decrees of the courts of such State cease, by law, to be liens thereon.

4 July, 1840, c. 43, s. 4, v. 5, p. 393.—*Massingill vs. Downs*, 7 How., 760.

When plaintiff or petitioner recovers in a circuit court less than certain amounts, he recovers no costs.

SEC. 968. When, in a circuit court, a plaintiff in an action at law originally brought there, or a petitioner in equity, other than the United States, recovers less than the sum or value of five hundred dollars, exclusive of costs, in a case which cannot be brought there unless the amount in dispute, exclusive of costs, exceeds said sum or value; or a libellant, upon his own appeal, recovers less than the sum or value of three hundred dollars, exclusive of costs, he shall not be allowed, but, at the discretion of the court, may be adjudged to pay, costs.

24 Sept., 1789, c. 20, s. 20, v. 1, p. 83.
3 March, 1803, c. 40, s. 2, v. 2, p. 244.

Leeds vs. Cameron, 3 Sum., 488; *Kneass vs. Schuylkill Bank*, 4 Wash. C. C., 106; *Cattle vs. Payne*, 3 Day, 289; *Ellis vs. Jarvis*, 3 Mas., 457; *Field vs. Schell*, 4 Blatchf., 435.

Costs in internal-revenue suits upon information.

SEC. 969. When a suit for the recovery of any penalty or forfeiture accruing under any law providing internal revenue is brought upon information received from any person other than a collector, deputy collector, or inspector of internal revenue, the United States shall not be subject to any costs of suit.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

Claimant not entitled to costs when reasonable cause of seizure.

SEC. 970. When, in any prosecution commenced on account of the seizure of any vessel, goods, wares, or merchandise, made by any collector or other officer, under any act of Congress authorizing such seizure, judgment is rendered for the claimant, but it appears to the court that there was reasonable cause of seizure, the court shall cause a proper certificate thereof to be entered, and the claimant shall not, in such case, be entitled to costs, nor shall the person who made the seizure, nor the prosecutor, be liable to suit or judgment on account of such suit or prosecution: *Provided*, That the vessel, goods, wares, or merchandise be, after judgment, forthwith returned to such claimant or his agent.

24 Feb., 1807, c. 19, s. 1, v. 2, p. 422.
2 March, 1799, c. 22, s. 89, v. 1, pp. 695, 696.

Gelston vs. Hoyt, 3 Wh., 246, (314); *The Apollon*, 9 Wh., 362; *U. S. vs. Riddle*, 5 Cr., 311; *Locke vs. U. S.*, 7 Cr., 339; *Otis vs. Watkins*, 9 Cr., 339; *Averill vs. Smith*, 17 Wall., 82, (93); *Shattuck vs. Maley*, 1 Wash. C. C., 249; *Friendship and cargo*, 1 Gallis., 111; *The Friendship*, 2 Gallis., 112; *U. S. vs. Gay*, 2 Gallis., 360; *The ship Recorder*, 2 Blatchf., 120; *La Jeune Eugenie*, 2 Mas., 436.

Double costs, when plaintiff is nonsuited in action against officer making seizure, &c.

SEC. 971. If, in any suit against an officer or other person executing or aiding or assisting in the seizure of goods, under any act providing for or regulating the collection of duties on imports or tonnage, the plaintiff is nonsuited, or judgment passed against him, the defendant shall recover double costs.

2 March, 1799, c. 22, s. 71, v. 1, p. 678.

SEC. 972. In all recoveries under the copyright laws, either for damages, forfeitures, or penalties, full costs shall be allowed thereon.

Copyright suits,
full costs allowed.

8 July, 1870, c. 230, s. 108, v. 16, p. 215.

SEC. 973. When judgment or decree is rendered for the plaintiff or complainant, in any suit at law or in equity, for the infringement of a part of a patent, in which it appears that the patentee, in his specification, claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, of which he was not the original and first inventor, no costs shall be recovered, unless the proper disclaimer, as provided by the patent laws, has been entered at the Patent Office before the suit was brought.

Costs not recoverable in certain suits for infringement of patent, unless disclaimer entered, &c.

8 July, 1870, c. 230, s. 60, v. 16, p. 207.

SEC. 974. When judgment is rendered against the defendant in a prosecution for any fine or forfeiture incurred under a statute of the United States, he shall be subject to the payment of costs; and on every conviction for any other offense not capital, the court may, in its discretion, award that the defendant shall pay the costs of the prosecution.

When costs of prosecution to be paid by defendant.

8 May, 1792, c. 36, s. 5, v. 1, p. 277.

SEC. 975. If any informer or plaintiff on a penal statute, to whom the penalty or any part thereof, if recovered, is directed to accrue, discontinues his suit or prosecution, or is nonsuited therein, or if upon trial judgment is rendered in favor of the defendant, the court shall award to the defendant his costs, unless such informer or plaintiff is an officer of the United States specially authorized to commence such prosecution, and the court, at the trial in open court, certifies upon the record that there was reasonable cause for commencing the same; in which case no costs shall be adjudged to the defendant.

When costs are recovered by defendant in a prosecution.

8 May, 1792, c. 36, s. 5, v. 1, p. 277.

SEC. 976. If any informer on a penal statute, to whom the penalty or any part thereof, if recovered, is directed to accrue, discontinues his suit or prosecution, or is nonsuited therein, or if upon trial judgment is rendered in favor of the defendant, such informer shall be alone liable to the clerk, marshal, and attorney for the fees of such prosecution, unless he is an officer of the United States whose duty it is to commence such prosecution, and the court certifies that there was reasonable cause for commencing the same; in which case the United States shall be responsible for such fees.

Fees of clerk, marshal, &c.; when payable by informer; when by United States.

28 Feb., 1799, c. 19, s. 8, v. 1, p. 626.

SEC. 977. If several actions or processes are instituted, in a court of the United States or one of the Territories, against persons who might legally be joined in one action or process touching the matter in dispute, the party pursuing the same shall not recover, on all of the judgments therein which may be rendered in his favor, the costs of more than one action or process, unless special cause for said several actions or processes is satisfactorily shown on motion in open court.

Costs, when several actions are brought against parties who might be joined in one.

22 July, 1813, c. 14, s. 1, v. 3, p. 19.

SEC. 978. When proceedings are had before a court of the United States or of the Territories, on several libels against any vessel and cargo, which might legally be joined in one libel, there shall not be allowed thereon more costs than on one libel, unless special cause for libeling the vessel and cargo separately is satisfactorily shown on motion in open court. And in proceedings on several libels or informations against any cargo, or parts of cargo, or merchandise seized as forfeited for the same cause, there shall not be allowed more costs than would be lawful on one libel or information, whatever may be the number of owners or consignees therein concerned. But allowance may be made on one libel or information for the costs incidental to several claims.

Allowance of costs in libels against vessel and cargo.

22 July, 1813, c. 14, s. 2, v. 3, p. 20.

SEC. 979. When judgment is rendered in favor of the claimant of any vessel or other property seized on behalf of the United States, and libeled or informed against as forfeited under any law thereof, he shall be entitled to possession of the same when his own costs are paid.

Claimant's costs to be paid before possession, when, &c.

22 July, 1813, c. 14, s. 2, v. 3, p. 21.

When district attorney is entitled to but one bill of costs for several prosecutions.

SEC. 980. When a district attorney prosecutes two or more indictments, suits, or proceedings which should be joined, he shall be paid but one bill of costs for all of them.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 162.

Taxation of fees of witness before a commissioner.

16 Aug., 1856, c. 124, s. 3, v. 11, p. 49.

Attorney liable for costs vexatiously increased by him.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 162. 22 July, 1813,

Bill of costs, how taxed.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 168.

The Liverpool Packet, 2 Spr., 37; Lyell vs. Miller, 6 McLan, 422.

Bill of costs to be sworn to before taxed or allowed.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 169.

Executions to run in all the districts of a State.

20 May, 1826, c. 124, v. 4, p. 184.

Executions in favor of United States to run in every State and Territory.

3 March, 1797, c. 20, s. 6, v. 1, p. 515.

Execution stayed on conditions.

24 Sept., 1789, c. 20, s. 18, v. 1, p. 83.

3 March, 1865, c. 86, s. 4, v. 13, p. 501.

When judgment-debtor entitled to a continuance of one term.

19 May, 1828, c. 68, s. 2, v. 4, p. 281.

SEC. 981. In no case shall the fees of more than four witnesses be taxed against the United States, in the examination of any criminal case before a commissioner of a circuit court, unless their materiality and importance are first approved and certified to by the district attorney for the district in which the examination is had; and such taxation shall be subject to revision, as in other cases.

SEC. 982. If any attorney, proctor, or other person admitted to conduct causes in any court of the United States, or of any Territory, appears to have multiplied the proceedings in any cause before such court, so as to increase costs unreasonably and vexatiously, he shall be required, by order of the court, to satisfy any excess of costs so increased.

c. 14, s. 3, v. 3, p. 21.

SEC. 983. The bill of fees of the clerk, marshal, and attorney, and the amount paid printers and witnesses, and lawful fees for exemplifications and copies of papers necessarily obtained for use on trials in cases where by law costs are recoverable in favor of the prevailing party, shall be taxed by a judge or clerk of the court, and be included in and form a portion of a judgment or decree against the losing party. Such taxed bills shall be filed with the papers in the cause.

SEC. 984. Before any bill of costs shall be taxed by any judge or other officer, or allowed by any officer of the Treasury, in favor of clerks, marshals, commissioners, or district attorneys, the party claiming such bill shall prove by his own oath, or that of some other person having a knowledge of the facts, to be attached to such bill, and filed therewith, that the services charged therein have been actually and necessarily performed, as therein stated.

SEC. 985. All writs of execution upon judgments or decrees obtained in a circuit or district court, in any State which is divided into two or more districts, may run and be executed in any part of such State; but shall be issued from, and made returnable to, the court wherein the judgment was obtained.

SEC. 986. All writs of execution upon judgments obtained for the use of the United States, in any court thereof, in one State, may run and be executed in any other State, or in any Territory, but shall be issued from, and made returnable to, the court wherein the judgment was obtained.

SEC. 987. When a circuit court enters judgment in a civil action, either upon a verdict or on a finding of the court upon the facts, in cases where such finding is allowed, execution may, on motion of either party, at the discretion of the court, and on such conditions for the security of the adverse party as it may judge proper, be stayed forty-two days from the time of entering judgment, to give time to file in the clerk's office of said court a petition for a new trial. If such petition is filed within said term of forty-two days, with a certificate thereon from any judge of such court that he allows it to be filed, which certificate he may make or reinstate at his discretion, execution shall, of course, be further stayed to the next session of said court. If a new trial be granted, the former judgment shall be thereby rendered void.

SEC. 988. In any State where judgments are liens upon the property of the defendant, and where, by the laws of such State, defendants are entitled, in the courts thereof, to a stay of execution for one term or more, defendants in actions in the courts of the United States, held therein, shall be entitled to a stay of execution for one term.

SEC. 989. When a recovery is had in any suit or proceeding against a collector or other officer of the revenue for any act done by him, or for the recovery of any money exacted by or paid to him and by him paid into the Treasury, in the performance of his official duty, and the court certifies that there was probable cause for the act done by the collector or other officer, or that he acted under the directions of the Secretary of the Treasury, or other proper officer of the Government, no execution shall issue against such collector or other officer, but the amount so recovered shall, upon final judgment, be provided for and paid out of the proper appropriation from the Treasury.

SEC. 990. No person shall be imprisoned for debt in any State, on process issuing from a court of the United States, where, by the laws of such State, imprisonment for debt has been or shall be abolished. And all modifications, conditions, and restrictions upon imprisonment for debt, provided by the laws of any State, shall be applicable to the process issuing from the courts of the United States to be executed therein; and the same course of proceedings shall be adopted therein as may be adopted in the courts of such State.

Randolph vs. Donaldson, 9 Cr., 76; *Marshall vs. Bazin*, 7 N. Y. Leg. Obs., 342; *Hodge vs. Bemis*, 12 Law Rep., 470, S. C., 2 Am. L. J., 337; *Gardner vs. Isaacson*, 1 Ab., 141; *Gaines vs. Travis*, 1 Ab., 422

SEC. 991. When any person is arrested or imprisoned in any State, on mesne process or execution issued from any court of the United States, in any civil action, he shall be entitled to discharge from such arrest or imprisonment in the same manner as if he were so arrested and imprisoned on like process from the courts of such State. The same oath may be taken, and the same notice thereof shall be required, as may be provided by the laws of such State, and the same course of proceedings shall be adopted as may be adopted in the courts thereof. But all such proceedings shall be had before one of the commissioners of the circuit court for the district where the defendant is so held.

19, 20.—*King vs. Riddle*, 7 Cr., 168; *Duncan vs. Durst*, 1 How., 301; *How.*, 9; *Snead vs. McCoull*, 12 How., 407.

SEC. 992. Persons imprisoned on process issuing from any court of the United States in civil actions, as well at the suit of the United States as at the suit of any person, shall be entitled to the same privileges of the yards of the respective jails as persons confined in like cases on process from the courts of the respective States are entitled to, and under the like regulations and restrictions.

109, v. 5, p. 499.—*Ex parte Wilson*, 6 Cr., 52; *U. S. vs. Knight*, 14 Pet., 314.

SEC. 993. When it is required by the laws of any State that goods taken in execution on a writ of fieri facias shall be appraised, before the sale thereof, the appraisers appointed under the authority of the State may appraise goods taken in execution on a fieri facias issued out of any court of the United States, in the same manner as if such writ had issued out of a court of such State. And the marshal, in whose custody such goods may be, shall summon the appraisers, in the same manner as the sheriff is, by the laws of such State, required to summon them; and if the appraisers, being duly summoned, fail to attend and perform the duties required of them, the marshal may proceed to sell such goods without an appraisal. When such appraisers attend they shall be entitled to the like fees as in cases of appraisements under the laws of the State.

SEC. 994. When a marshal dies, or is removed from office, or the term of his commission expires, after he has taken in execution, under process from a court of the United States, any lands, tenements, or hereditaments, and before sale or other final disposition thereof, the like process shall issue to the succeeding marshal, and the same proceeding shall be had as if such marshal had not died or been removed, or the term of his commission had not expired. And when a marshal dies or is removed from office, or the term of his commission expires, after he has sold any lands, tenements, or hereditaments, under process from a court of the

Execution not to issue against officers of revenue in cases of probable cause, &c.

3 Mar., 1863, c. 76, s. 12, v. 12, p. 741.

Imprisonment for debt.

28 Feb., 1839, c. 35, v. 5, p. 321.

14 Jan., 1841, c. 2, v. 5, p. 410.

2 March, 1867, c. 180, v. 14, p. 543.

Randolph vs. Donaldson, 9 Cr., 76; *Marshall vs. Bazin*, 7 N. Y. Leg. Obs., 342; *Hodge vs. Bemis*, 12 Law Rep., 470, S. C., 2 Am. L. J., 337; *Gardner vs. Isaacson*, 1 Ab., 141; *Gaines vs. Travis*, 1 Ab., 422

Discharge from arrest or imprisonment on mesne or final process.

2 March, 1867, c. 180, v. 14, p. 543.

6 Jan., 1800, c. 4, s. 2, v. 2, p. 5.

7 Jan., 1824, c. 3, v. 4, p. 1.

22 April, 1824, c. 39, ss. 1, 2, v. 4, pp.

McNutt vs. Bland, 2

Privileges of jail limits.

6 Jan., 1800, c. 4, s. 1, v. 2, p. 4.

19 May, 1828, c. 68, s. 1, v. 4, p. 278.

1 Aug., 1842, c. 109, v. 5, p. 499.

Goods taken on a fieri facias, how appraised.

2 March, 1793, c. 22, s. 8, v. 1, p. 335.

Bronson vs. Kinzie, 1 How., 323.

Death of marshal after levy or after sale.

7 May, 1800, c. 45, s. 3, v. 2, p. 61.

Doolittle vs. Bryan, 14 How., 563.

United States, and before a deed for the same is executed by him to the purchaser, such court may, on application by the purchaser, or by the plaintiff at whose suit the sale was made, setting forth the case and the reason why the title was not perfected by said marshal, order the marshal for the time being to perfect the title and execute a deed to the purchaser, upon his paying the purchase-money and costs remaining unpaid.

Moneys paid into court, where and how deposited.

24 March, 1871, c. 2, s. 1, v. 17, p. 1.

How moneys deposited to be withdrawn.

24 March, 1871, c. 2, s. 2, v. 17, p. 1.

Removal of causes by writ of error.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.
5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.

The writ: *Wood vs. Lyde*, 4 Cr., 180; *U. S. vs. Hodge*, 3 How., 534; *U. S. vs. Villabolas*, 6 How., 81; *U. S. vs. Curry*, 6 How., 112; *Brooks vs. Norris*, 11 How., 204; *Steamer Virginia vs. West*, 19 How., 182; *Insurance Com. vs. Mordecai*, 21 How., 200; *Overton vs. Cheek*, 22 How., 46; *Castro vs. U. S.*, 3 Wall., 46; *Mussina vs. Cavazos*, 6 Wall., 355; *Bartemeyer vs. Iowa*, 14 Wall., 26.

Transcript: *Owens vs. Hanney*, 9 Cr., 180; *Williams vs. Norris*, 12 Wh., 117; *Stockton vs. Bishop*, 4 How., 155; *Innerarity vs. Byrne*, 5 How., 295; *Villabolas vs. U. S.*, 6 How., 81; *Steamer Virginia vs. West*, 19 How., 182; *U. S. vs. Gomez*, 1 Wall., 690; *Sparrow vs. Strong*, 3 Wall., 103; *Stearns vs. U. S.*, 4 Wall., 1; *Edmonson vs. Bloomshire*, 7 Wall., 306; *Blitz vs. Brown*, 7 Wall., 693; *Avendano vs. Gay*, 8 Wall., 376; *The Lucy*, 8 Wall., 307; *Hoe vs. Wilson*, 9 Wall., 501; *U. S. vs. Vigil*, 10 Wall., 423.

Citation: *Lloyd vs. Alexander*, 1 Cr., 365; *Yeaton vs. Lenox*, 7 Pet., 220; *U. S. vs. Hodge*, 3 How., 534; *McDonogh vs. Millandon*, 3 How., 693; *Sheppard vs. Wilson*, 5 How., 210; *Innerarity vs. Byrne*, 5 How., 295; *Villabolas vs. U. S.*, 6 How., 81; *U. S. vs. Curry*, 6 How., 106; *Peale vs. Phipps*, 8 How., 256; *Buckingham vs. McLean*, 13 How., 150; *Davenport vs. Fletcher*, 16 How., 142; *Poydras de la Lande vs. Treasurer of Louisiana*, 17 How., 1; *Carrol vs. Dorsey*, 20 How., 207; *Bacon vs. Hart*, 1 Bl., 38; *U. S. vs. Gomez*, 1 Wall., 690; *Castro vs. U. S.*, 3 Wall., 46; *Sparrow vs. Strong*, 3 Wall., 103; *McClane vs. Boon*, 6 Wall., 244; *Alviso vs. U. S.*, 6 Wall., 457; *City of Washington vs. Jennison*, 6 Wall., 495; *Pierce vs. Cox*, 9 Wall., 787; *Bigler vs. Waller*, 12 Wall., 142; *Bartemeyer vs. Iowa*, 14 Wall., 26.

Citation.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.
5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.

Citation, Supreme Court.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.
5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.

U. S. vs. Hodge, 3 How., 534; *Sheppard vs. Wilson*, 5 How., 210; *Villabolas vs. U. S.*, 6 How., 81; *Davidson vs. Lanier*, 4 Wall., 453; *Palmer vs. Downer*, 7 Wall., 541; *Bartemeyer vs. Iowa*, 14 Wall., 26.

SEC. 995. All moneys paid into any court of the United States, or received by the officers thereof, in any cause pending or adjudicated in such court, shall be forthwith deposited with the Treasurer, an assistant treasurer, or a designated depositary of the United States, in the name and to the credit of such court: *Provided*, That nothing herein shall be construed to prevent the delivery of any such money upon security, according to agreement of parties, under the direction of the court.

SEC. 996. No money deposited as aforesaid shall be withdrawn except by order of the judge or judges of said courts respectively, in term or in vacation, to be signed by such judge or judges, and to be entered and certified of record by the clerk; and every such order shall state the cause in or on account of which it is drawn.

PROCEDURE ON ERROR AND APPEAL.

SEC. 997. There shall be annexed to and returned with any writ of error for the removal of a cause, at the day and place therein mentioned, an authenticated transcript of the record, an assignment of errors, and a prayer for reversal, with a citation to the adverse party.

SEC. 998. When the writ is issued by a circuit court to a district court, the citation shall be signed by the judge of such district court, or by the circuit judge of such circuit court, or by a justice of the Supreme Court, and the adverse party shall have at least twenty days' notice.

SEC. 999. When the writ is issued by the Supreme Court to a circuit court, the citation shall be signed by a judge of such circuit court, or by a justice of the Supreme Court, and the adverse party shall have at least thirty days' notice; and when it is issued by the Supreme Court to a State court, the citation shall be signed by the Chief Justice, or judge, or chancellor of such court, rendering the judgment or passing the decree complained of, or by a justice of the Supreme Court of the United States, and the adverse party shall have at least thirty days' notice.

SEC. 1000. Every justice or judge signing a citation on any writ of error, shall, except in cases brought up by the United States or by direction of any Department of the Government, take good and sufficient security that the plaintiff in error or the appellant shall prosecute his writ or appeal to effect, and, if he fail to make his plea good, shall answer all damages and costs, where the writ is a supersedeas and stays execution, or all costs only where it is not a supersedeas as aforesaid.

Bond in error and on appeal.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84.
12 Dec., 1794, c. 3, v. 1, p. 404.
21 Feb., 1863, c. 50, v. 12, p. 657.
27 July, 1868, c. 255, s. 1, v. 15, p. 226.

Brockett vs. Brockett, 2 How., 238; *Davenport vs. Fletcher*, 16 How., 142; *Hudgins vs. Kemp*, 18 How., 530; *Roberts vs. Cooper*, 19 How., 373; *Anson vs. Blue Ridge R. R.*, 23 How., 1; *Orchard vs. Hughes*, 1 Wall., 76; *Brobst vs. Brobst*, 2 Wall., 96; *Davidson vs. Lanier*, 4 Wall., 447; *Ex parte The Milwaukee R. R.*, 5 Wall., 188; *Seymour vs. Freer*, 5 Wall., 822; *Rubber Co. vs. Goodyear*, 6 Wall., 153; *Silver vs. Ladd*, 6 Wall., 440; *Edmonson vs. Bloomshire*, 7 Wall., 306; *French vs. Shoemaker*, 12 Wall., 86; *Bigler vs. Waller*, 12 Wall., 142.

SEC. 1001. Whenever a writ of error, appeal, or other process in law, admiralty, or equity, issues from or is brought up to the Supreme Court, or a circuit court, either by the United States or by direction of any Department of the Government, no bond, obligation, or security shall be required from the United States, or from any party acting under the direction aforesaid, either to prosecute said suit, or to answer in damages or costs. In case of an adverse decision, such costs as by law are taxable against the United States, or against the party acting by direction as aforesaid, shall be paid out of the contingent fund of the Department under whose directions the proceedings were instituted.

No bond required of United States, &c.

21 Feb., 1863, c. 50, v. 12, p. 657.
27 July, 1868, c. 255, s. 1, v. 15, p. 226.

SEC. 1002. Writs of error shall be prosecuted from the final judgments of district courts acting as circuit courts to the Supreme Court in the same manner as from the final judgments of circuit courts.

Writs of error to district courts acting as circuit courts.

24 Sept., 1789, c. 20, s. 10, v. 1, p. 77. Ala., 4 Aug., 1842, c. 123, s. 1, v. 5, p. 504; 8 Aug., 1846, c. 104, s. 1, v. 9, p. 78. Ark., 3 March, 1851, c. 24, s. 3, v. 9, p. 595. Ga., 11 Aug., 1848, c. 151, § 9, v. 9, p. 281. Miss., 16 Feb., 1839, c. 27, s. 3, v. 5, p. 317. W. Va., 4 Feb., 1819, c. 12, s. 2, v. 3, p. 479; 3 March, 1837, c. 34, s. 3, v. 5, p. 177; 28 March, 1838, c. 46, s. 1, v. 5, p. 215; 11 June, 1864, c. 120, s. 1, v. 13, p. 124.

SEC. 1003. Writs of error from the Supreme Court to a State court, in cases authorized by law, shall be issued in the same manner, and under the same regulations, and shall have the same effect as if the judgment or decree complained of had been rendered or passed in a court of the United States.

Writs of error to State courts, manner of issue.

24 Sept., 1789, c. 20, s. 25, v. 1, p. 85-6.
5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.—*Gelston vs. Hoyt*, 3 Wh., 246; *Buell vs. Van Ness*, 8 Wh., 312; *McGuire vs. The Commonwealth*, 3 Wall., 382; *Aldrich vs. Aetna Co.*, 8 Wall., 495; *Gleason vs. Florida*, 9 Wall., 779; *Bartemeyer vs. Iowa*, 14 Wall., 26.

SEC. 1004. Writs of error returnable to the Supreme Court may be issued as well by the clerks of the circuit courts, under the seals thereof, as by the clerk of the Supreme Court. When so issued they shall be, as nearly as each case may admit, agreeable to the form of a writ of error transmitted to the clerks of the several circuit courts by the clerk of the Supreme Court, in pursuance of section nine of the act of May eight, seventeen hundred and ninety-two, chapter thirty-six.

Writs of error returnable to the Supreme Court, how issued.

8 May, 1792, c. 36, s. 9, v. 1, p. 278.

Buell vs. Van Ness, 8 Wh., 312; *Mussina vs. Cavazos*, 6 Wall., 355.

SEC. 1005. The Supreme Court may, at any time, in its discretion and upon such terms as it may deem just, allow an amendment of a writ of error, when there is a mistake in the teste of the writ, or a seal to the writ is wanting, or when the writ is made returnable on a day other than the day of the commencement of the term next ensuing the issue of the writ, or when the statement of the title of the action or parties thereto in the writ is defective, if the defect can be remedied by reference to the accompanying record, and in all other particulars of form: *Provided*, The defect has not prejudiced, and the amendment will not injure, the defendant in error.

Amendment of writ of error.

1 June, 1872, c. 255, s. 3, v. 17, p. 196.

Carroll vs. Dorsey, 20 How., 206; *Mussina vs. Cavazos*, 6 Wall., 355; *Hampton vs. Rouse*, 15 Wall., 684.

SEC. 1006. The Supreme Court may, if, in its judgment, the purposes of justice require it, allow any amendment, either in form or substance, of any appeal in prize causes. [See § 4636.]

Amendments in prize appeals.

3 March, 1873, c. 230, s. 2, v. 17, p. 556.

Supersedeas.

24 Sept., 1789, c. 20, s. 23, v. 1, p. 85.
1 June, 1872, c. 255, s. 11, v. 17, p. 198.

Hogan vs. Ross, 11 How., 294; *Stafford vs. Union Bank*, 16 How., 135; *Adams vs. Law*, 16 How., 144; *Green vs. Van Buskirk*, 3 Wall., 448; *City of Washington vs. Dennison*, 6 Wall., 495; *Railroad vs. Harris*, 7 Wall., 574.

Writs of error and appeals to Supreme Court, time for taking.

1 June, 1872, c. 255, s. 2, v. 17, p. 196.

Thomas vs. Brockenbrough, 10 Wh., 146; *Brooks vs. Norris*, 11 How., 204; *Hanger vs. Abbott*, 6 Wall., 532.

Appeals in prize causes, within what time.

30 June, 1864, c. 174, s. 13, v. 13, p. 310.

3 March, 1873, c. 230, s. 2, v. 17, p. 556.

The Neustra Señora de Reglas, 16 Wall., 29.

Damages and costs on affirmance in error.

24 Sept., 1789, c. 20, ss. 23, 25, v. 1, p. 85. 2 March, 1803, c. 40, s. 2, v. 2, p. 244. 5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.—*Rules 23, 24, 30*, Supreme Court. *Winchester vs. Jackson*, 3 Cr., 514; *Himley vs. Rose*, 5 Cr., 313; *McIver vs. Wattles*, 9 Wh., 650; *Boyce's Ex'rs vs. Grundy*, 9 Pet., 275; *Kilbourne vs. Savings Institution*, 22 How., 503; *Hennessy vs. Sheldon*, 12 Wall., 440.

Reversal on error limited.

24 Sept., 1789, c. 20, s. 22, v. 1, p. 84. 2 March, 1803, c. 40, s. 2, v. 2, p. 244.—*Stafford vs. Union Bank*, 16 How., 135.

Appeals from circuit courts to Supreme Court.

3 March, 1803, c. 40, s. 2, v. 2, p. 244. 30 June, 1864, c. 174, s. 13, v. 13, p. 310.—*Yeaton vs. Lenox*, 7 Pet., 220; *Villablos vs. U. S.*, 6 How., 81; *U. S. vs. Curry*, 6 How., 106; *Stafford vs. Union Bank*, 16 How., 139; *Steamer Virginia vs. West*, 19 How., 182; *U. S. vs. Gomez*, 3 Wall., 763; *The Protector*, 11 Wall., 82.

Where both parties appeal to the Supreme Court, one record sufficient.

6 Aug., 1861, c. 61, s. 1, v. 12, p. 319.

SEC. 1007. In any case where a writ of error may be a supersedeas, the defendant may obtain such supersedeas by serving the writ of error, by lodging a copy thereof for the adverse party in the clerk's office where the record remains, within sixty days, Sundays exclusive, after the rendering of the judgment complained of, and giving the security required by law on the issuing of the citation. But if he desires to stay process on the judgment, he may, having served his writ of error as aforesaid, give the security required by law within sixty days after the rendition of such judgment, or afterward with the permission of a justice or judge of the appellate court. And in such cases where a writ of error may be a supersedeas, executions shall not issue until the expiration of the said term of sixty days.

SEC. 1008. No judgment, decree, or order of a circuit or district court, in any civil action, at law or in equity, shall be reviewed in the Supreme Court, on writ of error or appeal, unless the writ of error is brought, or the appeal is taken, within two years after the entry of such judgment, decree, or order: *Provided*, That where a party entitled to prosecute a writ of error or to take an appeal is an infant, insane person, or imprisoned, such writ of error may be prosecuted, or such appeal may be taken, within two years after the judgment, decree, or order, exclusive of the term of such disability. [See § 635.]

The Protector, 9 Wall., 687.

SEC. 1009. Appeals in prize causes shall be made within thirty days after the rendering of the decree appealed from, unless the court previously extends the time, for cause shown in the particular case: *Provided*, That the Supreme Court may, if in its judgment the purposes of justice require it, allow an appeal in any prize cause, if it appears that any notice of appeal, or of intention to appeal, was filed with the clerk of the district court within thirty days next after the rendition of the final decree therein. [See §§ 695, 4636.]

SEC. 1010. Where, upon a writ of error, judgment is affirmed in the Supreme Court or a circuit court, the court shall adjudge to the respondents in error just damages for his delay, and single or double costs, at its discretion.

SEC. 1011. There shall be no reversal in the Supreme Court or in a circuit court upon a writ of error, for error in ruling and^(a) plea in abatement, other than a plea to the jurisdiction of the court, or for any error in fact.

SEC. 1012. Appeals from the circuit courts and district courts acting as circuit courts, and from district courts in prize causes, shall be subject to the same rules, regulations, and restrictions as are or may be prescribed in law in cases of writs of error.

SEC. 1013. Where appeal is duly taken by both parties from the judgment or decree of a circuit or district court to the Supreme Court, a transcript of the record filed in the Supreme Court by either appellant may be used on both appeals, and both shall be heard thereon in the same manner as if records had been filed by the appellants in both cases.

(a) Error in the Roll. The word "and" should be "any."

CRIMINAL PROCEDURE.

SEC. 1014. For any crime or offense against the United States, the offender may, by any justice or judge of the United States, or by any commissioner of a circuit court to take bail, or by any chancellor, judge of a supreme or superior court, chief or first judge of common pleas, mayor of a city, justice of the peace, or other magistrate, of any State where he may be found, and agreeably to the usual mode of process against offenders in such State, and at the expense of the United States, be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States as by law has cognizance of the offense. Copies of the process shall be returned as speedily as may be into the clerk's office of such court, together with the recognizances of the witnesses for their appearance to testify in the case. And where any offender or witness is committed in any district other than that where the offense is to be tried, it shall be the duty of the judge of the district where such offender or witness is imprisoned, seasonably to issue, and of the marshal to execute, a warrant for his removal to the district where the trial is to be had. [See § 879.]

SEC. 1015. Bail shall be admitted upon all arrests in criminal cases where the offense is not punishable by death; and in such cases it may be taken by any of the persons authorized by the preceding section to arrest and imprison offenders.

20, s. 33, v. 1, p. 91. 2 March, 1793, c. 22, s. 4, v. 1, p. 334. 10 April, 1869, c. 22, s. 2, v. 16, p. 44.

SEC. 1016. Bail may be admitted upon all arrests in criminal cases where the punishment may be death; but in such cases it shall be taken only by the Supreme Court or a circuit court, or by a justice of the Supreme Court, a circuit judge, or a judge of a district court, who shall exercise their discretion therein, having regard to the nature and circumstance of the offense, and of the evidence, and to the usages of law.

SEC. 1017. When a writ of error is issued for the revision of the judgment of a State court, in any criminal proceeding where is drawn in question the validity of a statute of, or an authority exercised under, the United States, or where any title, right, privilege, or immunity is claimed under the Constitution, or any statute of, or commission held or authority exercised under, the United States, the defendant, if charged with an offense that is bailable by the laws of such State, shall not be released from custody until a final judgment upon such writ, or until a bond, with sufficient sureties, in a reasonable sum, as ordered and approved by the State court, is given; and if the offense is not so bailable, until a final judgment upon the writ of error. [See § 709.]

SEC. 1018. Any party charged with a criminal offense and admitted to bail, may, in vacation, be arrested by his bail, and delivered to the marshal or his deputy, before any judge or other officer having power to commit for such offense; and at the request of such bail, the judge or other officer shall recommit the party so arrested to the custody of the marshal, and indorse on the recognizance, or certified copy thereof, the discharge and exoneratur of such bail; and the party so committed shall therefrom be held in custody until discharged by due course of law.

SEC. 1019. When proof is made to any judge of the United States, or other magistrate having authority to commit on criminal charges as aforesaid, that a person previously admitted to bail on any such charge is about to abscond, and that his bail is insufficient, the judge or magistrate shall require such person to give better security, or, for default thereof, cause him to be committed to prison; and an order for his arrest may be indorsed on the former commitment, or a new warrant therefor may be issued, by such judge or magistrate, setting forth the cause thereof.

Offenders against the United States, how arrested and removed for trial.

24 Sept., 1789, c. 20, s. 33, v. 1, p. 91.
2 March, 1793, c. 22, s. 4, v. 1, p. 334.
22 Aug., 1842, c. 188, s. 1, v. 5, p. 516.

Bail shall be admitted in cases not capital, by whom.

24 Sept., 1789, c. 20, s. 33, v. 1, p. 91.
2 March, 1793, c. 22, s. 2, v. 16, p. 44.

Bail may be admitted in capital cases; by whom.

24 Sept., 1789, c. 20, s. 33, v. 1, p. 91.
2 March, 1793, c. 22, s. 4, v. 1, p. 334.
10 April, 1869, c. 22, s. 2, v. 16, p. 44.

Bail in criminal cases removed by writ of error from State courts.

13 July, 1866, c. 184, s. 69, v. 14, p. 172.

24 Sept., 1789, c. 20, s. 25, v. 1, p. 85.
5 Feb., 1867, c. 28, s. 2, v. 14, p. 386.

Surrender of criminals by their bail.

8 Aug., 1846, c. 98, s. 4, v. 9, p. 73.

New bail to be given in certain cases.

8 Aug., 1846, c. 98, s. 6, v. 9, p. 73.

When penalty of recognizances may be remitted.

28 Feb., 1839, c. 36, s. 6, v. 5, p. 322.

Indictments and presentments to be by at least twelve grand jurors.

3 March, 1865, c. 86, s. 1, v. 13, p. 500.

Offenses against the elective franchise, how prosecuted.

31 May, 1870, c. 114, s. 8, v. 16, p. 142.

Matters set forth in prosecutions for perjury before a naval court-martial.

17 July, 1862, c. 204, s. 1, art. 13, v. 12, p. 604.

Charges which may be joined in one indictment shall be so joined.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 162.

Indictments, defects of form.

1 June, 1872, c. 255, s. 8, v. 17, p. 198.

Judgment on demurrer to an indictment.

23 May, 1872, c. 202, v. 17, p. 158.

When several indictments against the same person, one writ sufficient.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 162.

Copy of writ to be jailer's authority; original returned.

26 Feb., 1853, c. 80, s. 1, v. 10, p. 163.

Writ for removal of a prisoner from one district to another.

26 Feb., 1853, c. 80, s. 1, v. 10, pp. 162, 163.

SEC. 1020. When any recognizance in a criminal cause, taken for, or in, or returnable to, any court of the United States, is forfeited by a breach of the condition thereof, such court may, in its discretion, remit the whole or a part of the penalty, whenever it appears to the court that there has been no willful default of the party, and that a trial can, notwithstanding, be had in the cause, and that public justice does not otherwise require the same penalty to be enforced.

SEC. 1021. No indictment shall be found, nor shall any presentment be made, without the concurrence of at least twelve grand jurors.

SEC. 1022. All crimes and offenses committed against the provisions of chapter seven, Title "CRIMES," which are not infamous, may be prosecuted either by indictment or by information filed by a district attorney.

SEC. 1023. In prosecutions for perjury committed on examination before a naval general court-martial, or for the subornation thereof, it shall be sufficient to set forth the offense charged on the defendant, without setting forth the authority by which the court was held, or the particular matters brought before, or intended to be brought before, said court.

SEC. 1024. When there are several charges against any person for the same act or transaction, or for two or more acts or transactions connected together, or for two or more acts or transactions of the same class of crimes or offenses, which may be properly joined, instead of having several indictments the whole may be joined in one indictment in separate counts; and if two or more indictments are found in such cases, the court may order them to be consolidated.

SEC. 1025. No indictment found and presented by a grand jury in any district or circuit or other court of the United States shall be deemed insufficient, nor shall the trial, judgment, or other proceeding thereon be affected by reason of any defect or imperfection in matter of form only, which shall not tend to the prejudice of the defendant.

SEC. 1026. In every case in any court of the United States, where a demurrer is interposed to an indictment, or to any count or counts thereof, or to any information, and the demurrer is overruled, the judgment shall be respondeat ouster; and thereupon a trial may be ordered at the same term, or a continuance may be ordered, as justice may require.

SEC. 1027. When two or more charges are made, or two or more indictments are found against any person, only one writ or warrant shall be necessary to commit him for trial; and it shall be sufficient to state in the writ the name or general character of the offenses, or to refer to them only in very general terms.

SEC. 1028. Whenever a prisoner is committed to a sheriff or jailer by virtue of a writ, warrant, or mittimus, a copy thereof shall be delivered to such sheriff or jailer, as his authority to hold the prisoner, and the original writ, warrant, or mittimus shall be returned to the proper court or officer, with the officer's return thereon.

SEC. 1029. Only one writ or warrant is necessary to remove a prisoner from one district to another. One copy thereof may be delivered to the sheriff or jailer from whose custody the prisoner is taken, and another to the sheriff or jailer to whose custody he is committed, and the original writ, with the marshal's return thereon, shall be returned to the clerk of the district to which he is removed.

SEC. 1030. No writ is necessary to bring into court any prisoner or person in custody, or for remanding him from the court into custody; but the same shall be done on the order of the court or district attorney, for which no fees shall be charged by the clerk or marshal.

No writ necessary to bring into court a person in custody.

26 Feb., 1853, c. 80, s. 3, v. 10, p. 169.

SEC. 1031. If, in the trial of a capital offense, the party indicted peremptorily challenges jurors above the number allowed him by law, such excess of challenges shall be disallowed by the court, and the cause shall proceed for trial in the same manner as if they had not been made. (See § 819.)

When peremptory challenges exceed the number allowed by law.

3 March, 1835, c.

40, s. 4, v. 4, p. 777.

3 March, 1865, c. 86, s. 2, v. 13, p. 500.

Prisoner standing mute, &c.

3 March, 1835, c.

40, s. 4, v. 4, p. 777.

30 April, 1790, c.

9, s. 30, v. 1, p. 119.

3 March, 1825, c.

65, s. 14, v. 4, p. 118.

SEC. 1032. When any person indicted for any offense against the United States, whether capital or otherwise, upon his arraignment stands mute, or refuses to plead or answer thereto, it shall be the duty of the court to enter the plea of not guilty on his behalf, in the same manner as if he had pleaded not guilty thereto. And when the party pleads not guilty, or such plea is entered as aforesaid, the cause shall be deemed at issue, and shall, without further form or ceremony, be tried by a jury.

SEC. 1033. When any person is indicted of treason, a copy of the indictment and a list of the jury, and of the witnesses to be produced on the trial for proving the indictment, stating the place of abode of each juror and witness, shall be delivered to him at least three entire days before he is tried for the same. When any person is indicted of any other capital offense, such copy of the indictment and list of the jurors and witnesses shall be delivered to him at least two entire days before the trial.

Copy of indictment and list of jurors and witnesses to be delivered to prisoner in capital cases.

30 April, 1790, c.

9, s. 29, v. 1, p. 118.

SEC. 1034. Every person who is indicted of treason, or other capital crime, shall be allowed to make his full defense by counsel learned in the law; and the court before which he is tried, or some judge thereof, shall immediately, upon his request, assign to him such counsel, not exceeding two, as he may desire, and they shall have free access to him at all seasonable hours. He shall be allowed, in his defense, to make any proof that he can produce by lawful witnesses, and shall have the like process of the court to compel his witnesses to appear at his trial, as is usually granted to compel witnesses to appear on behalf of the prosecution.

Persons indicted for capital crimes entitled to counsel and to compel witnesses.

30 April, 1790, c.

9, s. 29, v. 1, p. 118.

SEC. 1035. In all criminal causes the defendant may be found guilty of any offense the commission of which is necessarily included in that with which he is charged in the indictment, or may be found guilty of an attempt to commit the offense so charged: *Provided*, That such attempt be itself a separate offense.

Verdict of less offense than charged.

1 June, 1872, c.

255, s. 9, v. 17, p. 198.

SEC. 1036. On an indictment against several, if the jury cannot agree upon a verdict as to all, they may render a verdict as to those in regard to whom they do agree, on which a judgment shall be entered accordingly; and the cause as to the other defendants may be tried by another jury.

Verdict against part of several joint defendants.

1 June, 1872, c. 255,

s. 10, v. 17, p. 198.

SEC. 1037. Whenever the district attorney deems it necessary, any circuit court may, by order entered on its minutes, remit any indictment pending therein to the next session of the district court of the same district, where the offense charged in the indictment is cognizable by the said district court. And in like manner any district court may remit to the next session of the circuit court of the same district any indictment pending in the said district court. And such remission shall carry with it all recognizances, processes, and proceedings pending in the case in the court from which the remission is made; and the court to which such remission is made shall, after the order of remission is filed therein, act in the case as if the indictment, and all other proceedings in the same, had been originated in said court.

Indictments remitted by circuit and district courts to each other.

8 Aug., 1846, c.

98, s. 2, v. 9, p. 72.

U. S. vs. Murphy, 3 Wall., 649; U. S. vs. Morris, 1 Curt. C. C., 23.

Remission from district to circuit court of difficult cases.

8 Aug., 1846, c. 98, s. 3, v. 9, p. 72.

All capital cases remitted from district to circuit courts.

8 Aug., 1846, c. 98, s. 3, v. 9, p. 72.

When a capital case is carried to the Supreme Court execution postponed.

3 March, 1869, c. 142, v. 15, p. 338.

Judgments for fines, how collected.

1 June, 1872, c. 255, s. 12, v. 17, p. 198.

Poor convicts sentenced and imprisoned for fines.

1 June, 1872, c. 255, s. 14, v. 17, p. 198.

SEC. 1038. Any district court may, by order entered on its minutes, remit any indictment pending therein to the next session of the circuit court for the same district, when, in the opinion of such district court, difficult and important questions of law are involved in the case; and thereupon the proceedings in such case shall be the same in the circuit court as if such indictment had been originally found and presented therein.

SEC. 1039. Every indictment of a capital offense, presented to a district court, together with the recognizances taken therein, shall, by order entered on its minutes, be remitted to the next session of the circuit court for the same district; and, on the filing of such order and indictment with the clerk of such circuit court, that court shall proceed thereon, in the same manner as if said indictment had been originally found and presented therein.

SEC. 1040. Whenever a judgment of death is rendered in any court of the United States, and the case is carried to the Supreme Court in pursuance of law, the court rendering such judgment shall, by its order, postpone the execution thereof from time to time and from term to term, until the mandate of the Supreme Court in the case is received and entered upon the records of such lower court. In case of affirmance by the Supreme Court, the court rendering the original judgment shall appoint a day for the execution thereof; and in case of reversal, such further proceedings shall be had in the lower court as the Supreme Court may direct.

SEC. 1041. In all criminal or penal causes in which judgment or sentence has been or shall be rendered, imposing the payment of a fine or penalty, whether alone or with any other kind of punishment, the said judgment, so far as the fine or penalty is concerned, may be enforced by execution against the property of the defendant in like manner as judgments in civil cases are enforced: *Provided*, That where the judgment directs that the defendant shall be imprisoned until the fine or penalty imposed is paid, the issue of execution on the judgment shall not operate to discharge the defendant from imprisonment until the amount of the judgment is collected or otherwise paid.

SEC. 1042. When a poor convict, sentenced by any court of the United States to pay a fine, or fine and cost, whether with or without imprisonment, has been confined in prison thirty days, solely for the non-payment of such fine, or fine and cost, he may make application in writing to any commissioner of the United States court in the district where he is imprisoned, setting forth his inability to pay such fine, or fine and cost, and after notice to the district attorney of the United States, who may appear, offer evidence, and be heard, the commissioner shall proceed to hear and determine the matter; and if on examination it shall appear to him that such convict is unable to pay such fine, or fine and cost, and that he has not any property exceeding twenty dollars in value, except such as is by law exempt from being taken on execution for debt, the commissioner shall administer to him the following oath: "I do solemnly swear that I have not any property, real or personal, to the amount of twenty dollars, except such as is by law exempt from being taken on civil precept for debt by the laws of [State where oath is administered]; and that I have no property in any way conveyed or concealed, or in any way disposed of, for my future use or benefit. So help me God." And thereupon such convict shall be discharged, the commissioner giving to the jailer or keeper of the jail a certificate setting forth the facts. [See §§ 847, 5296.]

CHAPTER NINETEEN.

LIMITATIONS.

Sec.

1043. Capital offenses.
 1044. Offenses not capital.
 1045. Fleeing from justice.
 1046. Crimes under the revenue laws.

Sec.

1047. Penalties and forfeitures under laws of the United States.
 1048. Parties beyond reach of process during the rebellion.

SEC. 1043. No person shall be prosecuted, tried, or punished for treason or other capital offense, willful murder excepted, unless the indictment is found within three years next after such treason or capital offense is done or committed.

Capital offenses.

30 April, 1790, c. 9,
 s. 32, v. 1, p. 119.

SEC. 1044. No person shall be prosecuted, tried, or punished for any offense not capital, except as provided in section one thousand and forty-six, unless the indictment is found or the information is instituted within two years next after such offense is committed.

Offenses not capital.

30 April, 1790, c.
 9, s. 32, v. 1, p. 119.

Adams, *qui tam*, vs. Woods, 2 Cr., 336; U. S. vs. Cook, 17 Wall., 168; Johnson vs. U. S., 3 McLean, 89; U. S. vs. Slocum, 1 Cr., C. C., 485; U. S. vs. Watkins, 3 Cr., C. C., 442; U. S. vs. White, 5 Cr., C. C., 38; U. S. vs. White, 5 Cr., C. C., 73, 116.

SEC. 1045. Nothing in the two preceding sections shall extend to any person fleeing from justice.

Fleeing from justice.

30 April, 1790, c. 9, s. 32, v. 1, p. 119.

SEC. 1046. No person shall be prosecuted, tried, or punished for any crime arising under the revenue laws, or the slave-trade laws of the United States, unless the indictment is found or the information is instituted within five years next after the committing of such crime.

Crimes under the revenue laws.

26 March, 1804, c.
 40, s. 3, v. 2, p. 290;
 20 April, 1818, c. 91, s. 9, v. 3, p. 452.—U. S. vs. Cook, 17 Wall., 168.

SEC. 1047. No suit or prosecution for any penalty or forfeiture, pecuniary or otherwise, accruing under the laws of the United States, shall be maintained, except in cases where it is otherwise specially provided, unless the same is commenced within five years from the time when the penalty or forfeiture accrued: *Provided*, That the person of the offender, or the property liable for such penalty or forfeiture, shall, within the same period, be found within the United States; so that the proper process therefor may be instituted and served against such person or property.

Penalties and forfeitures under laws of United States.

28 Feb., 1839, c.
 36, s. 4, v. p. 322.
 2 Mar., 1799, c. 22,
 s. 89, v. 1, p. 695.
 26 Mar., 1804, c.
 40, s. 3, v. 2, p. 290.
 20 April, 1818, c.
 91, s. 9, v. 3, p. 452.

3 Mar., 1863, c. 76, s. 14, v. 12, p. 741. 25 July, 1868, c. 236, s. 1, v. 15, p. 183.—Stimpson vs. Pond, 2 Curt. C. C., 502.

SEC. 1048. In all cases where, during the late rebellion, any person could not, by reason of resistance to the execution of the laws of the United States, or of the interruption of the ordinary course of judicial proceedings, be served with process for the commencement of any action; civil or criminal, which had accrued against him, the time during which such person was beyond the reach of legal process shall not be taken as any part of the time limited by law for the commencement of such action.

Parties beyond reach of process during the rebellion.

11 June, 1864, c.
 118, v. 13, p. 123.

U. S. vs. Wiley, 11
 Wall., 508.

CHAPTER TWENTY.

THE COURT OF CLAIMS.

ORGANIZATION AND SESSIONS.

Sec.

1049. Judges.
 1050. Seal.
 1051. Court-rooms, &c., how provided.
 1052. Sessions, quorum.
 1053. Officers of the court.
 1054. Salaries of clerks, bailiff, and messenger.

Sec.

1055. Clerk's bond.
 1056. Contingent fund.
 1057. Reports to Congress, copies for Departments, &c.
 1058. Members of Congress not to practice in the court.

Judges.

- 24 Feb., 1855, c. 122, s. 1, v. 10, p. 612.
 3 Mar., 1863, c. 92, s. 1, v. 12, p. 765.
 8 May, 1872, c. 140, s. 13, v. 17, p. 85.

SEC. 1049. The Court of Claims, established by the act of February twenty-four, eighteen hundred and fifty-five, shall be continued. It shall consist of a chief justice and four judges, who shall be appointed by the President, by and with the advice and consent of the Senate, and hold their offices during good behavior. Each of them shall take an oath to support the Constitution of the United States, and to discharge faithfully the duties of his office, and shall be entitled to receive an annual salary of four thousand five hundred dollars, payable quarterly from the Treasury.

Seal.

- 3 Mar., 1863, c. 92, s. 4, v. 12, p. 766.

SEC. 1050. The Court of Claims shall have a seal, with such device as it may order.

Court-rooms, &c., how provided.

- 24 Feb., 1855, c. 122, s. 10, v. 10, p. 614.

SEC. 1051. It shall be the duty of the Speaker of the House of Representatives to appropriate such rooms in the Capitol, at Washington, for the use of the Court of Claims, as may be necessary for their accommodation, unless it appears to him that such rooms cannot be so appropriated without interfering with the business of Congress. In that case, the court shall procure, at the city of Washington, such rooms as may be necessary for the transaction of their business.

Sessions, quorum.

- 24 Feb., 1855, c. 122, s. 10, v. 10, p. 614.
 6 Aug., 1856, c. 81, s. 1, v. 11, p. 30.
 17 Mar., 1866, c. 19, s. 2, v. 14, p. 9.

SEC. 1052. The Court of Claims shall hold one annual session, at the city of Washington, beginning on the first Monday in December, and continuing as long as may be necessary for the prompt disposition of the business of the court. And any two of the judges of said court shall constitute a quorum, and may hold a court for the transaction of business.

Officers of the court.

- 24 Feb., 1855, c. 122, s. 11, v. 10, p. 614.
 3 Mar., 1863, c. 92, s. 4, v. 12, p. 765.

3 Mar., 1863, c. 92, s. 13, v. 12, p. 768.

SEC. 1053. The said court shall appoint a chief clerk, an assistant clerk, if deemed necessary, a bailiff, and a messenger. The clerks shall take an oath for the faithful discharge of their duties, and shall be under the direction of the court in the performance thereof; and for misconduct or incapacity they may be removed by it from office; but the court shall report such removals, with the cause thereof, to Congress, if in session, or, if not, at the next session. The bailiff shall hold his office for a term of four years, unless sooner removed by the court for cause.

Salaries of clerks, bailiff, and messenger.

- 24 Feb., 1855, c. 122, s. 11, v. 10, p. 614.
 148. 12 July, 1870, c. 251, s. 3, v. 16, p. 250.

SEC. 1054. The salary of the chief clerk shall be three thousand dollars a year, of the assistant clerk two thousand dollars a year, of the bailiff fifteen hundred dollars a year, and of the messenger eight hundred and forty dollars a year, payable quarterly from the Treasury.

Clerk's bond.

- 6 Aug., 1856, c. 81, s. 3, v. 11, p. 30.

3 March, 1863, c. 92, s. 4, v. 12, p. 765. 7 June, 1870, c. 124, v. 16, p. 148.

SEC. 1055. The chief clerk shall give bond to the United States in such amount, in such form, and with such security as shall be approved by the Secretary of the Treasury.

Contingent fund.

- 6 Aug., 1856, c. 81, s. 3, v. 11, p. 30.

SEC. 1056. The said clerk shall have authority, when he has given bond as provided in the preceding section, to disburse, under the direction of the court, the contingent fund which may from time to time be appropriated for its use; and his accounts shall be settled by the proper

accounting officers of the Treasury in the same way as the accounts of other disbursing agents of the Government are settled.

SEC. 1057. On the first day of every December session of Congress, the clerk of the Court of Claims shall transmit to Congress a full and complete statement of all the judgments rendered by the court during the previous year, stating the amounts thereof and the parties in whose favor they were rendered, together with a brief synopsis of the nature of the claims upon which they were rendered. And at the end of every term of the court he shall transmit a copy of its decisions to the heads of Departments; to the Solicitor, the Comptrollers, and the Auditors of the Treasury; to the Commissioners of the General Land-Office and of Indian Affairs; to the chiefs of bureaus, and to other officers charged with the adjustment of claims against the United States.

SEC. 1058. Members of either House of Congress shall not practice in the Court of Claims.

Reports to Congress, copies for Departments, &c.

25 June, 1868, c. 71, s. 9, v. 15, p. 77.
17 March, 1866, c. 19, s. 3, v. 14, p. 9.

Members of Congress not to practice in the court.

3 March, 1863, c. 92, s. 4, v. 12, p. 765.

CHAPTER TWENTY-ONE.

THE COURT OF CLAIMS.

JURISDICTION, POWERS, AND PROCEDURE.

| Sec. | Sec. |
|--|--|
| 1059. Jurisdiction. | 1075. Commissioner to take testimony. |
| 1060. Private claims in Congress, when transmitted to Court of Claims. | 1076. Power to call upon Departments for information. |
| 1061. Judgment for set-off or counter-claim, how enforced. | 1077. When testimony not to be taken. |
| 1062. Decree on account of paymasters, &c. | 1078. Witnesses not excluded on account of color. |
| 1063. Claims referred by Departments. | 1079. Parties and persons interested excluded as witnesses. |
| 1064. Procedure in cases transmitted by Departments. | 1080. Examination of claimant. |
| 1065. Judgments in cases transmitted by Departments, how paid. | 1081. Testimony taken where deponent resides. |
| 1066. Claims growing out of treaties not cognizable therein. | 1082. Witnesses, how compelled to attend before commissioners. |
| 1067. Claims pending in other courts not to be prosecuted in Court of Claims. | 1083. Cross-examination. |
| 1068. Aliens. | 1084. Witnesses, how sworn. |
| 1069. Limitation. | 1085. Fees of commissioner, by whom paid. |
| 1070. Rules of practice; contempts. | 1086. Claims forfeited for fraud. |
| 1071. Oaths and acknowledgments. | 1087. New trial on motion of claimant. |
| 1072. Petition. | 1088. New trial on motion of United States. |
| 1073. Petition dismissed if issue found against claimant as to allegiance, &c. | 1089. Payment of judgments. |
| 1074. Burden of proof and evidence as to loyalty. | 1090. Interest. |
| | 1091. Interest on claims. |
| | 1092. Payment of judgment a full discharge, &c. |
| | 1093. Final judgments a bar. |

SEC. 1059. The Court of Claims shall have jurisdiction to hear and determine the following matters:

First. All claims founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, and all claims which may be referred to it by either House of Congress.

Jurisdiction.

Claims founded on statutes or contracts, or referred by Congress.

122, s. 1, v. 10, p. 612.—*Nichols vs. U. S.*, 7 Wall., 129; *Dorsheimer vs. U. S.*, 7 Wall., 166; *Bonner vs. U. S.*, 9 Wall., 156.

Second. All set-offs, counter-claims, claims for damages, whether liquidated or unliquidated, or other demands whatsoever, on the part of the Government of the United States against any person making claim against the Government in said court.

Set-offs and counter-claims of United States.

3 March, 1863, c. 92, s. 3, v. 12, p. 765.—*Clyde vs. U. S.*, 13 Wall., 38; *U. S. vs. Russell*, 13 Wall., 623.

Disbursing officers.

9 May, 1866, c. 75,
s. 1, v. 14, p. 44.

Claims for captured and abandoned property.

12 March, 1863, c.
120, s. 3, v. 12, p. 820.

2 July, 1864, c.
225, ss. 2, 3, v. 13,
pp. 375, 376.

27 July, 1868, c.
276, s. 3, v. 15, p. 243.

U. S. vs. Anderson,
9 Wall., 56; *Pugh*
vs. U. S., 13 Wall.,
633; *U. S. vs. Kim-*
ball, 13 Wall., 636;
U. S. vs. Crussell, 14
Wall., 1; *Slawson vs. U. S.*, 16 Wall., 310.

Private claims in Congress, when transmitted to Court of Claims.

3 March, 1863, c.
92, s. 2, v. 12, p. 765.

Judgments for set-off or counter-claim, how enforced.

3 March, 1863, c.
92, s. 3, v. 12, p. 765.

Allen vs. U. S., 17
Wall., 207.

Decree on accounts of paymasters, &c.

9 May, 1866, c. 75,
s. 2, v. 14, p. 44.

Claims referred by Departments.

25 June, 1868, c.
71, s. 7, v. 15, p. 76.

Third. The claim of any paymaster, quartermaster, commissary of subsistence, or other disbursing officer of the United States, or of his administrators or executors, for relief from responsibility on account of capture or otherwise, while in the line of his duty, of Government funds, vouchers, records, or papers in his charge, and for which such officer was and is held responsible.

Fourth. Of all claims for the proceeds of captured or abandoned property, as provided by the act of March 12, eighteen hundred and sixty-three, chapter one hundred and twenty, entitled "An act to provide for the collection of abandoned property and for the prevention of frauds in insurrectionary districts within the United States," or by the act of July two, eighteen hundred and sixty-four, chapter two hundred and twenty-five, being an act in addition thereto: *Provided*, That the remedy given in cases of seizure under the said acts, by preferring claim in the Court of Claims, shall be exclusive, precluding the owner of any property taken by agents of the Treasury Department as abandoned or captured property in virtue of or under color of said acts from suit at common law, or any other mode of redress whatever, before any court other than said Court of Claims.

SEC. 1060. All petitions and bills praying or providing for the satisfaction of private claims against the Government, founded upon any law of Congress, or upon any regulation of an Executive Department, or upon any contract, expressed or implied, with the Government of the United States, shall, unless otherwise ordered by resolution of the House in which they are introduced, be transmitted by the Secretary of the Senate or the Clerk of the House of Representatives, with all the accompanying documents, to the Court of Claims.

SEC. 1061. Upon the trial of any cause in which any set-off, counter-claim, claim for damages, or other demand is set up on the part of the Government against any person making claim against the Government in said court, the court shall hear and determine such claim or demand both for and against the Government and claimant; and if upon the whole case it finds that the claimant is indebted to the Government, it shall render judgment to that effect, and such judgment shall be final, with the right of appeal, as in other cases provided for by law. Any transcript of such judgment, filed in the clerk's office of any district or circuit court, shall be entered upon the records thereof, and shall thereby become and be a judgment of such court and be enforced as other judgments in such courts are enforced.

SEC. 1062. Whenever the Court of Claims ascertains the facts of any loss by any paymaster, quartermaster, commissary of subsistence, or other disbursing officer, in the cases hereinbefore provided, to have been without fault or negligence on the part of such officer, it shall make a decree setting forth the amount thereof, and upon such decree the proper accounting officers of the Treasury shall allow to such officer the amount so decreed, as a credit in the settlement of his accounts.

SEC. 1063. Whenever any claim is made against any Executive Department, involving disputed facts or controverted questions of law, where the amount in controversy exceeds three thousand dollars, or where the decision will affect a class of cases, or furnish a precedent for the future action of any Executive Department in the adjustment of a class of cases, without regard to the amount involved in the particular case, or where any authority, right, privilege, or exemption is claimed or denied under the Constitution of the United States, the head of such Department may cause such claim, with all the vouchers, papers, proofs, and documents pertaining thereto, to be transmitted to the Court of Claims, and the same shall be there proceeded in as if originally commenced by the voluntary action of the claimant; and the Secretary of the Treasury may, upon the certificate of any Auditor or Comptroller of the Treasury, direct any account, matter, or claim, of the

character, amount, or class described in this section, to be transmitted, with all the vouchers, papers, documents, and proofs pertaining thereto, to the said court, for trial and adjudication: *Provided*, That no case shall be referred by any head of a Department unless it belongs to one of the several classes of cases which, by reason of the subject-matter and character, the said court might, under existing laws, take jurisdiction of on such voluntary action of the claimant.

SEC. 1064. All cases transmitted by the head of any Department, or upon the certificate of any Auditor or Comptroller, according to the provisions of the preceding section, shall be proceeded in as other cases pending in the Court of Claims, and shall, in all respects, be subject to the same rules and regulations.

Procedure in cases transmitted by Departments.

25 June, 1868, c. 71, s. 7, v. 15, p. 76.

Clyde vs. U. S., 13 Wall., 38.

SEC. 1065. The amount of any final judgment or decree rendered in favor of the claimant, in any case transmitted to the Court of Claims under the two preceding sections, shall be paid out of any specific appropriation applicable to the case, if any such there be; and where no such appropriation exists, the judgment or decree shall be paid in the same manner as other judgments of the said court.

Judgments in cases transmitted by Departments, how paid.

25 June, 1868, c. 71, s. 7, v. 15, p. 76.

SEC. 1066. The jurisdiction of the said court shall not extend to any claim against the Government not pending therein on December one, eighteen hundred and sixty-two, growing out of or dependent on any treaty stipulation entered into with foreign nations or with the Indian tribes.

Claims growing out of treaties not cognizable therein.

3 March, 1863, c. 92, s. 9, v. 12, p. 767.

Ex parte Atocha, 17 Wall., 439.

SEC. 1067. No person shall file or prosecute in the Court of Claims, or in the Supreme Court on appeal therefrom, any claim for or in respect to which he or any assignee of his has pending in any other court any suit or process against any person who, at the time when the cause of action alleged in such suit or process arose, was, in respect thereto, acting or professing to act, mediately or immediately, under the authority of the United States.

Claims pending in other courts not to be prosecuted in Court of Claims.

25 June, 1868, c. 71, s. 8, v. 15, p. 77.

SEC. 1068. Aliens, who are citizens or subjects of any government which accords to citizens of the United States the right to prosecute claims against such government in its courts, shall have the privilege of prosecuting claims against the United States in the Court of Claims, whereof such court, by reason of their subject-matter and character, might take jurisdiction.

Aliens.

27 July, 1868, c. 276, s. 2, v. 15, p. 243.

U. S. vs. O'Keefe, 11 Wall., 178; *Carlisle vs.* U. S., 16 Wall., 147.

SEC. 1069. Every claim against the United States, cognizable by the Court of Claims, shall be forever barred unless the petition setting forth a statement thereof is filed in the court, or transmitted to it by the Secretary of the Senate or the Clerk of the House of Representatives as provided by law, within six years after the claim first accrues: *Provided*, That the claims of married women first accrued during marriage, of persons under the age of twenty-one years first accrued during minority, and of idiots, lunatics, insane persons, and persons beyond the seas at the time the claim accrued, entitled to the claim, shall not be barred if the petition be filed in the court or transmitted, as aforesaid, within three years after the disability has ceased; but no other disability than those enumerated shall prevent any claim from being barred, nor shall any of the said disabilities operate cumulatively.

Limitation.

3 March, 1863, c. 92, s. 10, v. 12, p. 767.

SEC. 1070. The said court shall have power to establish rules for its government and for the regulation of practice therein, and it may punish for contempt in the manner prescribed by the common law, may appoint commissioners, and may exercise such powers as are necessary to carry into effect the powers granted to it by law.

Rules of practice; contempts.

24 Feb., 1855, c. 122, s. 3, v. 10, p. 613.

3 March, 1863, c. 92, s. 4, v. 12, p. 765.

Oaths and acknowledgments.

3 March, 1863, c. 92, s. 4, v. 12, p. 765.

Petition.

24 Feb., 1855, c. 122, s. 1, v. 10, p. 612.

3 Mar., 1863, c. 92, s. 12, v. 12, p. 767.

Petition dismissed, if issue found against claimant as to allegiance, &c.

3 March, 1863, c. 92, s. 12, v. 12, p. 767.

Burden of proof and evidence as to loyalty.

25 June, 1868, c. 71, s. 3, v. 15, p. 75.

Commissioners to take testimony.

24 Feb., 1855, c. 122, s. 3, v. 10, p. 613.

3 March, 1863, c. 92, s. 4, v. 12, p. 765.

Power to call upon Departments for information.

24 Feb., 1855, c. 122, s. 11, v. 10, p. 614.

When testimony not to be taken.

24 Feb., 1855, c. 122, s. 4, v. 10, p. 613.

Witnesses not excluded on account of color.

SEC. 1071. The judges and clerks of said court may administer oaths and affirmations, take acknowledgments of instruments in writing, and give certificates of the same.

SEC. 1072. The claimant shall, in all cases, fully set forth in his petition the claim, the action thereon in Congress, or by any of the Departments, if such action has been had; what persons are owners thereof or interested therein, when and upon what consideration such persons became so interested; that no assignment or transfer of said claim, or of any part thereof or interest therein, has been made, except as stated in the petition; that said claimant is justly entitled to the amount therein claimed from the United States, after allowing all just credits and off-sets; that the claimant, and, where the claim has been assigned, the original and every prior owner thereof, if a citizen, has at all times borne true allegiance to the Government of the United States, and, whether a citizen or not, has not in any way voluntarily aided, abetted, or given encouragement to rebellion against the said Government, and that he believes the facts as stated in the said petition to be true. And the said petition shall be verified by the affidavit of the claimant, his agent, or attorney.

SEC. 1073. The said allegations as to true allegiance and voluntary aiding, abetting, or giving encouragement to rebellion against the Government may be traversed by the Government, and if on the trial such issues shall be decided against the claimant, his petition shall be dismissed.

SEC. 1074. Whenever it is material in any claim to ascertain whether any person did or did not give any aid or comfort to the late rebellion, the claimant asserting the loyalty of any such person to the United States during such rebellion shall be required to prove affirmatively that such person did, during said rebellion, consistently adhere to the United States, and did give no aid or comfort to persons engaged in said rebellion; and the voluntary residence of any such person in any place where, at any time during such residence, the rebel force or organization held sway, shall be prima-facie evidence that such person did give aid and comfort to said rebellion and to the persons engaged therein.

SEC. 1075. The Court of Claims shall have power to appoint commissioners to take testimony to be used in the investigation of claims which come before it; to prescribe the fees which they shall receive for their services, and to issue commissions for the taking of such testimony, whether taken at the instance of the claimant or of the United States.

SEC. 1076. The said court shall have power to call upon any of the Departments for any information or papers it may deem necessary, and shall have the use of all recorded and printed reports made by the committees of each House of Congress, when deemed necessary in the prosecution of its business. But the head of any Department may refuse and omit to comply with any call for information or papers when, in his opinion, such compliance would be injurious to the public interest.

SEC. 1077. When it appears to the court in any case that the facts set forth in the petition of the claimant do not furnish any ground for relief, it shall not be the duty of the court to authorize the taking of any testimony therein.

SEC. 1078. No witness shall be excluded in any suit in the Court of Claims on account of color.

2 July, 1864, c. 210, s. 3, v. 13, p. 351. 2 March, 1867, c. 166, s. 2, v. 14, p. 457. 25 June, 1868, c. 71, s. 4, v. 15, p. 75.

SEC. 1079. No claimant, nor any person from or through whom any such claimant derives his alleged title, claim, or right against the United States, nor any person interested in any such title, claim, or right, shall be a competent witness in the Court of Claims in supporting the same, and no testimony given by such claimant or person shall be used except as provided in the next section.

Parties and persons interested excluded as witnesses.

25 June, 1868, c. 71, s. 4, v. 15, p. 75.
3 March, 1863, c. 92, s. 8, v. 12, p. 766.

SEC. 1080. The court may, at the instance of the attorney or solicitor appearing in behalf of the United States, make an order in any case pending therein, directing any claimant in such case to appear, upon reasonable notice, before any commissioner of the court, and be examined on oath touching any or all matters pertaining to said claim. Such examination shall be reduced to writing by the said commissioner, and be returned to and filed in the court, and may, at the discretion of the attorney or solicitor of the United States appearing in the case, be read and used as evidence on the trial thereof. And if any claimant, after such order is made, and due and reasonable notice thereof is given to him, fails to appear, or refuses to testify or answer fully as to all matters within his knowledge material to the issue, the court may, in its discretion, order that the said cause shall not be brought forward for trial until he shall have fully complied with the order of the court in the premises.

Examination of claimant.

3 March, 1863, c. 92, s. 8, v. 12, p. 766.
25 June, 1868, c. 71, s. 4, v. 15, p. 75.

SEC. 1081. The testimony in cases pending before the Court of Claims shall be taken in the county where the witness resides, when the same can be conveniently done.

Testimony taken where deponent resides.

24 Feb., 1855, c. 122, s. 3, v. 10, p. 613.

SEC. 1082. The Court of Claims may issue subpoenas to require the attendance of witnesses in order to be examined before any person commissioned to take testimony therein, and such subpoenas shall have the same force as if issued from a district court, and compliance therewith shall be compelled under such rules and orders as the court shall establish.

Witnesses, how compelled to attend before commissioners.

24 Feb., 1855, c. 122, s. 3, v. 10, p. 613.

SEC. 1083. In taking testimony to be used in support of any claim, opportunity shall be given to the United States to file interrogatories, or by attorney to examine witnesses, under such regulations as said court shall prescribe; and like opportunity shall be afforded the claimant, in cases where testimony is taken on behalf of the United States, under like regulations.

Cross-examination.

24 Feb., 1855, c. 122, s. 5, v. 10, p. 613.

SEC. 1084. The commissioner taking testimony to be used in the Court of Claims shall administer an oath or affirmation to the witnesses brought before him for examination.

Witnesses, how sworn.

24 Feb., 1855, c. 122, s. 3, v. 10, p. 613.

SEC. 1085. When testimony is taken for the claimant, the fees of the commissioner before whom it is taken, and the cost of the commission and notice, shall be paid by such claimant; and when it is taken at the instance of the Government, such fees, together with all postage incurred by the Assistant Attorney-General, shall be paid out of the contingent fund provided for the Court of Claims, or other appropriation made by Congress for that purpose.

Fees of commissioner, by whom paid.

24 Feb., 1855, c. 122, s. 3, v. 10, p. 613.

SEC. 1086. Any person who corruptly practices or attempts to practice any fraud against the United States in the proof, statement, establishment, or allowance of any claim, or of any part of any claim against the United States, shall ipso facto forfeit the same to the Government; and it shall be the duty of the Court of Claims, in such cases, to find specifically that such fraud was practiced or attempted to be practiced, and thereupon to give judgment that such claim is forfeited to the Government, and that the claimant be forever barred from prosecuting the same.

Claims forfeited for fraud.

3 March, 1863, c. 92, s. 11, v. 12, p. 767.

SEC. 1087. When judgment is rendered against any claimant, the court may grant a new trial for any reason which, by the rules of common law or chancery in suits between individuals, would furnish sufficient ground for granting a new trial.

New trial on motion of claimant.

24 Feb., 1855, c. 122, s. 9, v. 10, p. 614.

New trial on motion of United States.

25 June, 1868, c. 71, s. 2, v. 15, p. 75.

Ex parte Russell, 13 Wall., 664; *Ex parte*, in matter of U. S., 16 Wall., 699.

Payment of judgments.

3 March, 1863, c. 92, s. 7, v. 12, p. 766.

Interest.

3 March, 1863, c. 92, s. 7, v. 12, p. 766.

Interest on claims.

3 March, 1863, c. 92, s. 7, v. 12, p. 766.

Payment of judgment a full discharge, &c.

3 March, 1863, c. 92, s. 7, v. 12, p. 766.

Final judgments a bar.

3 March, 1863, c. 92 s. 7, v. 12, p. 766.

SEC. 1088. The Court of Claims, at any time while any claim is pending before it, or on appeal from it, or within two years next after the final disposition of such claim, may, on motion on behalf of the United States, grant a new trial and stay the payment of any judgment therein, upon such evidence, cumulative or otherwise, as shall satisfy the court that any fraud, wrong, or injustice in the premises has been done to the United States; but until an order is made staying the payment of a judgment, the same shall be payable and paid as now provided by law.

SEC. 1089. In all cases of final judgments by the Court of Claims, or, on appeal, by the Supreme Court, where the same are affirmed in favor of the claimant, the sum due thereby shall be paid out of any general appropriation made by law for the payment and satisfaction of private claims, on presentation to the Secretary of the Treasury of a copy of said judgment, certified by the clerk of the Court of Claims, and signed by the chief justice, or, in his absence, by the presiding judge of said court.

SEC. 1090. In cases where the judgment appealed from is in favor of the claimant, and the same is affirmed by the Supreme Court, interest thereon at the rate of five per centum shall be allowed from the date of its presentation to the Secretary of the Treasury for payment as aforesaid, but no interest shall be allowed subsequent to the affirmance, unless presented for payment to the Secretary of the Treasury as aforesaid.

SEC. 1091. No interest shall be allowed on any claim up to the time of the rendition of judgment thereon by the Court of Claims, unless upon a contract expressly stipulating for the payment of interest.

SEC. 1092. The payment of the amount due by any judgment of the Court of Claims and of any interest thereon allowed by law, as hereinbefore provided, shall be a full discharge to the United States of all claim and demand touching any of the matters involved in the controversy.

SEC. 1093. Any final judgment against the claimant on any claim prosecuted as provided in this chapter shall forever bar any further claim or demand against the United States arising out of the matters involved in the controversy.

TITLE XIV.

THE ARMY.

CHAPTER ONE.

ORGANIZATION.

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| Sec. | Sec. |
| 1094. Composition of the Army. | 1149. Sales of tobacco. |
| 1095. Title of General. | 1150. Officers not to trade. |
| 1096. Staff. | 1151. Corps of Engineers, organization. |
| 1097. Lieutenant-General's aids and secretary. | 1152. Regulation of supplies. |
| 1098. Aids of major and brigadier generals. | 1153. Disbursements. |
| 1099. Artillery regiment. | 1154. Engineer battalion. |
| 1100. Artillery battery. | 1155. Engineer company. |
| 1101. Light battery. | 1156. Engineer officers. |
| 1102. Cavalry regiment. | 1157. Duties of engineer soldiers. |
| 1103. Troop. | 1158. Engineers, limits of duty. |
| 1104. Colored cavalry regiments. | 1159. Ordnance Corps, organization. |
| 1105. Dismounted. | 1160. Appointment in. |
| 1106. Infantry regiment. | 1161. Store-keeper. |
| 1107. Infantry company. | 1162. Enlisted men. |
| 1108. Colored infantry regiments. | 1163. Detail of artificers. |
| 1109. Post ordnance-sergeants, number and duty. | 1164. Supplies. |
| 1110. How selected. | 1165. Depots. |
| 1111. Bands. | 1166. Orders for supplies. |
| 1112. Indian scouts. | 1167. Semi-annual reports. |
| 1113. Trading establishments. | 1168. Medical Department, organization. |
| 1114. Brigades and divisions. | 1169. Right of command. |
| 1115. Number of enlisted men. | 1170. Volunteer service of assistant surgeons. |
| 1116. General qualifications. | 1171. Purveyors to be assignable as surgeons. |
| 1117. Enlistment of minors. | 1172. Examinations. |
| 1118. Persons not to be enlisted. | 1173. Duties of chief medical purveyor. |
| 1119. Term of enlistment. | 1174. Supervision of cooking. |
| 1120. Premium for bringing. | 1175. Sick-diet in hospitals. |
| 1121. Chaplains, number of. | 1176. Trusses, to whom furnished. |
| 1122. Rank, &c., of chaplains. | 1177. Application for. |
| 1123. Qualifications of. | 1178. Trusses, purchase of. |
| 1124. Duties as school-teachers. | 1179. Post hospital-stewards. |
| 1125. Duties as clergymen. | 1180. Hospital-stewards. |
| 1126. Monthly reports. | 1181. Classes of hospital-stewards. |
| 1127. Facilities to. | 1182. Paymaster's Department, organization. |
| 1128. Corps of adjutants-general, organization. | 1183. Right of command. |
| 1129. Vacancy to be filled from the line. | 1184. Additional paymasters. |
| 1130. When to be inspectors. | 1185. Additional paymasters' service to be temporary. |
| 1131. Corps of inspectors-general, organization. | 1186. Duties of Paymaster-General. |
| 1132. Quartermaster's Corps, organization. | 1187. Duties of deputy paymasters-general. |
| 1133. Duties. | 1188. Duties of paymasters. |
| 1134. Commissary's duty. | 1189. Periods of payment. |
| 1135. Supplies to naval and marine detachments. | 1190. Paymasters' clerks. |
| 1136. Permanent barracks. | 1191. Bonds of disbursing officers, by whom to be given. |
| 1137. Forage and wagon masters. | 1192. Renewing bonds of paymasters. |
| 1138. Officers not to trade. | 1193. Chiefs of corps and Departments, how selected. |
| 1139. System of accountability. | 1194. Appointments and promotions in staff corps and Departments. |
| 1140. Subsistence Corps, organization. | 1195. Signal-service, rank of chief. |
| 1141. Duties. | 1196. Details for signal duty. |
| 1142. Post commissary-sergeants. | 1197. Signal-detail to be mounted. |
| 1143. Rations to naval detachments. | 1198. Bureau of Military Justice, organization. |
| 1144. Credit sales. | |
| 1145. Sales of rations. | |
| 1146. The ration. | |
| 1147. Coffee and sugar commuted. | |
| 1148. Sugar and coffee in kind. | |

| Sec. | Sec. |
|--|---|
| 1199. Duties of Judge-Advocate-General. | 1221. Returns of clothing and camp equipage. |
| 1200. Judge-advocates. | 1222. Accepting or holding civil office. |
| 1201. Duties of judge-advocates. | 1223. Accepting or holding diplomatic or consular office. |
| 1202. Witnesses compelled to attend. | 1224. Civil employment prohibited. |
| 1203. Reporter. | 1225. Officers and arms for colleges. |
| 1204. Promotions, general rule. | 1226. Privileges on account of volunteer service. |
| 1205. In case of transfers from the line. | 1227. Army corps badges. |
| 1206. In Engineer Corps. | 1228. Restoration of dismissed officers. |
| 1207. After fourteen years' service. | 1229. Officers dropped for desertion. |
| 1208. In Ordnance Corps. | 1230. Officers dismissed by President may demand trial. |
| 1209. Brevets. | 1231. Post and garrison schools. |
| 1210. Date of brevet commission. | 1232. Enlisted men not to be used as servants. |
| 1211. Assignment to duty according to brevet rank. | 1233. Company-cooks. |
| 1212. Uniform and title. | 1234. Superintendence of cooking. |
| 1213. Cadets to be attached by brevet rank. | 1235. Labor-detail. |
| 1214. Non-commissioned officers to be attached by brevet rank. | 1236. Details to special service from forces in the field. |
| 1215. Number of attachments by brevet rank. | 1237. Exemption from arrest. |
| 1216. Certificates of merit for privates. | 1238. Female nurses. |
| GENERAL PROVISIONS OF ORGANIZATION. | |
| 1217. Commissions now held not vacated. | 1239. Matrons. |
| 1218. Persons who served in the rebellion ineligible. | 1240. Laundresses. |
| 1219. Time of actual service considered in fixing rank. | 1241. Sales of stores. |
| 1220. Returns of ordnance, damages. | 1242. Arms and accouterments in possession of persons not soldiers. |

Composition of the Army.

28 July, 1866, c. 299, v. 14, p. 332.
 25 July, 1866, c. 232, s. 1, v. 14, p. 223.
 3 March, 1799, c. 48, s. 9, v. 1, p. 752.
 3 March, 1869, c. 124, ss. 2, 5, v. 15, p. 318.
 15 July, 1870, c. 294, ss. 6, 7, 8, v. 16, p. 318.

SEC. 1094. The Army of the United States shall consist of—
 One General.

One Lieutenant-General.

Three major-generals.

Six brigadier-generals.

Five regiments of artillery.

Ten regiments of cavalry.

Twenty-five regiments of infantry.

An Adjutant-General's Department.

An Inspector-General's Department.

A Quartermaster's Department.

A Subsistence Department.

A Corps of Engineers.

A battalion of engineer soldiers.

An Ordnance Department.

The enlisted men of the Ordnance Department.

The Medical Department.

The hospital-stewards of the Medical Department.

A Pay Department.

A Chief Signal-Officer.

A Bureau of Military Justice.

Eight judge-advocates.

Thirty post-chaplains.

Four regimental chaplains.

A post ordnance-sergeant and a hospital-steward for each military post.

One band, stationed at the Military Academy.

A force of Indian scouts not exceeding one thousand.

The officers of the Army on the retired list.

And the professors and corps of cadets of the United States Military Academy.

Provided, That when a vacancy occurs in the office of General or Lieutenant-General such office shall cease, and all enactments creating or regulating such offices shall, respectively, be held to be repealed.

SEC. 1095. The General shall have the title of General of the Army of the United States.

Title of General.

25 July, 1866, c. 232 s. 1, v. 14, p. 223

SEC. 1096. The General may select from the Army such number of aids, not exceeding six, as he may deem necessary, who shall have, while serving on his staff, the rank of colonel of cavalry.

Staff.

25 July, 1866, c. 232, s. 2, v. 14, p. 223. 3 April, 1869, c. 9, s. 1, v. 16, p. 6.

SEC. 1097. The Lieutenant-General may select from the Army two aids and one military secretary, who^(*) have the rank of lieutenant-colonel of cavalry while serving on his staff.

Lieutenant-General's aids and secretary.

28 July, 1866, c. 299, s. 9, v. 14, p. 333. 25 July, 1866, c. 232, s. 2, v. 14, p. 223.

SEC. 1098. Each major-general shall have three aids, who may be selected by him from captains or lieutenants of the Army, and each brigadier-general shall have two aids, who may be selected by him from lieutenants of the Army.

Aids of major and brigadier generals.

28 July, 1866, c. 299, s. 9, v. 14, p. 333. 29 July, 1861, c. 24, s. 3, v. 12, p. 280.

SEC. 1099. Each regiment of artillery shall consist of twelve batteries, one colonel, one lieutenant-colonel, one major for every four batteries, one adjutant, one quartermaster and commissary, one sergeant-major, one quartermaster-sergeant, one chief musician, who shall be instructor of music, and two principal musicians. The adjutant and quartermaster and commissary shall be extra lieutenants, selected from the first or second lieutenants of the regiment.

Artillery regiment.

28 July, 1866, c. 229, s. 2, v. 14, p. 332.

29 July, 1861, c. 24, ss. 1, 2, v. 12, p. 280.

3 March, 1869, c. 124, s. 5, v. 15, p. 318. 15 July, 1870, c. 294, s. 10, v. 16, p. 318.

SEC. 1100. Each battery of artillery shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, four corporals, two musicians, two artificers, one wagoner, and as many privates, not exceeding one hundred and twenty-two, as the President may direct. One first lieutenant, one second lieutenant, two sergeants and four corporals may be added to this battery organization at the discretion of the President.

Artillery battery.

29 July, 1861, c. 24, s. 1, v. 12, p. 279.

28 July, 1866, c. 299, s. 2, v. 14, p. 332.

15 July, 1870, c. 294, s. 10, v. 16, p. 318.

SEC. 1101. One battery in each regiment of artillery, to be designated by the President, shall be equipped as light artillery, and one other battery may be so designated and equipped, when the President may deem it necessary.

Light battery.

2 March, 1821, c. 13, s. 2, v. 3, p. 615.

3 March, 1847, c. 61, s. 18, v. 9, p. 186.

SEC. 1102. Each regiment of cavalry shall consist of twelve troops, one colonel, one lieutenant-colonel, three majors, one surgeon, one assistant surgeon, one adjutant, one quartermaster, one veterinary surgeon, with the rank of regimental sergeant-major, one sergeant-major, one quartermaster-sergeant, one saddler-sergeant, one chief musician, who shall be instructor of music, and one chief trumpeter. Two assistant surgeons may be allowed to each regiment, and the ninth and tenth regiments shall have an additional veterinary surgeon. The adjutant and the quartermaster of each regiment shall be extra lieutenants, selected from the first or second lieutenants of the regiment.

Cavalry regiment.

28 July, 1866, c. 299, s. 3, v. 14, p. 332.

17 July, 1862, c. 201, s. 11, v. 12, p. 599.

6 Jan., 1863, c. 7, v. 12, p. 634.

3 March, 1863, c. 61, s. 18, v. 9, p. 186.

75, s. 37, v. 12, p. 737. 3 Aug., 1861, c. 42, s. 12, v. 12, p. 289. 3 March, 1869, c. 124, s. 5, v. 15, p. 318. 15 July, 1870, c. 294, ss. 9, 10, v. 16, p. 318.

SEC. 1103. Each troop of cavalry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, five sergeants, four corporals, two trumpeters, two farriers, one saddler, one wagoner, and such number of privates, not exceeding seventy-eight, as the President may direct.

Troop.

28 July, 1866, c. 299, s. 3, v. 14, p. 332.

17 July, 1862, c. 201, s. 11, v. 12, p. 599.

6 Jan., 1863, c. 7, v. 12, p. 634. 3 March, 1863, c. 75, s. 37, v. 12, p. 737. 15 July, 1870, c. 294, s. 10, v. 16, p. 318.

SEC. 1104. The enlisted men of two regiments of cavalry shall be colored men.

Colored cavalry regiments.

28 July, 1866, c. 299, s. 3, v. 14, p. 332.

SEC. 1105. Any portion of the cavalry force may be armed and drilled as infantry or dismounted cavalry, at the discretion of the President.

Dismounted.

28 July, 1866, c. 299, s. 3, v. 14, p. 332.

(*) The word *shall* omitted from the Roll.

Infantry regiment.

28 July, 1866, c. 299, s. 6, v. 14, p. 333.

3 March, 1869, c. 124, s. 5, v. 15, p. 318.

15 July, 1870, c. 294, s. 10, v. 16, p. 318.

Infantry company.

28 July, 1866, c. 299, s. 6, v. 14, p. 333.

15 July, 1870, c. 294, ss. 2, 10, v. 16, pp. 317, 318.

Colored infantry regiments.

28 July, 1866, c. 299, s. 4, v. 14, p. 332. 3 March, 1869, c. 124, s. 2, v. 15, p. 318.

Post ordnance-sergeants; number and duty.

28 July, 1866, c. 299, s. 7, v. 14, p. 333. 5 April, 1832, c. 67, s. 2, v. 4, p. 504.

How selected.

5 April, 1832, c. 67, s. 2, v. 4, p. 504.

Bands.

29 July, 1861, c. 24, s. 2, v. 12, p. 230.

20 June, 1864, c. 145, s. 1, v. 13, p. 144. 2 July, 1864, Res. 68, v. 13, p. 416. 28 July, 1866, c. 299, s. 7, v. 14, p. 333. 3 March, 1869, c. 124, s. 5, v. 15, p. 318.

Indian scouts.

28 July, 1866, c. 299, s. 6, v. 14, p. 333.

Trading establishments.

15 July, 1870, c. 294, s. 22, v. 16, p. 319.

Brigades and divisions.

3 March, 1799, c. 48, s. 8, v. 1, p. 752.

Number of enlisted men.

15 July, 1870, c. 294, s. 2, v. 16, p. 317.

General qualifications.

16 March, 1802, c. 9, s. 11, v. 2, p. 134.

3 March, 1815, c. 79, s. 7, v. 3, p. 224. 5 July, 1838, c. 162, s. 30, v. 5, p. 260. 13 Feb., 1862, c. 25, s. 2, v. 12, p. 339. 21 June, 1862, Res. 37, v. 12, p. 620. 17 July, 1862, c. 200, s. 21, v. 12, p. 597.

SEC. 1106. Each infantry regiment shall consist of ten companies, one colonel, one lieutenant-colonel, one major, one adjutant, one quartermaster, one sergeant-major, one quartermaster-sergeant, and one chief musician, who shall be instructor of music, and two principal musicians. The adjutant and the quartermaster shall be extra lieutenants selected from the first or second lieutenants of the regiment.

SEC. 1107. Each company of infantry shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, four sergeants, four corporals, two artificers, two musicians, one wagoner, and fifty privates, and the number of privates may be increased at the discretion of the President not to exceed one hundred, whenever the exigencies of the service require such increase.

SEC. 1108. The enlisted men of two regiments of infantry shall be colored men.

SEC. 1109. There shall be an ordnance-sergeant for each military post, whose duty it shall be to take care of the ordnance, arms, ammunition, and other military stores at such post, under the direction of the commanding officer, and according to regulations prescribed by the Secretary of War.

SEC. 1110. Post ordnance-sergeants shall be selected by the Secretary of War from the sergeants of the line who shall have served faithfully for eight years, including four years in the grade of non-commissioned officer, and shall be assigned to their stations by him.

SEC. 1111. There shall be retained or enlisted in the Army one band, which shall consist of one band-leader, and not more than twenty-four musicians, and shall ordinarily be stationed at the Military Academy.

SEC. 1112. The President is authorized to enlist a force of Indians, not exceeding one thousand, who shall act as scouts in the Territories and Indian country. They shall be discharged when the necessity for their service shall cease, or at the discretion of the department commander.

SEC. 1113. The Secretary of War is authorized to permit one or more trading establishments to be maintained at any military post on the frontier not in the vicinity of any city or town, when he believes such an establishment is needed for the accommodation of emigrants, freighters, or other citizens. The persons to maintain such establishments shall be appointed by him, and shall be under protection and control as camp-followers.

SEC. 1114. In the ordinary arrangement of the Army two regiments of infantry or of cavalry shall constitute a brigade, and shall be the command of a brigadier-general, and two brigades shall constitute a division, and shall be the command of a major-general; but it shall be in the discretion of the commanding general to vary this disposition whenever he may deem it proper to do so.

SEC. 1115. There shall not be in the Army at one time more than thirty thousand enlisted men.

SEC. 1116. Recruits enlisting in the Army must be effective and able-bodied men, and between the ages of sixteen and thirty-five years, at the time of their enlistment. This limitation as to age shall not apply to soldiers re-enlisting.

SEC. 1117. No person under the age of twenty-one years shall be enlisted or mustered into the military service of the United States without the written consent of his parents or guardians: *Provided*, That such minor has such parents or guardians entitled to his custody and control.

Enlistment of minors.

15 May, 1872, c. 162, s. 1, v. 17, p. 117.

SEC. 1118. No minor under the age of sixteen years, no insane or intoxicated person, no deserter from the military service of the United States, and no person who has been convicted of any criminal offense, shall be enlisted or mustered into the military service.

Shorner's Case, 1 Car. L. Rep., 55.

Persons not to be enlisted.

4 July, 1864, c. 237, s. 5, v. 13, p. 380.

3 March, 1865, c. 79, s. 18, v. 13, p. 490. 2 March, 1833, c. 68, s. 6, v. 4, p. 647.

SEC. 1119. All enlistments in the Army shall be for the term of five years.

Term of enlistment.

3 March, 1869, c. 124, s. 4, v. 15, p. 318.—U. S. *vs.* Travers, 2 Wh., Cr. Cas., 490.

SEC. 1120. A premium of two dollars shall be paid to any citizen, non-commissioned officer, or soldier for each accepted recruit he may bring to a recruiting rendezvous.

Premium for bringing.

21 June, 1862, Res. 37, v. 12, p. 620.

SEC. 1121. The President may, by and with the advice and consent of the Senate, appoint a chaplain for each regiment of colored troops, and thirty post-chaplains: *Provided*, That no appointment of regimental or post chaplains shall be made until those on waiting orders are assigned.

Chaplains, number of.

28 July, 1866, c. 299, ss. 7, 30, v. 14, pp. 333, 337.

7 July, 1838, c. 194, v. 5, p. 308. 2 March, 1849, c. 83, s. 3, v. 9, p. 351. 9 April, 1864, c. 53, s. 1, v. 13, p. 46. 2 March, 1867, c. 145, s. 7, v. 14, p. 423. 15 July, 1870, c. 294, s. 12, v. 16, p. 318.

SEC. 1122. Chaplains shall have the rank of captain of infantry, with-out command, and shall be on the same footing with other officers of the Army, as to tenure of office, retirement, and pensions.

Rank, &c., of chaplains.

299, ss. 7, 30, v. 14, pp. 333, 337. 9 April, 1864, c. 53, s. 1, v. 13, p. 46. 145, s. 7, v. 14, p. 423. 15 July, 1870, c. 294, s. 12, v. 16, p. 318.

SEC. 1123. No person shall be appointed as regimental or post chaplain until he shall furnish proof that he is a regularly-ordained minister of some religious denomination, in good standing at the time of his appointment, together with a recommendation for such appointment from some authorized ecclesiastical body, or from not less than five accredited ministers of said denomination.

Qualifications of

17 July, 1862, c. 200, s. 8, v. 12, p. 595.

SEC. 1124. The duty of chaplains of regiments of colored troops and of post-chaplains shall include the instruction of the enlisted men in the common English branches of education.

Duties as school-teachers.

5 July, 1833, c. 162, s. 18, v. 5, p. 259. 28 July, 1866, c. 299, s. 30, v. 14, p. 337.

SEC. 1125. All regimental chaplains and post-chaplains shall, when it may be practicable, hold appropriate religious services, for the benefit of the commands to which they may be assigned to duty, at least once on each Sunday, and shall perform appropriate religious burial services at the burial of officers and soldiers who may die in such commands.

Duties as clergymen.

9 April, 1864, c. 53, s. 4, v. 13, p. 46.

SEC. 1126. Post hospital and regimental chaplains shall make monthly reports to the Adjutant-General of the Army, through the usual military channels, of the moral condition and general history of the regiments or posts to which they may be attached.

Monthly reports.

9 April, 1864, c. 53, s. 3, v. 13, p. 46.

SEC. 1127. It shall be the duty of commanders of regiments, hospitals, and posts to afford to chaplains, assigned to the same for duty, such facilities as may aid them in the performance of their duties.

Facilities to.

9 April, 1864, c. 53, s. 3, v. 13, p. 46.

SEC. 1128. The Adjutant-General's Department of the Army shall consist of one Adjutant-General, with the rank of brigadier-general; two assistant adjutants-general, with the rank of colonel of cavalry; four assistant adjutants-general, with the rank of lieutenant-colonel of cavalry; and thirteen assistant adjutants-general, with the rank of major of cavalry.

Corps of adjutants-general, organization.

28 July, 1866, c. 299, s. 10, v. 14, p. 333.

3 March, 1869, c. 124, s. 6, v. 15, p. 318.

Vacancy to be filled from the line.

17 July, 1862, c. 200, s. 22, v. 12, p. 597.
v. 16, p. 53.

When to be inspectors.

5 July, 1838, c. 162, s. 7, v. 5, p. 257.
p. 184. 19 July, 1848, c. 104, s. 3, v. 9, p. 247.

Corps of inspectors-general, organization.

28 July, 1866, c. 299, s. 11, v. 14, p. 334.

Quartermaster's Corps, organization.

28 July, 1866, c. 299, s. 13, 14, v. 14, p. 334.

2 March, 1867, c. 145, s. 7, v. 14, p. 423.

3 June, 1872, c. 279, v. 17, p. 214.

Duties.

28 March, 1812, c. 46, ss. 3, 5, v. 2, pp. 696, 697.

23 Aug., 1842, c. 186, s. 3, v. 5, p. 513.

18 May, 1826, c. 74, s. 1, v. 4, p. 173.

Commissary's duty.

2 March, 1821, c. 13, s. 8, v. 3, p. 615.

Supplies to naval and marine detachments.

15 Dec., 1814, c. 13, ss. 1, 2, v. 3, p. 151.

Permanent barracks.

3 March, 1859, c. 83, s. 1, v. 11, p. 432.

Forage and wagon masters.

5 July, 1838, c. 162, s. 10, v. 5, p. 257.

SEC. 1129. All vacancies in the grade of major, in the Adjutant-General's Department, shall, when filled, be filled by selections from captains of the Army.

3 March, 1869, c. 124, s. 6, v. 15, p. 318. 10 April, 1869, Res. 11,

SEC. 1130. Assistant adjutants-general shall, in addition to their own duties, perform those of assistant inspectors-general, when the convenience of the service requires them to do so.

18 June, 1846, c. 29, s. 6, v. 9, p. 18. 3 March, 1847, c. 61, s. 2, v. 9, p. 351. 2 March, 1849, c. 83, s. 4, v. 9, p. 351.

SEC. 1131. There shall be five inspectors-general of the Army, with the rank of colonel of cavalry; one assistant inspector-general, with the rank of lieutenant-colonel of cavalry; and two assistant inspectors-general, with the rank of major of cavalry.

SEC. 1132. The Quartermaster's Department of the Army shall consist of one Quartermaster-General, with the rank of brigadier-general; six assistant quartermasters-general, with the rank of colonel of cavalry; ten deputy quartermasters-general, with the rank of lieutenant-colonel of cavalry; twelve quartermasters, with the rank of major of cavalry; thirty assistant quartermasters, with the rank of captain of cavalry; and such number of military store-keepers, not exceeding sixteen, as may be required, with the rank of captain of cavalry. Nothing herein shall deprive of his office any person now holding the office of quartermaster with the rank of major.

SEC. 1133. It shall be the duty of the officers of the Quartermaster's Department, under the direction of the Secretary of War, to purchase and distribute to the Army all military stores and supplies, requisite for its use, which other corps are not directed by law to provide; to furnish means of transportation for the Army, its military stores and supplies, and to provide for and pay all incidental expenses of the military service which other corps are not directed to provide for and pay.

SEC. 1134. Assistant quartermasters shall do duty as assistant commissaries of subsistence when so ordered by the Secretary of War.

SEC. 1135. The officers of the Quartermaster's Department shall, upon the requisition of the naval or marine officer commanding any detachment of seamen or marines under orders to act on shore, in co-operation with land troops, and during the time such detachment is so acting or proceeding to act, furnish the officers and seamen with camp-equipment, together with transportation for said officers, seamen, and marines, their baggage, provisions, and cannon, and shall furnish the naval officer commanding any such detachment, and his necessary aids, with horses, accouterments, and forage.

SEC. 1136. Permanent barracks or quarters and buildings and structures of a permanent nature shall not be constructed unless detailed estimates shall have been previously submitted to Congress, and approved by a special appropriation for the same, except when constructed by the troops; and no such structures, the cost of which shall exceed twenty thousand dollars, shall be erected unless by special authority of Congress.

SEC. 1137. The Quartermaster-General may employ as many forage-masters and wagon-masters, not exceeding twenty in the whole, as he may deem necessary for the service. No forage-master or wagon-master shall be concerned, directly or indirectly, in any means of transport employed by the United States, or in the purchase or sale of any property procured for or belonging to the United States, except as agent for the United States.

SEC. 1138. No officer belonging to the Quartermaster's Department, or doing the duty of a quartermaster or assistant quartermaster, shall be concerned, directly or indirectly, in the purchase or sale of any article intended for or appertaining to said department of service, except on account of the United States; nor shall any such officer take or apply to his own use any gain or emolument for negotiating or transacting any business connected with the duties of his office, other than that which may be allowed by law.

SEC. 1139. The Quartermaster-General, under the direction of the Secretary of War, shall prescribe and enforce a system of accountability for all quartermaster's supplies to the Army or to officers, seamen, and marines.

SEC. 1140. The Subsistence Department of the Army shall consist of one Commissary-General of Subsistence, with the rank of brigadier-general; two assistant commissaries-general of subsistence, with the rank of colonel of cavalry; two assistant commissaries-general of subsistence, with the rank of lieutenant-colonel of cavalry; eight commissaries of subsistence, with the rank of major of cavalry; and sixteen commissaries of subsistence, with the rank of captain of cavalry.

SEC. 1141. It shall be the duty of the officers of the Subsistence Department, under the direction of the Secretary of War, to purchase and issue to the Army such supplies as enter into the composition of the ration.

SEC. 1142. The Secretary of War is authorized to select from the sergeants of the line of the Army who shall have faithfully served therein five years, three years of which in the grade of non-commissioned officers, as many commissary-sergeants as the service may require, not to exceed one for each military post or place of deposit of subsistence supplies, whose duty it shall be to receive and preserve the subsistence supplies at the posts, under the direction of the proper officers of the Subsistence Department, and under such regulations as shall be prescribed by the Secretary of War. The commissary-sergeants hereby authorized shall be subject to the rules and articles of war, and shall receive for their services the same pay and allowances as ordnance-sergeants.

SEC. 1143. The officers of the Subsistence Department shall, upon the requisition of the naval or marine officer commanding any detachment of seamen or marines under orders to act on shore, in co-operation with the land troops, and during the time such detachment is so acting or proceeding to act, furnish rations to the officers, seamen, and marines of the same.

SEC. 1144. The officers of the Subsistence Department shall procure, and keep for sale to officers and enlisted men at cost prices, for cash or on credit, such articles as may, from time to time, be designated by the inspectors-general of the Army. An account of all sales on credit shall be kept, and the amounts due for the same shall be reported monthly to the Paymaster-General. [See §§ 1299, 1300.]

SEC. 1145. Commissioned officers of the Army, serving in the field, may purchase rations for their own use, from any commissary of subsistence, on credit, at cost prices; and the amounts due for such purchases shall be reported monthly to the Paymaster-General. [See §§ 1299, 1300.]

SEC. 1146. Each ration shall consist of one pound and a quarter of beef or three-quarters of a pound of pork, eighteen ounces of bread or flour, and at the rate of ten pounds of coffee, fifteen pounds of sugar, two quarts of salt, four quarts of vinegar, four ounces of pepper, four pounds of soap, and one pound and a half of candles to every hundred rations. The President may make such alterations in the component parts of the ration as a due regard to the health and comfort of the Army and economy may require.

SEC. 1147. The Secretary of War may commute the ration of coffee and sugar for the extract of coffee combined with milk and sugar, if he shall believe such commutation to be conducive to the health and comfort of the Army, and not to be more expensive to the Government

Officers not to trade.

22 May, 1812, c. 92, s. 1, v. 2, p. 742.

System of accountability.

18 May, 1826, c. 74, s. 1, v. 4, p. 173.

Subsistence Corps, organization.

28 July, 1866, c. 299, s. 16, v. 14, p. 334.

Duties.

14 April, 1818, c. 61, s. 7, v. 3, p. 427.

3 March, 1835, c. 49, s. 1, v. 4, p. 780.

Post commissary-sergeants.

3 March, 1873, c. 224, v. 17, p. 485.

Rations to naval detachments.

15 Dec., 1814, c. 13, s. 1, v. 3, p. 151.

Credit sales.

28 July, 1866, c. 299, s. 25, v. 14, p. 336.

Sales of rations.

3 March, 1865, c. 81, s. 5, v. 13, p. 497.

The ration.

16 March, 1802, c. 9, s. 6, v. 2, p. 134.

5 July, 1838, c. 162, s. 17, v. 5, p. 258.

21 June, 1860, c. 163, s. 4, v. 12, p. 68.

3 March, 1863, c. 78, s. 11, v. 12, p. 744.

Coffee and sugar commuted.

5 July 1862, c. 133, s. 10, v. 12, p. 510

than the present ration; provided, the same shall be acceptable to the men. [See § 1294.]

Sugar and coffee in kind.

SEC. 1148. The ration of sugar and coffee, when issued in kind, shall, when the convenience of the service permits, be issued weekly.

5 July, 1838, c. 162, s. 17, v. 5, p. 258.

Sales of tobacco.

3 March, 1865, c. 81, s. 6, v. 13, p. 497.

SEC. 1149. Tobacco shall be furnished to the enlisted men by the commissaries of subsistence, at cost prices, exclusive of the cost of transportation, in such quantities as they may require, not exceeding sixteen ounces per month. [See § 1301.]

Officers not to trade.

14 April, 1818, c. 61, s. 9, v. 3, p. 427.

3 March, 1835, c. 49, s. 1, v. 4, p. 780.

28 July, 1866, c. 299, s. 25, v. 14, p. 336.

3 March, 1865, c. 81, s. 6, v. 13, p. 497.

SEC. 1150. No officer belonging to the Subsistence Department, or doing the duty of a subsistence officer, shall be concerned, directly or indirectly, in the purchase or sale of any article entering into the composition of the ration allowed to troops in the service of the United States, or of any article designated by the inspectors-general of the Army, and furnished for sale to officers and enlisted men at cost prices, or of tobacco furnished for sale to enlisted men, except on account of the United States; nor shall any such officer take or apply to his own use any gain or emolument for negotiating or transacting any business connected with the duties of his office, other than that which may be allowed by law.

Corps of Engineers, organization.

28 July, 1866, c. 299, s. 19, v. 14, p. 335.

3 March, 1869, c. 124, s. 6, v. 15, p. 318; 10 June, 1872, c. 426, v. 17, p. 382.

SEC. 1151. The Corps of Engineers shall consist of one Chief of Engineers, with the rank of brigadier-general, six colonels, twelve lieutenant-colonels, twenty-four majors, thirty captains, twenty-six first lieutenants, and ten second lieutenants, and the battalion: *Provided*, That no promotion shall be made to fill any vacancy in said corps above the rank of colonel.

Regulations of supplies.

15 May, 1846, c. 21, s. 5, v. 9, p. 13.

3 Aug., 1861, c. 42, s. 4, v. 12, p. 287.

SEC. 1152. The Chief of Engineers is authorized, with the approval of the Secretary of War, to regulate and determine the number, quality, form, and dimensions of the necessary vehicles, pontoons, tools, implements, arms, and other supplies for the use of the battalion of engineer soldiers.

Disbursements.

5 July, 1838, c. 162, s. 27, v. 5, p. 260.

7 July, 1838, c. 194, v. 5, p. 308.

SEC. 1153. It shall be the duty of the engineer superintending the construction of a fortification, or engaged about the execution of any other public work, to disburse the moneys applicable to the same; but no compensation shall be allowed him for such disbursement.

Engineer battalion.

28 July, 1866, c. 299, s. 20, v. 14, p. 335.

30 June, 1864, c. 145, s. 4, v. 13, p. 144.

3 Aug., 1861, c. 42, s. 4, v. 12, p. 287.

SEC. 1154. The battalion of engineers shall consist of the five companies of engineers now existing, one sergeant-major, and one quartermaster-sergeant, who shall also be commissary-sergeant.

Engineer company.

3 Aug., 1861, c. 42, s. 4, v. 12, p. 287.

15 July, 1870, c. 294, s. 2, v. 16, p. 317.

SEC. 1155. Each company of engineer soldiers shall consist of ten sergeants, ten corporals, two musicians, and as many privates of the first class, not exceeding sixty-four, and as many privates of the second class, not exceeding sixty-four, as the President may direct, and shall be recruited in the same manner, and with the same limitation, and shall be entitled to the same provisions, allowances, and benefits, in every respect, as are allowed to other troops constituting the present military peace establishment.

Engineer officers.

28 July, 1866, c. 299, s. 20, v. 14, p. 335.

15 May, 1846, c. 21, s. 4, v. 9, p. 13.

SEC. 1156. A battalion-adjutant, a battalion-quartermaster, and appropriate officers to command the companies and battalion of engineer soldiers, shall be detailed from the Corps of Engineers.

3 Aug., 1861, c. 42, s. 4, v. 12, p. 287.

6 Aug., 1861, c. 57, s. 2, v. 12, p. 317.

SEC. 1157. The enlisted men of the engineer battalion shall be instructed in and perform the duties of sappers, miners, and pontoniers, and shall aid in giving practical instruction in those branches at the Military Academy. They may be detailed by the Chief of Engineers to oversee and aid laborers upon fortifications and other works in charge of the Engineer Corps, and, as fort-keepers, to protect and repair finished fortifications.

Duties of engineer soldiers.

15 May, 1846, c. 21, s. 4, v. 9, p. 13.
3 Aug., 1861, c. 42, s. 4, v. 12, p. 287.
6 Aug., 1861, c. 57, s. 2, v. 12, p. 317.
3 March, 1863, c. 78, s. 1, v. 12, p. 743.

SEC. 1158. Engineers shall not assume nor be ordered on any duty beyond the line of their immediate profession, except by the special order of the President. They may, at the discretion of the President, be transferred from one corps to another, regard being paid to rank.

Engineers, limits of duty.

10 April, 1866, c. 20, art. 63, v. 2, p. 367.

SEC. 1159. The Ordnance Department of the Army shall consist of one Chief of Ordnance, with the rank of brigadier-general, three colonels, four lieutenant-colonels, ten majors, twenty captains, sixteen first lieutenants, ten second lieutenants, and thirteen ordnance store-keepers. The ordnance store-keeper at Springfield armory shall have the rank of major of cavalry. All other ordnance store-keepers shall have the rank of captain of cavalry.

Ordnance Corps, organization.

28 July, 1866, c. 299, s. 21, v. 14, p. 335.
3 March, 1869, c. 124, s. 6, v. 15, p. 318.

SEC. 1160. No officer of the Army shall be commissioned as an ordnance officer until he shall have been examined and approved by a board of not less than three ordnance officers, senior to him in rank. If an officer of the Army fail on such examination he shall be suspended from appointment for one year, when he may be re-examined before a like board. In case of failure on such re-examination he shall not be commissioned as an ordnance officer.

2 March, 1867, c. 145, s. 7, v. 14, p. 423.

Appointment in.

3 March, 1863, c. 78, s. 4, v. 12, p. 743.

SEC. 1161. Any number, not exceeding six, of the ordnance store-keepers may be authorized to act as paymasters at armories and arsenals.

Store-keepers.

28 July, 1866, c. 299, s. 21, v. 14, p. 335.
2 March, 1867, c. 145, s. 7, v. 14, p. 423.

Enlisted men.

SEC. 1162. The Chief of Ordnance may enlist as many master armorers, master carriage-makers, master blacksmiths, artificers, armorers, carriage-makers, blacksmiths, and laborers as the Secretary of War may direct. Master armorers, master carriage-makers, and master blacksmiths shall be designated and mustered as sergeants; armorers, carriage-makers, and blacksmiths shall be designated and mustered as corporals; artificers shall be designated and mustered as privates of the first class, and laborers as privates of the second class.

28 July, 1866, c. 299, s. 21, v. 14, p. 335.

18 June, 1846, c. 29, s. 11, v. 9, p. 18.
5 July, 1862, c. 133, s. 3, v. 12, p. 508.

SEC. 1163. The Chief of Ordnance, subject to the approval of the Secretary of War, shall organize and detail to regiments, corps, or garrisons, such numbers of privates of the first class, furnished with proper tools, carriages, and apparatus, as may be necessary, and shall make regulations for their government.

Detail of artificers.

8 Feb., 1815, c. 38, s. 4, v. 3, p. 203.

SEC. 1164. It shall be the duty of the Chief of Ordnance to furnish estimates, and, under the direction of the Secretary of War, to make contracts and purchases, for procuring the necessary supplies of ordnance and ordnance stores, for the use of the armies of the United States; to direct the inspection and proving of the same, and to direct the construction of all cannon and carriages, ammunition-wagons, traveling forges, artificers' wagons, and of every implement and apparatus for ordnance, and the preparation of all kinds of ammunition and ordnance stores constructed or prepared for said service.

Supplies.

8 Feb., 1815, c. 38, s. 8, v. 3, p. 203.

SEC. 1165. The Chief of Ordnance, under the direction of the Secretary of War, may establish depots of ordnance and ordnance stores in such parts of the United States, and in such numbers, as may be deemed necessary.

Depots.

8 Feb., 1815, c. 38, s. 9, v. 3, p. 204.

SEC. 1166. The Chief of Ordnance, or the senior officer of that corps for any district, shall execute all orders of the Secretary of War, and, in time of war, the orders of any general or field officer commanding

Orders for supplies.

8 Feb., 1815, c. 38, s. 5, v. 3, p. 203.

Semi-annual reports.

8 Feb., 1815, c. 38, s. 8, v. 3, p. 204.

Medical Department, organization.

28 July, 1866, c. 299, s. 17, v. 14, p. 324.

3 March, 1869, c. 124, s. 6, v. 15, p. 318.

17 March, 1872, c. 47, v. 17, p. 40.

Right of command.

11 Feb., 1847 c. 8, s. 8, v. 9, p. 125.

Volunteer service of assistant surgeons.

2 March, 1867, c. 145, s. 5, v. 14, p. 423.

Purveyors to be assignable as surgeons.

28 July, 1866, c. 299, s. 17, v. 14, p. 334.

Examinations.

30 June, 1834, c. 133, s. 1, v. 4, p. 714.

Duties of chief medical purveyor.

3 March, 1873, c. 229, s. 1, v. 17, p. 546.

Supervision of cooking.

3 March, 1863, c. 78, s. 8, v. 12, p. 744.

Sick-diet in hospital.

3 Aug., 1861, c. 42, s. 14, v. 12, p. 289.

Trusses, to whom furnished.

28 May, 1872, c. 228, s. 1, v. 17, p. 164.

Application for.

28 May, 1872, c. 228, s. 2, v. 17, p. 164.

an army, garrison, or detachment, for the supply of all ordnance and ordnance stores for garrison, field, or siege service.

SEC. 1167. The Chief of Ordnance shall, half-yearly, or oftener if so directed, make a report to the Secretary of War of all the officers and enlisted men in his department of the service, and of all ordnance and ordnance stores under his control.

SEC. 1168. The Medical Department of the Army shall consist of one Surgeon-General, with the rank of brigadier-general; one assistant surgeon-general, with the rank of colonel of cavalry; one chief medical purveyor, and four assistant medical purveyors, with the rank of lieutenant-colonel of cavalry; sixty surgeons, with the rank of major of cavalry; one hundred and fifty assistant surgeons, with the rank of lieutenant of cavalry, for the first three years of service, and the rank of captain of cavalry after three years of service; and five medical store-keepers, with the rank of captain of cavalry. All the original vacancies in the grade of assistant surgeon shall be filled by selection, by examination, from among the persons who have served as staff or regimental surgeons or assistant surgeons of volunteers in the Army of the United States during the late war.

SEC. 1169. Officers of the Medical Department of the Army shall not be entitled, in virtue of their rank, to command in the line or in other staff corps.

SEC. 1170. Assistant surgeons who have served three years as surgeons or assistant surgeons in the volunteer forces^(a) be eligible to promotion to the grade of captain.

SEC. 1171. The chief medical purveyor and the assistant medical purveyors may be assigned by the President to duty as surgeons, when not acting as purveyors.

SEC. 1172. No person shall receive the appointment of assistant surgeon unless he shall have been examined and approved by an Army medical board, consisting of not less than three surgeons or assistant surgeons, designated by the Secretary of War; and no person shall receive the appointment of surgeon unless he shall have served at least five years as an assistant surgeon in the Regular Army, and shall have been examined and approved by an Army medical board, consisting of not less than three surgeons, designated as aforesaid.

SEC. 1173. The chief medical purveyor shall have, under the direction of the Surgeon-General, supervision of the purchase and distribution of the hospital and medical supplies.

SEC. 1174. The officers of the Medical Department of the Army shall unite with the officers of the line in superintending the cooking done by the enlisted men; and the Surgeon-General shall promulgate to the officers of said corps such regulations and instructions as may tend to insure the proper preparation of the ration of the soldier. [See § 1234.]

SEC. 1175. Such quantities of fresh or preserved fruits, milk, butter, and eggs as may be necessary for the proper diet of the sick, may be allowed in hospitals. They shall be provided under such rules as the Surgeon-General, with the approval of the Secretary of War, shall prescribe.

SEC. 1176. Every soldier of the Union Army who was ruptured while in the line of duty during the war for the suppression of the rebellion, is entitled to receive a single or double truss, of such style as may be designated by the Surgeon-General, as best suited for his disability.

SEC. 1177. Application for such truss shall be made by the ruptured soldier, to an examining surgeon for pensions, whose duty it shall be to examine the applicant, and when found to have a rupture or hernia, to prepare and forward to the Surgeon-General an application for such truss without charge to the soldier. [See § 4787.]

(^a) The word *shall* is omitted from the Roll.

SEC. 1178. The Surgeon-General is authorized and directed to purchase the trusses required for such soldiers, at wholesale prices, and the cost of the same shall be paid upon the requisition of the Surgeon-General out of any moneys in the Treasury not otherwise appropriated.

Trusses, purchase of.

28 May, 1872, c. 228, s. 3, v. 17, p. 164.

SEC. 1179. There shall be one hospital-steward for each military post, who may be enlisted in that grade, or appointed by the Secretary of War from the enlisted men of the Army, and shall be permanently attached to the Medical Corps, under such regulations as he may prescribe.

Post hospital-stewards.

28 July, 1866, c. 299, s. 7, v. 14, p. 333.

16 Aug., 1856, c. 125, s. 2, v. 11, p. 51.

SEC. 1180. The Secretary of War may appoint from the enlisted men of the Army, or cause to be enlisted, as many hospital-stewards as the service may require, to be permanently attached to the Medical Corps, under such regulations as he may prescribe.

Hospital-stewards.

28 July, 1866, c. 299, s. 17, v. 14, p. 335.

SEC. 1181. Hospital-stewards shall be graded as hospital-stewards of the first class, hospital-stewards of the second class, and hospital-stewards of the third class.

Classes of hospital-stewards.

20 June, 1864, c. 145, s. 1, v. 13, p. 144.

SEC. 1182. The Pay Department of the Army shall consist of one Paymaster-General, with the rank of colonel; two assistant paymasters-general, with the rank of colonel of cavalry; two deputy paymasters-general, with the rank of lieutenant-colonel of cavalry; and sixty paymasters, with the rank of major of cavalry.

Pay Department, organization.

28 July, 1866, c. 299, s. 18, v. 14, p. 335.

4 June, 1872, c. 286, v. 17, p. 219.

SEC. 1183. Officers of the Pay Department shall not be entitled, in virtue of their rank, to command in the line or in other staff corps.

Right of command.

3 March, 1847, c. 61, s. 13, v. 9, p. 185.

SEC. 1184. When volunteers or militia are called into the service of the United States, and the officers of the Paymaster's Department are not deemed by the President sufficient for the punctual payment of the troops, he may appoint, by and with the advice and consent of the Senate, and add to said corps as many paymasters, to be called additional paymasters, with the rank of major, not exceeding one for every two regiments of volunteers or militia, as he may deem necessary.

Additional paymasters.

5 July, 1838, c. 162, s. 25, v. 5, p. 259.

SEC. 1185. Additional paymasters shall be retained in service only so long as they may be required for the payment of volunteers and militia, as provided herein.

Additional paymasters, service temporary.

5 July, 1838, c. 162, s. 25, v. 5, p. 259.

SEC. 1186. The Paymaster-General shall perform the duties of his office under the direction of the President.

Duties of paymaster-General.

16 March, 1802, c. 9, s. 16, v. 2, p. 135.

SEC. 1187. The deputy paymasters-general shall, in addition to paying troops, superintend the payment of armies in the field.

Duties of deputy paymasters-general.

3 March, 1847, c. 61, ss. 12, 22, v. 9, p. 185. 19 July, 1848, c. 104, s. 3, v. 9, p. 247. 2 March, 1849, c. 80, v. 9, p. 350. 28 July, 1866, c. 299, s. 18, v. 14, p. 335.

SEC. 1188. The paymasters and additional paymasters shall pay the regular troops, and shall pay all other troops in the service of the United States, when required to do so by order of the President.

Duties of paymasters.

69, s. 4, v. 3, p. 298. 14 July, 1832, c. 224, s. 4, v. 4, p. 582. 5 July, 1838, c. 162, s. 25, v. 5, p. 259.

SEC. 1189. The Army shall be paid in such manner that the arrears shall at no time exceed two months, unless circumstances shall render further arrears unavoidable.

Periods of payment.

16 March, 1802, c. 9, s. 13, v. 2, p. 135.

SEC. 1190. Paymasters and additional paymasters shall be allowed a capable non-commissioned officer or private as clerk. When suitable non-commissioned officers or privates cannot be procured from the line of the Army, they are authorized, by and with the approbation of the

Paymasters' clerks.

24 April, 1816, c. 69, s. 3, v. 3, p. 297.

5 July, 1838, c. 162, s. 20, v. 5, p. 259.
20 June, 1864, c. 145, s. 10, v. 13, p. 145.

Bonds of disbursing officers, by whom to be given.

24 April, 1816, c. 69, s. 6, v. 3, p. 298.
17 June, 1846, c. 28, s. 2, v. 9, p. 17.
3 March, 1857, c. 106, s. 2, v. 11, p. 203.
23 Aug., 1842, c. 186, s. 2, v. 5, p. 512.
28 July, 1866, c. 299, s. 17, v. 14, p. 334.
15 May, 1820, c. 102, s. 3, v. 3, p. 582.
17 July, 1862, c. 201, s. 16, v. 12, p. 600.—
U. S. *vs.* Kirkpatrick, 9 Wh., 720; U. S. *vs.* Van Zandt, 11 Wh., 184; Dox *vs.* Postmaster-General, 1 Pet., 325; U. S. *vs.* Linn, 15 Pet., 290.

Renewing bond of paymasters.

2 March, 1849, c. 80, v. 9, p. 350.

Chiefs of corps and departments, how selected.

28 July, 1866, c. 299, s. 23, v. 14, p. 336.

Appointments and promotions in staff corps and Departments.

3 March, 1869, c. 124, s. 6, v. 15, p. 318.
10 June, 1872, c. 426, v. 17, p. 382.

Signal service, rank of chief.

28 July, 1866, c. 299, s. 22, v. 14, p. 335.
21 June, 1860, c. 163, s. 1, v. 12, p. 66.

Details for signal-duty.

28 July, 1866, c. 299, s. 22, v. 14, p. 335.

Signal-detail to be mounted.

28 July, 1866, c. 299, s. 22, v. 14, p. 335.

Bureau of Military Justice, organization.

28 July, 1866, c. 299, s. 12, v. 14, p. 334.

Duties of Judge-Advocate-General.

28 July, 1866, c. 299, s. 12, v. 14, p. 334.

Judge-advocates.

28 July, 1866, c. 299, s. 12, v. 14, p. 334.
25 Feb., 1867, c. 79, s. 1, v. 14, p. 410.
17 July, 1862, c. 201, s. 6, v. 12, p. 598.
10 April, 1869, c. 20, v. 16, p. 44.

Duties of judge-advocates.

28 July, 1866, c. 299, s. 12, v. 14, p. 334.

Secretary of War, to employ citizens as clerks, at a salary of twelve hundred dollars a year.

SEC. 1191. All officers of the Quartermaster's, Subsistence, and Pay Departments, the chief medical purveyor and assistant medical purveyors, and all store-keepers shall, before entering upon the duties of their respective offices, give good and sufficient bonds to the United States, in such sums as the Secretary of War may direct, faithfully to account for all public moneys and property which they may receive. The President may, at any time, increase the sums so prescribed.

SEC. 1192. All disbursing officers of the Pay Department shall renew their bonds, or furnish additional security, at least once in four years, and as much oftener as the President may direct.

SEC. 1193. The Adjutant-General, the Quartermaster-General, the Commissary-General of Subsistence, the Surgeon-General, the Chief of Engineers, the Chief of Ordnance, and the Paymaster-General shall be appointed by selection from the corps to which they belong.

SEC. 1194. Until otherwise directed by law there shall be no new appointments and no promotions in the departments of Adjutant-General, or of Inspector-General, or in the Pay, Quartermaster's, Subsistence, Ordnance, or Medical Departments.

SEC. 1195. There shall be one Chief Signal-Officer, with the rank of colonel of cavalry, who shall have charge, under the direction of the Secretary of War, of all signal-duty, and of all books, papers, and apparatus connected therewith.

SEC. 1196. The Secretary of War may detail six officers from the Corps of Engineers, and any number of non-commissioned officers and privates not exceeding one hundred, from the battalion of engineers, for the performance of signal-duty; but no officer or enlisted man shall be so detailed until he shall have been examined and approved by a military board convened by the Secretary of War.

SEC. 1197. Enlisted men detailed for signal-duty shall, when it is deemed necessary, be mounted on horses provided by the Government.

SEC. 1198. The Bureau of Military Justice shall consist of one Judge-Advocate-General, with the rank of brigadier-general, and one assistant judge-advocate-general, with the rank of colonel of cavalry.

SEC. 1199. The Judge-Advocate-General shall receive, revise, and cause to be recorded the proceedings of all courts-martial, courts of inquiry, and military commissions, and perform such other duties as have been performed heretofore by the Judge-Advocate-General of the Army.

SEC. 1200. There shall be eight judge-advocates of the Army, with the rank of major of cavalry.

SEC. 1201. Judge-advocates shall perform their duties under the direction of the Judge-Advocate-General.

SEC. 1202. Every judge-advocate of a court-martial shall have power to issue the like process to compel witnesses to appear and testify which courts of criminal jurisdiction within the State, Territory, or District where such military courts shall be ordered to sit, may lawfully issue.

Witnesses compelled to attend.

3 March, 1863, c. 79, s. 25, v. 12, p. 754.
Reporter.

SEC. 1203. The judge-advocate of a military court shall have power to appoint a reporter, who shall record the proceedings of, and testimony taken before, such court, and may set down the same, in the first instance, in short-hand. The reporter shall, before entering upon his duty, be sworn, or affirmed, faithfully to perform the same.

3 March, 1863, c. 75, s. 28, v. 12, p. 736.

OF PROMOTIONS, BREVETS, AND CERTIFICATES OF MERIT.

SEC. 1204. Promotions in the line shall be made through the whole Army, in its several lines of artillery, cavalry, and infantry, respectively. Promotions in the staff of the Army shall be made in the several departments and corps, respectively.

Promotions, general rule.

30 March, 1814, c. 37, s. 12, v. 3, p. 114.
3 March, 1851, c. 33, s. 1, v. 9, p. 618.

SEC. 1205. Officers may be transferred from the line to the staff of the Army without prejudice to their rank or promotion in the line; but no officer shall hold, at the same time, an appointment in the line and an appointment in the staff which confer equal rank in the Army. When any officer so transferred has, in virtue of seniority, obtained or become entitled to a grade in his regiment equal to the grade of his commission in the staff, he shall vacate either his commission in the line or his commission in the staff.

In case of transfers from the line.

3 March, 1813, c. 52, s. 4, v. 2, p. 819.
24 April, 1816, c. 69, s. 9, v. 3, p. 298.
18 June, 1846, c. 29, s. 7, v. 9, p. 18.

SEC. 1206. No officer of the Corps of Engineers below the rank of field-officer shall be promoted to a higher grade, until he shall have been examined and approved by a board of three engineers, senior to him in rank. If an engineer officer fail on such examination he shall be suspended from promotion for one year, when he shall be re-examined before a like board. In case of failure on such re-examination, he shall be dismissed from the service.

In Engineer Corps.

3 March, 1863, c. 78, s. 3, v. 12, p. 743.

SEC. 1207. When any lieutenant of the Corps of Engineers has served fourteen years' continuous service as lieutenant, he shall be promoted to the rank of captain, on passing the examination provided by the preceding section, but such promotion shall not authorize an appointment to fill any vacancy, when such appointment would increase the whole number of officers in the corps beyond the number fixed by law; nor shall any officer be promoted before officers of the same grade who rank him in his corps.

After fourteen years' service.

3 March, 1853, c. 98, s. 9, v. 10, p. 219.
3 March, 1863, c. 78, ss. 3, 4, v. 12, p. 743.

SEC. 1208. When promotions in the Ordnance Department of the Army are allowed by law, no officer of the corps, below the rank of field-officer, shall be promoted to a higher grade until he shall have been examined and approved by a board of not less than three ordnance officers, senior to him in rank. If an ordnance officer fail on such examination he shall be suspended from promotion for one year, when he shall be re-examined before a like board. In case of failure on such re-examination, he shall be dismissed from the service.

In Ordnance Corps.

3 March, 1863, c. 78, s. 4, v. 12, p. 743.
3 March, 1869, c. 124, s. 6, v. 15, p. 318.

SEC. 1209. The President, by and with the advice and consent of the Senate, may, in time of war, confer commissions by brevet upon commissioned officers of the Army, for distinguished conduct and public service in presence of the enemy.

Brevets.

6 July, 1812, c. 137, s. 4, v. 2, p. 785.
16 April, 1818, c. 52, s. 2, v. 15, p. 281.

SEC. 1210. Brevet commissions shall bear date from the particular action or service for which the officers were brevetted.

Date of brevet commission.

1 March, 1869, c. 52, s. 2, v. 15, p. 281.

SEC. 1211. Officers may be assigned to duty or command according to their brevet rank by special assignment of the President; and brevet rank shall not entitle an officer to precedence or command except when so assigned.

Assignment to duty according to brevet rank.

16 April, 1818, c. 64, s. 1, v. 3, p. 427. 3 March, 1869, c. 124, s. 7, v. 15, p. 318.

Uniform and title.

15 July, 1870, c. 294, s. 16, v. 16, p. 319.

Cadets to be attached by brevet rank.

29 April, 1812, c. 72, s. 4, v. 2, p. 721.

Non-commissioned officers to be attached by brevet rank.

4 Aug., 1854, c. 247, s. 5, v. 10, p. 575.

29 April, 1812, c. 72, s. 4, v. 2, p. 721.

3 March, 1847, c. 61, s. 17, v. 9, p. 186.

Number of attachments by brevet rank.

29 April, 1812, c. 72, s. 4, v. 2, p. 721. 4 Aug., 1854, c. 247, s. 5, v. 10, p. 575.

Certificates of merit for privates.

3 March, 1847, c. 61, s. 17, v. 9, p. 186.

SEC. 1212. No officer shall be entitled, on account of having been brevetted, to wear, while on duty, any uniform other than that of his actual rank; and no officer shall be addressed in orders or official communications by any title other than that of his actual rank.

SEC. 1213. When any cadet of the United States Military Academy has gone through all its classes and received a regular degree from the academical staff, he shall be considered a candidate for a commission in any corps for whose duties he may be deemed competent. If there be no vacancy in such corps, he may, subject to the provisions of section twelve hundred and fifteen, be attached to it by the President, as a supernumerary officer, by brevet of second lieutenant until a vacancy shall happen.

SEC. 1214. Non-commissioned officers may, under regulations established by the Secretary of War, be examined by a board of four officers, as to their qualifications for the duties of commissioned officers in the line of the Army, and shall be eligible for appointment as second lieutenants in any corps of the line for which they may be found so qualified. If there be no vacancy in such corps, any non-commissioned officer so found qualified for a commission therein may be attached to it by the President as a supernumerary officer, by brevet of second lieutenant, subject to the provisions of section twelve hundred and fifteen.

SEC. 1215. Only one supernumerary officer shall be attached to any company at the same time under the provisions of the two preceding sections.

SEC. 1216. When any private soldier shall have distinguished himself in the service, the President may, on the recommendation of the commanding officer of the regiment to which such private soldier belongs, grant him a certificate of merit.

GENERAL PROVISIONS OF ORGANIZATION.

Commissions now held not vacated.

28 July, 1866, c. 299, s. 31, v. 14, p. 337.

Persons who served in the rebellion ineligible.

28 July, 1866, c. 299, s. 28, v. 14, p. 336.

Time of actual service considered in fixing rank.

2 March, 1867, c. 159, s. 1, v. 14, p. 434.

Returns of ordnance; damages.

8 Feb., 1815, c. 38, s. 7, v. 3, p. 204.

Returns of clothing and camp-equipage.

SEC. 1217. None of the provisions of this Title, relating to the organization of the Army, shall be construed to vacate the commission of any officer now properly in the service, or borne on the Army Register as an officer retired from active service, or to require new appointments to fill the grades mentioned herein, which are now properly filled according to said provisions.

SEC. 1218. No person who has served in any capacity in the military, naval, or civil service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion, shall be appointed to any position in the Army of the United States.

SEC. 1219. In fixing relative rank between officers of the same grade and date of appointment and commission, the time which each may have actually served as a commissioned officer of the United States, whether continuously or at different periods, shall be taken into account. And in computing such time, no distinction shall be made between service as a commissioned officer in the Regular Army and service since the 19th day of April, 1861, in the volunteer forces, whether under appointment or commission from the President or from the governor of a State.

SEC. 1220. Every officer commanding a regiment, corps, garrison, or detachment shall make, once every two months, or oftener if so directed, a report to the Chief of Ordnance, stating all damages to arms, equipments, and implements belonging to his command, noting those occasioned by negligence or abuse, and naming the officer or soldier by whose negligence or abuse the said damages were occasioned.

SEC. 1221. Every officer who receives clothing or camp-equipage for the use of his command, or for issue to the troops, shall render to the Quartermaster-General, at the expiration of each regular quarter of the

year, quarterly returns of such supplies, according to the forms which may be prescribed, accompanied by the requisite vouchers for any issues which shall have been made.

SEC. 1222. No officer of the Army on the active list shall hold any civil office, whether by election or appointment, and every such officer who accepts or exercises the functions of a civil office shall thereby cease to be an officer of the Army, and his commission shall be thereby vacated.

SEC. 1223. Any officer of the Army who accepts or holds any appointment in the diplomatic or consular service of the Government shall be considered as having resigned his place in the Army, and it shall be filled as a vacancy.

SEC. 1224. Officers of the Army on the active list shall not be separated from their regiments or corps for employment on civil works of internal improvement, nor be allowed to engage in the service of incorporated companies, or be employed as acting paymaster, or disbursing agent of the Indian department, if such extra employment require that he be separated from his regiment or company, or otherwise interfere with the performance of the military duties proper. [See § 2062.]

SEC. 1225. The President may, upon the application of any established college or university within the United States, having capacity to educate, at the same time, not less than one hundred and fifty male students, detail an officer of the Army to act as president, superintendent, or professor thereof; but the number of officers so detailed shall not exceed twenty at any time, and they shall be apportioned throughout the United States, as nearly as may be practicable, according to population. Officers so detailed shall be governed by general rules prescribed, from time to time, by the President. The Secretary of War is authorized to issue at his discretion and under proper regulations to be prescribed by him, out of any small arms or pieces of field artillery belonging to the Government and which can be spared for that purpose, such number of the same as may appear to be required for military instruction and practice, by the students of any college or university under the provisions of this section; and the Secretary shall require a bond in each case, in double the value of the property, for the care and safe-keeping thereof, and for the return of the same when required. [See § 1667.]

SEC. 1226. All officers who have served during the rebellion as volunteers in the Army of the United States, and have been honorably mustered out of the volunteer service, shall be entitled to bear the official title, and, upon occasions of ceremony, to wear the uniform of the highest grade they have held, by brevet or other commissions, in the volunteer service. The highest volunteer rank which has been held by officers of the Regular Army shall be entered, with their names respectively, upon the Army Register. But these privileges shall not entitle any officer to command, pay, or emoluments.

SEC. 1227. All persons who have served as officers, non-commissioned officers, privates, or other enlisted men, in the Regular Army, volunteer or militia forces of the United States, during the war of the rebellion, and have been honorably discharged from the service, or still remain in the same, shall be entitled to wear, on occasions of ceremony, the distinctive Army badge ordered for or adopted by the Army corps and division, respectively, in which they served.

SEC. 1228. No officer of the Army who has been or may be dismissed from the service by the sentence of a general court-martial, formally approved by the proper reviewing authority, shall ever be restored to the military service, except by a re-appointment confirmed by the Senate.

SEC. 1229. The President is authorized to drop from the rolls of the Army for desertion any officer who is absent from duty three months without leave; and no officer so dropped shall be eligible for re-appointment. And no officer in the military, or naval service shall in time of peace be dismissed from service except upon and in pursuance of the sentence of a court-martial to that effect, or in commutation thereof.

18 May, 1826, c. 74, s. 2, v. 4, p. 174.

Accepting or holding civil office.

15 July, 1870, c. 294, s. 18, v. 16, p. 319.

Accepting or holding diplomatic or consular office.

30 March, 1868, c. 38, s. 2, v. 15, p. 58.

Civil employment prohibited.

5 July, 1838, c. 162, s. 31, v. 5, p. 260.

Officers and arms for colleges.

28 July, 1866, c. 229, s. 26, v. 14, p. 336.

4 May, 1870, Res. 40, v. 16, p. 373.

Privileges on account of volunteer service.

28 July, 1866, c. 299, s. 34, v. 14, p. 337.

Army corps badges.

25 July, 1868, Public Resolution, No. 73, v. 15, p. 261.

Restoration of dismissed officers.

20 July, 1868, c. 185, v. 15, p. 125.

Officers dropped for desertion.

Art. of war 99.
Art. of war 106.
15 July, 1870, c. 294, s. 17, v. 16, p. 319.
13 July, 1866, c. 176, s. 5, v. 14, p. 92.

Officer dismissed by President may demand trial.

3 March, 1865, c. 79, s. 12, v. 13, p. 489.

SEC. 1230. When any officer, dismissed by order of the President, makes, in writing, an application for trial, setting forth, under oath, that he has been wrongfully dismissed, the President shall, as soon as the necessities of the service may permit, convene a court-martial, to try such officer on the charges on which he shall have been dismissed. And if a court-martial is not so convened within six months from the presentation of such application for trial, or if such court, being convened, does not award dismissal or death as the punishment of such officer, the order of dismissal by the President shall be void.

Post and garrison schools.

28 July, 1866, c. 299, s. 27, v. 14, p. 336.

SEC. 1231. Schools shall be established at all posts, garrisons, and permanent camps at which troops are stationed, in which the enlisted men may be instructed in the common English branches of education, and especially in the history of the United States; and the Secretary of War may detail such officers and enlisted men as may be necessary to carry out this provision. It shall be the duty of the post or garrison commander to set apart a suitable room or building for school and religious purposes.

Enlisted men not to be used as servants.

SEC. 1232. No officer shall use an enlisted man as a servant in any case whatever.

15 July, 1870, c. 294, s. 14, v. 16, p. 319.

Company cooks.

3 March, 1863, c. 78, s. 9, v. 12, p. 744.

SEC. 1233. Cooks shall be detailed, in turn, from the privates of each company of troops in the service of the United States, at the rate of one cook for each company numbering less than thirty men, and two cooks for each company numbering more than thirty men; and they shall serve on each detail ten days.

Superintendence of cooking.

SEC. 1234. The line officers of the Army shall superintend the cooking done for the enlisted men. [See § 1174.]

3 March 1863, c. 78, s. 8, v. 12, p. 744.

Labor detail.

13 July, 1866, c. 176, s. 7, v. 14, p. 93.

SEC. 1235. Working parties of soldiers shall be detailed for employment as artificers or laborers, in the construction of permanent military works or public roads, or in other constant labor only upon the written order of a commanding officer, when such detail is for ten or more days.

Details to special service from forces in the field.

SEC. 1236. Details to special service from forces in the field shall be made only with the consent of the commanding officer of the forces.

3 March, 1863, c. 75, s. 35, v. 12, p. 736.

Exemption from arrest.

16 March, 1802, c. 9, s. 23, v. 2, p. 136.

12 April, 1808, c. 43, s. 5, v. 2, p. 483. 11 Jan., 1812, c. 14, s. 21, v. 2, p. 674. 3 March, 1815, c. 79, s. 7, v. 3, p. 225.

SEC. 1237. No enlisted man shall, during his term of service, be arrested on mesne process, or taken or charged in execution for any debt, unless it was contracted before his enlistment, and amounted to twenty dollars when first contracted.

Female nurses.

3 Aug., 1861, c. 42, s. 6, v. 12, p. 288.

SEC. 1238. Women may be employed, instead of soldiers, as nurses in general or permanent hospitals, at such times and in such numbers as the Surgeon-General, or the medical officer in charge of any such hospital, may deem proper.

Matrons.

16 March, 1802, c. 9, s. 4, v. 2, p. 134.

SEC. 1239. Hospital matrons and nurses may be employed in post or regimental hospitals in such numbers as may be necessary.

Laundresses.

16 March, 1802, c. 9, s. 5, v. 2, p. 134.

SEC. 1240. Women may be allowed to accompany troops as laundresses, in numbers not exceeding four to a company.

Sales of stores.

3 March, 1825, c. 93, ss. 1, 2, v. 4, p. 127.

SEC. 1241. The President may cause to be sold any military stores which, upon proper inspection or survey, appear to be damaged, or unsuitable for the public service. Such inspection or survey shall be made by officers designated by the Secretary of War, and the sales shall be made under regulations prescribed by him.

Arms and accouterments in possession of persons not soldiers.

3 March, 1863, c. 75, s. 23, v. 12, p. 725.

SEC. 1242. The clothing, arms, military outfits, and accouterments furnished by the United States to any soldiers shall not be sold, bartered, exchanged, pledged, loaned, or given away; and the possession of any such property by any person not a soldier or officer of the United States shall be prima-facie evidence of such sale, barter, exchange, pledge, loan,

or gift. Such property may be seized and taken from any person, not a soldier or officer of the United States, by any officer, civil or military, of the United States, and shall, thereupon, be delivered to any quartermaster or other officer authorized to receive the same.

CHAPTER TWO.

RETIREMENT.

| Sec. | Sec. |
|---|---|
| 1243. Retirement upon officer's own application. | 1252. Disability not by an incident of service. |
| 1244. After forty-five years, or at the age of sixty-two. | 1253. Officers entitled to a hearing. |
| 1245. For disability. | 1254. Retired rank. |
| 1246. Composition of retiring board. | 1255. Status of retired officers. |
| 1247. Oath of members. | 1256. Rights and liabilities. |
| 1248. Powers and duties. | 1257. Vacancies by retirement. |
| 1249. Findings. | 1258. Number on the retired list. |
| 1250. Revision by the President. | 1259. Assignment to duty. |
| 1251. Finding of disability by incident of service. | 1260. Detail as professor in a college. |

SEC. 1243. When an officer has served forty consecutive years as a commissioned officer, he shall, if he makes application therefor to the President, be retired from active service and placed upon the retired list. When an officer has been thirty years in service, he may, upon his own application, in the discretion of the President, be so retired, and placed on the retired list.

Retirement upon officer's own application.

3 Aug., 1861, c. 42, s. 15, v. 12, p. 289.
15 July, 1870, c. 294, ss. 4, 5, v. 16, p. 317.

SEC. 1244. When any officer has served forty-five years as a commissioned officer, or is sixty-two years old, he may be retired from active service at the discretion of the President.

After 45 years, or at the age of 62.

17 July, 1862, c. 200, s. 12, v. 12, p. 596.

SEC. 1245. When any officer has become incapable of performing the duties of his office, he shall be either retired from active service, or wholly retired from the service, by the President, as hereinafter provided.

For disability.

3 Aug., 1861, c. 42, s. 16, v. 12, p. 289.

SEC. 1246. The Secretary of War, under the direction of the President, shall, from time to time, assemble an Army retiring board, consisting of not more than nine nor less than five officers, two-fifths of whom shall be selected from the Medical Corps. The board, excepting the officers selected from the Medical Corps, shall be composed, as far as may be, of seniors in rank to the officer whose disability is inquired of.

Composition of retiring board.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 289.

SEC. 1247. The members of said board shall be sworn in every case to discharge their duties honestly and impartially.

Oath of members.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

SEC. 1248. A retiring board may inquire into and determine the facts touching the nature and occasion of the disability of any officer who appears to be incapable of performing the duties of his office, and shall have such powers of a court-martial and of a court of inquiry as may be necessary for that purpose.

Powers and duties.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

SEC. 1249. When the board finds an officer incapacitated for active service, it shall also find and report the cause which, in its judgment, has produced his incapacity, and whether such cause is an incident of service.

Findings.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

SEC. 1250. The proceedings and decision of the board shall be transmitted to the Secretary of War, and shall be laid by him before the President for his approval or disapproval and orders in the case.

Revision by the President.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Finding of disability by an incident of service.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Disability not by an incident of service.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Officers entitled to a hearing.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Retired rank.

10 June, 1872, c. 419, v. 17, p. 378.

Status of retired officers.

3 Aug., 1861, c. 42, s. 16, v. 12, p. 289.

Rights and liabilities.

3 Aug., 1861, c. 42, s. 18, v. 12, p. 290.

Vacancies by retirement.

3 Aug., 1861, c. 42, s. 16, v. 12, p. 289.

Number on the retired list.

15 July, 1870, c. 294, s. 5, v. 16, p. 317.

Assignment to duty.

6 April, 1870, Res. 32, v. 16, p. 372.

21 Jan., 1870, c. 9, s. 2, v. 16, p. 62.

Detail as professor in a college.

15 July, 1870, c. 294, s. 23, v. 16, p. 320.

SEC. 1251. When a retiring board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of service, and such decision is approved by the President, said officer shall be retired from active service and placed on the list of retired officers.

SEC. 1252. When the board finds that an officer is incapacitated for active service, and that his incapacity is not the result of any incident of service, and its decision is approved by the President, the officer shall be retired from active service, or wholly retired from the service, as the President may determine. The names of officers wholly retired from the service shall be omitted from the Army Register.

SEC. 1253. Except in cases where an officer may be retired by the President upon his own application, or by reason of his having served forty-five years, or of his being sixty-two years old, no officer shall be retired from active service, nor shall an officer, in any case, be wholly retired from the service, without a full and fair hearing before an Army retiring board, if, upon due summons, he demands it.

SEC. 1254. Officers hereafter retired from active service shall be retired upon the actual rank held by them at the date of retirement.

SEC. 1255. Officers retired from active service shall be withdrawn from command and from the line of promotion.

3 Aug., 1861, c. 42, s. 16, v. 12, p. 289. 17 July, 1862, c. 200, s. 12, v. 12, p. 596.

SEC. 1256. Officers retired from active service shall be entitled to wear the uniform of the rank on which they may be retired. They shall continue to be borne on the Army Register, and shall be subject to the rules and articles of war, and to trial by general court-martial for any breach thereof.

SEC. 1257. When any officer in the line of promotion is retired from active service, the next officer in rank shall be promoted to his place, according to the established rules of the service; and the same rule of promotion shall be applied, successively, to the vacancies consequent upon such retirement.

SEC. 1258. The whole number of officers of the Army on the retired list shall not at any time exceed three hundred, and any less number to be allowed thereon may be fixed by the President in his discretion.

3 Aug., 1861, c. 42, s. 16, v. 12, p. 289.

SEC. 1259. Retired officers of the Army may be assigned to duty at the Soldiers' Home, upon a selection by the commissioners of that institution, approved by the Secretary of War; and a retired officer shall not be assignable to any other duty. [See § 4816.]

SEC. 1260. Any retired officer may, on his own application, be detailed to serve as professor in any college.

CHAPTER THREE.

PAY AND ALLOWANCES.

Sec.

1261. Rates of pay.

1262. Service pay.

1263. Not to exceed forty per centum on yearly pay.

1264. Brevets.

1265. Pay during absence.

1266. Forfeiture of pay.

1267. Maximum of colonel's and lieutenant-colonel's pay.

1268. To be paid monthly.

Sec.

1269. Allowances.

1270. Allowance of fuel, quarters, and forage.

1271. Forage, to whom furnished.

1272. Forage, when allowed.

1273. Mileage.

1274. Officers retired from active service.

1275. Wholly retired.

1276. Indian scouts.

1277. Hospital matrons, female nurses.

| Sec. | Sec. |
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| 1278. Leader of band. | 1294. Sugar and coffee. |
| 1279. Chief musicians. | 1295. Of landresses, matrons, and nurses. |
| 1280. Pay of enlisted men. | 1296. Clothing prescribed by the President. |
| 1281. Additional pay. | 1297. None to ordnance-sergeants. |
| 1282. Re-enlistment pay. | 1298. Gratuitous clothing. |
| 1283. Service pay of men already in service. | 1299. Deductions for rations purchased. |
| 1284. Re-enlistment. | 1300. For articles purchased. |
| 1285. Certificate of merit. | 1301. For tobacco purchased. |
| 1286. Non-commissioned officers of Mexican war. | 1302. Clothing allowances and deductions. |
| 1287. Extra duty. | 1303. For damage to arms. |
| 1288. During captivity. | 1304. For deficiencies. |
| 1289. Travel-pay to officers. | 1305. Deposits of soldiers' savings. |
| 1290. Travel-pay to soldiers. | 1306. Interest on deposits. |
| 1291. Soldiers' pay not assignable. | 1307. Regulations for deposits. |
| 1292. Volunteers. | 1308. Deposits and clothing balances, how payable. |
| 1293. Rations of enlisted men. | |

OFFICERS.

SEC. 1261. The officers of the Army shall be entitled to the pay herein stated after their respective designations:

The General: thirteen thousand five hundred dollars a year.

Lieutenant-General: eleven thousand dollars a year.

Major-general: seven thousand five hundred dollars a year.

Brigadier-general: five thousand five hundred dollars a year.

Colonel: three thousand five hundred dollars a year.

Lieutenant-colonel: three thousand dollars a year.

Major: two thousand five hundred dollars a year.

Captain, mounted: two thousand dollars a year.

Captain, not mounted: eighteen hundred dollars a year.

Adjutant: eighteen hundred dollars a year.

Regimental quartermaster: eighteen hundred dollars a year.

First lieutenant, mounted: sixteen hundred dollars a year.

First lieutenant, not mounted: fifteen hundred dollars a year.

Second lieutenant, mounted: fifteen hundred dollars a year.

Second lieutenant, not mounted: fourteen hundred dollars a year.

Chaplain: fifteen hundred dollars a year.

Aid to major-general: two hundred dollars a year, in addition to pay of his rank.

Aid to brigadier-general: one hundred and fifty dollars a year, in addition to pay of his rank.

Acting assistant commissary: one hundred dollars a year, in addition to pay of his rank.

Ordnance store-keeper at Springfield armory: two thousand five hundred dollars a year.

All other store-keepers: two thousand dollars a year.

SEC. 1262. There shall be allowed and paid to each commissioned officer below the rank of brigadier-general, including chaplains and others having assimilated rank or pay, ten per centum of their current yearly pay for each term of five years of service.

SEC. 1263. The total amount of such increase for length of service shall in no case exceed forty per centum on the yearly pay of the grade as provided by law.

15 July, 1870, c. 294, s. 24, v. 16, p. 320.

SEC. 1264. Brevets conferred upon commissioned officers shall not entitle them to any increase of pay.

Service pay.

15 July, 1870, c. 294, s. 24, v. 16, p. 320.

Not to exceed forty per centum on yearly pay.

Brevets.

3 March, 1863, c.

82, v. 12, p. 758. 3 March, 1865, c. 79, s. 9, v. 13, p. 488.

SEC. 1265. Officers when absent on account of sickness or wounds, or lawfully absent from duty and waiting orders, shall receive full pay; when absent with leave, for other causes, full pay during such absence not exceeding in the aggregate thirty days in one year, and half-pay during such absence exceeding thirty days in one year. When absent without leave, they shall forfeit all pay during such absence, unless the absence is excused as unavoidable.

Pay during absence.

3 Aug., 1861, c. 42, s. 20, v. 12, p. 290.

3 March, 1863, c. 75, s. 31, v. 12, p. 736.

20 June, 1864, c. 145, s. 11, v. 13, p. 145. 15 July, 1870, c. 294, s. 24, v. 16, p. 320.

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| Forfeiture of pay. | SEC. 1266. Every officer who is dropped by the President from the rolls of the Army, for absence from duty three months without leave, shall forfeit all pay due or to become due. |
| 15 July, 1870, c. 294, s. 17, v. 16, p. 319. | |
| Maximum of colonel's and lieutenant-colonel's pay. | SEC. 1267. In no case shall the pay of a colonel exceed four thousand five hundred dollars a year, or the pay of a lieutenant-colonel exceed four thousand dollars a year. |
| 15 July, 1870, c. 294, s. 24, v. 16, p. 320. | |
| To be paid monthly. | SEC. 1268. The sums hereinbefore allowed shall be paid in monthly payments by the paymaster. |
| 15 July, 1870, c. 294, s. 24, v. 16, p. 320. | |
| Allowances. | SEC. 1269. No allowances shall be made to officers in addition to their pay except as hereinafter provided. |
| 15 July, 1870, c. 294, s. 24, v. 16, p. 320. | |
| Allowance of fuel, quarters, and forage. | SEC. 1270. Fuel, quarters, and forage may be furnished in kind to officers by the Quartermaster's Department according to law and regulations. |
| 15 July, 1870, c. 294, s. 24, v. 16, p. 320. | |
| Forage, to whom furnished. | SEC. 1271. Forage in kind may be furnished to officers by the Quartermaster's Department as follows: |
| 15 July, 1870, c. 294, s. 24, v. 16, p. 320. | Major-general: for five horses. |
| 17 July, 1862, c. 200, s. 2, v. 12, p. 594. | Brigadier-general: for four horses. |
| 9 April, 1864, c. 53, s. 1, v. 13, p. 46. | Colonel: for two horses. |
| | Lieutenant-colonel: for two horses. |
| | Major: for two horses. |
| | Captains and lieutenants, mounted: for two horses. |
| | Adjutants and regimental quartermasters: for two horses. |
| | Chaplains: for two horses. |
| | Ordnance store-keeper and paymaster at Springfield armory: for two horses. |
| | All other store-keepers: for two horses. |
| Forage, when allowed. | SEC. 1272. Forage shall be allowed to officers only for horses authorized by law, and actually kept by them in service when on duty and at the place where they are on duty. |
| 17 July, 1862, c. 200, s. 1, v. 12, p. 594. | 24 April, 1816, c. 69, s. 12, v. 3, p. 299. |
| Mileage. | SEC. 1273. When any officer travels under orders, and is not furnished transportation by the Quartermaster's Department, or on a conveyance belonging to or chartered by the United States, he shall be allowed ten cents a mile, and no more, for each mile actually traveled under such order, distances to be calculated according to the nearest post-routes; and no payment shall be made to any officer except by a paymaster of the Army. |
| 15 July, 1870, c. 294, s. 24, v. 16, p. 320. | |
| Officers retired from active service. | SEC. 1274. Officers retired from active service shall receive seventy-five per centum of the pay of the rank upon which they are retired. |
| 15 July, 1870, c. 294, s. 24, v. 16, p. 320. | |
| Wholly retired. | SEC. 1275. Officers wholly retired from the service shall be entitled to receive, upon their retirement, one year's pay and allowances of the highest rank held by them, whether by staff or regimental commission, at the time of their retirement. |
| 3 Aug., 1861, c. 42, s. 17, v. 12, p. 290. | |
| Indian scouts. | SEC. 1276. Indians, enlisted or employed by order of the President as scouts, shall receive the pay and allowances of cavalry soldiers. |
| 28 July, 1866, c. 299, s. 6, v. 14, p. 333. | |
| Hospital matrons; female nurses. | SEC. 1277. Hospital matrons in post or regimental hospitals shall receive ten dollars a month, and female nurses in general hospitals shall receive forty cents a day. One ration in kind or by commutation shall be allowed to each. |
| 16 March, 1802, c. 9, s. 5, v. 2, p. 134. | |
| 4 July, 1864, Res. | 75, v. 13, p. 416. 3 Aug., 1861, c. 42, s. 6, v. 12, p. 288. |
| Leader of band. | SEC. 1278. The leader of the band stationed at the Military Academy shall receive seventy-five dollars a month. |
| 20 June, 1864, c. 145, s. 1, v. 13, p. 144. | |

SEC. 1279. The chief musicians of regiments shall receive sixty dollars a month and the allowances of a quartermaster-sergeant.

Chief musicians.

3 March, 1869, c. 124, s. 5, v. 15, p. 318.

SEC. 1280. The monthly pay of the following enlisted men of the Army shall, during their first term of enlistment, be as follows, with the contingent conditions thereto, hereinafter provided:

Pay of enlisted men.

15 May, 1872, c. 160, s. 1, v. 17, p. 116.

Sergeant-majors of cavalry, artillery, and infantry, twenty-three dollars.

Quartermaster-sergeants of cavalry, artillery, and infantry, twenty-three dollars.

Chief trumpeters of cavalry, twenty-two dollars.

Principal musicians of artillery and infantry, twenty-two dollars.

Saddler-sergeants of cavalry, twenty-two dollars.

First sergeants of cavalry, artillery, and infantry, twenty-two dollars.

Sergeants of cavalry, artillery, and infantry, seventeen dollars.

Corporals of cavalry and light artillery, fifteen dollars.

Corporals of artillery and infantry, fifteen dollars.

Saddlers of cavalry, fifteen dollars.

Blacksmiths and farriers of cavalry, fifteen dollars.

Trumpeters of cavalry, thirteen dollars.

Musicians of artillery and infantry, thirteen dollars.

Privates of cavalry, artillery, and infantry, thirteen dollars.

Hospital-stewards, first class, thirty dollars.

Hospital-stewards, second class, twenty-two dollars.

Hospital-stewards, third class, twenty dollars.

Ordnance-sergeants of posts, thirty-four dollars.

Sergeant-majors of engineers, thirty-six dollars.

Quartermaster-sergeants of engineers, thirty-six dollars.

Sergeants of engineers and ordnance, thirty-four dollars.

Corporals of engineers and ordnance, twenty dollars.

Musicians of engineers, thirteen dollars.

Privates (first class) of engineers and ordnance, seventeen dollars.

Privates (second class) of engineers and ordnance, thirteen dollars.

SEC. 1281. To the rates of pay stated in the preceding section one dollar per month shall be added for the third year of enlistment, one dollar more per month for the fourth year, and one dollar more per month for the fifth year, making in all three dollars' increase per month for the last year of the first enlistment of each enlisted man named in said section. But this increase shall be considered as retained pay, and shall not be paid to the soldier until his discharge from the service, and shall be forfeited unless he serves honestly and faithfully to the date of discharge.

Additional pay.

15 May, 1872, c. 160, s. 2, v. 17, p. 116.

SEC. 1282. All enlisted men mentioned in section twelve hundred and eighty, who, having been honorably discharged, have re-enlisted or shall re-enlist within one month thereafter, shall, after five years' service, including their first enlistment, be paid at the rate allowed in said section to those serving in the fifth year of their first enlistment: *Provided*, That one dollar per month shall be retained from the pay of the re-enlisted men, of whatever grade, named in section twelve hundred and eighty-one during the whole period of their re-enlistment, to be paid to the soldier on his discharge, but to be forfeited unless he shall have served honestly and faithfully to the date of discharge.

Re-enlistment pay.

15 May, 1872, c. 160, s. 3, v. 17, p. 116.

4 Aug., 1854, c. 247, s. 2, v. 10, p. 575.

SEC. 1283. Enlisted men, now in the service, shall receive the rates of pay established in this chapter according to the length of their service.

Service pay of men already in service.

15 May, 1872, c. 160, s. 4, v. 17, p. 117.

SEC. 1284. Every soldier who, having been honorably discharged, re-enlists within one month thereafter, shall be further entitled, after five years' service, including his first enlistment, to receive, for the period of five years next thereafter, two dollars per month in addition to the ordinary pay of his grade; and for each successive period of five years of service, so long as he shall remain continuously in the Army, a further sum of one dollar per month. The past continuous service, of soldiers

Re-enlistment.

4 Aug., 1854, c. 247, s. 2, v. 10, p. 575.

15 May, 1872, c. 160, s. 4, v. 17, p. 117.

now in the Army, shall be taken into account, and shall entitle such soldier to additional pay according to this rule; but services rendered prior to August fourth, eighteen hundred and fifty-four, shall in no case be accounted as more than one enlistment.

Certificate of merit.

3 March, 1847, c. 61, s. 17, v. 9, p. 186.
4 Aug., 1854, c. 247, s. 3, v. 10, p. 575.

Non-commissioned officers of Mexican war.

4 Aug., 1854, c. 247, s. 3, v. 10, p. 575.
3 March, 1847, c. 61, s. 17, v. 9, p. 186.
Extra duty.

13 July, 1866, c. 176, s. 7, v. 14, p. 93.
1 Feb., 1873, c. 88, v. 17, p. 422.

During captivity.

30 March, 1814, c. 37, s. 14, v. 3, p. 115.

Travel-pay to officers.

20 June, 1864, c. 145, s. 8, v. 13, p. 145.
29 Jan., 1813, c. 16, s. 15, v. 2, p. 796.
11 Jan., 1812, c. 14, s. 22, v. 2, p. 674.

Travel-pay to soldiers.

20 June, 1864, c. 145, s. 8, v. 13, p. 145.
29 Jan., 1813, c. 16, s. 15, v. 2, p. 796.
11 Jan., 1812, c. 14, s. 22, v. 2, p. 674.

Soldiers' pay not assignable.

8 May, 1792, c. 37, s. 4, v. 1, p. 280.

Volunteers.

2 March, 1867, c. 159, s. 2, v. 14, p. 435.

SEC. 1285. A certificate of merit granted to a private soldier by the President for distinguished services shall entitle him to additional pay, at the rate of two dollars per month, while he remains continuously in the service; and such certificate of merit granted to a private soldier who served in the war with Mexico shall entitle him to such additional pay, although he may not have remained continuously in the service.

SEC. 1286. Non-commissioned officers who served in the war with Mexico, and have been recommended by the commanding officers of their regiments for promotion by brevet to the lowest grade of commissioned officer, but have not received such recommended promotion, shall be entitled to additional pay at the rate of two dollars per month, although they may not have remained continuously in the service.

SEC. 1287. When soldiers are detailed for employment as artificers or laborers in the construction of permanent military works, public roads, or other constant labor of not less than ten days' duration, they shall receive, in addition to their regular pay, the following compensation: Privates working as artificers, and non-commissioned officers employed as overseers of such work, not exceeding one overseer for twenty men, thirty-five cents per day, and privates employed as laborers, twenty cents per day. This allowance of extra pay shall not apply to the troops of the Ordnance Department.

SEC. 1288. Every non-commissioned officer and private of the Regular Army, and every officer, non-commissioned officer, and private of any militia or volunteer corps in the service of the United States who is captured by the enemy, shall be entitled to receive during his captivity, notwithstanding the expiration of his term of service, the same pay, subsistence, and allowance to which he may be entitled while in the actual service of the United States; but this provision shall not be construed to entitle any prisoner of war of such militia corps to any pay or compensation after the date of his parole, except the traveling expenses allowed by law.

SEC. 1289. When an officer is honorably discharged from the service, he shall be allowed transportation and subsistence from the place of his discharge to the place of his residence at the time of his appointment, or to the place of his original muster into the service. The Government may furnish the same in kind, but in case it shall not do so, he shall be allowed travel-pay and commutation of subsistence, according to his rank, for such time as may be sufficient for him to travel from the place of discharge to the place of his residence, or original muster into service, computed at the rate of one day for every twenty miles.

SEC. 1290. When a soldier is honorably discharged from the service, he shall be allowed transportation and subsistence from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service. The Government may furnish the same in kind, but in case it shall not do so, he shall be allowed travel-pay and commutation of subsistence for such time as may be sufficient for him to travel from the place of discharge to the place of his enlistment, enrollment, or original muster into the service, computed at the rate of one day for every twenty miles.

SEC. 1291. No assignment of pay by a non-commissioned officer or private, previous to his discharge, shall be valid.

SEC. 1292. In all matters relating to the pay and allowances of officers and soldiers of the Army of the United States, the same rules and regulations shall apply to the Regular Army and to volunteer forces mustered into the service of the United States for a limited period.

SEC. 1293. Sergeants and corporals of ordnance shall be entitled to receive one ration and a half daily. Other enlisted men shall be entitled to receive one ration daily.

38, s. 11, v. 3, p. 204. 5 July, 1862, c. 133, s. 3, v. 12, p. 508. 2 March, 1821, c. 13, s. 11, p. 615.

SEC. 1294. For each ration of sugar and coffee not issued, nor commuted for the extract of coffee combined with milk and sugar, enlisted men shall be paid in money. [See § 1147.]

SEC. 1295. Laundresses allowed to accompany troops, hospital matrons, and the nurses employed in post or regimental hospitals, shall be entitled to receive one ration daily.

SEC. 1296. The President may prescribe the uniform of the Army and quantity and kind of clothing which shall be issued annually to the troops of the United States.

SEC. 1297. No allowance of clothing shall be made to sergeants of ordnance.

8 Feb., 1815, c. 38, s. 11, v. 3, p. 204. 5 July 1862, c. 133, s. 3, v. 12, p. 508.

SEC. 1298. The Secretary of War may, on the recommendation of the Surgeon-General, order gratuitous issues of clothing to soldiers who have had contagious diseases, and to hospital attendants who have nursed them, to replace any articles of their clothing destroyed by order of the proper medical officers to prevent contagion.

SEC. 1299. The amount due from any officer for rations purchased on credit, or for any article designated by the inspectors-general of the Army and purchased on credit from commissaries of subsistence, shall be deducted from the payment made to such officer next after such purchase shall have been reported to the Paymaster-General. [See §§ 1144, 1145.]

28 July, 1866, c. 299, s. 25, v. 14, p. 336.

SEC. 1300. The amount due from any enlisted man for articles designated by the inspectors-general of the Army, and sold to him on credit by commissaries of subsistence, shall be deducted from the payment made to him next after such sale shall have been reported to the Paymaster-General. [See §§ 1144, 1145.]

SEC. 1301. The amount due from any enlisted man for tobacco sold to him at cost prices by the United States shall be deducted from his pay in the manner provided for the settlement of clothing accounts. [See § 1149.]

SEC. 1302. The money value of all clothing overdrawn by the soldier beyond his allowance shall be charged against him, every six months, on the muster-roll of his company, or on his final statements if sooner discharged, and he shall receive pay for such articles of clothing as have not been issued to him in any year, or which may be due to him at the time of his discharge, according to the annual estimated value thereof. The amount due him for clothing, when he draws less than his allowance, shall not be paid to him until his final discharge from the service.

SEC. 1303. The cost of repairs or damages done to arms, equipments, or implements, shall be deducted from the pay of any officer or soldier in whose care or use the same were when such damages occurred, if said damages were occasioned by the abuse or negligence of said officer or soldier.

SEC. 1304. In case of deficiency of any article of military supplies, on final settlements of the accounts of any officer charged with the issue of the same, the value thereof shall be charged against the delinquent and deducted from his monthly pay, unless he shall show to the satisfaction of the Secretary of War, by one or more depositions setting forth the circumstances of the case, that said deficiency was not occasioned by any fault on his part. And in case of damage to any military supplies,

Rations of enlisted men.

8 Feb., 1815, c.

Sugar and coffee.

5 July, 1838, c. 162, s. 17, v. 5, p. 258.

Laundresses, matrons, and nurses.

16 March, 1802, c. 9, s. 5, v. 2, p. 134.

Clothing, prescribed by the President.

24 April, 1816, c. 69, s. 7, v. 3, p. 298.

None to ordnance sergeants.

Gratuitous clothing.

12 March, 1868, Res. 19, v. 15, p. 250.

Deductions for rations purchased.

3 March, 1865, c. 81, s. 5, v. 13, p. 497.

For articles purchased.

28 July, 1866, c. 299, s. 25, v. 14, p. 336.

For tobacco purchased.

3 March, 1865, c. 81, s. 6, v. 13, p. 497.

Clothing allowances and deductions.

15 May, 1872, c. 161, s. 3, v. 17, p. 117.

24 April 1816, c. 69, ss. 7, 8, v. 4, p. 298.

For damage to arms.

8 Feb., 1815, c. 38, s. 7, v. 3, p. 204.

For deficiencies.

18 May, 1826, c. 74, s. 3, v. 4, p. 174.

Deposits of soldiers' savings.

15 May, 1872, c. 161, s. 1, v. 17, p. 117.

Interest on deposits.

15 May, 1872, c. 161, s. 2, v. 17, p. 117. Regulations for deposits.

15 May, 1872, c. 161, s. 4, v. 17, p. 117.

Deposits and clothing balances, how payable.

15 May, 1872, c. 61, s. 5, v. 17, p. 117.

the value of such damage shall be charged against such officer and deducted from his monthly pay, unless he shall, in like manner, show that such damage was not occasioned by any fault on his part. [See Art of war 15.]

SEC. 1305. Any enlisted man of the Army may deposit his savings, in sums not less than five dollars, with any Army paymaster, who shall furnish him a deposit-book, in which shall be entered the name of the paymaster and of the soldier, and the amount, date, and place of such deposit. The money so deposited shall be accounted for in the same manner as other public funds, and shall pass to the credit of the appropriation for the pay of the Army, and shall not be subject to forfeiture by sentence of court-martial, but shall be forfeited by desertion, and shall not be permitted to be paid until final payment on discharge, or to the heirs or representatives of a deceased soldier, and that such deposit be exempt from liability for such soldier's debts: *Provided*, That the Government shall be liable for the amount deposited to the person so depositing the same.

SEC. 1306. For any sums not less than fifty dollars so deposited for the period of six months, or longer, the soldier, on his final discharge, shall be paid interest at the rate of four per centum per annum.

SEC. 1307. The system of deposits herein established shall be carried into execution under such regulations as may be established by the Secretary of War.

SEC. 1308. The amounts of deposits and clothing-balances accumulating to the soldier's credit under sections thirteen hundred and two and thirteen hundred and five, shall, when payable to him upon his discharge, be paid out of the appropriations for "pay of the Army" for the then current fiscal year.

CHAPTER FOUR.

THE MILITARY ACADEMY.

Sec.

- 1309. Officers, professors, and instructors.
- 1310. Local rank of superintendent and commandant.
- 1311. Superintendent.
- 1312. Commandant of cadets.
- 1313. Appointment of officers and professors.
- 1314. Selection of officers.
- 1315. Cadets, number and appointment of.
- 1316. Persons who have been in rebel service.
- 1317. Appointment in advance.
- 1318. Age of appointees.
- 1319. Examination and qualifications.
- 1320. Oath.
- 1321. Engagement for service.
- 1322. Cadet battalion.
- 1323. Where to do duty.
- 1324. No studies on Sunday.

Sec.

- 1325. Found deficient.
- 1326. Courts-martial for trial of cadets.
- 1327. Board of visitors.
- 1328. Duties of visitors.
- 1329. Compensation.
- 1330. Leaves of absence.
- 1331. Supervision of Academy.
- 1332. Congressional documents to library.
- 1333. Professors of Military Academy, retirement.
- 1334. Superintendent and commandant at Military Academy, pay of.
- 1335. Adjutant, pay of.
- 1336. Pay of professors.
- 1337. Assistant professors and instructors.
- 1338. Master of sword.
- 1339. Cadets.
- 1340. Librarian and assistant.
- 1341. Non-commissioned officer, &c.

Officers, professors, and instructors.

16 March, 1802, c. 9, s. 28, v. 2, p. 137.
12 June, 1858, c. 156, s. 1, v. 11, p. 333.
29 April, 1812, c. 72, s. 2, v. 2, p. 720.
14 April, 1818, c. 61, s. 2, v. 3, p. 426.

SEC. 1309. The United States Military Academy at West Point, in the State of New York, shall be constituted as follows: There shall be one superintendent; one commandant of cadets; one senior instructor in the tactics of artillery; one senior instructor in the tactics of cavalry; one senior instructor in the tactics of infantry; one professor and one assistant professor of civil and military engineering; one professor and one assistant professor of natural and experimental philosophy; one professor and one assistant professor of mathematics; one chaplain, who shall also be professor of history, geography, and ethics, and one assistant professor of the same; one professor and one assistant-pro-

fessor of chemistry, mineralogy, and geology; one professor and one assistant professor of drawing; one professor and one assistant professor of the French language; one professor and one assistant professor of the Spanish language; one adjutant; one master of the sword; and one teacher of music.

20 July, 1840, c. 50, s. 3, v. 5, p. 398.
5 July, 1838, c. 162, s. 19, v. 5, p. 259.
8 Aug., 1846, c. 96, s. 3, v. 9, p. 71.
6 Aug., 1852, c. 81, v. 10, p. 29. 16 Feb., 1857, c. 45, v. 11, p. 161. 3 March, 1851, c. 22, v. 9, p. 594. 28 Feb., 1867, c. 100, s. 3, v. 14, p. 416. 16 Feb., 1857, c. 45, v. 11, p. 161.

SEC. 1310. The superintendent and the commandant of cadets, while serving as such, shall have, respectively, the local rank of colonel and lieutenant-colonel of engineers.

Local rank of superintendent and commandant.

12 June, 1858, c. 156, s. 1, v. 11, p. 333.

SEC. 1311. The superintendent, and, in his absence, the next in rank, shall have the immediate government and military command of the Academy, and shall be commandant of the military post of West Point.

Superintendent.

16 March, 1802, c. 9, s. 28, v. 2, p. 137.

23 Aug., 1842, c. 186, s. 6, v. 5, p. 513.

SEC. 1312. The commandant of the cadets shall have the immediate command of the battalion of cadets, and shall be instructor in the tactics of artillery, cavalry, and infantry.

Commandant of cadets.

12 June, 1858, c. 156, s. 1, v. 11, p. 333.

SEC. 1313. The superintendent, the commandant of cadets, and the professors shall be appointed by the President. The assistant professors, acting assistant professors, and the adjutant shall be officers of the Army, detailed and assigned to such duties by the Secretary of War, or cadets, assigned by the superintendent, under the direction of the Secretary of War.

Appointment of officers and professors.

28 Feb., 1803, c. 13, s. 2, v. 2, p. 206.

12 June, 1858, c. 156, s. 1, v. 11, p. 333.

29 April, 1812, c. 72, s. 2, v. 2, p. 720. 13 July, 1866, c. 176, s. 6, v. 14, p. 92.

SEC. 1314. The superintendent and commandant of cadets may be selected, and all other officers on duty at the Academy may be detailed from any arm of the service; but the academic staff as such shall not be entitled to any command in the Army separate from the Academy.

Selection of officers.

13 July, 1866, c. 176, s. 6, v. 14, p. 92.

SEC. 1315. The corps of cadets shall consist of one from each congressional district, one from each Territory, one from the District of Columbia, and ten from the United States at large. They shall be appointed by the President, and shall, with the exception of the ten cadets appointed at large, be actual residents of the congressional or territorial districts, or of the District of Columbia, respectively, from which they purport to be appointed.

Cadets, number and appointment of.

1 March, 1843, c. 52, s. 2, v. 5, p. 606.

SEC. 1316. No person who has served in any capacity in the military or naval service of the so-called Confederate States, or of either of the States in insurrection during the late rebellion shall be appointed a cadet.

Persons who have been in rebel service.

8 June, 1866, c. 110, s. 2, v. 14, p. 59.

SEC. 1317. Cadets shall be appointed one year in advance of the time of their admission to the Academy, except in cases where, by reason of death or other cause, a vacancy occurs which cannot be provided for by such appointment in advance; but no pay or other allowance shall be given to any appointee until he shall have been regularly admitted, as herein provided; and all appointments shall be conditional, until such provisions shall have been complied with.

Appointment in advance.

16 June, 1866, Res. 49, s. 1, v. 14, p. 359.

SEC. 1318. Appointees shall be admitted to the Academy only between the ages of seventeen and twenty-two years, except in the following case: Any person who has served honorably and faithfully not less than one year, in either the volunteer or regular service of the United States, in the late war for the suppression of the rebellion, and who possesses the other qualifications required by law, may be admitted between the ages of seventeen and twenty-four years.

Age of appointees.

16 June, 1866, Res. 49, s. 1, v. 14, p. 359.

SEC. 1319. Appointees shall be examined under regulations to be prescribed from time to time by the Secretary of War, before they shall be admitted to the Academy, and shall be required to be well versed in reading, writing, and arithmetic, and to have a knowledge of the ele-

Examination and qualification.

29 April, 1812, c. 72, s. 3, v. 2, p. 721.

16 June, 1866, Res.
49, v. 14, p. 359.

Oath.

3 Aug., 1861, c.
42, s. 8, v. 12, p. 288.
8 June, 1866, c.
110, s. 2, v. 14, p. 59.

Engagement for service.

29 April, 1812, c.
72, s. 3, v. 2, p. 721.

Cadet battalion.

29 April, 1812, c.
72, s. 3, v. 2, p. 721.
13 July, 1866, c.
176, s. 6, v. 14, p. 92.

Where to do duty.

16 March, 1802, c.
9, s. 27, v. 2, p. 137.

No studies on Sunday.

15 July, 1870, c.
294, s. 21, v. 16, p.
319.

Found deficient.

3 Aug., 1861, c. 42,
s. 8, v. 12, p. 288.

Courts-martial for trial of cadets.

3 March, 1873, c.
270, v. 17, p. 604.

Board of visitors.

8 Aug., 1848, c. 96,
s. 2, v. 9, p. 71.
16 March, 1868, c.
30, s. 1, v. 15, p. 42.
21 Feb., 1870, c.
18, v. 16, p. 67.

Duties of visitors.

8 Aug., 1848, c. 96,
s. 2, v. 9, p. 71.
21 Feb., 1870, c.
18, v. 16, p. 67.

Compensation.

8 Aug., 1848, c. 96,
s. 2, v. 9, p. 71.

ments of English grammar, of descriptive geography, particularly that of the United States, and of the history of the United States.

SEC. 1320. Each cadet shall, previous to his admission to the Academy, take and subscribe an oath or affirmation in the following form:

"I, A B, do solemnly swear that I will support the Constitution of the United States, and bear true allegiance to the National Government; that I will maintain and defend the sovereignty of the United States, paramount to any and all allegiance, sovereignty, or fealty I may owe to any State, county, or country whatsoever; and that I will at all times obey the legal orders of my superior officers, and the rules and articles governing the armies of the United States."

And any cadet or candidate for admission who shall refuse to take this oath shall be dismissed from the service.

SEC. 1321. Each cadet shall sign articles, with the consent of his parents or guardian if he be a minor, and if any he have, by which he shall engage to serve eight years unless sooner discharged.

5 July, 1838, c. 162, s. 28, v. 5, p. 260.

SEC. 1322. The corps of cadets shall be arranged into companies, according to the directions of the superintendent, each of which shall be commanded by an officer of the Army, for the purpose of military instruction. To each company shall be added four musicians. The corps shall be taught and trained in all the duties of a private soldier, non-commissioned officer, and officer, shall be encamped at least three months in each year, and shall be taught and trained in all the duties incident to a regular camp.

SEC. 1323. Cadets shall be subject at all times to do duty in such places and on such service as the President may direct.

SEC. 1324. The Secretary of War shall so arrange the course of studies at the Academy, that the cadets shall not be required to pursue their studies on Sunday.

SEC. 1325. No cadet who is reported as deficient, in either conduct or studies, and recommended to be discharged from the Academy, shall, unless upon recommendation of the academic board, be returned or re-appointed, or appointed to any place in the Army before his class shall have left the Academy and received their commissions.

SEC. 1326. The superintendent of the Military Academy shall have power to convene general courts-martial for the trial of cadets, and to execute the sentences of such courts, except the sentences of suspension and dismissal, subject to the same limitations and conditions now existing as to other general courts-martial.

SEC. 1327. There shall be appointed every year, in the following manner, a board of visitors, to attend the annual examination of the Academy: Seven persons shall be appointed by the President, and two Senators and three members of the House of Representatives shall be designated as visitors, by the Vice-President, or President pro tempore of the Senate, and the Speaker of the House of Representatives, respectively, at the session of Congress next preceding such examination.

SEC. 1328. It shall be the duty of the board of visitors to inquire into the actual state of the discipline, instruction, police administration, fiscal affairs, and other concerns of the Academy. The visitors appointed by the President shall report thereon to the Secretary of War, for the information of Congress, at the commencement of the session next succeeding such examination, and the Senators and Representatives designated as visitors shall report to Congress, within twenty days after the meeting of the session next succeeding the time of their appointment, their action as such visitors, with their views and recommendations concerning the Academy.

SEC. 1329. No compensation shall be made to the members of said board beyond the payment of their expenses for board and lodging while at the Academy, and an allowance, not exceeding eight cents a

mile, for traveling by the shortest mail-route from their respective homes to the Academy, and thence to their homes.

SEC. 1330. Leave of absence may be granted by the superintendent, under regulations prescribed by the Secretary of War, to the professors, assistant professors, instructors, and other officers of the Academy, for the entire period of the suspension of the ordinary academic studies, without deduction from pay or allowances.

SEC. 1331. The supervision and charge of the Academy shall be in the War Department, under such officer or officers as the Secretary of War may assign to that duty.

SEC. 1332. The Secretary of the Senate shall furnish annually to the library of the Academy one copy of each document published, during the preceding year, by the Senate.

SEC. 1333. The professors of the Military Academy at West Point are placed on the same footing, as to retirement from active service, as officers of the Army.

SEC. 1334. The superintendent of the Military Academy shall have the pay of a colonel, and the commandant of cadets shall have the pay of a lieutenant-colonel.

SEC. 1335. The adjutant of the Military Academy shall have the pay of an adjutant of a cavalry regiment.

SEC. 1336. Each of the professors of the Military Academy whose service at the Academy exceeds ten years shall have the pay and allowances of colonel, and all other professors shall have the pay and allowances of lieutenant-colonels; and the instructors of ordnance and science of gunnery and of practical engineering shall have the pay and allowances of major; and hereafter there shall be allowed and paid to the said professors ten per centum of their current yearly pay for each and every term of five years' service in the Army and at the Academy: *Provided*, That such addition shall in no case exceed forty per centum of said yearly pay; and said professors are hereby placed upon the same footing, as regards restrictions upon pay and retirement from active service, as officers of the Army.

SEC. 1337. Each assistant professor and each senior assistant instructor of cavalry, artillery, and infantry tactics, and the instructor of practical military engineering, shall receive the pay of a captain.

29 April, 1812, c. 72, s. 2, v. 2, p. 720. 5 July, 1838, c. 162, s. 19, v. 5, p. 259. 20 July, 1840, c. 50, s. 3, v. 5, p. 398. 6 Aug., 1852, c. 81, s. 2, v. 10, p. 29. 12 June, 1858, c. 156, s. 1, v. 11, p. 333. 28 Feb., 1867, c. 100, s. 3, v. 14, p. 416.

SEC. 1338. The master of the sword at the Military Academy shall receive pay at the rate of fifteen hundred dollars a year, with fuel and quarters.

SEC. 1339. Cadets of the Military Academy shall receive five hundred dollars a year and one ration a day.

45, s. 3, v. 13, p. 39. 28 Feb., 1867, c. 100, s. 3, v. 14, p. 416. 16 July, 1862, c. 183, s. 15, v. 12, p. 586.

SEC. 1340. The librarian and assistant librarian at the Military Academy shall each receive one hundred and twenty dollars a year additional pay.

SEC. 1341. The non-commissioned officer in charge of mechanics and other labor at the Military Academy, the soldier acting as clerk in the adjutant's office, and the four enlisted men in the philosophical and chemical departments and lithographic office, shall receive fifty dollars a year additional pay.

21 Feb., 1870, c. 18, v. 16, p. 67.

Leaves of absence.

2 July, 1864, Res. 67, v. 13, p. 416.

Supervision of Academy.

13 July, 1866, c. 176, s. 6, v. 14, p. 92.

Congressional documents to library.

23 April, 1856, c. 19, s. 3, v. 11, p. 5. Professors of Military Academy, retirement.

15 July, 1870, c. 294, s. 13, v. 16, p. 319.

Superintendent and commandant at Military Academy, pay of.

12 June, 1858, c. 156, s. 1, v. 11, p. 333.

Adjutant, pay of.

3 March, 1851, c. 22, s. 1, v. 9, p. 594.

Pay of professors.

28 Feb., 1873, c. 210, v. 17, p. 479.

Assistant professors and instructors.

Master of sword.

16 Feb., 1857, c. 45, s. 3, v. 11, p. 161. Cadets.

1 April, 1864, c. 16 July, 1862, c. 183, s. 15,

Librarian and assistant.

23 April, 1856, c. 19, s. 2, v. 11, p. 5.

Non-commissioned officer, &c.

23 April, 1856, c. 19, s. 2, v. 11, p. 5.

CHAPTER FIVE.

ARTICLES OF WAR.

Section.

1342. Articles of war.

Article.

1. Officers shall subscribe these articles.
2. Articles to be read to recruits.
3. Officers making unlawful enlistments.
4. Discharges.
5. Mustering persons not soldiers.
6. Taking money on mustering.
7. Returns of regiments, &c.
8. False returns.
9. Captured stores secured for public service.
10. Accountability for arms, &c.
11. Furloughs.
12. Musters.
13. False certificates.
14. False muster.
15. Allowing military stores to be damaged.
16. Wasting ammunition.
17. Losing or spoiling horses, accouterments, &c.
18. Commanders not to be interested in sale of victuals, &c.
19. Disrespectful words against the President, &c.
20. Disrespect toward commanding officer.
21. Striking a superior officer.
22. Mutiny.
23. Failing to resist mutiny.
24. Quarrels and frays.
25. Reproachful or provoking speeches.
26. Challenges to fight duels.
27. Allowing persons to go out and fight; seconds and promoters.
28. Upbraiding another for refusing challenge.
29. Wrongs to officers, redress of.
30. Wrongs to soldiers, redress of.
31. Lying out of quarters.
32. Soldiers absent without leave.
33. Absence from parade without leave.
34. One mile from camp without leave.
35. Failing to retire at retreat.
36. Hiring duty.
37. Conniving at hiring duty.
38. Drunk on duty.
39. Sentinel sleeping on post.
40. Quitting guard, &c., without leave.
41. False alarms.
42. Misbehavior before the enemy, cowardice, &c.
43. Compelling a surrender.
44. Disclosing watchword.
45. Relieving the enemy.
46. Corresponding with the enemy.
47. Desertion.
48. Deserter shall serve full term.
49. Desertion by resignation.
50. Enlisting in other regiment without discharge.
51. Advising to desert.
52. Misconduct at divine service.
53. Profane oaths.

Article.

54. Officers to keep good order in their commands.
55. Waste or spoil and destruction of property without orders.
56. Violence to persons bringing provisions.
57. Forcing a safeguard.
58. Certain crimes during rebellion.
59. Offenders to be delivered up to civil magistrates.
60. Certain crimes of fraud against the United States.
61. Conduct unbecoming an officer and gentleman.
62. Crimes and disorders to prejudice of military discipline.
63. Retainers of camp.
64. All troops subject to articles of war.
65. Arrest of officers accused of crimes.
66. Soldiers accused of crimes.
67. Receiving prisoners.
68. Report of prisoners.
69. Releasing prisoner without authority; escapes.
70. Duration of confinement.
71. Copy of charges and time of trial.
72. Who may appoint general courts-martial.
73. Commanders of divisions and separate brigades may appoint in time of war.
74. Judge-advocate.
75. Members of general courts-martial.
76. When requisite number not at a post.
77. Regular officers, on what courts may sit.
78. Marine and Regular Army officers associated on courts.
79. Officers triable by general courts-martial.
80. Field officers' courts.
81. Regimental courts.
82. Garrison courts.
83. Jurisdiction of field-officers', regimental, and garrison courts.
84. Oath of members of courts-martial.
85. Oath of judge-advocate.
86. Contempts of court.
87. Behavior of members.
88. Challenges by prisoner.
89. Prisoner standing mute.
90. Judge-advocate, prosecutor and counsel for prisoner.
91. Depositions.
92. Oath of witness.
93. Continuances.
94. Hours of sitting.
95. Order of voting.
96. Sentence of death.
97. Penitentiaries.
98. Flogging.
99. Discharge and dismissal of officers.
100. Publication of officers cashiered for cowardice or fraud.
101. Suspension of officers' pay.
102. No person tried twice for same, &c.

Article.

103. Limitation of time of prosecution.
 104. Approval of sentence by officer ordering court.
 105. Confirmation of death sentence.
 106. Confirmation of dismissals in time of peace.
 107. Dismissal by division or brigade courts.
 108. General officers, sentences respecting.
 109. Confirmation by officer ordering court.
 110. Confirmation of field-officers' sentences.
 111. Suspension of sentence of death or dismissal.
 112. Pardon and mitigation of sentences.
 113. Proceedings forwarded to Judge-Advocate-General.
 114. Party entitled to a copy.
 115. Courts of inquiry, how ordered.
 116. Members of court of inquiry.
 117. Oaths of members and recorder of court of inquiry.

Article.

118. Witnesses before courts of inquiry.
 119. Opinion; when given by.
 120. Authentication of proceedings of court of inquiry.
 121. Proceedings of court of inquiry used as evidence.
 122. Command when different corps happen to join.
 123. Regular and volunteer officers on same footing as to rank, &c.
 124. Rank of militia officers on duty with officer of regular or volunteer forces.
 125. Deceased officers' effects.
 126. Deceased soldiers' effects.
 127. Effects of deceased officers and soldiers to be accounted for.
 128. Articles of war to be published once in six months to every regiment, &c.

Section.

1343. Spies.

SECTION 1342. The armies of the United States shall be governed by the following rules and articles. The word officer, as used therein, shall be understood to designate commissioned officers; the word soldier shall be understood to include non-commissioned officers, musicians, artificers, and privates, and other enlisted men, and the convictions mentioned therein shall be understood to be convictions by court-martial. (See § 4824.)

ARTICLE 1. Every officer now in the Army of the United States shall, within six months from the passing of this act, and every officer hereafter appointed shall, before he enters upon the duties of his office, subscribe these rules and articles.

ART 2. These rules and articles shall be read to every enlisted man at the time of, or within six days after, his enlistment, and he shall thereupon take an oath or affirmation, in the following form: "I, A. B., do solemnly swear (or affirm) that I will bear true faith and allegiance to the United States of America; that I will serve them honestly and faithfully against all their enemies whomsoever; and that I will obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war." This oath may be taken before any commissioned officer of the Army.

ART. 3. Every officer who knowingly enlists or musters into the military service any minor over the age of sixteen years without the written consent of his parents or guardians, or any minor under the age of sixteen years, or any insane or intoxicated persons, or any deserter from the military or naval service of the United States, or any person who has been convicted of any infamous criminal offense, shall, upon conviction, be dismissed from the service, or suffer such other punishment as a court-martial may direct.

15 May, 1872, c. 162, s. 2, v. 17, p. 117. 3 March, 1863, c. 75, s. 2, v. 12, p. 731.

ART. 4. No enlisted man, duly sworn, shall be discharged from the service without a discharge in writing, signed by a field-officer of the regiment to which he belongs, or by the commanding officer, when no field-officer is present; and no discharge shall be given to any enlisted man before his term of service has expired, except by order of the President, the Secretary of War, the commanding officer of a department, or by sentence of a general court-martial.

ART. 5. Any officer who knowingly musters as a soldier a person who is not a soldier shall be deemed guilty of knowingly making a false muster, and punished accordingly.

ART. 6. Any officer who takes money, or other thing, by way of gratification, on mustering any regiment, troop, battery, or company, or on signing muster-rolls, shall be dismissed from the service, and shall

Articles of war.

10 April, 1806, c. 20, v. 2, p. 359.

Officers shall subscribe these articles.

Art. of war 1.

Articles to be read to recruits.

Art. of war 10.

29 Jan., 1813, c. 16, s. 13, v. 2, p. 796.
 3 Aug., 1861, c. 42, s. 11, v. 12, p. 289.

Officers making unlawful enlistments.

5 March, 1833, c. 68, s. 6, v. 4, p. 647.
 4 July, 1864, c. 237, s. 5, v. 13, p. 380.
 3 March, 1865, c. 79, s. 18, v. 13, p. 490.
 79, s. 18, v. 13, p. 490.
 79, s. 2, v. 12, p. 731.

Discharges.

Art. of war 11.

Mustering persons not soldiers.

Art. of war 17.

Taking money on mustering.

Art. of war 16.

thereby be disabled to hold any office or employment in the service of the United States.

Returns of regi-
ments, &c.

Art. of war 19.

ART. 7. Every officer commanding a regiment, an independent troop, battery, or company, or a garrison, shall, in the beginning of every month, transmit through the proper channels, to the Department of War, an exact return of the same, specifying the names of the officers then absent from their posts, with the reasons for and the time of their absence. And any officer who, through neglect or design, omits to send such returns, shall, on conviction thereof, be punished as a court-martial may direct.

False returns.

Art. of war 18.

ART. 8. Every officer who knowingly makes a false return to the Department of War, or to any of his superior officers, authorized to call for such returns, of the state of the regiment, troop or company, or garrison under his command; or of the arms, ammunition, clothing or other stores thereunto belonging, shall, on conviction thereof before a court-martial, be cashiered.

Captured stores
secured for public
service.

Art. of war 58.

ART. 9. All public stores taken from the enemy shall be secured for the service of the United States; and for neglect thereof the commanding officer shall be answerable.

Accountability
for arms, &c.

Art. 40.

ART. 10. Every officer commanding a troop, battery, or company, is charged with the arms, accouterments, ammunition, clothing, or other military stores belonging to his command, and is accountable to his colonel in case of their being lost, spoiled, or damaged otherwise than by unavoidable accident, or on actual service.

Furloughs.

Art. of war 12.

3 March, 1863, c.
75, s. 32, v. 12, p.
736.

ART. 11. Every officer commanding a regiment or an independent troop, battery, or company, not in the field, may, when actually quartered with such command, grant furloughs to the enlisted men, in such numbers and for such time as he shall deem consistent with the good of the service. Every officer commanding a regiment, or an independent troop, battery, or company, in the field, may grant furloughs not exceeding thirty days at one time, to five per centum of the enlisted men, for good conduct in the line of duty, but subject to the approval of the commander of the forces of which said enlisted men form a part. Every company officer of a regiment, commanding any troop, battery, or company not in the field, or commanding in any garrison, fort, post, or barrack, may, in the absence of his field-officer, grant furloughs to the enlisted men, for a time not exceeding twenty days in six months, and not to more than two persons to be absent at the same time.

Musters.

Art. of war 13.

ART. 12. At every muster of a regiment, troop, battery, or company, the commanding officer thereof shall give to the mustering officer certificates, signed by himself, stating how long absent officers have been absent and the reasons of their absence. And the commanding officer of every troop, battery, or company shall give like certificates, stating how long absent non-commissioned officers and private soldiers have been absent and the reasons of their absence. Such reasons and time of absence shall be inserted in the muster-rolls opposite the names of the respective absent officers and soldiers, and the certificates, together with the muster-rolls, shall be transmitted by the mustering officer to the Department of War, as speedily as the distance of the place and muster will admit.

False certificates.

Art. of war 14.

ART. 13. Every officer who signs a false certificate, relating to the absence or pay of an officer or soldier, shall be dismissed from the service.

False muster.

Art. of war 15.

ART. 14. Any officer who knowingly makes a false muster of man or horse, or who signs, or directs, or allows the signing of any muster-roll, knowing the same to contain a false muster, shall, upon proof thereof by two witnesses, before a court-martial, be dismissed from the service, and shall thereby be disabled to hold any office or employment in the service of the United States.

ART. 15. Any officer who, willfully or through neglect, suffers to be lost, spoiled, or damaged, any military stores belonging to the United States, shall make good the loss or damage, and be dismissed from the service.

Allowing military stores to be damaged.

Art. of war 36.
2 March, 1863, c. 67, s. 1, v. 12, p. 696.
Wasting ammunition.

ART. 16. Any enlisted man who sells, or willfully or through neglect wastes the ammunition delivered out to him, shall be punished as a court-martial may direct.

Art. of war 37.
Losing or spoiling accouterments, &c.

ART. 17. Any soldier who sells or, through neglect, loses or spoils his horse, arms, clothing, or accouterments, shall suffer such stoppages, not exceeding one-half of his current pay, as a court-martial may deem sufficient for repairing the loss or damage, and shall be punished by confinement or such other corporal punishment as the court may direct.

Art. of war 38.
8 Feb., 1815, c. 38, s. 7, v. 3, p. 204.

ART. 18. Any officer commanding in any garrison, fort, or barracks of the United States who, for his private advantage, lays any duty or imposition upon, or is interested in, the sale of any victuals, liquors, or other necessities of life, brought into such garrison, fort, or barracks, for the use of the soldiers, shall be dismissed from the service.

Commanders not to be interested in sale of victuals, &c.

ART. 19. Any officer who uses contemptuous or disrespectful words against the President, the Vice-President, the Congress of the United States, or the chief magistrate or legislature of any of the United States in which he is quartered, shall be dismissed from the service, or otherwise punished, as a court-martial may direct. Any soldier who so offends shall be punished as a court-martial may direct.

Art. of war 31.

Disrespectful words against the President, &c.

Art. of war 5.

ART. 20. Any officer or soldier who behaves himself with disrespect toward his commanding officer shall be punished as a court-martial may direct.

Disrespect toward commanding officer.

Art. of war 6.

ART. 21. Any officer or soldier who, on any pretense whatsoever, strikes his superior officer, or draws or lifts up any weapon, or offers any violence against him, being in the execution of his office, or disobeys any lawful command of his superior officer, shall suffer death, or such other punishment as a court-martial may direct.

Striking a superior officer.

Art. of war 9.

ART. 22. Any officer or soldier who begins, excites, causes, or joins in any mutiny or sedition, in any troop, battery, company, party, post, detachment, or guard, shall suffer death, or such other punishment as a court-martial may direct.

Mutiny.

Art. of war 7.

ART. 23. Any officer or soldier who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or having knowledge of any intended mutiny or sedition, does not, without delay, give information thereof to his commanding officer, shall suffer death, or such other punishment as a court-martial may direct.

Failing to resist mutiny.

Art. of war 8.

ART. 24. All officers, of what condition soever, have power to part and quell all quarrels, frays, and disorders, whether among persons belonging to his own or to another corps, regiment, troop, battery, or company, and to order officers into arrest, and non-commissioned officers and soldiers into confinement, who take part in the same, until their proper superior officer is acquainted therewith. And whosoever, being so ordered, refuses to obey such officer or non-commissioned officer, or draws a weapon upon him, shall be punished as a court-martial may direct.

Quarrels and frays.

Art. of war 27.

ART. 25. No officer or soldier shall use any reproachful or provoking speeches or gestures to another. Any officer who so offends shall be put in arrest. Any soldier who so offends shall be confined, and required to ask pardon of the party offended, in the presence of his commanding officer.

Reproachful or provoking speeches.

Art. of war 24.

ART. 26. No officer or soldier shall send a challenge to another officer or soldier to fight a duel, or accept a challenge so sent. Any officer who so offends shall be dismissed from the service. Any soldier who so offends shall suffer such corporal punishment as a court-martial may direct.

Challenges to fight duels.

Art. of war 25.

Allowing persons to go out and fight; seconds and promoters.

Art. of war 26.

Upbraiding another for refusing challenge.

Art. of war 28.

Wrongs to officers; redress of.

Art. of war 34.

Wrongs to soldiers; redress of.

Art. of war 35.

Lying out of quarters.

Art. of war 42.

Soldier absent without leave.

Art. of war 21.

Absence from parade without leave.

Art. of war 44.

One mile from camp without leave.

Art. of war 41.

Failing to retire at retreat.

Art. of war 43.

Hiring duty.

Art. of war 47.

Conniving at hiring duty.

Art. of war 48.

Drunk on duty.

Art. of war 45.

ART. 27. Any officer or non-commissioned officer, commanding a guard, who, knowingly and willingly, suffers any person to go forth to fight a duel, shall be punished as a challenger; and all seconds or promoters of duels, and carriers of challenges to fight duels, shall be deemed principals, and punished accordingly. It shall be the duty of any officer commanding an army, regiment, troop, battery, company, post, or detachment, who knows or has reason to believe that a challenge has been given or accepted by any officer or enlisted man under his command, immediately to arrest the offender and bring him to trial.

ART. 28. Any officer or soldier who upbraids another officer or soldier for refusing a challenge shall himself be punished as a challenger; and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage which might arise from their having refused to accept challenges, as they will only have acted in obedience to the law, and have done their duty as good soldiers, who subject themselves to discipline.

ART. 29. Any officer who thinks himself wronged by the commanding officer of his regiment, and, upon due application to such commander, is refused redress, may complain to the general commanding in the State or Territory where such regiment is stationed. The general shall examine into said complaint and take proper measures for redressing the wrong complained of; and he shall, as soon as possible, transmit to the Department of War a true statement of such complaint, with the proceedings had thereon.

ART. 30. Any soldier who thinks himself wronged by any officer may complain to the commanding officer of his regiment, who shall summon a regimental court-martial for the doing of justice to the complainant. Either party may appeal from such regimental court-martial to a general court-martial; but if, upon such second hearing, the appeal appears to be groundless and vexatious, the party appealing shall be punished at the discretion of said general court-martial.

ART. 31. Any officer or soldier who lies out of his quarters, garrison, or camp, without leave from his superior officer, shall be punished as a court-martial may direct.

ART. 32. Any soldier who absents himself from his troop, battery, company, or detachment, without leave from his commanding officer, shall be punished as a court-martial may direct.

ART. 33. Any officer or soldier who fails, except when prevented by sickness or other necessity, to repair, at the fixed time, to the place of parade, exercise, or other rendezvous appointed by his commanding officer, or goes from the same, without leave from his commanding officer, before he is dismissed or relieved, shall be punished as a court-martial may direct.

ART. 34. Any soldier who is found one mile from camp, without leave in writing from his commanding officer, shall be punished as a court-martial may direct.

ART. 35. Any soldier who fails to retire to his quarters or tent at the beating of retreat, shall be punished according to the nature of his offense.

ART. 36. No soldier belonging to any regiment, troop, battery, or company shall hire another to do his duty for him, or be excused from duty, except in cases of sickness, disability, or leave of absence. Every such soldier found guilty of hiring his duty, and the person so hired to do another's duty, shall be punished as a court-martial may direct.

ART. 37. Every non-commissioned officer who connives at such hiring of duty shall be reduced. Every officer who knows and allows such practices shall be punished as a court-martial may direct.

ART. 38. Any officer who is found drunk on his guard, party, or other duty, shall be dismissed from the service. Any soldier who so offends shall suffer such corporal punishment as a court-martial may direct.

ART. 39. Any sentinel who is found sleeping upon his post, or who leaves it before he is regularly relieved, shall suffer death, or such other punishment as a court-martial may direct.

Sentinel sleeping on post.

Art. of war 46.

ART. 40. Any officer or soldier who quits his guard, platoon, or division, without leave from his superior officer, except in a case of urgent necessity, shall be punished as a court-martial may direct.

Quitting guard, &c., without leave.

Art. of war 50.

False alarms.

ART. 41. Any officer who, by any means whatsoever, occasions false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as a court-martial may direct.

Art. of war 49.

ART. 42. Any officer or soldier who misbehaves himself before the enemy, runs away, or shamefully abandons any fort, post, or guard, which he is commanded to defend, or speaks words inducing others to do the like, or casts away his arms or ammunition, or quits his post or colors to plunder or pillage, shall suffer death, or such other punishment as a court-martial may direct.

Misbehavior before the enemy, cowardice, &c.

Art. of war 52.

ART. 43. If any commander of any garrison, fortress, or post is compelled, by the officers and soldiers under his command, to give up to the enemy or to abandon it, the officers or soldiers so offending shall suffer death, or such other punishment as a court-martial may direct.

Compelling a surrender.

Art. of war 59.

ART. 44. Any person belonging to the armies of the United States who makes known the watchword to any person not entitled to receive it, according to the rules and discipline of war, or presumes to give a parole or watchword different from that which he received, shall suffer death, or such other punishment as a court-martial may direct.

Disclosing watchword.

Art. of war 53.

ART. 45. Whosoever relieves the enemy with money, victuals, or ammunition, or knowingly harbors or protects an enemy, shall suffer death, or such other punishment as a court-martial may direct.

Relieving the enemy.

Art. of war 56.

ART. 46. Whosoever holds correspondence with, or gives intelligence to, the enemy, either directly or indirectly, shall suffer death, or such other punishment as a court-martial may direct.

Corresponding with the enemy.

Art. of war 57.

Desertion.

ART. 47. Any officer or soldier who, having received pay, or having been duly enlisted in the service of the United States, deserts the same, shall, in time of war, suffer death, or such other punishment as a court-martial may direct; and in time of peace, any punishment, excepting death, which a court-martial may direct. [See §§ 1996-1998.]

Art. of war 20.
29 May, 1830, c. 183, v. 4, p. 418.

ART. 48. Every soldier who deserts the service of the United States shall be liable to serve for such period as shall, with the time he may have served previous to his desertion, amount to the full term of his enlistment; and such soldier shall be tried by a court-martial and punished, although the term of his enlistment may have elapsed previous to his being apprehended and tried.

Deserter shall serve full term.

11 Jan., 1812, c. 14, s. 16, v. 2, p. 673.
29 Jan., 1813, c. 16, s. 12, v. 2, p. 796.

ART. 49. Any officer who, having tendered his resignation, quits his post or proper duties, without leave, and with intent to remain permanently absent therefrom, prior to due notice of the acceptance of the same, shall be deemed and punished as a deserter.

Desertion by resignation.

5 Aug., 1861, c. 54, s. 2, v. 12, p. 316.

ART. 50. No non-commissioned officer or soldier shall enlist himself in any other regiment, troop, or company, without a regular discharge from the regiment, troop, or company in which he last served, on a penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall, by a court-martial, be cashiered.

Enlisting in other regiment without discharge.

Art. 22.

ART. 51. Any officer or soldier who advises or persuades any other officer or soldier to desert the service of the United States, shall, in time of war, suffer death, or such other punishment as a court-martial may direct; and in time of peace, any punishment, excepting death, which a court-martial may direct.

Advising to desert.

Art. of war 23.
29 May, 1830, c. 183, v. 4, p. 418.

ART. 52. It is earnestly recommended to all officers and soldiers diligently to attend divine service. Any officer who behaves indecently or irreverently at any place of divine worship shall be brought before a

Misconduct at divine service.

Art. of war 2.

general court-martial, there to be publicly and severely reprimanded by the president thereof. Any soldier who so offends shall, for his first offense, forfeit one-sixth of a dollar; for each further offense he shall forfeit a like sum, and shall be confined twenty-four hours. The money so forfeited shall be deducted from his next pay, and shall be applied, by the captain or senior officer of his troop, battery, or company, to the use of the sick soldiers of the same.

Profane oaths.

Art. of war 3.

Officers to keep good order in their commands.

Art. of war 32.

Waste or spoil, and destruction of property without orders.

Art of war 54.

Violence to persons bringing provisions.

Art. of war 51.

Forcing a safe-guard.

Art. of war 55.

13 Feb., 1862, c. 25, s. 5, v. 12, p. 340. 284.

Certain crimes during rebellion.

3 March, 1863, c. 75, s. 30, v. 12, p. 736.

13 July, 1861, c. 3, s. 5, v. 12, p. 257.
31 July, 1861, c. 32, v. 12, p. 284.

Offenders to be delivered up to civil magistrate.

Art. of war 33.

3 Mar., 1863, c. 75, s. 30, v. 12, p. 736.

ART. 53. Any officer who uses any profane oath or execration shall, for each offense, forfeit and pay one dollar. Any soldier who so offends shall incur the penalties provided in the preceding article; and all moneys forfeited for such offenses shall be applied as therein provided.

ART. 54. Every officer commanding in quarters, garrison, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders which may be committed by any officer or soldier under his command; and if, upon complaint made to him of officers or soldiers beating or otherwise ill-treating any person, disturbing fairs or markets, or committing any kind of riot, to the disquieting of the citizens of the United States, he refuses or omits to see justice done to the offender, and reparation made to the party injured, so far as part of the offender's pay shall go toward such reparation, he shall be dismissed from the service, or otherwise punished, as a court-martial may direct.

ART. 55. All officers and soldiers are to behave themselves orderly in quarters and on the march; and whoever commits any waste or spoil, either in walks or trees, parks, warrens, fish-ponds, houses, gardens, grain-fields, inclosures, or meadows, or maliciously destroys any property whatsoever belonging to inhabitants of the United States, (unless by order of a general officer commanding a separate army in the field,) shall, besides such penalties as he may be liable to by law, be punished as a court-martial may direct.

ART. 56. Any officer or soldier who does violence to any person bringing provisions or other necessities to the camp, garrison, or quarters of the forces of the United States in foreign parts, shall suffer death, or such other punishment as a court-martial may direct.

ART. 57. Whosoever, belonging to the armies of the United States in foreign parts, or at any place within the United States or their Territories during rebellion against the supreme authority of the United States, forces a safe-guard, shall suffer death.

13 July, 1861, c. 3, s. 5, v. 12, p. 257. 31 July, 1861, c. 32, v. 12, p.

ART. 58. In time of war, insurrection, or rebellion, larceny, robbery, burglary, arson, mayhem, manslaughter, murder, assault and battery with an intent to kill, wounding, by shooting or stabbing, with an intent to commit murder, rape, or assault and battery with an intent to commit rape, shall be punishable by the sentence of a general court-martial, when committed by persons in the military service of the United States, and the punishment in any such case shall not be less than the punishment provided, for the like offense, by the laws of the State, Territory, or district in which such offense may have been committed.

ART. 59. When any officer or soldier is accused of a capital crime, or of any offense against the person or property of any citizen of any of the United States, which is punishable by the laws of the land, the commanding officer, and the officers of the regiment, troop, battery, company, or detachment, to which the person so accused belongs, are required, except in time of war, upon application duly made by or in behalf of the party injured, to use their utmost endeavors to deliver him over to the civil magistrate, and to aid the officers of justice in apprehending and securing him, in order to bring him to trial. If, upon such application, any officer refuses or willfully neglects, except in time of war, to deliver over such accused person to the civil magistrates, or to aid the officers of justice in apprehending him, he shall be dismissed from the service.

ART. 60. Any person in the military service of the United States who makes or causes to be made any claim against the United States, or any officer thereof, knowing such claim to be false or fraudulent; or

Certain crimes of fraud against the United States.

2 Mar., 1863, c. 67, s. 1, v. 12, p. 696.

Who presents or causes to be presented to any person in the civil or military service thereof, for approval or payment, any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Making false claim.

Presenting false claim.

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Agreement to obtain payment of false claim.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing, or other paper, knowing the same to contain any false or fraudulent statement; or

False paper.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or

Perjury.

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures or advises the forging or counterfeiting of, any signature upon any writing or other paper, or uses, or procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

Forgery.

Who, having charge, possession, custody or control of any money or other property of the United States, furnished or intended for the military service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Delivering less property than receipt calls for.

Who, being authorized to make or deliver any paper certifying the receipt of any property of the United States, furnished or intended for the military service thereof, makes, or delivers to any person, such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States; or

Giving receipts without knowing truth of.

Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully or knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money, or other property of the United States, furnished or intended for the military service thereof; or

Stealing, wrongfully selling, &c.

Who knowingly purchases, or receives in pledge for any obligation or indebtedness, from any soldier, officer, or other person who is a part of or employed in said forces or service, any ordnance, arms, equipments, ammunition, clothing, subsistence stores, or other property of the United States, such soldier, officer, or other person not having lawful right to sell or pledge the same,

Buying public military property.

Shall, on conviction thereof, be punished by fine or imprisonment, or by such other punishment as a court-martial may adjudge. And if any person, being guilty of any of the offenses aforesaid, while in the military service of the United States, receives his discharge, or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

ART. 61. Any officer who is convicted of conduct unbecoming an officer and a gentleman shall be dismissed from the service.

Conduct unbecoming an officer and gentleman.

Art. of war 83.

ART. 62. All crimes not capital, and all disorders and neglects, which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general, or a regimental, gar-

Crimes and disorders to prejudice of military discipline.

Art. of war 99.

Retainers of camp.Art. of war 60.All troops subject to articles of war.Art. of war 97.

29 July, 1861, c. 25, s. 3, v. 12, pp. 281, 284. 2 Mar., 1863, c. 67, s. 1, v. 12, p. 696.
 —Houston vs. Moore, 5 Wh., 20.

Arrest of officers accused of crimes.Art. of war 77.Soldiers accused of crimes.Art. of war 78.Receiving prisoners.Art. of war 80.Report of prisoners.Art. of war 82.Releasing prisoner without authority; escapes.Art. of war 81.Duration of confinement.Art. of war 78.Copy of charges and time of trial.

17 July, 1862, c. 200, s. 11, v. 12, p. 595.

Who may appoint general courts-martial.Art. of war 65.

29 May, 1830, c. 179, ss. 1, 2, v. 4, p. 417.

Commanders of divisions and separate brigades may appoint in time of war.

24 Dec., 1861, c. 3, v. 12, p. 330.

risson, or field-officers' court-marshal,^(*) according to the nature and degree of the offense, and punished at the discretion of such court.

ART. 63. All retainers to the camp, and all persons serving with the armies of the United States in the field, though not enlisted soldiers, are to be subject to orders, according to the rules and discipline of war.

ART. 64. The officers and soldiers of any troops, whether militia or others, mustered and in pay of the United States, shall, at all times and in all places, be governed by the articles of war, and shall be subject to be tried by courts-martial.

ART. 65. Officers charged with crime shall be arrested and confined in their barracks, quarters, or tents, and deprived of their swords by the commanding officer. And any officer who leaves his confinement before he is set at liberty by his commanding officer shall be dismissed from the service.

ART. 66. Soldiers charged with crimes shall be confined until tried by court-martial, or released by proper authority.

ART. 67. No provost-marshal, or officer commanding a guard, shall refuse to receive or keep any prisoner committed to his charge by an officer belonging to the forces of the United States; provided the officer committing shall, at the same time, deliver an account in writing, signed by himself, of the crime charged against the prisoner.

ART. 68. Every officer to whose charge a prisoner is committed shall, within twenty-four hours after such commitment, or as soon as he is relieved from his guard, report in writing, to the commanding officer, the name of such prisoner, the crime charged against him, and the name of the officer committing him; and if he fails to make such report, he shall be punished as a court-martial may direct.

ART. 69. Any officer who presumes, without proper authority, to release any prisoner committed to his charge, or suffers any prisoner so committed to escape, shall be punished as a court-martial may direct.

ART. 70. No officer or soldier put in arrest shall be continued in confinement more than eight days, or until such time as a court-martial can be assembled.

ART. 71. When an officer is put in arrest for the purpose of trial, except at remote military posts or stations, the officer by whose order he is arrested shall see that a copy of the charges on which he is to be tried is served upon him within eight days after his arrest, and that he is brought to trial within ten days thereafter, unless the necessities of the service prevent such trial; and then he shall be brought to trial within thirty days after the expiration of said ten days. If a copy of the charges be not served, or the arrested officer be not brought to trial, as herein required, the arrest shall cease. But officers released from arrest, under the provisions of this article, may be tried, whenever the exigencies of the service shall permit, within twelve months after such release from arrest.

ART. 72. Any general officer, commanding the Army of the United States, a separate Army, or a separate department, shall be competent to appoint a general court-martial, either in time of peace or in time of war. But when any such commander is the accuser or prosecutor of any officer under his command, the court shall be appointed by the President, and its proceedings and sentence shall be sent directly to the Secretary of War, by whom they shall be laid before the President, for his approval or orders in the case.

ART. 73. In time of war the commander of a division, or of a separate brigade of troops, shall be competent to appoint a general court-martial. But when such commander is the accuser or prosecutor of any person under his command, the court shall be appointed by the next higher commander.

(*) Court-martial.

ART. 74. Officers who may appoint a court-martial shall be competent to appoint a judge-advocate for the same.

ART. 75. General courts-martial may consist of any number of officers from five to thirteen, inclusive; but they shall not consist of less than thirteen when that number can be convened without manifest injury to the service.

Judge-advocate.

Art. of war 69.

Members of general courts-martial.

Art. of war 64.

Martin *vs.* Mott, 12

Wh., 35; Dynes *vs.* Hoover, 20 How., 81.

When requisite number not at a post.

Art. of war 86.

ART. 76. When the requisite number of officers to form a general court-martial is not present in any post or detachment, the commanding officer shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall, thereupon, order a court to be assembled at the nearest post or department at which there may be such a requisite number of officers, and shall order the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled.

ART. 77. Officers of the Regular Army shall not be competent to sit on courts-martial to try the officers or soldiers of other forces, except as provided in Article 78.

Regular officers; on what courts may sit.

Art. of war 97.

Marine and Regular Army officers associated on courts.

Art. of war 68.

30 June, 1834, c. 132, s. 2, v. 4, p. 713.

Officers triable by general courts-martial.

Art. of war 75.

Field-officers courts.

17 July, 1862, c. 201, s. 7, v. 12, p. 598.

Regimental courts.

Art. of war 66.

17 July, 1862, c. 201, s. 7, v. 12, p. 598.

Garrison courts.

Art. of war 66.

17 July, 1862, c. 201, s. 7, v. 12, p. 598.

ART. 78. Officers of the Marine Corps, detached for service with the Army by order of the President, may be associated with officers of the Regular Army on courts-martial for the trial of offenders belonging to the Regular Army, or to forces of the Marine Corps so detached; and in such cases the orders of the senior officer of either corps, who may be present and duly authorized, shall be obeyed.

ART. 79. Officers shall be tried only by general courts-martial; and no officer shall, when it can be avoided, be tried by officers inferior to him in rank.

ART. 80. In time of war a field-officer may be detailed in every regiment, to try soldiers thereof for offenses not capital; and no soldier, serving with his regiment, shall be tried by a regimental^(a) garrison court-martial when a field-officer of his regiment may be so detailed.

ART. 81. Every officer commanding a regiment or corps shall, subject to the provisions of article eighty, be competent to appoint, for his own regiment or corps, courts-martial, consisting of three officers, to try offenses not capital.

ART. 82. Every officer commanding a garrison, fort, or other place, where the troops consist of different corps, shall, subject to the provisions of article ninety-five, be competent to appoint, for such garrison or other place, courts-martial, consisting of three officers, to try offenses not capital.

ART. 83. Regimental and garrison courts-martial, and field-officers detailed to try offenders, shall not have power to try capital cases or commissioned officers, or to inflict a fine exceeding one month's pay, or to imprison or put to hard labor any non-commissioned officer or soldier for a longer time than one month.

Jurisdiction of field-officers', regimental, and garrison courts.

Art. of war 66 and 67.

17 July, 1862, c. 201, s. 7, v. 12, p. 598.

ART. 84. The judge-advocate shall administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of regimental and garrison courts-martial: "You, A B, do swear that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America and the prisoner to be tried, and that you will duly administer justice, without partiality, favor, or affection, according to the provisions of the rules and articles for the government of the armies of the United States, and if any doubt should arise, not explained by said articles, then according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear that you will not divulge the sentence of the court until it shall be published by the proper authority; neither will you dis-

Oath of members of courts-martial.

Art. of war 69.

^(a) The word *or* omitted from the Roll.

Oath of judge-advocate.

Art. of war 69.

close or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in a due course of law. So help you God."

ART. 85. When the oath has been administered to the members of a court-martial, the president of the court shall administer to the judge-advocate, or person officiating as such, an oath in the following form: "You, A B, do swear that you will not disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice, in due course of law; nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same. So help you God."

Contempts of court.

Art. of war 76.

Behavior of members.

Art. of war 72.

Challenges by prisoner.

Art. of war 71.

ART. 86. A court-martial may punish, at discretion, any person who uses any menacing words, signs, or gestures, in its presence, or who disturbs its proceedings by any riot or disorder.

ART. 87. All members of a court-martial are to behave with decency and calmness.

ART. 88. Members of a court-martial may be challenged by a prisoner, but only for cause stated to the court. The court shall determine the relevancy and validity thereof, and shall not receive a challenge to more than one member at a time.

Prisoner standing mute.

Art. of war 70.

ART. 89. When a prisoner, arraigned before a general court-martial, from obstinacy and deliberate design, stands mute, or answers foreign to the purpose, the court may proceed to trial and judgment, as if the prisoner had pleaded not guilty.

Judge-advocate, prosecutor and counsel for prisoner.

Art. of war 69.

ART. 90. The judge-advocate, or some person deputed by him, or by the general or officer commanding the Army, detachment, or garrison, shall prosecute in the name of the United States, but when the prisoner has made his plea, he shall so far consider himself counsel for the prisoner as to object to any leading question to any of the witnesses, and to any question to the prisoner, the answer to which might tend to criminate himself.

Depositions.

Art. of war 74.

3 March, 1863, c. 75, s. 27, v. 12, p. 736.

ART. 91. The depositions of witnesses residing beyond the limits of the State, Territory, or district in which any military court may be ordered to sit, if taken on reasonable notice to the opposite party and duly authenticated, may be read in evidence before such court in cases not capital.

Oath of witness.

Art. of war 73.

ART. 92. All persons who give evidence before a court-martial shall be examined on oath, or affirmation, in the following form: "You swear (or affirm) that the evidence you shall give, in the case now in hearing, shall be the truth, the whole truth, and nothing but the truth. So help you God."

Continuances.

3 March, 1863, c. 75, s. 29, v. 12, p. 736.

ART. 93. A court-martial shall, for reasonable cause, grant a continuance to either party, for such time, and as often, as may appear to be just: *Provided*, That if the prisoner be in close confinement, the trial shall not be delayed for a period longer than sixty days.

Hours of sitting.

Art. of war 75.

ART. 94. Proceedings of trials shall be carried on only between the hours of eight in the morning and three in the afternoon, excepting in cases which, in the opinion of the officer appointing the court, require immediate example.

Order of voting.

Art. of war 72.

Sentence of death.

Art. of war 87.
Penitentiaries.

16 July, 1862, c. 190, ss. 1, 4, v. 12, p. 589.

ART. 95. Members of a court-martial, in giving their votes, shall begin with the youngest in commission.

ART. 96. No person shall be sentenced to suffer death, except by the concurrence of two-thirds of the members of a general court-martial, and in the cases herein expressly mentioned.

ART. 97. No person in the military service shall, under the sentence of a court-martial, be punished by confinement in a penitentiary, unless the offense of which he may be convicted would, by some statute of the United States, or by some statute of the State, Territory, or District in which such offense may be committed, or by the common law, as the same exists in such State, Territory, or District, subject such convict to such punishment.

ART. 98. No person in the military service shall be punished by flogging, or by branding, marking, or tattooing on the body.

Flogging.

54, s. 3, v. 12, p. 317. 6 June, 1872, c. 316, s. 2, v. 17, p. 261.

ART. 99. No officer shall be discharged or dismissed from the service, except by order of the President, or by sentence of a general court-martial; and in time of peace no officer shall be dismissed, except in pursuance of the sentence of a court-martial, or in mitigation thereof.

Discharge and dismissal of officers.

[See § 1229.]

13 July, 1866, c. 176, s. 5, v. 14, p. 92.

ART. 100. When an officer is dismissed from the service for cowardice or fraud, the sentence shall further direct that the crime, punishment, name, and place of abode of the delinquent shall be published in the newspapers in and about the camp, and in the State from which the offender came, or where he usually resides; and after such publication it shall be scandalous for an officer to associate with him.

Publication of officers cashiered for cowardice or fraud.

Art. of war 85.

ART. 101. When a court-martial suspends an officer from command, it may also suspend his pay and emoluments for the same time, according to the nature of his offense.

Suspension of officer's pay.

Art. of war 84.

ART. 102. No person shall be tried a second time for the same offense.

No person tried twice for same, &c.

Art. of war 87.

ART. 103. No person shall be liable to be tried and punished by a general court-martial for any offense which appears to have been committed more than two years before the issuing of the order for such trial, unless, by reason of having absented himself, or of some other manifest impediment, he shall not have been amenable to justice within that period.

Limitation of time of prosecution.

Art. of war 88.

ART. 104. No sentence of a court-martial shall be carried into execution until the whole proceedings shall have been approved by the officer ordering the court, or by the officer commanding for the time being.

Approval of sentence by officer ordering court.

Art. of war 65.

ART. 105. No sentence of a court-martial, inflicting the punishment of death, shall be carried into execution until it shall have been confirmed by the President; except in the cases of persons convicted, in time of war, as spies, mutineers, deserters, or murderers, and in the cases of guerilla marauders, convicted, in time of war, of robbery, burglary, arson, rape, assault with intent to commit rape, or of violation of the laws and customs of war; and in such excepted cases the sentence of death may be carried into execution upon confirmation by the commanding general in the field, or the commander of the department, as the case may be.

Confirmation of death sentence.

Art. of war 65.

17 July, 1862, c. 201, s. 5, v. 12, p. 598.
3 Mar., 1863, c. 75, s. 21, v. 12, p. 735.
2 July, 1864, c. 215, s. 1, v. 13, p. 356.

ART. 106. In time of peace no sentence of a court-martial, directing the dismissal of an officer, shall be carried into execution, until it shall have been confirmed by the President. [See § 1229.]

Confirmation of dismissals in time of peace.

Art. of war 65.

ART. 107. No sentence of a court-martial appointed by the commander of a division or of a separate brigade of troops, directing the dismissal of an officer, shall be carried into execution until it shall have been confirmed by the general commanding the army in the field to which the division or brigade belongs.

Dismissal by division or brigade courts.

24 Dec., 1861, c. 3, v. 12, p. 330.

ART. 108. No sentence of a court-martial, either in time of peace or in time of war, respecting a general officer, shall be carried into execution, until it shall have been confirmed by the President.

General officers; sentences respecting.

Art. of war 65.

ART. 109. All sentences of a court-martial may be confirmed and carried into execution by the officer ordering the court, or by the officer commanding for the time being, where confirmation by the President, or by the commanding general in the field, or commander of the department, is not required by these articles.

Confirmation by officer ordering court.

Art. of war 65.

ART. 110. No sentence of a field-officer, detailed to try soldiers of his regiment, shall be carried into execution, until the whole proceedings shall have been approved by the brigade commander, or, in case there be no brigade commander, by the commanding officer of the post.

Confirmation of field-officers' sentences.

17 July, 1862, c. 201, s. 7, v. 12, p. 598.

Suspension of sentences of death or dismissal.

Art. of war 89.

Pardon and mitigation of sentences

Art. of war 89.
17 July, 1862, c. 201, s. 7, v. 12, p. 598.

Proceedings forwarded to Judge-Advocate-General.

Art. of war 90.
17 July, 1862, c. 201, ss. 5, 6, v. 12, p. 598. 28 July, 1866,

Party entitled to a copy.

Art. of war 90.
Courts of inquiry, how ordered.

Arts. of war 91 and 92.

Members of court of inquiry.

Art. of war 91.
Oaths of members and recorder of court of inquiry.

Art. of war 93.

Witnesses before courts of inquiry.

Arts. of war 91 and 93.
3 March, 1863, c. 75, s. 27, v. 12, p. 736.

3 March, 1863, c. 79, s. 25, v. 12, p. 754.

Opinion; when given by.

Art. of war 91.
Authentication of proceedings of court of inquiry.

Art. of war 92.
Proceedings of court of inquiry used as evidence.

Art. of war 92.
Command, when different corps happen to join.

Art. of war 62.

ART. 111. Any officer who has authority to carry into execution the sentence of death, or of dismissal of an officer, may suspend the same until the pleasure of the President shall be known; and, in such case, he shall immediately transmit to the President a copy of the order of suspension, together with a copy of the proceedings of the court.

ART. 112. Every officer who is authorized to order a general court-martial shall have power to pardon or mitigate any punishment adjudged by it, except the punishment of death or of dismissal of an officer. Every officer commanding a regiment or garrison in which a regimental or garrison court-martial may be held, shall have power to pardon or mitigate any punishment which such court may adjudge.

ART. 113. Every judge-advocate, or person acting as such, at any general court-martial, shall, with as much expedition as the opportunity of time and distance of place may admit, forward the original proceedings and sentence of such court to the Judge-Advocate-General of the Army, in whose office they shall be carefully preserved.

ART. 114. Every party tried by a general court-martial shall, upon demand thereof, made by himself or by any person in his behalf, be entitled to a copy of the proceedings and sentence of such court.

ART. 115. A court of inquiry, to examine into the nature of any transaction of, or accusation or imputation against, any officer or soldier, may be ordered by the President or by any commanding officer; but, as courts of inquiry may be perverted to dishonourable purposes, and may be employed, in the hands of weak and envious commandants, as engines for the destruction of military merit, they shall never be ordered by any commanding officer, except upon a demand by the officer or soldier whose conduct is to be inquired of.

ART. 116. A court of inquiry shall consist of one or more officers, not exceeding three, and a recorder, to reduce the proceedings and evidence to writing.

ART. 117. The recorder of a court of inquiry shall administer to the members the following oath: "You shall well and truly examine and inquire, according to the evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward: so help you God." After which the president of the court shall administer to the recorder the following oath: "You, A B, do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court and the evidence to be given in the case in hearing: so help you God."

ART. 118. A court of inquiry, and the recorder thereof, shall have the same power to summon and examine witnesses as is given to courts-martial and the judge-advocates thereof. Such witnesses shall take the same oath which is taken by witnesses before courts-martials,^(a) and the party accused shall be permitted to examine and cross-examine them, so as fully to investigate the circumstances in question. [See § 1202.]

ART. 119. A court of inquiry shall not give an opinion on the merits of the case inquired of unless specially ordered to do so.

ART. 120. The proceedings of a court of inquiry must be authenticated by the signatures of the recorder and the president thereof, and delivered to the commanding officer.

ART. 121. The proceedings of a court of inquiry may be admitted as evidence by a court-martial, in cases not capital, nor extending to the dismissal of an officer: *Provided*, That the circumstances are such that oral testimony cannot be obtained.

ART. 122. If, upon marches, guards, or in quarters, different corps of the Army happen to join or do duty together, the officer highest in rank of the line of the Army, Marine Corps, or militia, by commission, there on duty or in quarters, shall command the whole, and give orders for

^(a) See in the Roll.

what is needful to the service, unless otherwise specially directed by the President, according to the nature of the case.

ART. 123. In all matters relating to the rank, duties, and rights of officers, the same rules and regulations shall apply to officers of the Regular Army and to volunteers commissioned in, or mustered into said service, under the laws of the United States, for a limited period.

Regular and volunteer officers on same footing as to rank, &c.

2 March, 1867, c. 159, s. 2, v. 14, p. 435.

ART. 124. Officers of the militia of the several States, when called into the service of the United States, shall on all detachments, courts-martial, and other duty wherein they may be employed in conjunction with the regular or volunteer forces of the United States, take rank next after all officers of the like grade in said regular or volunteer forces, notwithstanding the commissions of such militia officers may be older than the commissions of the said officers of the regular or volunteer forces of the United States.

Rank of militia officers on duty with officers of regular or volunteer forces.

Art. of war 98.
2 March, 1867, c. 159, s. 2, v. 14, p. 435.

ART. 125. In case of the death of any officer, the major of his regiment, or the officer doing the major's duty, or the second officer in command at any post or garrison, as the case may be, shall immediately secure all his effects then in camp or quarters, and shall make, and transmit to the office of the Department of War, an inventory thereof.

Deceased officers' effects.

Art. of war 94.

ART. 126. In case of the death of any soldier, the commanding officer of his troop, battery, or company shall immediately secure all his effects then in camp or quarters, and shall, in the presence of two other officers, make an inventory thereof, which he shall transmit to the office of the Department of War.

Deceased soldiers' effects.

Art. of war 94.

ART. 127. Officers charged with the care of the effects of deceased officers or soldiers shall account for and deliver the same, or the proceeds thereof, to the legal representatives of such deceased officers or soldiers. And no officer so charged shall be permitted to quit the regiment or post until he has deposited in the hands of the commanding officer all the effects of such deceased officers or soldiers not so accounted for and delivered.

Effects of deceased officers and soldiers to be accounted for.

Art. of war 95.

ART. 128. The foregoing articles shall be read and published, once in every six months, to every garrison, regiment, troop, or company in the service of the United States, and shall be duly observed and obeyed by all officers and soldiers in said service.

Articles of war to be published once in six months to every regiment, &c.

SEC. 1343. All persons who, in time of war, or of rebellion against the supreme authority of the United States, shall be found lurking or acting as spies, in or about any of the fortifications, posts, quarters, or encampments of any of the armies of the United States, or elsewhere, shall be triable by a general court-martial, or by a military commission, and shall, on conviction thereof, suffer death.

Art. of war 101.
Spies.

10 April 1806, c. 20, s. 2, v. 2, p. 371.

3 March, 1863, c. 75, s. 32, v. 12, p. 737.

13 Feb., 1862, c. 25, s. 4, v. 12, p. 340.

CHAPTER SIX.

MILITARY PRISON.

Sec.

- 1344. Military prison.
- 1345. Board of government.
- 1346. Visitation of prison.
- 1347. Officers and attendants.
- 1348. Examination of accounts and government of prison.
- 1349. Bond of commandant.
- 1350. Powers and duties of commandant.
- 1351. Employment of convicts; proceeds of work.
- 1352. Conduct of prisoners, remissions.

Sec.

- 1353. Misconduct of prisoners.
- 1354. Forbidden punishments.
- 1355. Clothing at discharge.
- 1356. Privileges of prisoners.
- 1357. Provisions for prisoners, what.
- 1358. Officers, &c., not to be interested in contracts.
- 1359. Officers suffering prisoner to escape.
- 1360. Soldiers suffering prisoner to escape.
- 1361. Prisoners subject to articles of war.

SEC. 1344. There shall be established at Rock Island, in the State of Illinois, a prison for the confinement and reformation of offenders against the rules, regulations, and laws for the government of the Army of the

Military prison.

3 March, 1873, c. 249, s. 1, v. 17, p. 582.

United States, in which shall be securely confined, and employed at labor, and governed in the manner hereinafter directed, all offenders convicted before any court-martial or military commission in the United States, and sentenced according to law to imprisonment therein.

Board of government.

3 March, 1873, c. 249, s. 2, v. 17, p. 582.

SEC. 1345. The Secretary of War shall organize a board of five members, to consist of three officers of the Army and two persons from civil life, who shall adopt a plan for the building of such prison and who shall frame regulations for the government of the prisoners, in accordance with the provisions of this chapter. The said commissioners from civil life shall hold their offices for the term of three years, and shall be paid five dollars a day while on duty, and necessary traveling expenses; and the said officers of the Army shall, at all times, be subject to removal by the Secretary of War.

Visitation of prison.

3 March, 1873, c. 249, s. 3, v. 17, p. 583.

SEC. 1346. The Secretary of War shall, with said commissioners, semi-annually, and as much oftener as may be deemed expedient, visit said prison for the purposes of examination, inspection, and correction; and they shall inquire into all abuses or neglects of duty on the part of the officers or other persons in charge of the same, and make such changes in the general discipline of the prison as they may hold to be essential.

Officers and attendants.

3 March, 1873, c. 249, s. 4, v. 17, p. 583.

SEC. 1347. The officers of the prison shall consist of a commandant and such subordinate officers as may be necessary, a chaplain, a surgeon, and a clerk, who shall be detailed by the Secretary of War from the commissioned officers of the Army; and a sufficient number of enlisted men shall be detailed by the Secretary of War to act as turn-keys, guards, and assistants in the prison.

Examination of accounts and government of prison.

3 March, 1873, c. 249, s. 5, v. 17, p. 583.

SEC. 1348. One of the inspectors of the Army shall, at least once in three months, visit the prison for the purpose of examining into the books and all the affairs thereof, and ascertaining whether the laws, rules, and regulations relating thereto are complied with, the officers are competent and faithful, and the convicts properly governed and employed, and at the same time treated with humanity and kindness. And it shall be the duty of the inspector, at once, to make full report thereof to the Secretary of War.

Bond of commandant.

3 March, 1873, c. 249, s. 6, v. 17, p. 583.

SEC. 1349. Before the commandant enters upon the duties of his office he shall give bond, with sufficient sureties, in a sum to be fixed by the Secretary of War, to be approved by him, conditioned that he shall faithfully account for all money placed in his hands for the use of the prison and for the faithful discharge of all his duties as commandant.

Powers and duties of commandant.

3 March, 1873, c. 249, s. 6, v. 17, p. 583.

SEC. 1350. The commandant shall have command of the prison; shall have the charge and employment of the prisoners, and the custody of all the property of the Government connected with the prison. He shall receive and pay out all money used for the prison, and shall cause to be kept, in suitable books, complete accounts of all the property, expenses, income, business, and concerns of the prison; and shall make full and regular reports thereof to the Secretary of War.

Employment of convicts, proceeds of work.

3 March, 1873, c. 249, s. 6, v. 17, p. 583.

SEC. 1351. The commandant shall, under the direction and with the approval of the Secretary of War, employ, for the benefit of the United States, the convicts at such labor and in such trades as may be deemed best for their health and reformation. He shall have power to sell and dispose of any articles manufactured by the convicts, and shall regularly account for the proceeds thereof, and shall give bond and security for the faithful keeping and accounting of all moneys and property coming to his hands as such commandant.

Conduct of prisoners, remissions.

3 March, 1873, c. 249, s. 6, v. 17, p. 583.

SEC. 1352. The commandant shall take note and make record of the good conduct of the convicts, and shall shorten the daily time of hard labor for those who, by their obedience, honesty, industry, or general good conduct, earn such favors; and the Secretary of War is authorized and directed to remit, in part, the sentences of such convicts, and to give them an honorable restoration to duty in case the same is merited.

Misconduct of prisoners.

SEC. 1353. In case any convict shall disobey the lawful orders of the officers of the prison, or refuse to comply with the rules and regulations thereof, he may be placed in solitary confinement, and the commandant

shall at once report the case to the Secretary of War, who shall direct the inspector to make full examination and report of the matter at the next inspection. 3 March, 1873, c. 249, s. 6, v. 17, p. 583.

SEC. 1354. In no case shall any prisoner be subjected to whipping, branding, or the carrying of weights for the purpose of discipline, or for producing penitence. Forbidden punishments.
3 March, 1873, c. 249, s. 6, v. 17, p. 583.

SEC. 1355. Every prisoner, upon being discharged from prison, shall be furnished with decent clothing. Clothing at discharge.
3 March, 1873, c. 249, s. 6, v. 17, p. 583.

SEC. 1356. The use of newspapers and books shall not be denied the convicts at times when not employed; and unofficial visitors shall be admitted to the prison under such restrictions as the board of commissioners may impose. The prisoners shall not be denied the privilege of communicating with their friends by letter, and from receiving like communications from them, all of which shall be subject to the inspection of the commandant, or such officer as he may assign to that duty. Privileges of prisoners.
3 March, 1873, c. 249, s. 7, v. 17, p. 584.

SEC. 1357. The prisoners shall be supplied with ample and clean bedding, and with wholesome and sufficient food, but when in hospital or under discipline their diet shall be prescribed by the proper authority. The prison shall be suitably ventilated, and each prisoner shall have a weekly bath of cold or tepid water, which shall be applied to the whole surface of the body, unless the surgeon shall direct otherwise for the health of the prisoner. Provisions for prisoners, what.
3 March, 1873, c. 249, s. 8, v. 17, p. 584.

SEC. 1358. No officer of the prison, or other person connected therewith, shall be concerned or interested, directly or indirectly, in any contract, purchase, or sale made on account of the prison. Officers, &c., not to be interested in contracts.
3 March, 1873, c. 249, s. 9, v. 17, p. 584.

SEC. 1359. Any officer who shall suffer a convict to escape, or shall in any way consent to his escape, or shall aid him to escape, or in an attempt to escape, shall be dismissed from the service, and suffer such other punishment as a court-martial may inflict. Officers suffering prisoner to escape.
3 March, 1873, c. 249, s. 10, v. 17, p. 584.

SEC. 1360. Any soldier or other person employed in the prison who shall suffer a convict to escape, or shall in any way consent to his escape, or shall aid him to escape, or in an attempt to escape, shall, upon conviction by a court-martial, be confined therein not less than one year. Soldiers suffering prisoner to escape.
3 March, 1873, c. 249, s. 11, v. 17, p. 584.

SEC. 1361. All prisoners under confinement in said military prisons undergoing sentence of courts-martial shall be liable to trial and punishment by courts-martial under the rules and articles of war for offenses committed during the said confinement. Prisoners subject to articles of war.
3 March, 1873, c. 249, s. 12, v. 17, p. 584.

TITLE XV.

THE NAVY.

CHAPTER ONE.

ORGANIZATION.

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| <p>Sec. 1362. Grades of line officers. 1363. Number on the active list. 1364. When exceeded. 1365. Selection of rear-admirals during war. 1366. Promotion of rear-admirals during peace. 1367. Secretaries to Admiral and Vice-Admiral. 1368. Medical Corps, number of. 1369. Appointments in, how made. 1370. Appointment of assistant surgeons. 1371. Appointment of surgeons. 1372. Rank of assistant surgeon in case of delayed examination. 1373. Surgeon of the fleet. 1374. Duties of surgeon of the fleet. 1375. Details of medical officers to Bureau of Medicine and Surgery. 1376. Pay Corps, number of. 1377. No promotion in certain grades, until number is reduced. 1378. Appointments, how made. 1379. Qualifications of assistant paymasters. 1380. Order of promotion. 1381. Acting appointments on ships at sea. 1382. Paymaster of the fleet. 1383. Bonds. 1384. New bonds. 1385. Bond, not affected by new commission. 1386. Clerks, when allowed. 1387. Clerks, when not allowed. 1388. Clerks of passed assistant and assistant paymasters. 1389. Loans to officers by paymasters. 1390. Engineers Corps, number and rank. 1391. Appointment of. 1392. Qualifications of. 1393. Engineer of the fleet. 1394. Cadet engineers. 1395. Chaplains, number and appointment of. 1396. Qualifications of.</p> | <p>Sec. 1397. Form of worship. 1398. Annual report. 1399. Professors of mathematics, number of. 1400. Appointment. 1401. Duties. 1402. Naval constructors, number and appointment of. 1403. Assistant naval constructors. 1404. Duty. 1405. Warrant officers, number and appointment of. 1406. Title. 1407. Promotion of seamen to warrant officers. 1408. Seamen may be rated as mates. 1409. Rating shall not discharge from enlistment. 1410. Petty officers. 1411. Acting assistant surgeons. 1412. Volunteer officers transferred entitled to credit for volunteer sea-service. 1413. Civil engineers and store-keepers at navy-yards. 1414. Store-keepers on foreign stations. 1415. Store-keeper's bond. 1416. Civil offices at yards may be discontinued by Secretary of the Navy. 1417. Enlisted men, number of. 1418. Term of enlistment. 1419. Consent of parents and guardians. 1420. Persons not to be enlisted. 1421. Transfer from military to naval service. 1422. Men sent home at expiration of term. 1423. Subject to regulations while sent home or detained. 1424. Limit of detention. 1425. What to be contained in shipping articles. 1426. Honorable discharge, to whom granted. 1427. Form of honorable discharge.</p> |
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Grades of line officers.

16 July, 1862, c.
183, s. 1, v. 12, p.
583.

21 Dec., 1864, c. 6,
s. 1, v. 13, p. 420.

25 July, 1866, c.
231, s. 1, v. 14, p.
222.

SEC. 1362. The active list of the line officers of the Navy of the United States shall be divided into eleven grades, as follows, namely :

- First. Admiral.
Second. Vice-Admiral.
Third. Rear-admirals.
Fourth. Commodores.
Fifth. Captains.
Sixth. Commanders.
Seventh. Lieutenant-commanders.

Eighth. Lieutenants.

Ninth. Masters.

Tenth. Ensigns.

Eleventh. Midshipmen.

Provided, That vacancies occurring in the grades of Admiral and Vice-Admiral shall not be filled by promotion, or in any other manner; and that when the offices of said grades shall become vacant, the grade itself shall cease to exist.

SEC. 1363. There shall be allowed on the active list of the line officers of the Navy one Admiral, one Vice-Admiral, ten rear-admirals, twenty-five commodores, fifty captains, ninety commanders, eighty lieutenant-commanders, two hundred and eighty lieutenants, one hundred masters, and one hundred ensigns; and no promotion to the grade of lieutenant-commander shall be made until the number of such grade is reduced below eighty.

SEC. 1364. The provisions of the foregoing section shall not have the effect to vacate the commission of any lieutenant-commander, lieutenant, master, or ensign appointed according to law, in excess of the respective number therein fixed; nor to preclude the advancement of any officer to a higher grade, for distinguished conduct in battle, or for extraordinary heroism, under the provisions of sections fifteen hundred and six and fifteen hundred and eight.

SEC. 1365. During war rear-admirals shall be selected from those officers on the active list, not below the grade of commanders, who shall have eminently distinguished themselves by courage, skill, and genius in their profession; but no officer shall be so promoted, under this provision, unless, upon recommendation of the President by name, he has received the thanks of Congress for distinguished service.

SEC. 1366. During peace, vacancies in the grade of rear-admiral shall be filled by regular promotion from the list of commodores, subject to examination according to law.

SEC. 1367. The Admiral and Vice-Admiral shall each be allowed a secretary, who shall be entitled to the rank and allowances of a lieutenant in the Navy.

SEC. 1368. The active list of the Medical Corps of the Navy shall consist of fifteen medical directors, fifteen medical inspectors, fifty surgeons, and one hundred assistant surgeons.

SEC. 1369. All appointments in the Medical Corps shall be made by the President, by and with the advice and consent of the Senate.

SEC. 1370. No person shall be appointed assistant surgeon until he has been examined and approved by a board of naval surgeons, designated by the Secretary of the Navy; nor who is under twenty-one or over twenty-six years of age.

SEC. 1371. No person shall be appointed surgeon until he has served as an assistant surgeon at least two years, on board a public vessel of the United States at sea, nor until he has been examined and approved for such appointment, by a board of naval surgeons, designated by the Secretary of the Navy.

SEC. 1372. When any assistant surgeon was absent from the United States, on duty, at the time when others of his date were examined, he shall, if not rejected at a subsequent examination, be entitled to the same rank with them; and if, from any cause, his relative rank cannot be assigned to him, he shall retain his original position on the register.

2 March, 1867, c. 174, s. 1, v. 14, p. 516.
24 Jan., 1873, c. 62, v. 17, p. 418.

Number on the active list.

25 July, 1866, c. 231, s. 1, v. 14, p. 222.

15 July, 1870, c. 295, ss. 9, 10, v. 16, p. 333.

When exceeded.

25 July, 1866, c. 231, ss. 1, 2, v. 14, p. 222.

16 July, 1862, c. 183, s. 9, v. 12, p. 584.

Selection of rear-admirals during war.

16 July, 1862, c. 183, s. 7, v. 12, p. 584.

Promotion of rear-admirals during peace.

16 July, 1862, c. 183, s. 7, v. 12, p. 584.

Secretaries to Admiral and Vice-Admiral.

2 March, 1867, c. 174, s. 1, v. 14, p. 516. 25 July, 1866, c. 231, s. 6, v. 14, p. 223. 16 May, 1866, c. 84, v. 14, p. 48. 21 Dec., 1864, c. 6, s. 2, v. 13, p. 420.

Medical Corps; number of.

3 March, 1871, c. 117, s. 5, v. 16, p. 535.

Appointments in, how made.

21 April, 1866, c. 35, s. 3, v. 2, p. 390. 16 April, 1814, c. 58, s. 5, v. 3, p. 125. 24 May, 1828, c. 121, s. 3, v. 4, p. 313.

Appointment of assistant surgeons.

24 May, 1828, c. 121, s. 1, v. 4, p. 313.
3 March, 1871, c. 117, s. 5, v. 16, p. 536.

Appointment of surgeons.

24 May, 1828, c. 121, s. 1, v. 4, p. 313.

Rank of assistant surgeons in case of delayed examination.

3 March, 1835, c. 27, s. 1, v. 4, p. 757.

Surgeon of the fleet.

24 May, 1828, c. 121, s. 2, v. 4, p. 313.

Duties of surgeon of the fleet.

24 May, 1828, c. 121, s. 2, v. 4, p. 313.

Details of medical officers to Bureau of Medicine and Surgery.

16 July, 1862, c. 183, s. 18, v. 12, p. 587.

Pay Corps, number of.

3 March, 1871, c. 117, s. 6, v. 16, p. 536.

No promotion in certain grades until number is reduced.

15 July, 1870, c. 295, s. 11, v. 16, p. 334.

Appointments, how made.

30 March, 1812, c. 47, s. 6, v. 2, p. 699.

Qualifications of assistant paymasters.

17 July, 1861, c. 4, s. 2, v. 12, p. 258.

Order of promotion.

17 July, 1861, c. 4, s. 5, v. 12, p. 258.

3 May, 1866, c. 72, s. 1, v. 14, p. 43.

Acting appointments on ships at sea.

17 July, 1861, c. 4, s. 4, v. 12, p. 258.

Paymasters of the fleet.

21 Apr., 1864, c. 63, s. 7, v. 13, p. 54.

Bonds.

30 March, 1812, c. 47, s. 6, v. 2, p. 699.

1 March, 1817, c. 24, s. 1, v. 3, p. 350.

22 June, 1860, c. 121, s. 3, v. 12, p. 83.

14 July, 1862, c. 175, s. 1, v. 12, p. 575. 17 July, 1861, c. 4, s. 5, v. 12, p. 258. 3 May, 1866, c. 72, s. 2, v. 14, p. 43.—U. S. *vs.* Tingey, 5 Pet., 115.

SEC. 1373. The President may designate among the surgeons in the service, and appoint to every fleet or squadron an experienced and intelligent surgeon, who shall be denominated "surgeon of the fleet," and shall be surgeon of the flag-ship.

SEC. 1374. The surgeon of the fleet shall, in addition to his duties as surgeon of the flag-ship, examine and approve all requisitions for medical and hospital stores for the squadron or fleet, and inspect their quality. He shall, in difficult cases, consult with the surgeons of the several ships, and he shall make, and transmit to the Navy Department, records of the character and treatment of diseases in the squadron or fleet.

SEC. 1375. A surgeon, assistant surgeon, or passed assistant surgeon, may be detailed as assistant to the Bureau of Medicine and Surgery.

SEC. 1376. The active list of the Pay Corps of the Navy shall consist of thirteen pay directors, thirteen pay inspectors, fifty paymasters, thirty passed assistant paymasters, and twenty assistant paymasters.

15 July, 1870, c. 295, s. 11, v. 16, p. 334.

SEC. 1377. Until the number of passed assistant paymasters shall have been reduced below thirty, there shall be no promotion to that grade, nor any appointment to the grade of assistant paymaster.

SEC. 1378. All appointments in the Pay Corps shall be made by the President, by and with the advice and consent of the Senate.

22 June, 1860, c. 181, s. 3, v. 12, p. 83. 17 July, 1861, c. 4, s. 1, v. 12, p. 258. 3 May, 1866, c. 72, s. 1, v. 14, p. 43.

SEC. 1379. No person shall be appointed assistant paymaster who is, at the time of such appointment, less than twenty-one or more than twenty-six years of age; nor until his physical, mental, and moral qualifications have been examined and approved by a board of paymasters appointed by the Secretary of the Navy, and according to such regulations as he may prescribe.

SEC. 1380. Passed assistant paymasters shall be regularly promoted and commissioned from assistant paymasters, and paymasters from passed assistant paymasters; subject to such examinations as may be prescribed by the Secretary of the Navy.

SEC. 1381. When the office of paymaster or assistant paymaster becomes vacant, by death or otherwise, in ships at sea, or on foreign stations, or on the Pacific coast of the United States, the senior officer present may make an acting appointment of any fit person, who shall perform the duties thereof until another paymaster or assistant paymaster shall report for duty, and shall be entitled to receive the pay of such grade while so acting.

SEC. 1382. The President may designate among the paymasters in the service, and appoint to every fleet or squadron a paymaster, who shall be denominated "paymaster of the fleet."

24 May, 1828, c. 121, s. 2, v. 4, p. 313.

SEC. 1383. Every paymaster, passed assistant paymaster, and assistant paymaster shall, before entering on the duties of his office, give bond, with two or more sufficient sureties, to be approved by the Secretary of the Navy, for the faithful performance thereof. Paymasters shall give bonds in the sum of twenty-five thousand dollars, passed assistant paymasters in the sum of fifteen thousand dollars, and assistant paymasters in the sum of ten thousand dollars.

SEC. 1384. Officers of the Pay Corps shall give new bonds with sufficient sureties, whenever required to do so by the Secretary of the Navy.

New bonds.

26 Aug., 1842, c. 206, s. 4, v. 5, p. 535.

SEC. 1385. The issuing of a new appointment and commission to any officer of the Pay Corps shall not affect or annul any existing bond, but the same shall remain in force, and apply to such new appointment and commission.

Bond, not affected by a new commission.

3 March, 1871, c. 117, s. 6, v. 16, p. 536.

SEC. 1386. Paymasters of the fleet, paymasters on vessels having complements of more than one hundred and seventy-five persons, on supply-steamers, store-vessels, and receiving-ships, paymasters at stations and at the Naval Academy, and paymasters detailed at stations as inspectors of provisions and clothing, shall each be allowed a clerk.

Clerks, when allowed.

14 July, 1862, c. 164, s. 3, v. 12, p. 565.

26 May, 1864, c. 96, v. 13, p. 92.

SEC. 1387. No paymaster shall be allowed a clerk in a vessel having the complement of one hundred and seventy-five persons or less, excepting in supply-steamers and store-vessels.

Clerks, when not allowed.

26 May, 1864, c. 96, v. 13, p. 92.

SEC. 1388. Passed assistant paymasters and assistant paymasters attached to vessels of war shall be allowed clerks, if clerks would be allowed by law to paymasters so attached.

Clerks of passed assistant and assistant paymasters.

3 March, 1863, c. 118, s. 5, v. 12, p. 818.

SEC. 1389. It shall not be lawful for any paymaster, passed assistant paymaster, or assistant paymaster, to advance or loan, under any pretense whatever, to any officer in the naval service, any sum of money, public or private, or any credit, or any article or commodity whatever.

Loans to officers by paymasters.

26 Aug., 1842, c. 206, s. 6, v. 5, p. 536. 22 June, 1860, c. 181, s. 3, v. 12, p. 83.

SEC. 1390. The active list of the Engineer Corps of the Navy shall consist of seventy chief engineers, who shall be divided into three grades, by relative rank, as provided in Chapter Four of this Title;

Engineer Corps, number and rank.

Ten chief engineers;

3 March, 1871, c. 117, s. 7, v. 16, p. 536.

Fifteen chief engineers; and

Forty-five chief engineers, who shall have the relative rank of lieutenant-commander or lieutenant.

And each and all of the above-named officers of the Engineer Corps shall have the pay of chief engineers of the Navy, as now provided.

One hundred first assistant engineers, who shall have the relative rank of lieutenant or master; and

One hundred second assistant engineers, who shall have the relative rank of master or ensign; and the said assistant engineers shall have the pay of first and second assistant engineers of the Navy, respectively, as now provided.

SEC. 1391. Engineers shall be appointed by the President, by and with the advice and consent of the Senate.

Appointment of.

279, s. 6, v. 5, p. 577. 3 March, 1845, c. 77, s. 7, v. 5, p. 794. 25 July, 1866, c. 231, s. 7, v. 14, p. 223.

SEC. 1392. No person under nineteen or over twenty-six years of age shall be appointed a second assistant engineer in the Navy; nor shall any person be appointed or promoted in the Engineer Corps until after he has been found qualified by a board of competent engineers and medical officers designated by the Secretary of the Navy, and has complied with existing regulations.

Qualifications of

3 March, 1871, c. 117, s. 8, v. 16, p. 536.

SEC. 1393. The President may designate among the chief engineers in the service, and appoint to every fleet or squadron, an engineer, who shall be denominated "engineer of the fleet."

Engineer of the fleet.

21 April, 1864, c. 63, s. 7, v. 13, p. 54.

Cadet engineers.

SEC. 1394. Cadet engineers who are graduated with credit in the scientific and mechanical class of the Naval Academy may, upon the recommendation of the academic board, be appointed by the President and confirmed by the Senate as second assistant engineers.

4 July, 1864, c. 252, s. 2, v. 13, p. 393.

31 Aug., 1842, c. 279, s. 6, v. 5, p. 577.

Chaplains, number and appointment of.

21 April, 1806, c. 35, s. 3, v. 2, p. 390. p. 500.

Qualifications of.

14 July, 1862, c. 164, s. 7, v. 12, p. 565.

Form of worship.

1 June, 1860, c. 67, s. 1, v. 12, p. 24. Annual report.

1 June, 1860, c. 67, s. 1, v. 12, p. 24.

Professors of mathematics, number of.

3 Aug., 1848, c. 121, s. 12, v. 9, p. 272. 31 May, 1872, c. 240, s. 1, v. 17, p. 192.

Appointment.

3 Aug., 1848, c. 121, s. 12, v. 9, p. 272. Duties.

3 Aug., 1848, c. 121, s. 12, v. 9, p. 272.

Naval constructors, number and appointment of.

25 July, 1866, c. 231, s. 7, v. 14, p. 223. 3 March, 1871, c. 117, s. 9, v. 16, p. 536.

Assistant naval constructors.

4 July, 1864, c. 252, s. 2, v. 13, p. 393.

Duty.

3 March, 1845, c. 77, s. 2, v. 5, p. 794.

Warrant officers, number and appointment of.

21 April, 1806, c. 35, s. 3, v. 2, p. 390. 4 Aug., 1842, c. 121, s. 1, v. 5, p. 500. 3 March, 1847, c. 48, s. 1, v. 9, p. 172.

Title.

2 July, 1864, c. 219, s. 2, v. 13, p. 373.

Promotion of seamen to warrant officers.

17 May, 1864, c. 89, s. 3, v. 13, pp. 79, 80.

Seamen may be rated as mates.

3 March, 1865, c. 124, s. 3, v. 13, p. 539.

Rating shall not discharge from enlistment.

3 March, 1865, c. 124, s. 3, v. 13, p. 539. 17 May, 1864, c. 89, s. 3, v. 13, p. 79.

SEC. 1395. There shall be in the Navy, for the public armed vessels of the United States in actual service not exceeding twenty-four chaplains, who shall be appointed by the President with the advice and consent of the Senate.

16 April, 1814, c. 58, s. 5, v. 3, p. 125. 4 Aug., 1842, c. 121, s. 1, v. 5,

SEC. 1396. A chaplain shall not be less than twenty-one nor more than thirty-five years of age at the time of his appointment.

SEC. 1397. Every chaplain shall be permitted to conduct public worship according to the manner and forms of the church of which he may be a member.

SEC. 1398. Chaplains shall report annually to the Secretary of the Navy the official services performed by them.

SEC. 1399. The number of professors of mathematics in the Navy shall not exceed twelve.

SEC. 1400. Professors of mathematics shall be appointed and commissioned by the President of the United States, by and with the advice and consent of the Senate.

SEC. 1401. Professors of mathematics shall perform such duties as may be assigned them by order of the Secretary of the Navy, at the Naval Academy, the Naval Observatory, and on board ships of war, in instructing the midshipmen of the Navy, or otherwise.

SEC. 1402. The President, by and with the advice and consent of the Senate, may appoint naval constructors, who shall have rank and pay as officers of the Navy.

SEC. 1403. Cadet engineers who are graduated with credit in the scientific and mechanical class of the Naval Academy may, upon the recommendation of the academic board, be immediately appointed as assistant naval constructors.

SEC. 1404. Naval constructors may be required to perform duty at any navy-yard or other station.

SEC. 1405. The President may appoint for the vessels in actual service, as many boatswains, gunners, sailmakers, and carpenters as may, in his opinion, be necessary and proper.

SEC. 1406. Boatswains, gunners, carpenters, and sailmakers shall be known and shall be entered upon the Naval Register as "warrant officers in the naval service of the United States."

SEC. 1407. Seamen distinguishing themselves in battle, or by extraordinary heroism in the line of their profession, may be promoted to forward warrant officers, upon the recommendation of their commanding officer, approved by the flag-officer and Secretary of the Navy. And upon such recommendation they shall receive a gratuity of one hundred dollars and a medal of honor, to be prepared under the direction of the Navy Department.

SEC. 1408. Mates may be rated, under authority of the Secretary of the Navy, from seamen and ordinary seamen who have enlisted in the naval service for not less than two years.

SEC. 1409. The rating of an enlisted man as a mate, or his appointment as a warrant officer, shall not discharge him from his enlistment.

SEC. 1410. All officers not holding commissions or warrants, or who are not entitled to them, except such as are temporarily appointed to the duties of a commissioned or warrant officer, and except secretaries and clerks, shall be deemed petty officers, and shall be entitled to obedience, in the execution of their offices, from persons of inferior ratings.

SEC. 1411. The Secretary of the Navy may appoint, for temporary service, such acting assistant surgeons as the exigencies of the service may require, who shall receive the compensation of assistant surgeons.

295, s. 13, v. 16, p. 334. 3 March, 1865, c. 124, s. 6, v. 13, p. 539.

SEC. 1412. Officers who have been, or may be, transferred from the volunteer service to the Regular Navy shall be credited with the sea-service performed by them as volunteer officers, and shall receive all the benefits of such duty in the same manner as if they had been, during such service, in the Regular Navy.

SEC. 1413. The President, by and with the advice and consent of the Senate, may appoint a civil engineer and a naval store-keeper at each of the navy-yards where such officers may be necessary.

2 March, 1867, c. 172, s. 1, v. 14, p. 490. 17 June, 1868, c. 61, s. 1, v. 15, p. 69.

SEC. 1414. The Secretary of the Navy may appoint citizens who are not officers of the Navy to be store-keepers on foreign stations, when suitable officers of the Navy cannot be ordered on such service, or when, in his opinion, the public interest will be thereby promoted.

SEC. 1415. Every person who is appointed store-keeper under the provisions of the preceding section shall be required to give a bond, in such amount as may be fixed by the Secretary of the Navy, for the faithful performance of his duty.

SEC. 1416. The Secretary of the Navy is authorized, when in his opinion the public interest will permit it, to discontinue the office or employment of any measurer and inspector of timber, clerk of the yard, clerk of the commandant, clerk of the store-keeper, clerk of the naval constructor, and the keeper of the magazine employed at any navy-yard, and to require the duties of the keeper of the magazine to be performed by gunners.

SEC. 1417. The number of persons who may at one time be enlisted into the Navy of the United States, including seamen, ordinary seamen, landsmen, mechanics, firemen, coal-heavers, apprentices, and boys, shall not exceed eight thousand five hundred.

7 June, 1864, c. 111, v. 13, p. 120.—U. S. *vs.* Thompson, 2 Spr., 103.

SEC. 1418. Boys between the ages of sixteen and eighteen years may be enlisted to serve in the Navy until they shall arrive at the age of twenty-one years; other persons may be enlisted to serve for a period not exceeding five years, unless sooner discharged by direction of the President. [See § 1624; Art. 19.]

SEC. 1419. Minors between the age of sixteen and eighteen years shall not be enlisted for the naval service without the consent of their parents or guardians. [See § 1624; Art. 19.]

2 March, 1837, c. 21, s. 1, v. 5, p. 153. 3 March, 1865, c. 79, s. 18, v. 13, p. 490.

SEC. 1420. No minor under the age of sixteen years, no insane or intoxicated person, and no deserter from the naval or military service of the United States shall be enlisted in the naval service.

79, s. 18, v. 13, p. 490.—U. S. *vs.* Bainbridge, 1 Mas., 71; U. S. *vs.* Stewart, Crabbe, 265.

SEC. 1421. Any person enlisted in the military service of the United States may, on application to the Navy Department, approved by the President, be transferred to the Navy or Marine Corps, to serve therein the residue of his term of enlistment, subject to the laws and regulations for the government of the Navy. But such transfer shall not release him from any indebtedness to the Government, nor, without the con-

Petty officers.

17 July, 1862, c. 204, s. 18, v. 12, p. 610.

Acting assistant surgeons.

15 July, 1870, c. 124, s. 6, v. 13, p. 539.

Volunteer officers transferred entitled to credit for volunteer sea-service.

2 March, 1867, c. 174, s. 3, v. 14, p. 516.

Civil engineers and store-keepers at navy-yards.

Store-keepers on foreign stations.

3 March, 1847, c. 48, s. 3, v. 9, p. 172.

17 June, 1844, c. 107, s. 1, v. 5, p. 700.

Store-keepers' bond.

3 March, 1847, c. 48, s. 3, v. 9, p. 172.

17 June, 1844, c. 107, s. 1, v. 5, p. 700.

Civil offices at yards may be discontinued by Secretary of the Navy.

10 Aug., 1846, c. 176, s. 1, v. 9, pp. 98, 99.

Enlisted men, number of.

17 June, 1868, c. 61, s. 2, v. 15, p. 72.

7 June, 1864, c. 111, v. 13, p. 120.—U. S. *vs.* Thompson, 2 Spr., 103.

Term of enlistment.

2 March, 1837, c. 21, s. 1, v. 5, p. 153.

Consent of parents and guardians.

Persons not to be enlisted.

3 March, 1865, c. 79, s. 18, v. 13, p. 490.

Transfer from military to naval service.

1 July, 1864, c. 201, s. 1, v. 13, p. 342.

sent of the President, from any penalty incurred for a breach of military law.

Mensent home at expiration of term.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

Wilkes vs. Dinsman, 7 How., 125.

SEC. 1422. It shall be the duty of the commanding officer of any fleet, squadron, or vessel acting singly, when on service, to send to an Atlantic port of the United States, in some public or other vessel, all petty officers and persons of inferior ratings desiring to go there, at the expiration of their terms of service, or as soon thereafter as may be, unless, in his opinion, the detention of such persons for a longer period should be very essential to the public interests, in which case he may detain them, or any of them, until the vessel to which they belong shall return to such Atlantic port.

Subject to regulations while sent home or detained.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

Limit of detention.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

What to be contained in shipping articles.

SEC. 1423. All persons sent home, or detained by a commanding officer, according to the provisions of the preceding section, shall be subject in all respects to the laws and regulations for the government of the Navy, until their return to an Atlantic port and their regular discharge.

SEC. 1424. Persons so detained by a commanding officer, or re-entering to serve until the return to an Atlantic port of the vessel to which they belong, shall in no case be held in service more than thirty days after their arrival in said port.

SEC. 1425. The shipping articles shall contain the substance of the three sections next preceding and of section fifteen hundred and seventy-two.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

Honorable discharge, to whom granted.

SEC. 1426. Honorable discharges may be granted to seamen, ordinary seamen, landsmen, firemen, coal-heavers, and boys who have enlisted for three years.

7 June, 1864, c. 111, v. 13, p. 120. 2 March, 1855, c. 136, s. 1, v. 10, p. 627.

Form of honorable discharge.

SEC. 1427. Honorable discharges shall be granted according to a form prescribed by the Secretary of the Navy.

2 March, 1855, c. 136, s. 1, v. 10, p. 627. 7 June, 1864, c. 111, v. 13, p. 120.

CHAPTER TWO.

GENERAL PROVISIONS RELATING TO OFFICERS.

Sec.
1428. Citizenship.
1429. Report of men entitled to honorable discharge.
1430. To discourage sale of prize-money or wages.
1431. Duty as to granting leave and liberty.
1432. Acting as paymasters.
1433. Consular powers.
1434. Command of squadrons.
1435. Lieutenant-commanders, how assignable.

Sec.
1436. Staff officers who have been chiefs of Bureaus.
1437. Officers detailed for service of the War Department.
1438. Officers to act as store-keepers on foreign stations.
1439. Bonds of.
1440. Accepting appointments in diplomatic service.
1441. Officers dismissed, or resigning to escape dismissal.
1442. Placing on furlough.

SEC. 1428. The officers of vessels of the United States shall in all cases be citizens of the United States.

Citizenship.
28 June, 1864, c. 170, s. 1, v. 13, p. 201.

Report of men entitled to honorable discharge.

2 March, 1855, c. 136, s. 1, v. 10, p. 627.

SEC. 1429. It shall be the duty of every commanding officer of a vessel, on returning from a cruise, and immediately on his arrival in port, to forward to the Secretary of the Navy a list of the names of such of the crew who enlisted for three years as, in his opinion, on being discharged, are entitled to an "honorable discharge" as a testimonial of fidelity and obedience; and he shall grant the same to the persons so designated.

SEC. 1430. Every commanding officer of a vessel is required to discourage his crew from selling any part of their prize-money, bounty-money, or wages, and never to attest any power of attorney for the transfer thereof until he is satisfied that the same is not granted in consideration of money given for the purchase of prize-money, bounty-money, or wages. [See § 4643.]

To discourage sale of prize-money or wages.

30 June, 1864, c. 171, s. 12, v. 13, p. 310.

SEC. 1431. It shall be the duty of commanding officers of vessels, in granting temporary leave of absence and liberty on shore, to exercise carefully a discrimination in favor of the faithful and obedient.

Duty as to granting leave and liberty.

2 March, 1855, c. 136, s. 3, v. 10, p. 627.

SEC. 1432. No commanding officer of any vessel of the Navy shall be required to perform the duties of a paymaster, passed assistant paymaster, or assistant paymaster.

Acting as paymasters.

17 July, 1861, c. 4, s. 4, v. 12, p. 258.

SEC. 1433. The commanding officer of any fleet, squadron, or vessel acting singly, when upon the high seas or in any foreign port where there is no resident consul of the United States, shall be authorized to exercise all the powers of a consul in relation to mariners of the United States.

Consular powers.

20 Feb. 1845, c. 17, s. 2, v. 5, p. 725.

SEC. 1434. The President may select any officer not below the grade of commander on the active list of the Navy, and assign him to the command of a squadron, with the rank and title of "flag-officer;" and any officer so assigned shall have the same authority and receive the same obedience from the commanders of ships in his squadron, holding commissions of an older date than his, that he would be entitled to receive if his commission were the oldest.

Command of squadrons.

21 Dec., 1861, c. 1, s. 4, v. 12, p. 329.

SEC. 1435. Lieutenant-commanders may be assigned to duty as first lieutenants of naval stations, as navigation and watch officers on board of vessels of war, and as first lieutenants of vessels not commanded by lieutenant-commanders.

Lieutenant-commanders, how assignable.

16 July, 1862, c. 183, s. 3, v. 12, p. 584. 25 July, 1866, c. 231, s. 5, v. 14, p. 223.

SEC. 1436. Any staff officer of the Navy who has performed the duty of a chief of a Bureau of the Navy Department for a full term shall thereafter be exempt from sea duty, except in time of war.

Staff officers who have been chiefs of Bureaus.

3 March, 1871, c. 117, s. 10, v. 16, p. 537.

SEC. 1437. The President may detail, temporarily, three competent naval officers for the service of the War Department in the inspection of transport vessels, and for such other services as may be designated by the Secretary of War.

Officers detailed for service of the War Department.

12 Feb., 1862, c. 21, v. 12, p. 338.

SEC. 1438. The Secretary of the Navy shall order a suitable commissioned or warrant officer of the Navy, except in the case provided in section fourteen hundred and fourteen, to take charge of the naval stores for foreign squadrons at each of the foreign stations where such stores may be deposited, and where a store-keeper may be necessary.

Officers to act as store-keepers on foreign stations.

17 June, 1844, c. 107, s. 1, v. 5, p. 700. 3 March, 1847, c. 48, s. 3, v. 9, p. 172.

SEC. 1439. Every officer so acting as store-keeper on a foreign station shall be required to give a bond, in such amount as may be fixed by the Secretary of the Navy, for the faithful performance of his duty.

Bonds of.

17 June, 1844, c. 107, s. 1, v. 5, pp. 700, 701.

SEC. 1440. If any officer of the Navy accepts or holds an appointment in the diplomatic or consular service of the Government, he shall be considered as having resigned his place in the Navy, and it shall be filled as a vacancy.

Accepting appointments in diplomatic service.

30 March, 1868, c. 38, s. 2, v. 15, p. 58.

SEC. 1441. No officer of the Navy who has been dismissed by the sentence of a court-martial, or suffered to resign in order to escape such dismissal, shall ever again become an officer of the Navy.

Officers dismissed, or resigning to escape dismissal.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

Placing on furlough.

SEC. 1442. The Secretary of the Navy shall have authority to place on furlough any officer on the active list of the Navy.

3 March, 1835, c. 27, s. 1, v. 4, pp. 756, 757. 3 March, 1845, c. 77, s. 6, v. 5, p. 794. 28 Feb., 1855, c. 127, s. 3, v. 10, p. 617. 1 June, 1860, c. 67, s. 4, v. 12, p. 27.

CHAPTER THREE.

RETIRED OFFICERS OF THE NAVY.

Sec.

- 1443. After forty years' service.
- 1444. After sixty-two years of age, or forty-five years' service.
- 1445. Officers of certain ranks to be retired only for disability.
- 1446. Officers who have received a vote of thanks.
- 1447. Officers rejected from promotion.
- 1448. Retiring-board.
- 1449. Powers and duties of.
- 1450. Oath of members.
- 1451. Findings.
- 1452. Revision by the President.
- 1453. Disability by an incident of the service.

Sec.

- 1454. Disability by other causes.
- 1455. Not to be retired without a hearing.
- 1456. Not to be retired for misconduct.
- 1457. Privileges and liabilities.
- 1458. Vacancies by retirement.
- 1459. Withdrawn from command.
- 1460. Rear-admirals on retired list.
- 1461. Retired officers; promotion.
- 1462. Active duty.
- 1463. Assigned to command of squadrons and ships.
- 1464. Commanders of squadrons, from what grades selected.
- 1465. When restored to active list.

After forty years' service.

3 Aug., 1861, c. 42, s. 21, v. 12, p. 290.

After sixty-two years of age, or forty-five years' service.

21 Dec., 1861, c. 1, s. 1, v. 12, p. 329. 25 June, 1864, c. 152, s. 1, v. 13, p. 183. 21 Dec., 1864, c. 6, s. 3, v. 13, p. 420. 16 July, 1862, c. 183, s. 8, v. 12, p. 584. 3 March, 1873, c. 230, v. 17, p. 556.

Officers of certain ranks to be retired only for disability.

15 July, 1870, c. 295, s. 6, v. 16, p. 333.

Officers who have received a vote of thanks.

16 July, 1862, c. 183, s. 8, v. 12, p. 584.

Officers rejected from promotion.

21 April, 1864, c. 63, s. 4, v. 13, p. 53.

Retiring-board.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1443. When any officer of the Navy has been forty years in the service of the United States he may be retired from active service by the President upon his own application.

SEC. 1444. When any officer below the rank of Vice-Admiral is sixty-two years old, he shall, except in the case provided in the next section, be retired by the President from active service.

SEC. 1445. The two preceding sections shall not apply to any lieutenant-commander, lieutenant, master, ensign, midshipman, passed assistant surgeon, passed assistant paymaster, first assistant engineer, assistant surgeon, assistant paymaster, or second assistant engineer; and such officers shall not be placed upon the retired list, except on account of physical or mental disability.

SEC. 1446. Officers on the active list, not below the grade of commander, who have, upon the recommendation of the President, received by name, during the war for the suppression of the rebellion, a vote of thanks of Congress for distinguished service, shall not be retired, except for cause, until they have been fifty-five years in the service of the United States.

SEC. 1447. When the case of any officer has been acted upon by a board of naval surgeons and an examining board for promotion, as provided in Chapter Four of this Title, and he shall not have been recommended for promotion by both of the said boards, he shall be placed upon the retired list.

SEC. 1448. Whenever any officer, on being ordered to perform the duties appropriate to his commission, reports himself unable to comply with such order, or whenever, in the judgment of the President, an officer is incapacitated to perform the duties of his office, the President, at his discretion, may direct the Secretary of the Navy to refer the case of such officer to a board of not more than nine nor less than five commissioned officers, two-fifths of whom shall be members of the Medical Corps of the Navy. Said board, except the officers taken from the Medical Corps, shall be composed, as far as may be, of seniors in rank to the officer whose disability is inquired of.

SEC. 1449. Said retiring-board shall be authorized to inquire into and determine the facts touching the nature and occasion of the disability of any such officer, and shall have such powers of a court-martial and of a court of inquiry as may be necessary.

SEC. 1450. The members of said board shall be sworn in each case to discharge their duties honestly and impartially.

Powers and duties of.

3 Aug., 1861, c. 42, s. 17, v. 12, p. 290.

Oath of members.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1451. When said retiring-board finds an officer incapacitated for active service, it shall also find and report the cause which, in its judgment, produced his incapacity, and whether such cause is an incident of the service.

Findings.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1452. A record of the proceedings and decision of the board in each case shall be transmitted to the Secretary of the Navy, and shall be laid by him before the President for his approval or disapproval, or orders in the case.

Revision by the President.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1453. When a retiring-board finds that an officer is incapacitated for active service, and that his incapacity is the result of an incident of the service, such officer shall, if said decision is approved by the President, be retired from active service with retired pay, as allowed by Chapter Eight of this Title.

Disability by an incident of the service.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1454. When said board finds that an officer is incapacitated for active service and that his incapacity is not the result of any incident of the service, such officer shall, if said decision is approved by the President, be retired from active service on furlough-pay, or wholly retired from service with one year's pay, as the President may determine.

Disability by other causes.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1455. No officer of the Navy shall be retired from active service, or wholly retired from the service, without a full and fair hearing before such Navy retiring-board, if he shall demand it, except in cases where he may be retired by the President at his own request, or on account of age or length of service, or on account of his failure to be recommended by an examining board for promotion.

Not to be retired without a hearing.

3 Aug., 1861, c. 42, s. 23, v. 12, p. 291.

SEC. 1456. No officer of the Navy shall be placed on the retired list because of misconduct; but he shall be brought to trial by court-martial for such misconduct.

Not to be retired for misconduct.

15 July, 1870, c. 295, s. 6, v. 16, p. 333.

SEC. 1457. Officers retired from active service shall be placed on the retired list of officers of the grades to which they belonged respectively at the time of their retirement, and continue to be borne on the Navy Register. They shall be entitled to wear the uniform of their respective grades, and shall be subject to the rules and articles for the government of the Navy and to trial by general court-martial. The names of officers wholly retired from the service shall be omitted from the Navy Register.

Privileges and liabilities.

3 Aug., 1861, c. 42, ss. 22, 23, 24, v. 12, pp. 290, 291.

16 Jan., 1857, c. 12, s. 4, v. 11, p. 154.

SEC. 1458. The next officer in rank shall be promoted to the place of a retired officer, according to the established rules of the service; and the same rule of promotion shall be applied successively to the vacancies consequent upon the retirement of an officer.

Vacancies by retirement.

3 Aug., 1861, c. 42, s. 22, v. 12, p. 291.

21 Dec., 1862, c. 1, s. 6, v. 12, p. 330.

SEC. 1459. Officers on the retired list shall be withdrawn from command, except in the case provided in sections fourteen hundred and sixty-three and fourteen hundred and sixty-four, and from the line of promotion on the active list.

Withdrawn from command.

3 Aug., 1861, c. 42, s. 22, v. 12, p. 290.

21 Dec., 1861, c. 1, s. 3, 4, v. 12, p. 329.

SEC. 1460. There may be allowed upon the retired list of the Navy nine rear-admirals by promotion on that list: *Provided*, That this section shall not prevent the Secretary of the Navy from promoting to the grade of rear-admiral on the retired list, in addition to the number herein provided, those commodores who have commanded squadrons by

Rear-admirals on retired list.

16 July, 1862, c. 183, s. 14, v. 12, p. 585.

25 July, 1866, c. 231, s. 1, v. 14, p. 222. order of the Secretary of the Navy, or who have performed other highly meritorious service.

Retired officers; promotion. SEC. 1461. Officers on the retired list of the Navy shall be entitled to promotion as their several dates upon the active list are promoted:

2 March, 1867, c. 174, s. 9, v. 14, p. 517. *Provided*, That no promotion shall be made to the grade of rear-admiral upon the retired list while there shall be in that grade nine rear-admirals by promotion on that list, exclusive of those so promoted by reason of having commanded squadrons by order of the Secretary of the Navy, or of having performed other highly meritorious service. No promotion to the grade of rear-admiral on the retired list while there shall be in that grade the full number allowed by law.

16 Jan., 1857, c. 12, s. 4, v. 11, p. 154. SEC. 1462. No officer on the retired list of the Navy shall be employed on active duty except in time of war.

3 March, 1873, c. 230, v. 17, p. 547. SEC. 1463. In time of war the President, by and with the advice and consent of the Senate, may detail officers on the retired list for the command of squadrons and single ships, when he believes that the good of the service requires that they shall be so placed in command.

21 Dec., 1861, c. 1, s. 3, v. 12, p. 329. 3 March, 1873, c. 230, s. 1, v. 17, p. 547.

Commanders of squadrons, from what grades selected. SEC. 1464. In making said details the President may select any officer not below the grade of commander and assign him to the command of a squadron, with the rank and title of "flag-officer;" and any officer so assigned shall have the same authority and receive the same obedience from the commanders of ships in his squadron holding commissions of an older date than his that he would be entitled to receive if his commission were the oldest.

21 Dec., 1861, c. 1, s. 4, v. 12, p. 329. SEC. 1465. Retired officers so detailed for the command of squadrons and single ships may be restored to the active list, if, upon the recommendation of the President, they shall receive a vote of thanks of Congress for their services and gallantry in action against the enemy, and not otherwise.

When restored to active list.

21 Dec., 1861, c. 1, s. 3, v. 12, p. 329.

CHAPTER FOUR.

RANK AND PRECEDENCE, PROMOTION AND ADVANCEMENT.

Sec.

OF RANK AND PRECEDENCE.

- 1466. Relative rank of Navy and Army officers.
- 1467. Rank according to date.
- 1468. Commanding officers of vessels and stations.
- 1469. Aid or executive officer.
- 1470. Staff officers, when to communicate directly with commanding officers.
- 1471. Chiefs of Bureaus.
- 1472. Chief of Bureau, when below rank of commodore.
- 1473. Retired from position of chief of Bureau.
- 1474. Medical Corps.
- 1475. Pay Corps.
- 1476. Engineer Corps.
- 1477. Constructors.
- 1478. Civil engineers.
- 1479. Chaplains.
- 1480. Professors of mathematics.
- 1481. When retired for age or length of service.

Sec.

- 1482. Retired for causes incident to service.
- 1483. Graduates of Naval Academy.
- 1484. Engineers graduated at Naval Academy.
- 1485. Precedence by length of service.
- 1486. Length of service, how estimated.
- 1487. Quarters.
- 1488. Military command.
- 1489. Processions, boards, &c.
- 1490. Ensigns as steerage officers.
- 1491. Warrant officers.
- 1492. Revenue-cutter officers serving as part of the Navy.

OF PROMOTION AND ADVANCEMENT.

- 1493. Physical examination.
- 1494. Physical disqualification by wounds.
- 1495. Examinations, when, and effect of.
- 1496. Examination of professional fitness.
- 1497. Promotion to rear-admiral in time of peace.
- 1498. Examining board.
- 1499. Powers of.

| Sec. | Sec. |
|--|--|
| 1500. Officer may be present and make statement. | 1506. Advancement in number. |
| 1501. Record. | 1507. Promotion when grade is full. |
| 1502. Revision by the President. | 1508. Officers receiving thanks of Congress. |
| 1503. No officer to be rejected without examination. | 1509. Effect of vote of thanks. |
| 1504. Report of recommendation. | 1510. Vacancies occasioned by death, &c., of officers thanked. |
| 1505. Failing in examination. | |

SEC. 1466. The relative rank between officers of the Navy, whether on the active or retired list, and officers of the Army, shall be as follows, lineal rank only being considered:

The Vice-Admiral shall rank with the Lieutenant-General.

Rear-admirals with major-generals.

Commodores with brigadier-generals.

Captains with colonels.

Commanders with lieutenant-colonels.

Lieutenant-commanders with majors.

Lieutenants with captains.

Masters with first lieutenants.

Ensigns with second lieutenants.

SEC. 1467. Line officers shall take rank in each grade according to the dates of their commissions.

16 July, 1862, c. 183, s. 1, v. 12, p. 583. 21 April, 1864, c. 63, s. 7, v. 13, p. 54. 24 Jan., 1865, c. 19, s. 1, v. 13, p. 424.

SEC. 1468. Commanding officers of vessels of war and of naval stations shall take precedence over all officers placed under their command.

Relative rank of Navy and Army officers.

16 July, 1862, c. 183, s. 13, v. 12, p. 585.

21 Dec., 1864, c. 6, s. 1, v. 13, p. 420.

25 July, 1866, c. 231, s. 1, v. 14, p. 222.

2 March, 1867, c. 174, s. 1, v. 14, pp. 515, 516.

Rank according to date.

Commanding officers of vessels and stations.

3 March, 1871, c. 117, s. 12, v. 16, p. 537.

SEC. 1469. The Secretary of the Navy may, in his discretion, detail a line officer to act as the aid or executive of the commanding officer of a vessel of war or naval station, which officer shall, when not impracticable, be next in rank to said commanding officer. Such aid or executive shall, while executing the orders of the commanding officer on board the vessel or at the station, take precedence over all officers attached to the vessel or station. All orders of such aid or executive shall be regarded as proceeding from the commanding officer, and the aid or executive shall have no independent authority in consequence of such detail.

SEC. 1470. Staff officers, senior to the officer so detailed, shall have the right to communicate directly with the commanding officer.

Aid or executive officer.

3 March, 1871, c. 117, s. 12, v. 16, p. 537.

Staff officers, when to communicate directly with commanding officer.

3 March, 1871, c. 117, s. 12, v. 16, p. 537.

SEC. 1471. The chiefs of the Bureau of Medicine and Surgery, Provisions and Clothing, Steam Engineering, and Construction and Repair shall have the relative rank of commodore while holding said position, and shall have, respectively, the title of Surgeon-General, Paymaster-General, Engineer-in-Chief, and Chief Constructor.

SEC. 1472. When the office of chief of Bureau is filled by a line officer below the rank of commodore, said officer shall have the relative rank of commodore during the time he holds said office.

Chiefs of Bureau.

3 March, 1871, c. 117, s. 12, v. 16, p. 537.

Chief of Bureau, when below rank of commodore.

3 March, 1871, c. 117, s. 12, v. 16, p. 537.

SEC. 1473. Officers who have been or who shall be retired from the position of chiefs of the Bureau of Medicine and Surgery, of Provisions and Clothing, of Steam Engineering, or of Construction and Repair, by reason of age or length of service, shall have the relative rank of commodore.

SEC. 1474. Officers of the Medical Corps on the active list of the Navy shall have relative rank as follows:

Medical directors, the relative rank of captain.

Medical inspectors, the relative rank of commander.

Surgeons, the relative rank of lieutenant-commander or lieutenant.

Retired from position of chief of Bureau.

3 March, 1871, c. 117, s. 12, v. 16, p. 537.

Medical Corps.

3 March, 1871, c. 117, s. 5, v. 16, p. 535.

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| | Passed assistant surgeons, the relative rank of lieutenant or master. Assistant surgeons, the relative rank of master or ensign. |
| Pay Corps. | SEC. 1475. Officers of the Pay Corps on the active list of the Navy shall have relative rank as follows: |
| 3 March, 1871, c. 117, s. 6, v. 16, p. 536. | Pay directors, the relative rank of captain. Pay inspectors, the relative rank of commander. Paymasters, the relative rank of lieutenant-commander or lieutenant. Passed assistant paymasters, the relative rank of lieutenant or master. Assistant paymasters, the relative rank of master or ensign. |
| Engineer Corps. | SEC. 1476. Officers of the Engineer Corps on the active list shall have relative rank as follows: |
| 3 March, 1871, c. 117, s. 7, v. 16, p. 536. | Of the chief engineers, ten shall have the relative rank of captain, fifteen that of commander, and forty-five that of lieutenant-commander or lieutenant. First assistant engineers shall have the relative rank of lieutenant or master, and second assistant engineers that of master or ensign. |
| Constructors. | SEC. 1477. Of the naval constructors, two shall have the relative rank of captain, three of commander, and all others that of lieutenant-commander or lieutenant. Assistant naval constructors shall have the relative rank of lieutenant or master. |
| Civil engineers. | SEC. 1478. Civil engineers shall have such relative rank as the President may fix. |
| Chaplains. | SEC. 1479. Chaplains shall have relative rank as follows: Four, the relative rank of captain; seven, that of commander; and not more than seven, that of lieutenant-commander or lieutenant. |
| Professors of mathematics. | SEC. 1480. Professors of mathematics shall have relative rank as follows: Three, the relative rank of captain; four, that of commander; and five, that of lieutenant-commander or lieutenant. |
| 31 May, 1872, c. 240, s. 1, v. 17, p. 192. | |
| When retired for age or length of service. | SEC. 1481. Officers of the Medical, Pay, and Engineer Corps, chaplains, professors of mathematics, and constructors, who shall have served faithfully for forty-five years, shall, when retired, have the relative rank of commodore; and officers of these several corps who have been or shall be retired at the age of sixty-two years, before having served for forty-five years, but who shall have served faithfully until retired, shall, on the completion of forty years from their entry into the service, have the relative rank of commodore. |
| 3 March, 1871, c. 117, s. 11, v. 16, p. 537. | SEC. 1482. Staff-officers, who have been or shall be retired for causes incident to the service before arriving at sixty-two years of age, shall have the same rank on the retired list as pertained to their position on the active list. |
| Retired for causes incident to service. | SEC. 1483. Graduates of the Naval Academy shall take rank according to their proficiency as shown by their order of merit at the date of graduation. |
| 3 March, 1871, c. 117, s. 11, v. 16, p. 537. | |
| Graduates of Naval Academy. | SEC. 1484. Engineer officers graduated at the Naval Academy shall take precedence with all other officers with whom they have relative rank, according to the actual length of service in the Navy. |
| 23 May, 1872, c. 195, s. 1, v. 17, p. 153. | |
| Engineers graduated at Naval Academy. | SEC. 1485. The officers of the staff corps of the Navy shall take precedence in their several corps, and in their several grades, and with officers of the line with whom they hold relative rank according to length of service in the Navy. |
| 3 March, 1873, c. 230, s. 1, v. 17, p. 555. | |
| Precedence by length of service. | SEC. 1486. In estimating the length of service for such purpose, the several officers of the staff corps shall, respectively, take precedence in their several grades and with those officers of the line of the Navy with whom they hold relative rank who have been in the naval service six years longer than such officers of said staff corps have been in said service; and officers who have been advanced or lost numbers on the Navy |
| 3 March, 1871, c. 117, s. 10, v. 16, p. 537. | |
| Length of service, how estimated. | |
| 3 March, 1871, c. 117, s. 10, v. 16, p. 537. | |

Register shall be considered as having gained or lost length of service accordingly.

SEC. 1487. No staff officer shall, in virtue of his relative rank or precedence, have any additional right to quarters.

Quarters.

3 March, 1871, c. 117, s. 10, v. 16, p. 537.

SEC. 1488. The relative rank given by the provisions of this chapter to officers of the Medical, Pay, and Engineer Corps shall confer no authority to exercise military command.

Military command.

263, s. 4, v. 10, p. 587. c. 76, s. 2, v. 11, p. 407.

General Orders 31 Aug., 1846, and 27 May, 1847. 5 Aug., 1854, c. 3 March, 1859,

SEC. 1489. In processions on shore, or courts-martial, summary courts, courts of inquiry, boards of survey, and all other boards, line and staff officers shall take precedence according to rank.

Processions, boards, &c.

3 March, 1871, c. 117, s. 12, v. 16, p. 537.

SEC. 1490. Ensigns shall be steerage officers, unless assigned to duty as watch and division officers.

Ensigns as steerage officers.

15 July, 1870, c. 295, s. 10, v. 16, p. 334.

SEC. 1491. The President may, if he shall deem it conducive to the interests of the service, give assimilated rank to boatswains, gunners, carpenters, and sailmakers, as follows: After five years' service, to rank with ensigns, and after ten years' service, to rank with masters.

Warrant officers.

2 July, 1864, c. 219, s. 1, v. 13, p. 373.

SEC. 1492. The officers of the revenue-cutter service when serving, in accordance with law, as a part of the Navy, shall be entitled to relative rank, as follows: Captains, with and next after lieutenants commanding in the Navy; first lieutenants, with and next after lieutenants in the Navy; second lieutenants, with and next after masters in line in the Navy; third lieutenants, with and next after ensigns in the Navy.

Revenue-cutter officers serving as part of the Navy.

4 Feb., 1863, c. 20, s. 4, v. 12, p. 640. 2 March, 1799, c. 22, s. 98, v. 1, pp. 699, 700. 16 July, 1862, c. 183, ss. 1, 11, v. 12, pp. 583, 585.

OF PROMOTION AND ADVANCEMENT.

SEC. 1493. No officer shall be promoted to a higher grade on the active list of the Navy, except in the case provided in the next section, until he has been examined by a board of naval surgeons and pronounced physically qualified to perform all his duties at sea.

Physical examination.

21 April, 1864, c. 63, s. 4, v. 13, p. 53.

SEC. 1494. The provisions of the preceding section shall not exclude from the promotion to which he would otherwise be regularly entitled any officer in whose case such medical board may report that his physical disqualification was occasioned by wounds received in the line of his duty, and that such wounds do not incapacitate him for other duties in the grade to which he shall be promoted.

28 July, 1866, c. 312, s. 1, v. 14, p. 344. Physical disqualification by wounds.

28 July, 1866, c. 312, s. 1, v. 14, pp. 344, 345.

21 April, 1864, c. 63, s. 4, v. 13, p. 53.

SEC. 1495. Officers subject to examination before promotion to a grade limited in number by law shall not be entitled to examination in such a sense as to give increase of pay until designated by the Secretary of the Navy to fill vacancies in the higher grade; and officers eligible for promotion to a grade not limited in number shall not be entitled to examination until ordered to present themselves for examination or until a class, in which they are included, has been so ordered by the Secretary of the Navy.

Examinations, when; and effect of.

3 March, 1873, c. 230, s. 1, v. 17, p. 555.

SEC. 1496. No line officer below the grade of commodore, and no officer not of the line, shall be promoted to a higher grade on the active list of the Navy until his mental, moral, and professional fitness to perform all his duties at sea have been established to the satisfaction of a board of examining officers appointed by the President.

Examination of professional fitness.

21 April, 1864, c. 63, s. 1, v. 13, p. 53.

SEC. 1497. In time of peace no person shall be promoted from the list of commodores to the grade of rear-admiral, on the active list, until his mental, moral, and professional fitness to perform all his duties at sea has been established as provided in the preceding section.

Promotion to rear-admiral in time of peace.

16 July, 1862, c. 183, s. 7, v. 12, p. 584. Amended by 21 April, 1864, c. 63, v. 13, p. 53.

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| Examining board. 21 April, 1864, c. 63, s. 2, v. 13, p. 53. Powers of. | SEC. 1498. Such examining board shall consist of not less than three officers, senior in rank to the officer to be examined. |
| 21 April, 1864, c. 63, s. 1, v. 13, p. 53. Officer may be present and make statement. | SEC. 1499. Said board shall have power to take testimony and to examine all matter on the files and records of the Navy Department relating to any officer whose case may be considered by them. The witnesses, when present, shall be sworn by the president of the board. |
| 21 April, 1864, c. 63, s. 3, v. 13, p. 53. Record. | SEC. 1500. Any officer whose case is to be acted upon by such examining board shall have the right to be present, if he so desires, and to submit a statement of his case on oath. |
| 21 April, 1864, c. 63, s. 3, v. 13, p. 53. Revision by the President. | SEC. 1501. The statement of such officer, if made, and the testimony of the witnesses and his examination shall be recorded. |
| 21 April, 1864, c. 63, s. 3, v. 13, p. 53. No officer to be rejected without examination. | SEC. 1502. Any matter on the files and records of the Navy Department, touching each case, which may, in the opinion of the board, be necessary to assist them in making up their judgment, shall, together with the whole record and finding, be presented to the President for his approval or disapproval of the finding. |
| 21 April, 1864, c. 63, s. 3, v. 13, p. 53. Report of recommendation. | SEC. 1503. No officer shall be rejected until after such public examination of himself and of the records of the Navy Department in his case, unless he fails, after having been duly notified, to appear before said board. |
| 16 July, 1862, c. 183, s. 4, v. 12, p. 584. As amended by 21 April, 1864, c. 63, s. 4, v. 13, p. 53. | SEC. 1504. Such examining board shall report their recommendation of any officer for promotion in the following form: "We hereby certify that _____ has the mental, moral, and professional qualifications to perform efficiently all the duties, both at sea and on shore, of the grade to which he is to be promoted, and recommend him for promotion." |
| 21 April, 1864, c. 63, s. 4, v. 13, p. 53. | SEC. 1505. Any officer of the Navy on the active list below the grade of commander, who, upon examination for promotion, is not found professionally qualified, shall be suspended from promotion for one year, with corresponding loss of date when he shall be re-examined, and in case of his failure upon such re-examination he shall be dropped from the service. |
| 15 July, 1870, c. 295, s. 8, v. 16, p. 333. Advancement in number. | SEC. 1506. Any officer of the Navy may, by and with the advice and consent of the Senate, be advanced, not exceeding thirty numbers in rank, for eminent and conspicuous conduct in battle or extraordinary heroism. |
| 21 April, 1864, c. 63, s. 6, v. 13, p. 54. 24 Jan., 1865, c. 19, s. 1, v. 13, p. 424. | SEC. 1507. Any officer who is nominated to a higher grade by the provisions of the preceding section, shall be promoted, notwithstanding the number of said grade may be full; but no further promotions shall take place in that grade, except for like cause, until the number is reduced to that provided by law. |
| Promotion when grade is full. 24 Jan., 1865, c. 19, s. 2, v. 13, p. 424. | SEC. 1508. Any line officer, whether of volunteers or of the regular Navy, may be advanced one grade, if, upon recommendation of the President by name, he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy or for extraordinary heroism in the line of his profession. |
| Officers receiving thanks of Congress. 16 July, 1862, c. 183, s. 9, v. 12, p. 584. | SEC. 1509. A vote of thanks by Congress to any officer of the Navy shall be held to affect such officer only; and whenever, as an incident thereof, an officer who would otherwise be retired is retained on the active list, such retention shall not interfere with the regular promotion of others who would otherwise have been entitled by law to promotion. |
| Effect of vote of thanks. 1 July, 1870, Res. 96, s. 1, v. 16, p. 384. | |

SEC. 1510. No promotion shall be made to fill a vacancy occasioned by the final retirement, death, resignation, or dismissal of an officer who has received a vote of thanks, unless the number of officers left in the grade where the vacancy occurs shall be less than the number authorized by law.

Vacancies occasioned by death, &c., of officers thanked.

1 July, 1870, Res. 96, s. 1, v. 16, p. 384.

CHAPTER FIVE.

THE NAVAL ACADEMY.

Sec.

- 1511. Where established.
- 1512. Title of students.
- 1513. Number of cadet midshipmen.
- 1514. Nomination of candidates.
- 1515. Examination of candidates.
- 1516. Second recommendation.
- 1517. Qualifications.
- 1518. Appropriations, how applied.
- 1519. Cadet midshipmen found deficient.
- 1520. Academic course.

Sec.

- 1521. Promotion to midshipmen.
- 1522. Cadet engineers.
- 1523. Number and appointment of.
- 1524. Academic course of.
- 1525. Examinations of.
- 1526. Studies not to be pursued on Sunday.
- 1527. Store-keeper at the Academy.
- 1528. Professors of ethics, Spanish, and drawing.

SEC. 1511. The Naval Academy shall be established at Annapolis, Where established.
in the State of Maryland.

21 May, 1864, c. 93, s. 4, v. 13, p. 85.

SEC. 1512. The students at the Naval Academy shall be styled cadet Title of students.
midshipmen.

15 July, 1870, c. 295, s. 12, v. 16, p. 334.

SEC. 1513. There shall be allowed at said Academy one cadet midshipman for every Member or Delegate of the House of Representatives, one for the District of Columbia, and ten appointed annually at large. Number of cadet midshipmen.

2 March, 1867, c. 174, s. 8, v. 14, p. 517.

15 July, 1870, c. 295, s. 12, v. 16, p. 334.

SEC. 1514. The Secretary of the Navy shall, as soon after the 5th of March in each year as possible, notify, in writing, each Member and Delegate of the House of Representatives of any vacancy that may exist in his district. The nomination of a candidate to fill said vacancy shall be made upon the recommendation of the Member or Delegate, if such recommendation is made by the first day of July of that year; but if it is not made by that time, the Secretary of the Navy shall fill the vacancy. The candidate allowed for the District of Columbia and all the candidates appointed at large shall be selected by the President. Nomination of candidates.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

SEC. 1515. All candidates for admission into the Academy shall be examined according to such regulations and at such stated times as the Secretary of the Navy may prescribe. Candidates rejected at such examination shall not have the privilege of another examination for admission to the same class, unless recommended by the board of examiners. Examination of candidates.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

17 April, 1866, c. 45, s. 5, v. 14, p. 38.

Second recommendation.

SEC. 1516. When any candidate who has been nominated upon the recommendation of a Member or Delegate of the House of Representatives is found, upon examination, to be physically or mentally disqualified for admission, the Member or Delegate shall be notified to recommend another candidate, who shall be examined according to the provisions of the preceding section.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

17 July, 1866, c. 45, s. 5, v. 14, p. 38.

Qualifications.

SEC. 1517. Candidates allowed for congressional districts, for Territories, and for the District of Columbia must be actual residents of the districts or Territories, respectively, from which they are nominated. And all candidates must, at the time of their examination for admission, be between the ages of fourteen and eighteen years, and physically sound, well formed, and of robust constitution.

16 July, 1862, c. 183, s. 11, v. 12, p. 585.

14 July, 1862, c. 164, s. 9, v. 12, p. 565.

1 April, 1864, c. 47, s. 2, v. 13, p. 39.

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| Appropriations, how applied. | SEC. 1518. No money appropriated for the support of the Naval Academy shall be applied to the support of any midshipman appointed otherwise than in strict conformance with the provisions of this chapter. |
| 21 May, 1864, c. 93, s. 1, v. 13, p. 84. | |
| Cadet midshipmen found deficient. | SEC. 1519. Cadet midshipmen found deficient at any examination shall not be continued at the Academy or in the service unless upon the recommendation of the academic board. |
| 16 July, 1862, c. 183, s. 11, v. 12, p. 585. | |
| Academic course. | SEC. 1520. The academic course of cadet midshipmen shall be six years. |
| 3 March, 1873, c. 230, s. 1, v. 17, p. 555. | |
| Promotion to midshipmen. | SEC. 1521. When cadet midshipmen shall have passed successfully the graduating examination at the Academy, they shall receive appointments as midshipmen and shall take rank according to their proficiency as shown by the order of their merit at date of graduation. |
| 15 July, 1870, c. 295, s. 12, v. 16, p. 334. | |
| Cadet engineers. | SEC. 1522. The Secretary of the Navy is authorized to make provision, by regulations issued by him, for educating at the Naval Academy, as naval constructors or steam engineers, such midshipmen and others as may show a peculiar aptitude therefor. He may, for this purpose, form a separate class at the Academy, to be styled cadet engineers, or otherwise afford to such persons all proper facilities for such a scientific mechanical education as will fit them for said professions. |
| 4 July, 1864, c. 252, s. 1, v. 13, p. 393. | |
| Number and appointment of. | SEC. 1523. Cadet engineers shall be appointed by the Secretary of the Navy. They shall not at any time exceed fifty in number, and no persons, other than midshipmen, shall be eligible for appointment unless they shall first produce satisfactory evidence of mechanical skill and proficiency, and shall have passed an examination as to their mental and physical qualifications. |
| 4 July, 1864, c. 252, ss. 3, 4, v. 13, p. 393. | |
| 2 March, 1867, c. 174, s. 2, v. 14, p. 516. | |
| Academic course of. | SEC. 1524. The course for cadet engineers shall be four years, including two years of service on naval steamers. |
| 4 July, 1864, c. 252, s. 5, v. 13, p. 393. | |
| 3 March, 1873, c. 230, s. 1, v. 17, p. 555. | |
| Examinations of. | SEC. 1525. Cadet engineers shall be examined from time to time, according to regulations prescribed by the Secretary of the Navy, and if found deficient at any examination, or if dismissed for misconduct, they shall not be continued in the Academy or in the service except upon the recommendation of the academic board. |
| 4 July, 1864, c. 252, s. 4, v. 13, p. 393. | |
| Studies not to be pursued on Sunday. | SEC. 1526. The Secretary of the Navy shall arrange the course of studies and the order of recitations at the Naval Academy so that the students in said institution shall not be required to pursue their studies on Sunday. |
| 15 July, 1870, c. 294, s. 21, v. 16, p. 319. | |
| Store-keeper at the Academy. | SEC. 1527. The store-keeper at the Naval Academy shall be detailed from the Paymaster's Corps, and shall have authority, with the approval of the Secretary of the Navy, to procure clothing and other necessities for the midshipmen and cadet engineers in the same manner as supplies are furnished to the Navy, to be issued under such regulations as may be prescribed by the Secretary of the Navy. |
| 2 March, 1867, c. 174, s. 4, v. 14, p. 516. | |
| Professors of ethics, Spanish, and drawing. | SEC. 1528. Three professors of mathematics shall be assigned to duty at the Naval Academy, one as professor of ethics and English studies, one as professor of the Spanish language, and one as professor of drawing. |
| 21 May, 1864, c. 93, s. 3, v. 13, p. 85. | |

CHAPTER SIX.

VESSELS AND NAVY-YARDS.

| Sec. | Sec. |
|--|---|
| 1529. Four classes; their commanders. | 1538. Repairs on hull and spars. |
| 1530. How rated. | 1539. Repairs on sails and rigging. |
| 1531. Rule for naming. | 1540. Sale of vessels unfit to be repaired. |
| 1532. Two vessels not to bear the same name. | 1541. Sale of unserviceable vessels and materials. |
| 1533. Names of purchased vessels. | 1542. Commandants of navy-yards. |
| 1534. Vessels kept in service in time of peace. | 1543. Master workmen. |
| 1535. How officered and manned. | 1544. Laborers, how selected. |
| 1536. Cruising to assist distressed navigators. | 1545. Salaries; per diem compensation. |
| 1537. Patented articles connected with marine engines. | 1546. Requiring contributions for political purposes at navy-yards. |

SEC. 1529. The vessels of the Navy of the United States shall be divided into four classes, and shall be commanded as nearly as may be as follows:

First rates, by commodores; second rates, by captains; third rates, by commanders; fourth rates, by lieutenant-commanders.

SEC. 1530. Steamships of forty guns or more shall be classed as first rates, those of twenty guns and under forty as second rates, and all those of less than twenty guns as third rates.

SEC. 1531. The vessels of the Navy shall be named by the Secretary of the Navy, under the direction of the President, according to the following rule:

Sailing-vessels of the first class shall be named after the States of the Union, those of the second class after the rivers, those of the third class after the principal cities and towns, and those of the fourth class as the President may direct.

Steamships of the first class shall be named after the States of the Union, those of the second class after the rivers and principal cities and towns, and those of the third class as the President may direct.

SEC. 1532. Care shall be taken that not more than one vessel in the Navy shall bear the same name.

3 March, 1819, c. 7, s. 1, v. 3, p. 538. 12 June, 1858, c. 153, s. 5, v. 11, p. 319.

SEC. 1533. The Secretary of the Navy may change the names of any vessels purchased for the Navy by authority of law.

SEC. 1534. The President is authorized to keep in actual service in time of peace, such of the public armed vessels as, in his opinion, may be required by the nature of the service, and to cause the residue thereof to be laid up in ordinary in convenient ports.

SEC. 1535. Vessels in actual service, in time of peace, shall be officered and manned as the President may direct, subject to the provisions of section fifteen hundred and twenty-nine.

SEC. 1536. The President may, when the necessities of the service permit it, cause any suitable number of public vessels adapted to the purpose to cruise upon the coast in the season of severe weather and to afford such aid to distressed navigators as their circumstances may require; and such public vessels shall go to sea fully prepared to render such assistance.

SEC. 1537. No patented article connected with marine engines shall hereafter be purchased or used in connection with any steam-vessels of war until the same shall have been submitted to a competent board of naval engineers, and recommended by such board, in writing, for purchase and use.

SEC. 1538. Not more than three thousand dollars shall be expended at any navy-yard in repairing the hull and spars of any vessel, until

Four classes;
their commanders.

16 July, 1862, c.
183, s. 3, v. 12, p.
583.

How rated.

12 June, 1858, c.
153, s. 5, v. 11, p.
319.

Rule for naming

3 Mar., 1819, c. 7,
s. 1, v. 3, p. 538.
12 June, 1858, c.
153, s. 5, v. 11, p.
319.

Two vessels not
to bear the same
name.

Names of pur-
chased vessels.

5 Aug., 1861, c. 51, s. 2, v. 12, p. 316.

Vessels kept in
service in time of
peace.

21 Apr., 1806, c.
35, s. 2, v. 2, p. 390.

How officered
and manned.

21 Apr., 1806, c.
35, s. 3, v. 2, p. 390.

Cruising to assist
distressed naviga-
tors.

22 Dec., 1837, c. 1,
v. 5, p. 208.

Patented articles
connected with
marine engines.

18 July, 1861, c.
8, s. 3, v. 12, p. 268.

Repairs on hull
and spars.

21 Feb., 1861, c. 49, s. 1, v. 12, p. 147.

the necessity and expediency of such repairs and the probable cost thereof are ascertained and reported to the Navy Department by an examining board, which shall be composed of one captain or commander in the Navy, designated by the Secretary of the Navy, the naval constructor of the yard where such vessel may be ordered for repairs, and two master workmen of said yard, or one master workman and an engineer of the Navy, according to the nature of the repairs to be made. Said master workmen and engineer shall be designated by the head of the Bureau of Construction and Repair.

Repairs on sails and rigging.

21 Feb., 1861, c. 49, s. 1, v. 12, p. 147.

SEC. 1539. Not more than one thousand dollars shall be expended in repairs on the sails and rigging of any vessel, until the necessity and expediency of such repairs and the estimated cost thereof have been ascertained and reported to the Navy Department by an examining board, which shall be composed of one naval officer, designated by the Secretary of the Navy, and the master rigger and the master sail-maker of the yard where such vessel may be ordered.

Sale of vessels unfit to be repaired.

21 April, 1866, c. 47, s. 3, v. 2, p. 402.

SEC. 1540. The President may direct any armed vessel of the United States to be sold when, in his opinion, such vessel is so much out of repair that it will not be for the interest of the United States to repair her.

Sale of unserviceable vessels and materials.

23 March, 1872, c. 195, s. 2, v. 17, p. 154.

SEC. 1541. The Secretary of the Navy is authorized and directed to sell, at public sale, such vessels and materials of the United States Navy as, in his judgment, cannot be advantageously used, repaired, or fitted out; and he shall, at the opening of each session of Congress, make a full report to Congress of all vessels and materials sold, the parties buying the same, and the amount realized therefrom, together with such other facts as may be necessary to a full understanding of his acts.

Commandants of navy-yards.

2 Aug., 1861, c. 36, v. 12, p. 285. 5 July, 1862, c. 134, s. 2, v. 12, p. 510.

SEC. 1542. The President may select the commandants of the several navy-yards from officers not below the grade of commander.

Master workmen.

17 June, 1868, c. 61, s. 1, v. 15, p. 69.

SEC. 1543. The persons employed at the several navy-yards to superintend the mechanical departments, and heretofore known as master mechanics, master carpenters, master joiners, master blacksmiths, master boiler-makers, master sail-makers, master plumbers, master painters, master calkers, master masons, master boat-builders, master spar-makers, master block-makers, master laborers, and the superintendents of rope-walks shall be men skilled in their several duties and appointed from civil life, and shall not be appointed from the officers of the Navy.

Laborers, how selected.

23 May, 1872, c. 195, s. 1, v. 17, p. 146.

SEC. 1544. Laborers shall be employed in the several navy-yards by the proper officers in charge with reference to skill and efficiency, and without regard to other considerations.

Salaries; per diem compensation.

14 July, 1862, c. 164, s. 1, v. 12, p. 564.

SEC. 1545. Salaries shall not be paid to any employés in any of the navy-yards, except those who are designated in the estimates. All other persons shall receive a per diem compensation for the time during which they may be actually employed.

Requiring contributions for political purposes at navy-yards.

2 March, 1867, c. 172, s. 3, v. 14, p. 492.

SEC. 1546. No officer or employé of the Government shall require or request any working man in any navy-yard to contribute or pay any money for political purposes, nor shall any working man be removed or discharged for political opinion; and any officer or employé of the Government who shall offend against the provisions of this section shall be dismissed from the service of the United States.

CHAPTER SEVEN.

GENERAL PROVISIONS RELATING TO THE NAVY.

| Sec. | Sec. |
|---|--|
| 1547. Regulations. | 1551. Insane of the Navy. |
| 1548. Copy to be furnished to officers. | 1552. Coal-depots. |
| 1549. Regulations of supplies. | 1553. Enticing persons to desert. |
| 1550. Appointment of persons to disburse money on foreign stations. | 1554. Captured flags. |
| | 1555. Preservation of, in some public place. |

SEC. 1547. The orders, regulations, and instructions issued by the Secretary of the Navy prior to July 14, 1862, with such alterations as he may since have adopted, with the approval of the President, shall be recognized as the regulations of the Navy, subject to alterations adopted in the same manner.

SEC. 1548. The Secretary of the Navy shall cause each commissioned or warrant officer of the Navy, on his entry into the service, to be furnished with a copy of the regulations and general orders of the Navy Department then in force, and thereafter with a copy of all such as may be issued.

SEC. 1549. It shall be the duty of the President to make, subject to the provisions of law concerning supplies, such regulations for the purchase, preservation, and disposition of all articles, stores, and supplies for persons in the Navy, as may be necessary for the safe and economical administration of that branch of the public service.

SEC. 1550. No person shall be employed or continued abroad, to receive and pay money for the use of the naval service on foreign stations, whether under contract or otherwise, who has not been, or shall not be, appointed by and with the advice and consent of the Senate.

SEC. 1551. The Secretary of the Navy may cause persons in the naval service or Marine Corps, who become insane while in the service, to be placed in such hospital for the insane as, in his opinion, will be most convenient and best calculated to promise a restoration of reason. And he may pay to any such hospital, other than the Government Hospital for the Insane in the District of Columbia, the pay which may from time to time be due to such insane person, and he may, in addition thereto, pay to such institution, from the annual appropriation for the naval service, under the head of contingent enumerated, any deficiency of a reasonable expense, not exceeding one hundred dollars per annum.

SEC. 1552. The Secretary of the Navy may establish, at such places as he may deem necessary, suitable depots of coal, and other fuel, for the supply of steamships of war.

SEC. 1553. Any person who shall entice or procure, or attempt to entice or procure, any seaman or other person in the naval service of the United States, or who has been recruited for such service, to desert therefrom, or who shall in anywise aid or assist any such seaman or other person in deserting, or in attempting to desert from such service, or who shall harbor, conceal, protect, or in anywise assist any such seaman or other person who may have deserted from said service, knowing him to have deserted therefrom, or who shall refuse to give up and deliver such person on the demand of an officer authorized to receive him, shall be punished by imprisonment for not less than six months nor more than three years, and by fine of not more than two thousand dollars, to be enforced in any court of the United States having jurisdiction.

SEC. 1554. The Secretary of the Navy shall cause to be collected and transmitted to him, at the seat of Government of the United States, all such flags, standards, and colors as shall have been or may hereafter be taken by the Navy from enemies.

Regulations.
14 July, 1862, c. 164, s. 5, v. 12, p. 565.

Copy to be furnished to officers.
17 July, 1862, c. 204, s. 19, v. 12, p. 610.

Regulations of supplies.
26 Aug., 1842, c. 206, s. 2, v. 5, p. 535.
3 March, 1847, c. 48, s. 1, v. 9, p. 171.

Appointment of persons to disburse money on foreign stations.

17 June, 1844, c. 107, s. 4, v. 5, p. 703.

Insane of the Navy.

3 Aug., 1848, c. 121, s. 13, v. 9, p. 272.
2 July, 1864, c. 210, s. 2, v. 13, p. 348.

Coal-depots.
31 Aug., 1842, c. 279, s. 7, v. 5, p. 577.

Enticing persons to desert.
1 July, 1864, c. 204, v. 13, p. 343.

Captured flags.
18 April, 1814, c. 78, s. 1, v. 3, p. 133.

Preservation of
in some public
place.

18 April, 1814, c.
78, s. 1, v. 3, p. 133.

SEC. 1555. All flags, standards, and colors of the description mentioned in the foregoing section, which are now in the possession of the Navy Department, or may hereafter be transmitted to it, shall be delivered to the President, for the purpose of being, under his direction, preserved and displayed in such public place as he may deem proper.

CHAPTER EIGHT.

PAY, EMOLUMENTS, AND ALLOWANCES.

Sec.
1556. General rule.
1557. Furlough pay.
1558. No additional allowances except as herein specified.
1559. Volunteer service.
1560. Commencement of pay, original entry.
1561. Commencement of pay of promoted officers.
1562. In cases of delayed examination.
1563. Advances to persons on distant stations.
1564. Person acting as paymaster when office vacant, in ship at sea.
1565. Chiefs of Bureau.
1566. Mileage.
1567. Officers serving as store-keepers on foreign stations.
1568. Civilians, store-keepers on foreign stations.
1569. Enlisted men.
1570. Additional pay for serving as firemen and coal-heavers.
1571. Sea-service.
1572. Detention beyond term of enlistment.

Sec.
1573. Bounty pay for re-enlisting.
1574. Crews of wrecked or lost vessels.
1575. Crews of vessels taken by an enemy.
1576. Assignment of wages.
1577. Rations of midshipmen.
1578. Rations of other officers.
1579. When rations not allowed.
1580. Navy ration; constituents of.
1581. Substitutions in.
1582. Short allowance.
1583. Rations stopped for the sick.
1584. Additional ration.
1585. Commutation price of ration.
1586. Medicines and medical attendance.
1587. Funeral expenses.
1588. Pay of retired officers.
1589. Rear-admirals.
1590. Third assistant engineers.
1591. Pay not increased by promotion.
1592. Pay on active duty.
1593. Officers retired on furlough pay.
1594. Transfer from furlough to retired pay.
1595. Rations.

General rule.
Officers of the
line.

SEC. 1556. The commissioned officers and warrant officers on the active list of the Navy of the United States, and the petty officers, seamen, ordinary seamen, firemen, coal-heavers, and employes in the Navy, shall be entitled to receive annual pay at the rates herein stated after their respective designations:

The Admiral.

The Admiral, thirteen thousand dollars.

15 July, 1870, c. 295, s. 3, v. 16, p. 330.

Vice-Admiral.

The Vice-Admiral, when at sea, nine thousand dollars; on shore duty, eight thousand dollars; on leave, or waiting orders, six thousand dollars.

Rear-admirals.

Rear-admirals, when at sea, six thousand dollars; on shore duty, five thousand dollars; on leave, or waiting orders, four thousand dollars.

Commodores.

Commodores, when at sea, five thousand dollars; on shore duty, four thousand dollars; on leave, or waiting orders, three thousand dollars.

Captains.

Captains, when at sea, four thousand five hundred dollars; on shore duty, three thousand five hundred dollars; on leave, or waiting orders, two thousand eight hundred dollars.

Commanders.

Commanders, when at sea, three thousand five hundred dollars; on shore duty, three thousand dollars; on leave, or waiting orders, two thousand three hundred dollars.

Lieutenant-com-
manders.

Lieutenant-commanders, during the first four years after date of commission, when at sea, two thousand eight hundred dollars; on shore duty, two thousand four hundred dollars; on leave, or waiting orders, two thousand dollars; after four years from such date, when at sea, three thousand dollars; on shore duty, two thousand six hundred dollars; on leave, or waiting orders, two thousand two hundred dollars.

Lieutenants.

Lieutenants, during the first five years after date of commission, when at sea, two thousand four hundred dollars; on shore duty, two thousand

dollars; on leave, or waiting orders, one thousand six hundred dollars; after five years from such date, when at sea, two thousand six hundred dollars; on shore duty, two thousand two hundred dollars; on leave, or waiting orders, one thousand eight hundred dollars.

Masters, during the first five years after date of commission, when at sea, one thousand eight hundred dollars; on shore duty, one thousand five hundred dollars; on leave, or waiting orders, one thousand two hundred dollars; after five years from such date, when at sea, two thousand dollars; on shore duty, one thousand seven hundred dollars; on leave, or waiting orders, one thousand four hundred dollars.

Masters.

Ensigns, during the first five years after date of commission, when at sea, one thousand two hundred dollars; on shore duty, one thousand dollars; on leave, or waiting orders, eight hundred dollars; after five years from such date, when at sea, one thousand four hundred dollars; on shore duty, one thousand two hundred dollars; on leave, or waiting orders, one thousand dollars.

Ensigns.

Midshipmen, after graduation, when at sea, one thousand dollars; on shore duty, eight hundred dollars; on leave, or waiting orders, six hundred dollars.

Midshipmen.

Cadet midshipmen, five hundred dollars.

Cadet midshipmen.

16 July, 1862, c. 183, s. 15, v. 12, p. 586. 15 July, 1870, c. 295, s. 12, v. 16, p. 334.

Mates, when at sea, nine hundred dollars; on shore duty, seven hundred dollars; on leave, or waiting orders, five hundred dollars.

Mates.

15 July, 1870, c. 295, s. 3, v. 16, p. 330.

Fleet-surgeons, fleet-paymasters, and fleet-engineers, four thousand four hundred dollars.

Fleet officers.

15 July, 1870, c. 295, s. 3, v. 16, p. 330.

Medical directors, medical inspectors, pay directors, and pay inspectors, and chief engineer having the same rank as pay director and pay inspector, when on duty at sea, four thousand four hundred dollars.

Medical directors and inspectors, pay-directors and inspectors.

When not at sea, the same as surgeons and paymasters, respectively.

3 March, 1871, c. 117, ss. 5, 6, v. 16, pp. 535, 536. 15 July, 1870, c. 295, s. 3, v. 16, p. 331. 3 March, 1873, c. 230, s. 1, v. 17, p. 555.

Surgeons, paymasters, and chief engineers who have the same rank with paymasters, during the first five years after date of commission, when at sea, two thousand eight hundred dollars; on shore duty, two thousand four hundred dollars; on leave, or waiting orders, two thousand dollars; during the second five years after such date, when at sea, three thousand two hundred dollars; on shore duty, two thousand eight hundred dollars; on leave, or waiting orders, two thousand four hundred dollars; during the third five years after such date, when at sea, three thousand five hundred dollars; on shore duty, three thousand two hundred dollars; on leave, or waiting orders, two thousand six hundred dollars; during the fourth five years after such date, when at sea, three thousand seven hundred dollars; on shore duty, three thousand six hundred dollars; on leave, or waiting orders, two thousand eight hundred dollars; after twenty years from such date, when at sea, four thousand two hundred dollars; on shore duty, four thousand dollars; on leave, or waiting orders, three thousand dollars.

Surgeons, paymasters, and chief engineers.

15 July, 1870, c. 295, s. 3, v. 16, p. 330.

Passed assistant surgeons, passed assistant paymasters, and first assistant engineers, during the first five years after date of appointment, when at sea, two thousand dollars; on shore duty, one thousand eight hundred dollars; on leave, or waiting orders, one thousand five hundred dollars; after five years from such date, when at sea, two thousand two hundred dollars; on shore duty, two thousand dollars; on leave, or waiting orders, one thousand seven hundred dollars.

Passed assistant surgeons, passed assistant paymasters, and first assistant engineers.

Assistant surgeons, assistant paymasters, and second assistant engineers, during the first five years after date of appointment, when at sea, one thousand seven hundred dollars; on shore duty, one thousand four hundred dollars; on leave, or waiting orders, one thousand dollars; after

Assistant surgeons, assistant paymasters, second assistant engineers.

five years from such date, when at sea, one thousand nine hundred dollars; on shore duty, one thousand six hundred dollars; on leave, or waiting orders, one thousand two hundred dollars.

Assistant surgeons qualified for promotion.

Assistant surgeons of three years' service, who have been found qualified for promotion by a medical board of examiners, the pay of passed assistant surgeons.

3 March, 1871, c. 117, s. 5, v. 16, p. 535.

Naval constructors.

Naval constructors, during the first five years after date of appointment, when on duty, three thousand two hundred dollars; on leave, or waiting orders, two thousand two hundred dollars; during the second five years after such date, when on duty, three thousand four hundred dollars; on leave, or waiting orders, two thousand four hundred dollars; during the third five years after such date, when on duty, three thousand seven hundred dollars; on leave, or waiting orders, two thousand seven hundred dollars; during the fourth five years after such date, when on duty, four thousand dollars; on leave, or waiting orders, three thousand dollars; after twenty years from such date, when on duty, four thousand two hundred dollars; on leave, or waiting orders, three thousand two hundred dollars.

Assistant naval constructors.

Assistant naval constructors, during the first four years after date of appointment, when on duty, two thousand dollars; on leave, or waiting orders, one thousand five hundred dollars; during the second four years after such date, when on duty, two thousand two hundred dollars; on leave, or waiting orders, one thousand seven hundred dollars; after eight years from such date, when on duty, two thousand six hundred dollars; on leave, or waiting orders, one thousand nine hundred dollars.

Chaplains.

Chaplains, during the first five years after date of commission, when at sea, two thousand five hundred dollars; on shore duty, two thousand dollars; on leave, or waiting orders, one thousand six hundred dollars; after five years from such date, when at sea, two thousand eight hundred dollars; on shore duty, two thousand three hundred dollars; on leave, or waiting orders, one thousand nine hundred dollars.

Professors of mathematics and civil engineers.

Professors of mathematics and civil engineers, during the first five years after date of appointment, when on duty, two thousand four hundred dollars; on leave, or waiting orders, one thousand five hundred dollars; during the second five years after such date, when on duty, two thousand seven hundred dollars; on leave, or waiting orders, one thousand eight hundred dollars; during the third five years after such date, when on duty, three thousand dollars; on leave, or waiting orders, two thousand one hundred dollars; after fifteen years from such date, when on duty, three thousand five hundred dollars; on leave, or waiting orders, two thousand six hundred dollars.

Warrant officers.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Boatswains, gunners, carpenters, and sail-makers, during the first three years after date of appointment, when at sea, one thousand two hundred dollars; on shore duty, nine hundred dollars; on leave, or waiting orders, seven hundred dollars; during the second three years after such date, when at sea, one thousand three hundred dollars; on shore duty, one thousand dollars; on leave, or waiting orders, eight hundred dollars; during the third three years after such date, when at sea, one thousand four hundred dollars; on shore duty, one thousand three hundred dollars; on leave, or waiting orders, nine hundred dollars; during the fourth three years after such date, when at sea, one thousand six hundred dollars; on shore duty, one thousand three hundred dollars; on leave, or waiting orders, one thousand dollars; after twelve years from such date, when at sea, one thousand eight hundred dollars; on shore duty, one thousand six hundred dollars; on leave, or waiting orders, one thousand two hundred dollars.

Secretaries.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Secretaries to the Admiral and the Vice-Admiral, each two thousand five hundred dollars.

Secretaries to commanders of squadrons, two thousand dollars.

Secretary of the Naval Academy, one thousand eight hundred dollars.

Clerks to commanders of squadrons and commanders of vessels, seven hundred and fifty dollars.

Clerks to commanders of squadrons, &c.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

First clerks to commandants of navy-yards, one thousand five hundred dollars.

Clerks to commandants of yards and stations.

Second clerks to commandants of navy-yards, one thousand two hundred dollars.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Clerk to commandant of navy-yard at Mare Island, one thousand eight hundred dollars.

Clerks to commandants of naval stations, one thousand five hundred dollars.

Clerks to paymasters at navy-yards, Boston, New York, Philadelphia, and Washington, one thousand six hundred dollars; Kittery, Norfolk, and Pensacola, one thousand four hundred dollars; Mare Island, one thousand eight hundred dollars.

Clerks to paymasters of yards and stations.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Clerks to paymasters, at other stations, one thousand three hundred dollars.

Clerks to paymasters of receiving-ships, &c.

15 July, 1870, c. 295, v. 16, p. 332.

Clerks to paymasters of receiving-ships at Boston, New York, and Philadelphia, one thousand six hundred dollars; at Mare Island, one thousand eight hundred dollars; of other receiving-ships, one thousand three hundred dollars.

Clerks to paymasters of vessels.

15 July, 1870, c. 295, s. 3, v. 16, p. 332.

Clerks to paymasters on vessels of the first rate, one thousand three hundred dollars; on vessels of the second rate, one thousand one hundred dollars; on vessels of the third rate, and supply-vessels and store-ships, one thousand dollars.

Clerks to fleet paymasters.

Clerks to fleet paymasters, one thousand one hundred dollars.

15 July, 1870, c. 295, v. 16, p. 332.

Clerks to paymasters at the Naval Academy and Naval Asylum, one thousand three hundred dollars.

Clerks to paymasters at Asylum and Academy.

15 July, 1870, c. 295, v. 16, p. 332.

Clerks to inspectors in charge of provisions and clothing, at navy-yards, Boston, New York, Philadelphia, and Washington, one thousand six hundred dollars; to inspectors in like charge at other inspections, one thousand three hundred dollars.

Clerks to inspectors.

15 July, 1870, c. 295, v. 16, p. 332.

Cadet engineers: before final academic examination, five hundred dollars;

4 July, 1864, c. 252, s. 5, v. 13, p. 393.

After final academic examination, and until warranted as assistant engineers, when on duty at sea, one thousand dollars; on shore duty, eight hundred dollars; on leave, or waiting orders, six hundred dollars.

16 July, 1862, c. 183, s. 15, v. 12, p. 586.

3 March, 1865, c. 124, s. 1, v. 13, p. 539. 15 July, 1870, c. 295, s. 3, v. 16, p. 330.

SEC. 1557. Officers on furlough shall receive only one-half of the pay to which they would have been entitled if on leave of absence.

Furlough pay.

67, s. 4, v. 12, p. 27. 3 March, 1845, c. 77, s. 6, v. 5, p. 794. 3 March, 1835, c. 27, s. 1, v. 4, p. 756.

1 June, 1860, c. 1835, c. 27, s. 1, v. 4, p. 756.

SEC. 1558. The pay prescribed in the two preceding sections shall be the full and entire compensation of the several officers therein named, and no additional allowance shall be made in favor of any of said officers on any account whatever, except as hereinafter provided.

No additional allowances, except as herein specified.

15 July, 1870, c. 295, s. 4, v. 16, p. 332.

SEC. 1559. When a volunteer naval service is authorized by law, the officers therein shall be entitled to receive the same pay as officers of the same grades, respectively, in the Regular Navy.

Volunteer service.

16 July, 1862, c. 183, s. 20, v. 12, p. 587.

SEC. 1560. The pay of an officer of the Navy, upon his original entry into the service, except where he is required to give an official bond, shall commence upon the date of his acceptance of his appointment; but where he is required to give such bond his pay shall commence upon the date of the approval of his bond by the proper authority.

Commencement of pay, original entry.

15 July, 1870, c. 295, s. 7, v. 16, p. 333.

Commencement
of pay of promoted
officers.

15 July, 1870, c.
295, s. 7, v. 16, p.
333. 5 June, 1872, c.

In cases of de-
layed examination.

15 July, 1870, c.
295, s. 7, v. 16, p.
333.

Advances to per-
sons on distant sta-
tions.

31 Jan., 1823, c.
9, s. 1, v. 3, p. 723.

Person acting as
paymaster, when
office vacant in
ship at sea.

17 July, 1861, c.
4, s. 4, v. 12, p. 258.

Chiefs of Bureau.

3 March, 1871, c.
117, s. 12, v. 16, p.
537.

Mileage.

3 March, 1835, c.
27, s. 2, v. 4, p. 757.

15 July, 1870, c.
295, s. 4, v. 16, p.
332.

17 July, 1862, c.
200, s. 7, v. 12, p.
595.

Officers serving
as store-keepers on
foreign stations.

17 June, 1844, c.
107, s. 1, v. 5, pp.
700, 701.

Civilians, store-
keepers on foreign
stations.

17 June, 1844, c. 107, s. 1, v. 5, pp. 700, 701. 3 March, 1847, c. 48, s. 3, v. 9, pp. 172, 173.

Enlisted men.

18 April, 1814, c.
84, s. 1, v. 3, p. 136.

3 March, 1847, c.
48, s. 4, v. 9, p. 173.

1 July, 1864, c.
201, s. 4, v. 13, p.
342.

3 March, 1865, c. 124, s. 2, v. 13, p. 539.

Additional pay
for serving as fire-

SEC. 1561. When an officer is promoted in course to fill a vacancy, and is in the performance of the duties of the higher grade from the date he is to take rank, he may be allowed the increased pay from such date.

c. 306, s. 1, v. 17, p. 226.

SEC. 1562. If an officer of a class subject to examination before promotion shall be absent on duty, and by reason of such absence, or of other cause not involving fault on his part, shall not be examined at the time required by law or regulation, and shall afterward be examined and found qualified, the increased rate of pay to which his promotion would entitle him shall commence from the date when he would have been entitled to it had he been examined and found qualified at the time so required by law or regulation; and this rule shall apply to any cases of this description which may have heretofore occurred. And in every such case the period of service of the party, in the grade to which he was promoted, shall, in reference to the rate of his pay, be considered to have commenced from the date when he was so entitled to take rank.

SEC. 1563. The President of the United States may direct such advances, as he may deem necessary and proper, to such persons in the naval service as may be employed on distant stations where the discharge of the pay and emoluments to which they are entitled cannot be regularly effected.

SEC. 1564. Any person performing the duties of paymaster, acting assistant paymaster, or assistant paymaster, in a ship at sea, or on a foreign station, or on the Pacific coast of the United States, by appointment of the senior officer present, in case of vacancy of such office, in accordance with the provisions of section thirteen hundred and eighty-one, and not otherwise, shall be entitled to receive the pay of such grade while so acting.

SEC. 1565. The pay of chiefs of Bureau in the Navy Department shall be the highest pay of the grade to which they belong, but not below that of commodore.

SEC. 1566. An allowance of ten cents a mile may be made to officers in the naval service, and store-keepers on foreign stations for traveling expenses when under orders. And an allowance may be made to officers traveling in foreign countries under orders, for expenses of transportation of baggage necessarily incurred. And no officer shall be paid mileage, except for travel actually performed at his own expense and in obedience to orders.

SEC. 1567. Officers who are ordered to take charge of naval stores for foreign squadrons, in the place of naval store-keepers, shall be entitled to receive, while so employed, the shore-duty pay of their grades; and when the same is less than fifteen hundred dollars a year, they may be allowed compensation, including such shore-duty pay, at a rate not exceeding fifteen hundred dollars a year.

SEC. 1568. Civilians appointed as store-keepers on foreign stations shall receive compensation for such services, at a rate not exceeding fifteen hundred dollars a year.

SEC. 1569. The pay to be allowed to petty officers, excepting mates, and the pay and bounty upon enlistment of seamen, ordinary seamen, firemen, and coal-heavers, in the naval service, shall be fixed by the President: *Provided*, That the whole sum to be given for the whole pay aforesaid, and for the pay of officers, and for the said bounties upon enlistments shall not exceed, for any one year, the amount which may, in such year, be appropriated for such purposes.

SEC. 1570. Every seaman, ordinary seaman, or landsman who performs the duty of a fireman or coal-heaver on board of any vessel of

war shall be entitled to receive, in addition to his compensation as seaman, ordinary seaman, or landsman, a compensation at the rate of thirty-three cents a day for the time he is employed as fireman or coal-heaver.

SEC. 1571. No service shall be regarded as sea service except such as shall be performed at sea, under the orders of a Department and in vessels employed by authority of law.

SEC. 1572. All petty officers and persons of inferior ratings who are detained beyond the terms of service, according to the provisions of section fourteen hundred and twenty-two, or who, after the termination of their service, voluntarily re-enter, to serve until the return to an Atlantic port of the vessel to which they belong, and until their regular discharge therefrom, shall, for the time during which they are so detained or so serve beyond their original terms of service, receive an addition of one-fourth of their former pay.

SEC. 1573. If any seaman, ordinary seaman, landsman, fireman, coal-heaver, or boy, being honorably discharged, shall re-enlist for three years, within three months thereafter, he shall, on presenting his honorable discharge, or on accounting in a satisfactory manner for its loss, be entitled to pay, during the said three months, equal to that to which he would have been entitled if he had been employed in actual service.

SEC. 1574. When the crew of any vessel of the United States are separated from such vessel, by means of her wreck, loss, or destruction, the pay and emoluments of such of the officers and men as shall appear to the Secretary of the Navy, by the sentence of a court-martial or court of inquiry, or by other satisfactory evidence, to have done their utmost to preserve her, and, after said wreck, loss, or destruction, to have behaved themselves agreeably to the discipline of the Navy, shall go on and be paid them until their discharge or death.

SEC. 1575. The pay and emoluments of the officers and men of any vessel of the United States taken by an enemy who shall appear, by the sentence of a court-martial or otherwise, to have done their utmost to preserve and defend their vessel, and, after the taking thereof, to have behaved themselves agreeably to the discipline of the Navy, shall go on and be paid to them until their exchange, discharge, or death.

SEC. 1576. Every assignment of wages due to persons enlisted in the naval service, and all powers of attorney, or other authority to draw, receipt for, or transfer the same, shall be void, unless attested by the commanding officer and paymaster. The assignment of wages must specify the precise time when they commence.

SEC. 1577. Midshipmen and acting midshipmen in the Navy shall be entitled to one ration, or to commutation therefor.

28 July, 1866, c. 296, s. 8, v. 14, p. 322. 28 Feb., 1867, c. 100, s. 2, v. 14, p. 416.

SEC. 1578. All officers shall be entitled to one ration, or to commutation therefor, while at sea or attached to a sea-going vessel.

16 July, 1862, c. 183, s. 19, v. 12, p. 587. 3 March, 1851, c. 34, s. 1, v. 9, p. 621.

SEC. 1579. No person not actually attached to and doing duty on board a sea-going vessel, except the petty officers, seamen, and ordinary seamen attached to receiving-ships or to the ordinary of a navy-yard, and midshipmen, shall be allowed a ration.

34, s. 1, v. 9, p. 621. 28 July, 1866, c. 296, s. 8, v. 14, p. 322. 28 Feb., 1867, c. 100, s. 2, v. 14, p. 416.

SEC. 1580. The Navy ration shall consist of the following daily allowance of provisions to each person: One pound of salt pork, with half a pint of beans or peas; or one pound of salt beef, with half a pound of flour and two ounces of dried apples, or other dried fruit; or three-quarters of a pound of preserved meat, with a half pound of rice, two ounces of butter, and one ounce of desiccated "mixed vegetables;" or three-quarters of a pound of preserved meat, two ounces of butter, and two ounces of desiccated potatoes; together with fourteen ounces of biscuit, one-quarter of an ounce of tea, or one ounce of coffee or cocoa,

men and coal-heavers.

1 March, 1869, c. 48, s. 2, v. 15, p. 280.

Sea-service.

1 June, 1860, c. 67, s. 3, v. 12, p. 27.

Detention beyond term of enlistment.

17 July, 1862, c. 204, s. 17, v. 12, p. 610.

Bounty-pay for re-enlisting.

2 March, 1855, c. 136, s. 2, v. 10, p. 627.

7 June, 1864, c. 111, v. 13, p. 120.

Crews of wrecked or lost vessels.

17 July, 1862, c. 204, s. 14, v. 12, pp. 608, 609.

Crews of vessels taken by an enemy.

17 July 1862, c. 204, s. 15, v. 12, p. 609.

Assignments of wages.

30 June, 1864, c. 174, s. 12, v. 13, p. 310.

Rations of midshipmen.

Rations of other officers.

34, s. 1, v. 9, p. 621.

When rations not allowed.

3 March, 1851, c. 100, s. 2, v. 14, p. 416.

Navy ration, constituents of.

18 July, 1861, c. 7, s. 1, v. 12, p. 264.

14 July, 1862, c. 164, s. 4, v. 12, p. 565.

and two ounces of sugar; and a weekly allowance of half a pint of pickles, half a pint of molasses, and half a pint of vinegar.

Substitutions in.

18 July, 1861, c. 7, ss. 2, 3, 4, v. 12, p. 265.

17 April, 1862, c. 57, s. 4, v. 12, p. 381.

SEC. 1581. The following substitution for the components of the ration may be made when it is deemed necessary by the senior officer present in command: For one pound of salt beef or pork, one pound and a quarter of fresh meat or three-quarters of a pound of preserved meat; for any or all of the articles usually issued with the salted meats, vegetables equal to the same in value; for fourteen ounces of biscuit, one pound of soft bread, or one pound of flour, or half a pound of rice; for half a pint of beans or peas, half a pound of rice, and for half a pound of rice, half a pint of beans or peas. And the Secretary of the Navy may substitute for the ration of coffee and sugar the extract of coffee combined with milk and sugar; if he shall believe such substitution to be conducive to the health and comfort of the Navy, and not to be more expensive to the Government than the present ration: *Provided*, That the same shall be acceptable to the men.

Short allowance.

18 July, 1861, c. 7, s. 4, v. 12, p. 265.

SEC. 1582. In case of necessity the daily allowance of provisions may be diminished at the discretion of the senior officer present in command; but payment shall be made to the persons whose allowance is thus diminished, according to the scale of prices for the same established at the time of such diminution. And every commander who makes any diminution or variation shall give to the paymaster written orders therefor, specifying particularly the diminution or variation which is to be made, and shall report to his commanding officer, or to the Navy Department, the necessity for the same.

Rations stopped for the sick.

3 March, 1851, c. 34, s. 1, v. 9, p. 621.

SEC. 1583. Rations stopped for the sick on board vessels shall remain and be accounted for by the paymaster as a part of the provisions of the vessels.

Additional ration.

23 May, 1872, c. 195, s. 1, v. 17, p. 151.

SEC. 1584. An additional ration of tea or coffee and sugar shall be hereafter allowed to each seaman, to be provided at his first "turning out."

Commutation price of ration.

15 July, 1870, c. 295, s. 4, v. 16, p. 333.

SEC. 1585. Thirty cents shall in all cases be deemed the commutation price of the Navy ration.

Medicines and medical attendance.

15 July, 1870, c. 295, s. 17, v. 16, p. 334.

SEC. 1586. Expenses incurred by any officer of the Navy for medicines and medical attendance shall not be allowed unless they were incurred when he was on duty, and the medicines could not have been obtained from naval supplies, or the attendance of a naval medical officer could not have been had.

Funeral expenses.

15 July, 1870, c. 295, s. 17, v. 16, p. 334.

SEC. 1587. No funeral expense of a naval officer who dies in the United States, nor expenses for travel to attend the funeral of an officer who dies there, shall be allowed. But when an officer on duty dies in a foreign country the expenses of his funeral, not exceeding his sea-pay for one month, shall be defrayed by the Government, and paid by the paymaster upon whose books the name of such officer was borne for pay.

Pay of retired officers.

15 July, 1870, c. 295, s. 5, v. 16, p. 333.

3 March, 1873, c. 230, s. 1, v. 17, p. 555.

SEC. 1588. The pay of all officers of the Navy who have been retired after forty-five years' service after reaching the age of sixteen years, or who have been or may be retired after forty years' service, upon their own application to the President, or on attaining the age of sixty-two years, or on account of incapacity resulting from long and faithful service, from wounds or injuries received in the line of duty, or from sickness or exposure therein, shall, when not on active duty, be equal to seventy-five per centum of the sea-pay provided by this chapter for the grade or rank which they held, respectively, at the time of their retirement. The pay of all other officers on the retired list shall, when not on active duty, be equal to one-half the sea-pay provided by this chapter for the grade or rank held by them, respectively, at the time of their retirement.

SEC. 1589. Rear-admirals on the retired list of the Navy, who were retired as captains when the highest grade in the Navy was captain, at the age of sixty-two years, or after forty-five years' service, and who, after their retirement, were promoted to the grade of rear-admiral, and performed the duties of that grade in time of war, shall be considered as having been retired as rear-admirals.

SEC. 1590. Officers who have been retired as third assistant engineers shall continue to receive pay at the rate of four hundred dollars a year.

15 July, 1870, c. 295, s. 5, v. 16, p. 333. 3 March, 1859, c. 76, s. 2, v. 11, p. 407. 21 April, 1864, c. 63, s. 7, v. 13, p. 54. 16 July, 1862, c. 183, s. 20, v. 12, p. 587. 3 Aug., 1861, c. 42, s. 22, v. 12, p. 290.

SEC. 1591. No officer, heretofore or hereafter promoted upon the retired list, shall, in consequence of such promotion, be entitled to any increase of pay.

295, s. 5, v. 16, p. 333. 2 March, 1867, c. 174, s. 9, v. 14, p. 517.

SEC. 1592. Officers on the retired list, when on active duty, shall receive the full pay of their respective grades.

2 March, 1867, c. 174, s. 9, v. 14, p. 517. 1 June, 1860, c. 67, s. 5, v. 12, p. 27.

SEC. 1593. Officers placed on the retired list, on furlough pay, shall receive only one-half of the pay to which they would have been entitled if on leave of absence on the active list.

27, s. 1, v. 4, pp. 756, 757. 3 Aug., 1861, c. 42, s. 23, v. 12, p. 291. 28 July, 1866, c. 312, s. 2, v. 14, p. 345. 28 Feb., 1855, c. 127, s. 2, v. 10, p. 616. 16 Jan., 1857, c. 12, s. 1, v. 11, p. 154.

SEC. 1594. The President, by and with the advice and consent of the Senate, may transfer any officer on the retired list from the furlough to the retired-pay list.

16 Jan., 1857, c. 12, s. 3, v. 11, p. 154. 16 July, 1862, c. 183, s. 20, v. 12, p. 587.

SEC. 1595. Rations shall not be allowed to officers on the retired list.

16 July, 1862, c. 183, s. 20, v. 12, p. 587.

CHAPTER NINE.

THE MARINE CORPS.

Sec.
1596. Number of.
1597. What commissions and promotions not affected by number fixed.
1598. Staff.
1599. Qualifications for appointment.
1600. Credit for volunteer service.
1601. Rank of commandant.
1602. Staff rank.
1603. Relative rank with the Army.
1604. Brevets.
1605. Advancement in number.
1606. Promotion when grade is full.
1607. Promotion for gallantry.
1608. Enlistments.
1609. Oath.
1610. Exemption from arrest.

Sec.
1611. Companies and detachments.
1612. Pay of Marine Corps.
1613. Marine band.
1614. Deduction for hospitals.
1615. Rations of enlisted men.
1616. Service on armed vessels.
1617. Marine officers not to command navy-yards or vessels.
1618. Marines substituted for landsmen.
1619. Duty on shore.
1620. Regulations.
1621. Subject to laws governing the Navy, except when serving with the Army.
1622. Retirement.
1623. Retiring-board, how composed.

SEC. 1596. The Marine Corps of the United States shall consist of one commandant, with the rank of brigadier-general, one colonel, two lieutenant-colonels, four majors, one adjutant and inspector, one paymaster, one quartermaster, two assistant quartermasters, twenty captains, thirty first lieutenants, thirty second lieutenants, one sergeant-major, one quartermaster-sergeant, one drum-major, one principal musician, two hundred sergeants, two hundred and twenty corporals, thirty musicians for a band, sixty drummers, sixty fifers, and twenty-five hundred privates.

Number of.
25 July, 1861, c. 19, s. 1, v. 12, p. 375.
2 March, 1867, c. 174, s. 7, v. 14, p. 517.

What commissions and promotions not affected by number fixed.

25 July, 1861, c. 19, s. 2, v. 12, p. 275.
16 July, 1862, c. 183, s. 9, v. 12, p. 584.

Staff.

2 March, 1847, c. 40, s. 3, v. 9, p. 154.

Qualifications for appointment.

25 July, 1861, c. 19, s. 3, v. 12, p. 275.

Credit for volunteer service.

2 March, 1867, c. 174, s. 3, v. 14, p. 516.

Rank of commandant.

2 March, 1867, c. 174, s. 7, v. 14, p. 517.

Staff rank.

2 March, 1847, c. 40, s. 3, v. 9, p. 154.

Relative rank with the Army.

30 June, 1834, c. 132, s. 4, v. 4, p. 713.

Brevets.

16 April, 1814, c. 58, s. 3, v. 3, p. 124.

16 April, 1818, c. 64, s. 2, v. 3, p. 427.

2, p. 785. 1 March, 1869, c. 52, s. 2, v. 15, p. 281.

15 July, 1870, c. 294, s. 16, v. 16, p. 319.

Advancement in number.

24 Jan., 1865, c. 19, s. 1, v. 13, p. 424.

21 April, 1864, c. 63, s. 6, v. 13, p. 54.

Promotion when grade is full.

24 Jan., 1865, c. 19, s. 2, v. 13, p. 424.

Promotion for gallantry.

16 July, 1862, c. 183, s. 9, v. 12, p. 584.

24 Jan., 1865, c. 19, s. 2, v. 13, p. 424.

Enlistments.

11 July, 1870, Res. 106, v. 16, p. 387.

Oath.

11 July, 1798, c. 72, s. 4, v. 1, p. 595.

SEC. 1597. The provisions of the preceding section shall not preclude the advancement of any officer to a higher grade for distinguished conduct in conflict with the enemy, or for extraordinary heroism in the line of his profession, as authorized by sections sixteen hundred and five and sixteen hundred and seven.

24 Jan., 1865, c. 19, s. 2, v. 13, p. 424.

SEC. 1598. The staff of the Marine Corps shall be separate from the line.

30 June, 1834, c. 132, s. 6, v. 4, p. 713.

SEC. 1599. No person under twenty or over twenty-five years of age shall be appointed from civil life as a commissioned officer of the Marine Corps, nor shall any person be so appointed until his qualifications for such service have been examined and approved, under the directions of the Secretary of the Navy.

SEC. 1600. All marine officers shall be credited with the length of time they may have been employed as officers or enlisted men in the volunteer service of the United States.

SEC. 1601. The commandant of the Marine Corps shall have the rank of a brigadier-general of the Army.

SEC. 1602. The adjutant and inspector, the paymaster, and the quartermaster shall have the rank of major; the assistant quartermaster shall have the rank of captain.

SEC. 1603. The officers of the Marine Corps shall be, in relation to rank, on the same footing as officers of similar grades in the Army.

SEC. 1604. Commissions by brevet may be conferred upon commissioned officers of the Marine Corps in the same cases, upon the same conditions, and in the same manner as are or may be provided by law for officers of the Army.

30 June, 1834, c. 132, s. 9, v. 4, p. 713.

6 July, 1812, c. 137, s. 4, v. 2, p. 785.

3 March, 1869, c. 124, s. 7, v. 15, p. 318.

SEC. 1605. Any officer of the Marine Corps may, by and with the advice and consent of the Senate, be advanced not exceeding thirty numbers in rank, for eminent and conspicuous conduct in battle or extraordinary heroism.

SEC. 1606. Any officer who is nominated to a higher grade by the provisions of the preceding section shall be promoted, notwithstanding the number of said grade may be full, but no further promotion shall take place in that grade, except for like cause, until the number is reduced to that provided by law.

SEC. 1607. Any officer of the Marine Corps may, by and with the advice and consent of the Senate, be advanced one grade, if, upon recommendation of the President by name, he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy, or for extraordinary heroism in the line of his profession.

SEC. 1608. Enlistments into the Marine Corps shall be for a period not less than five years.

SEC. 1609. The officers and enlisted men of the Marine Corps shall take the same oaths, respectively, which are provided by law for the officers and enlisted men of the Army.

SEC. 1610. Marines shall be exempt, while enlisted in said service, from all personal arrest for debt or contract. Exemption from arrest.

30 June, 1834, c. 132, s. 3, v. 4, p. 713. 11 July, 1798, c. 72, s. 5, v. 1, pp. 595, 596.

SEC. 1611. The Marine Corps may be formed into as many companies or detachments as the President may direct, with a proper distribution of the commissioned and non-commissioned officers and musicians to each company or detachment. Companies and detachments.

11 July, 1798, c. 72, s. 1, v. 1, p. 594.

SEC. 1612. The officers of the Marine Corps shall be entitled to receive the same pay and allowances, and the enlisted men shall be entitled to receive the same pay and bounty for re-enlisting, as are or may be provided by or in pursuance of law for the officers and enlisted men of like grades in the infantry of the Army. Pay of Marine Corps.

30 June, 1834, c. 132, s. 5, v. 4, p. 713.

5 Aug., 1854, c. 268, s. 1, v. 10, p. 586.

SEC. 1613. The marines who compose the corps of musicians known as the "Marine band" shall be entitled to receive at the rate of four dollars a month, each, in addition to their pay as non-commissioned officers, musicians, or privates of the Marine Corps, so long as they shall perform, by order of the Secretary of the Navy, or other superior officer, on the Capitol grounds or the President's grounds. Marine band.

18 Aug., 1856, c. 162, s. 5, v. 11, p. 118.

5 Aug., 1854, c. 268, s. 1, v. 10, p. 586.

SEC. 1614. The Secretary of the Navy shall deduct from the pay due each of the officers and enlisted men of the Marine Corps at the rate of twenty cents per month for every officer and marine, to be applied to the fund for Navy hospitals. Deduction for hospitals.

2 March, 1799, c. 36, s. 2, v. 1, p. 729.

26 Feb., 1811, c. 26, s. 1, v. 2, p. 650.

SEC. 1615. The non-commissioned officers, privates, and musicians of the Marine Corps shall, each, be entitled to receive one Navy ration daily. Rations of enlisted men.

11 July, 1798, c. 72, s. 2, v. 1, p. 595. 1 July, 1797, c. 7, s. 6, v. 1, p. 524.

SEC. 1616. Marines may be detached for service on board the armed vessels of the United States, and the President may detach and appoint, for service on said vessels, such of the officers of said corps as he may deem necessary. Service on armed vessels.

11 July, 1798, c. 72, ss. 1, 3, v. 1, p. 595.

1 July, 1797, c. 7, s. 4, v. 1, p. 523.

SEC. 1617. No officer of the Marine Corps shall exercise command over any navy-yard or vessel of the United States. Marine officers not to command navy-yards or vessels.

30 June, 1834, c. 132, s. 4, v. 4, p. 713.

SEC. 1618. The President may substitute marines for landmen in the Navy, as far as he may deem it for the good of the service. Marines substituted for landmen.

3 March, 1849, c. 103, s. 1, v. 9, p. 377.

SEC. 1619. The Marine Corps shall be liable to do duty in the forts and garrisons of the United States, on the sea-coast, or any other duty on shore, as the President, at his discretion, may direct. Duty on shore.

11 July, 1798, c. 72, s. 6, v. 1, p. 596.

SEC. 1620. The President is authorized to prescribe such military regulations for the discipline of the Marine Corps as he may deem expedient. Regulations.

30 June, 1834, c. 132, s. 8, v. 4, p. 713.

SEC. 1621. The Marine Corps shall, at all times, be subject to the laws and regulations established for the government of the Navy, except when detached for service with the Army by order of the President; and when so detached they shall be subject to the rules and articles of war prescribed for the government of the Army. Subject to laws governing the Navy, except when serving with the Army.

30 June 1834, c. 132, s. 2, v. 4, p. 713.

11 July, 1798, c. 72, s. 4, v. 1, p. 595.

SEC. 1622. The commissioned officers of the Marine Corps shall be retired in like cases, in the same manner, and with the same relative conditions, in all respects, as are provided for officers of the Army, except as is otherwise provided in the next section. Retirement.

3 Aug., 1861, c. 42, ss. 15, 16, 17, v. 12, p. 289.

17 July, 1862, c. 200, s. 12, v. 12, p. 596, 21 Jan., 1870, c. 9, s. 1, v. 16, p. 62. 15 July, 1870, c. 294, s. 4, v. 16, p. 317. 10 June, 1872, c. 419, s. 1, v. 17, p. 378.

Retiring-board,
how composed.

3 Aug., 1861, c.
42, s. 17, v. 12, p.
289.

SEC. 1623. In case of an officer of the Marine Corps, the retiring-board shall be selected by the Secretary of the Navy, under the direction of the President. Two-fifths of the board shall be selected from the Medical Corps of the Navy, and the remainder shall be selected from officers of the Marine Corps, senior in rank, so far as may be, to the officer whose disability is to be inquired of.

CHAPTER TEN.

ARTICLES FOR THE GOVERNMENT OF THE NAVY.

Sec.

1624. Articles established.

Art.

1. Commander's duties of supervision and correction.
2. Divine service.
3. Irreverent behavior.
4. Offenses punishable by death :
 1. Mutiny.
 2. Disobedience of orders.
 3. Striking superior officer.
 4. Intercourse with an enemy.
 5. Messages from an enemy.
 6. Desertion in time of war.
 7. Deserting trust.
 8. Sleeping on watch.
 9. Leaving station.
10. Willful stranding or injury of vessel.
11. Unlawful destruction of public property.
12. Striking flag or treacherously yielding.
13. Cowardice in battle.
14. Deserting duty in battle.
15. Neglecting orders to prepare for battle.
16. Neglecting to clear for action.
17. Neglecting to join on signal for battle.
18. Failing to encourage the men to fight.
19. Failing to seek encounter.
20. Failing to afford relief in battle.
5. Spies.
6. Murder.
7. Imprisonment in penitentiary.
8. Offenses punishable at discretion of court-martial :
 1. Profanity, falsehood, &c.
 2. Cruelty.
 3. Quarreling.
 4. Fomenting quarrels.
 5. Duels.
 6. Contempt of superior officer.
 7. Combinations against superior officer.
 8. Mutinous words.
 9. Neglect of orders.
10. Preventing destruction of public property.
11. Negligent stranding.
12. Negligence in convoy service.
13. Receiving articles for freight.
14. False muster.
15. Waste of public property, &c.
16. Plundering on shore.
17. Refusing to apprehend offenders.
18. Refusing to receive prisoners.
19. Absence from duty without leave.

Art.

20. Violating general orders or regulations.
21. Desertion in time of peace.
22. Harboring deserters.
9. Officers absent without leave may be reduced.
10. Desertion by resignation.
11. Dealing in supplies on private account.
12. Importing dutiable goods in public vessels.
13. Distilled spirits only as medical stores.
14. Certain crimes of fraud against the United States.
15. List of persons claiming prize-money.
16. Removing property from a prize.
17. Maltreating persons taken on a prize.
18. Returning fugitives from service.
19. Enlisting deserters, minors, &c.
20. Duties of commanding officers :
 1. Men received on board.
 2. List of officers, men, and passengers.
 3. Deaths and desertions.
 4. Property of deceased persons.
 5. Accounts of men received.
 6. Accounts of men sent from the ship.
 7. Inspection of provisions.
 8. Health of the crew.
 9. Attendance at final payment of the crew.
 10. Articles for the government of the Navy. Punishment for offending against this article.
21. Authority of officers after loss of vessel.
22. Offenses not specified.
23. Offenses committed on shore.
24. Punishments by order of commander.
25. Punishment by officer temporarily commanding.
26. Summary courts-martial.
27. Constitution of summary courts-martial.
28. Oath of members and recorder.
29. Testimony.
30. Punishments by summary courts.
31. Disrating for incompetency.
32. Execution of sentence of summary court.
33. Remission of sentence.
34. Manner of conducting proceedings.
35. Same punishments by general court-martial.
36. Dismissal of officers.
37. Officer dismissed by the President may demand trial.
38. General courts-martial, by whom convened.
39. Constitution of.
40. Oaths of members and judge-advocate.

| Art. | Art. |
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| 41. Oath of witness. | 51. Adequate punishment; recommendation to mercy. |
| 42. Contempts of court. | 52. Authentication of judgment. |
| 43. Charges. | 53. Confirmation of sentence. |
| 44. Duty of officer arrested. | 54. Remission and mitigation of sentence. |
| 45. Suspension of proceedings. | 55. Courts of inquiry, by whom ordered. |
| 46. Absence of members. | 56. Constitution of. |
| 47. Witnesses examined in absence of a member. | 57. Powers of. |
| 48. Suspension of pay. | 58. Oath of members and judge-advocate. |
| 49. Flogging, branding, &c. | 59. Rights of party inquired of. |
| 50. Sentences, how determined. | 60. Proceedings, how authenticated and used as evidence. |

SEC. 1624. The Navy of the United States shall be governed by the following articles:

ARTICLE 1. The commanders of all fleets, squadrons, naval stations, and vessels belonging to the Navy, are required to show in themselves a good example of virtue, honor, patriotism, and subordination; to be vigilant in inspecting the conduct of all persons who are placed under their command; to guard against and suppress all dissolute and immoral practices, and to correct, according to the laws and regulations of the Navy, all persons who are guilty of them; and any such commander who offends against this article shall be punished as a court-martial may direct.

ART. 2. The commanders of vessels and naval stations to which chaplains are attached shall cause divine service to be performed on Sunday, whenever the weather and other circumstances allow it to be done; and it is earnestly recommended to all officers, seamen, and others in the naval service diligently to attend at every performance of the worship of Almighty God.

ART. 3. Any irreverent or unbecoming behavior during divine service shall be punished as a general or summary court-martial may direct.

ART. 4. The punishment of death, or such other punishment as a court-martial may adjudge, may be inflicted on any person in the naval service—

First. Who makes, or attempts to make, or unites with any mutiny or mutinous assembly, or, being witness to or present at any mutiny, does not do his utmost to suppress it; or, knowing of any mutinous assembly or of any intended mutiny, does not immediately communicate his knowledge to his superior or commanding officer;

Second. Or disobeys the lawful orders of his superior officer;

Third. Or strikes or assaults, or attempts or threatens to strike or assault, his superior officer while in the execution of the duties of his office;

Fourth. Or gives any intelligence to, or holds or entertains any intercourse with, an enemy or rebel, without leave from the President, the Secretary of the Navy, the commander-in-chief of the fleet, the commander of the squadron, or, in case of a vessel acting singly, from his commanding officer;

Fifth. Or receives any message or letter from an enemy or rebel, or, being aware of the unlawful reception of such message or letter, fails to take the earliest opportunity to inform his superior or commanding officer thereof;

Sixth. Or, in time of war, deserts or entices others to desert;

[See §§ 1996-1998.]

Seventh. Or, in time of war, deserts or betrays his trust, or entices or aids others to desert or betray their trust;

Eighth. Or sleeps upon his watch;

Ninth. Or leaves his station before being regularly relieved;

Tenth. Or intentionally or willfully suffers any vessel of the Navy to be stranded, or run upon rocks or shoals, or improperly hazarded; or maliciously or willfully injures any vessel of the Navy, or any part of

Articles established.

17 July, 1862, c. 204, s. 1, v. 12, p. 600. Commander's duty of supervision and correction.

Id., art. 1.

Divine service.

Id., art. 2.

Irreverent behavior.

Id., art. 2.

Offenses punishable by death.

Id., art. 3.

Mutiny.

Disobedience of orders.

Striking superior officer.

Intercourse with an enemy.

Messages from an enemy.

Desertion in time of war.

Deserting trust.

Sleeping on watch.

Leaving station

Willful stranding or injury of vessel.

23 April, 1800, c. 33, art. 17, v. 2, p. 47.

- her tackle, armament, or equipment, whereby the safety of the vessel is hazarded or the lives of the crew exposed to danger;
- Unlawful destruction of public property. Eleventh. Or unlawfully sets on fire, or otherwise unlawfully destroys, any public property not at the time in possession of an enemy, pirate, or rebel;
- Striking flag or treacherously yielding. Twelfth. Or strikes or attempts to strike the flag to an enemy or rebel, without proper authority, or, when engaged in battle, treacherously yields or pusillanimously cries for quarters;
- Cowardice in battle. Thirteenth. Or, in time of battle, displays cowardice, negligence, or disaffection, or withdraws from or keeps out of danger to which he should expose himself;
- Deserting duty in battle. Fourteenth. Or, in time of battle, deserts his duty or station, or entices others to do so;
- Neglecting orders to prepare for battle. Fifteenth. Or does not properly observe the orders of his commanding officer, and use his utmost exertions to carry them into execution, when ordered to prepare for or join in, or when actually engaged in, battle, or while in sight of an enemy;
- Neglecting to clear for action. Sixteenth. Or, being in command of a fleet, squadron, or vessel acting singly, neglects, when an engagement is probable, or when an armed vessel of an enemy or rebel is in sight, to prepare and clear his ship or ships for action;
- Neglecting to join on signal for battle. Seventeenth. Or does not, upon signal for battle, use his utmost exertions to join in battle;
- Failing to encourage the men to fight. Eighteenth. Or fails to encourage, in his own person, his inferior officers and men to fight courageously;
- Failing to seek encounter. Nineteenth. Or does not do his utmost to overtake and capture or destroy any vessel which it is his duty to encounter;
- Failing to afford relief in battle. Twentieth. Or does not afford all practicable relief and assistance to vessels belonging to the United States or their allies when engaged in battle.
- Spies. ART. 5. All persons who, in time of war, or of rebellion against the supreme authority of the United States, come or are found in the capacity of spies, or who bring or deliver any seducing letter or message from an enemy or rebel, or endeavor to corrupt any person in the Navy to betray his trust, shall suffer death, or such other punishment as a court-martial may adjudge.
- 17 July, 1862, c. 204, s. 1, v. 12, p. 602, art. 4.
13 Feb., 1862, c. 25, s. 4, v. 12, p. 340.
3 March, 1863, c. 75, s. 38, v. 12, p. 737.
- Murder. ART. 6. If any person belonging to any public vessel of the United States commits the crime of murder without the territorial jurisdiction thereof, he may be tried by court-martial and punished with death.
- 17 July, 1862, c. 204, s. 1, v. 12, p. 602, art. 5.
- Imprisonment in a penitentiary. ART. 7. A naval court-martial may adjudge the punishment of imprisonment for life, or for a stated term, at hard labor, in any case where it is authorized to adjudge the punishment of death; and such sentences of imprisonment and hard labor may be carried into execution in any prison or penitentiary under the control of the United States, or which the United States may be allowed, by the legislature of any State, to use; and persons so imprisoned in the prison or penitentiary of any State or Territory shall be subject, in all respects, to the same discipline and treatment as convicts sentenced by the courts of the State or Territory in which the same may be situated.
- Id., art. 6.
- Offenses punishable at discretion of court-martial. ART. 8. Such punishment as a court-martial may adjudge may be inflicted on any person in the Navy—
- Id., art. 7.
- Profanity, falsehood, &c. First. Who is guilty of profane swearing, falsehood, drunkenness, gambling, fraud, theft, or any other scandalous conduct tending to the destruction of good morals;
- Cruelty. Second. Or is guilty of cruelty toward, or oppression or maltreatment of, any person subject to his orders;
- Quarreling. Third. Or quarrels with, strikes, or assaults, or uses provoking or reproachful words, gestures, or menaces toward, any person in the Navy;

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| Fourth. Or endeavors to foment quarrels between other persons in the Navy; | Fomenting quarrels. |
| Fifth. Or sends or accepts a challenge to fight a duel or acts as a second in a duel; | Duels. |
| Sixth. Or treats his superior officer with contempt, or is disrespectful to him in language or deportment, while in the execution of his office; | Contempt of superior officer. |
| Seventh. Or joins in or abets any combination to weaken the lawful authority of, or lessen the respect due to, his commanding officer; | Combinations against superior officer. |
| Eighth. Or utters any seditious or mutinous words; | Mutinous words. |
| | 23 April, 1800, c. 33, art. 13, v. 2, p. 47. |
| Ninth. Or is negligent or careless in obeying orders, or culpably inefficient in the performance of duty; | Neglect of orders. |
| Tenth. Or does not use his best exertions to prevent the unlawful destruction of public property by others; | Preventing destruction of public property. |
| | 23 April, 1800, c. 33, art. 25, v. 2, p. 48. |
| Eleventh. Or, through inattention or negligence, suffers any vessel of the Navy to be stranded, or run upon a rock or shoal, or hazarded; | Negligent stranding. |
| Twelfth. Or, when attached to any vessel appointed as convoy to any merchant or other vessels, fails diligently to perform his duty, or demands or exacts any compensation for his services, or maltreats the officers or crews of such merchant or other vessels; | Negligence in convoy service. |
| Thirteenth. Or takes, receives, or permits to be received, on board the vessel to which he is attached, any goods or merchandise, for freight, sale, or traffic, except gold, silver, or jewels, for freight or safe-keeping; or demands or receives any compensation for the receipt or transportation of any other article than gold, silver, or jewels, without authority from the President or Secretary of the Navy; | Receiving articles for freight. |
| Fourteenth. Or knowingly makes or signs, or aids, abets, directs, or procures the making or signing of, any false muster; | False muster. |
| Fifteenth. Or wastes any ammunition, provisions, or other public property, or, having power to prevent it, knowingly permits such waste; | Waste of public property, &c. |
| Sixteenth. Or, when on shore, plunders, abuses, or maltreats any inhabitant, or injures his property in any way; | Plundering on shore. |
| Seventeenth. Or refuses, or fails to use, his utmost exertions to detect, apprehend, and bring to punishment all offenders, or to aid all persons appointed for that purpose; | Refusing to apprehend offenders. |
| Eighteenth. Or, when rated or acting as master-at-arms, refuses to receive such prisoners as may be committed to his charge, or, having received them, suffers them to escape, or dismisses them without orders from the proper authority; | Refusing to receive prisoners. |
| Nineteenth. Or is absent from his station or duty without leave, or after his leave has expired; | Absence from duty without leave. |
| Twentieth. Or violates or refuses obedience to any lawful general order or regulation issued by the Secretary of the Navy; | Violating general orders or regulations. |
| Twenty-first. Or, in time of peace, deserts or attempts to desert, or aids and entices others to desert; [See §§ 1996-1998.] | Desertion in time of peace. |
| Twenty-second. Or receives or entertains any deserter from any other vessel of the Navy, knowing him to be such, and does not, with all convenient speed, give notice of such deserter to the commander of the vessel to which he belongs, or to the commander-in-chief, or to the commander of the squadron. | Harboring deserters. |
| | 23 April, 1800, c. 33, art. 17, v. 2, p. 47. |
| ART. 9. Any officer who absents himself from his command without leave may, by the sentence of a court-martial, be reduced to the rating of an ordinary seaman. | Officer absent without leave may be reduced. |
| | 16 May, 1864, c. 86, s. 2, v. 13, p. 75. |
| ART. 10. Any commissioned officer of the Navy or Marine Corps who, having tendered his resignation, quits his post or proper duties without leave, and with intent to remain permanently absent therefrom, prior to due notice of the acceptance of such resignation, shall be deemed and punished as a deserter. | Desertion by resignation. |
| | 5 Aug., 1861, c. 54, s. 2, v. 12, pp. 316, 317. |
| ART. 11. No person in the naval service shall procure stores or other articles or supplies for, and dispose thereof to, the officers or enlisted | Dealing in supplies on private account. |

26 Aug., 1842, c. 206, s. 1, v. 5, p. 535.

Importing dutiable goods in public vessels.

30 July, 1846, c. 74, s. 10, v. 9, p. 44.

Distilled spirits only as medical stores.

14 July, 1862, c. 164, s. 4, v. 12, p. 565.

Certain crimes of fraud against the United States.

2 March, 1863, c. 67, s. 1, v. 12, p. 696.

Presenting false claims.

Agreement to obtain payment of false claim.

False papers.

Perjury.

Forgery.

Delivering less property than receipt calls for.

Giving receipts without knowing truth of.

Stealing, wrongfully selling, &c.

Buying public military property.

17 July, 1862, c. 204, art. 7, v. 12, p. 602.

men on vessels of the Navy, or at navy-yards or naval stations, for his own account or benefit.

ART. 12. No person connected with the Navy shall, under any pretense, import in a public vessel any article which is liable to the payment of duty.

ART. 13. Distilled spirits shall be admitted on board of vessels of war only upon the order and under the control of the medical officers of such vessels, and to be used only for medical purposes.

ART. 14. Fine and imprisonment, or such other punishment as a court-martial may adjudge, shall be inflicted upon any person in the naval service of the United States—

Who presents or causes to be presented to any person in the civil, military, or naval service thereof, for approval or payment, any claim against the United States or any officer thereof, knowing such claim to be false or fraudulent; or

Who enters into any agreement or conspiracy to defraud the United States by obtaining, or aiding others to obtain, the allowance or payment of any false or fraudulent claim; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or against any officer thereof, makes or uses, or procures or advises the making or use of, any writing, or other paper, knowing the same to contain any false or fraudulent statement; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, makes, or procures or advises the making of, any oath to any fact or to any writing or other paper, knowing such oath to be false; or

Who, for the purpose of obtaining, or aiding others to obtain, the approval, allowance, or payment of any claim against the United States or any officer thereof, forges or counterfeits, or procures or advises the forging or counterfeiting of, any signature upon any writing or other paper, or uses, or procures or advises the use of, any such signature, knowing the same to be forged or counterfeited; or

Who, having charge, possession, custody, or control of any money or other property of the United States, furnished or intended for the naval service thereof, knowingly delivers, or causes to be delivered, to any person having authority to receive the same, any amount thereof less than that for which he receives a certificate or receipt; or

Who, being authorized to make or deliver any paper certifying the receipt of any money or other property of the United States, furnished or intended for the naval service thereof, makes, or delivers to any person, such writing, without having full knowledge of the truth of the statements therein contained, and with intent to defraud the United States; or

Who steals, embezzles, knowingly and willfully misappropriates, applies to his own use or benefit, or wrongfully and knowingly sells or disposes of any ordnance, arms, equipments, ammunition, clothing, subsistence stores, money or other property of the United States, furnished or intended for the military or naval service thereof; or

Who knowingly purchases, or receives in pledge for any obligation or indebtedness, from any other person who is a part of or employed in said service, any ordnance, arms, equipments, ammunition, clothing, subsistence stores, or other property of the United States, such other person not having lawful right to sell or pledge the same; or

Who executes, attempts, or countenances any other fraud against the United States.

And if any person, being guilty of any of the offenses described in this article while in the naval service, receives his discharge, or is dismissed from the service, he shall continue to be liable to be arrested and held for trial and sentence by a court-martial, in the same manner and to the same extent as if he had not received such discharge nor been dismissed.

ART. 15. The commanding officer of every vessel in the Navy entitled to or claiming an award of prize-money shall, as soon as it may be practicable after the capture, transmit to the Navy Department a complete list of the officers and men of his vessel entitled to share, stating therein the quality of each person rating; and every commanding officer who offends against this article shall be punished as a court-martial may direct. [See § 4615.]

ART. 16. No person in the Navy shall take out of a prize, or vessel seized as a prize, any money, plate, goods, or any part of her equipment, unless it be for the better preservation thereof, or unless such articles are absolutely needed for the use of any of the vessels or armed forces of the United States, before the same are adjudged lawful prize by a competent court; but the whole, without fraud, concealment, or embezzlement, shall be brought in, in order that judgment may be passed thereon; and every person who offends against this article shall be punished as a court-martial may direct.

ART. 17. If any person in the Navy strips off the clothes of, or pillages, or in any manner maltreats, any person taken on board a prize, he shall suffer such punishment as a court-martial may adjudge.

Id., s. 8.—Lively and Cargo, 1 Gallis., 314.

ART. 18. If any officer or person in the naval service employs any of the forces under his command for the purpose of returning any fugitive from service or labor, he shall be dismissed from the service.

ART. 19. Any officer who knowingly enlists into the naval service any deserter from the naval or military service of the United States, or any insane or intoxicated person, or any minor between the ages of sixteen and eighteen years, without the consent of his parents or guardian, or any minor under the age of sixteen years, shall be dishonorably dismissed from the service of the United States. [See §§ 1418, 1419.]

ART. 20. Every commanding officer of a vessel in the Navy shall obey the following rules:

First. Whenever a man enters on board, the commanding officer shall cause an accurate entry to be made in the ship's books, showing his name, the date, place, and term of his enlistment, the place or vessel from which he was received on board, his rating, his descriptive list, his age, place of birth, and citizenship, with such remarks as may be necessary.

Second. He shall, before sailing, transmit to the Secretary of the Navy a complete list of the rated men under his command, showing the particulars set forth in rule one, and a list of officers and passengers, showing the date of their entering. And he shall cause similar lists to be made out on the first day of every third month and transmitted to the Secretary of the Navy as opportunities occur, accounting therein for any casualty which may have happened since the last list.

Third. He shall cause to be accurately minuted on the ship's books the names of any persons dying or deserting, and the times at which such death or desertion occurs.

Fourth. In case of the death of any officer, man, or passenger on said vessel, he shall take care that the paymaster secures all the property of the deceased, for the benefit of his legal representatives.

Fifth. He shall not receive on board any man transferred from any other vessel or station to him, unless such man is furnished with an

2 March, 1863, c. 67, s. 2, v. 12, p. 697.

List of persons claiming prize-money.

17 July, 1862, c. 204, s. 5, v. 12, p. 607.

Removing property from a prize.

Id., s. 7.

Maltreating persons taken on a prize.

Returning fugitives from service.

13 March, 1862, c. 40, s. 1, v. 12, p. 354.

Enlisting deserters, minors, &c.

3 March, 1865, c. 79, s. 18, v. 13, p. 490.

Duties of commanding officers.

17 July, 1862, c. 204, s. 16, v. 12, p. 609.

Men received on board.

List of officers, men, and passengers.

Deaths and desertions.

Property of deceased persons.

Accounts of men received.

account, signed by the captain and paymaster of the vessel or station from which he came, specifying the date of his entry on said vessel or at said station, the period and term of his service, the sums paid him, the balance due him, the quality in which he was rated, and his descriptive list.

Accounts of men sent from the ship.

Sixth. He shall, whenever officers or men are sent from his ship, for whatever cause, take care that each man is furnished with a complete statement of his account, specifying the date of his enlistment, the period and term of his service, and his descriptive list. Said account shall be signed by the commanding officer and paymaster.

Inspection of provisions.

Seventh. He shall cause frequent inspections to be made into the condition of the provisions on his ship, and use every precaution for their preservation.

Health of crew.

Eighth. He shall frequently consult with the surgeon in regard to the sanitary condition of his crew, and shall use all proper means to preserve their health. And he shall cause a convenient place to be set apart for sick or disabled men, to which he shall have them removed, with their hammocks and bedding, when the surgeon so advises, and shall direct that some of the crew attend them and keep the place clean.

Attendance at final payment of crew.

Ninth. He shall attend in person, or appoint a proper officer to attend, when his crew is finally paid off, to see that justice is done to the men and to the United States in the settlement of the accounts.

Articles for the government of the Navy.

Tenth. He shall cause the articles for the government of the Navy to be hung up in some public part of the ship and read once a month to his ship's company.

Punishment for offending against this article.

Every commanding officer who offends against the provisions of this article shall be punished as a court-martial may direct.

Authority of officers after loss of vessel.

ART. 21. When the crew of any vessel of the United States are separated from their vessel by means of her wreck, loss, or destruction, all the command and authority given to the officers of such vessel shall remain in full force until such ship's company shall be regularly discharged from or ordered again into service, or until a court-martial or court of inquiry shall be held to inquire into the loss of said vessel. And if any officer or man, after such wreck, loss, or destruction, acts contrary to the discipline of the Navy, he shall be punished as a court-martial may direct.

Id., s. 14.

Offenses not specified.

ART. 22. All offenses committed by persons belonging to the Navy which are not specified in the foregoing articles shall be punished as a court-martial may direct.

Id., art. 8.

Offenses committed on shore.

ART. 23. All offenses committed by persons belonging to the Navy while on shore shall be punished in the same manner as if they had been committed at sea.

Id., art. 9.

Punishments by order of commander.

ART. 24. No commander of a vessel shall inflict upon a commissioned or warrant officer any other punishment than private reprimand, suspension from duty, arrest, or confinement, and such suspension, arrest, or confinement shall not continue longer than ten days, unless a further period is necessary to bring the offender to trial by a court-martial; nor shall he inflict, or cause to be inflicted, upon any petty officer, or person of inferior rating, or marine, for a single offense, or at any one time, any other than one of the following punishments, namely:

Wilkes vs. Dinsman, 7 How., 89.
Dinsman vs. Wilkes, 12 How., 390.

First. Reduction of any rating established by himself.

Second. Confinement, with or without irons, single or double, not exceeding ten days, unless further confinement be necessary, in the case of a prisoner to be tried by court-martial.

Third. Solitary confinement, on bread and water, not exceeding five days.

Fourth. Solitary confinement not exceeding seven days.

Fifth. Deprivation of liberty on shore.

Sixth. Extra duties.

No other punishment shall be permitted on board of vessels belonging to the Navy, except by sentence of a general or summary court-martial.

All punishments inflicted by the commander, or by his order, except reprimands, shall be fully entered upon the ship's log.

ART. 25. No officer who may command by accident, or in the absence of the commanding officer, except when such commanding officer is absent for a time by leave, shall inflict any other punishment than confinement.

Punishment by officer temporarily commanding.

23 April, 1800, c. 33, s. 1, v. 2, p. 49, art. 30.

ART. 26. Summary courts-martial may be ordered upon petty officers and persons of inferior ratings, by the commander of any vessel, or by the commandant of any navy-yard, naval station, or marine barracks to which they belong, for the trial of offenses which such officer may deem deserving of greater punishment than such commander or commandant is authorized to inflict, but not sufficient to require trial by a general court-martial.

Summary courts-martial.

2 March, 1855, c. 136, s. 4, v. 10, p. 627.
15 July, 1870, c. 295, s. 14, v. 16, p. 334.

ART. 27. A summary court-martial shall consist of three officers not below the rank of ensign, as members, and of a recorder. The commander of a ship may order any officer under his command to act as such recorder.

Constitution of summary courts-martial.

Id., s. 6.
Oath of members and recorder.

Id., s. 5.

ART. 28. Before proceeding to trial the members of a summary court-martial shall take the following oath or affirmation, which shall be administered by the recorder: "I, A B, do swear (or affirm) that I will well and truly try, without prejudice or partiality, the case now depending, according to the evidence which shall be adduced, the laws for the government of the Navy, and my own conscience." After which the recorder of the court shall take the following oath or affirmation, which shall be administered by the senior member of the court: "I, A B, do swear (or affirm) that I will keep a true record of the evidence which shall be given before this court and of the proceedings thereof."

ART. 29. All testimony before a summary court-martial shall be given orally, upon oath or affirmation, administered by the senior member of the court.

Testimony.

Id., s. 7.

ART. 30. Summary courts-martial may sentence petty officers and persons of inferior ratings to any one of the following punishments, namely:

Punishments by summary courts.

Id., s. 7.

First. Discharge from the service with bad conduct discharge; but the sentence shall not be carried into effect in a foreign country.

Second. Solitary confinement, not exceeding thirty days, in irons, single or double, on bread and water, or on diminished rations.

Third. Solitary confinement in irons, single or double, not exceeding thirty days.

Fourth. Solitary confinement not exceeding thirty days.

Fifth. Confinement not exceeding two months.

Sixth. Reduction to next inferior rating.

Seventh. Deprivation of liberty on shore on foreign station.

Eighth. Extra police duties, and loss of pay, not to exceed three months, may be added to any of the above-mentioned punishments.

ART. 31. A summary court-martial may disrate any rated person for incompetency.

Disrating for incompetency.

17 July, 1862, c. 204, s. 1, art. 10, v. 12, p. 603.

ART. 32. No sentence of a summary court-martial shall be carried into execution until the proceedings and sentence have been approved by the officer ordering the court and by the commander-in-chief, or, in his absence, by the senior officer present. And no sentence of such court which involves loss of pay shall be carried into execution until the proceedings and sentence have been approved by the Secretary of the Navy.

Execution of sentence of summary court.

2 March, 1855, c. 136, s. 8, v. 10, p. 628.
2 March, 1867, c. 174, s. 5, v. 14, p. 516.

ART. 33. The officer ordering a summary court-martial shall have power to remit, in part or altogether, but not to commute, the sentence of the court. And it shall be his duty either to remit any part or the whole of any sentence, the execution of which would, in the opinion of the surgeon or senior medical officer on board, given in writing, produce

Remission of sentence.

2 March, 1855, c. 136, s. 8, v. 10, p. 628.

serious injury to the health of the person sentenced; or to submit the case again, without delay, to the same or to another summary court-martial, which shall have power, upon the testimony already taken, to remit the former punishment and to assign some other of the authorized punishments in the place thereof.

Manner of conducting proceedings.

Id., s. 9.

ART. 34. The proceedings of summary courts-martial shall be conducted with as much conciseness and precision as may be consistent with the ends of justice, and under such forms and rules as may be prescribed by the Secretary of the Navy, with the approval of the President; and all such proceedings shall be transmitted, in the usual mode, to the Navy Department.

Same punishments by general court-martial.

ART. 35. Any punishment which a summary court-martial is authorized to inflict may be inflicted by a general court-martial.

Id., s. 10.

Dismissal of officers.

13 July, 1866, c. 176, s. 5, v. 14, p. 92.

Officer dismissed by the President may demand trial.

3 March, 1865, c. 79, s. 12, v. 13, p. 489.

ART. 36. No officer shall be dismissed from the naval service except by the order of the President or by sentence of a general court-martial; and in time of peace no officer shall be dismissed except in pursuance of the sentence of a general court-martial or in mitigation thereof.

ART. 37. When any officer, dismissed by order of the President since 3d March, 1865, makes, in writing, an application for trial, setting forth, under oath that he has been wrongfully dismissed, the President shall, as soon as the necessities of the service may permit, convene a court-martial to try such officer on the charges on which he shall have been dismissed. And if such court-martial shall not be convened within six months from the presentation of such application for trial, or if such court, being convened, shall not award dismissal or death as the punishment of such officer, the order of dismissal by the President shall be void.

General courts-martial, by whom convened.

17 July, 1862, c. 204, s. 1, art. 11, v. 12, p. 603.

Constitution of.

Id., art. 11.

Wiscrs. Withers, 3 Cr., 337.

Dynes vs. Hoover, 20 How., 81, 84.

ART. 38. General courts-martial may be convened by the President, the Secretary of the Navy, or the commander-in-chief of a fleet or squadron; but no commander of a fleet or squadron in the waters of the United States shall convene such court without express authority from the President.

ART. 39. A general court-martial shall consist of not more than thirteen nor less than five commissioned officers as members; and as many officers, not exceeding thirteen, as can be convened without injury to the service, shall be summoned on every such court. But in no case, where it can be avoided without injury to the service, shall more than one-half, exclusive of the president, be junior to the officer to be tried. The senior officer shall always preside and the others shall take place according to their rank.

Oaths of members and judge-advocate.

Id., art. 12.

ART. 40. The president of the general court-martial shall administer the following oath or affirmation to the judge-advocate or person officiating as such:

"I, A B, do swear (or affirm) that I will keep a true record of the evidence given to and the proceedings of this court; that I will not divulge or by any means disclose the sentence of the court until it shall have been approved by the proper authority; and that I will not at any time divulge or disclose the vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

This oath or affirmation being duly administered, each member of the court, before proceeding to trial, shall take the following oath or affirmation, which shall be administered by the judge-advocate or person officiating as such:

"I, A B, do swear (or affirm) that I will truly try without prejudice or partiality, the case now depending, according to the evidence which shall come before the court, the rules for the government of the Navy, and my own conscience; that I will not by any means divulge or disclose the sentence of the court until it shall have been approved by the proper authority; and that I will not at any time divulge or disclose the

vote or opinion of any particular member of the court, unless required so to do before a court of justice in due course of law."

ART. 41. An oath or affirmation, in the following form, shall be administered to all witnesses, before any court-martial, by the president thereof:

"You do solemnly swear (or affirm) that the evidence you shall give in the case now before this court shall be the truth, the whole truth, and nothing but the truth, and that you will state everything within your knowledge in relation to the charges. So help you God; (or 'this you do under the pains and penalties of perjury.')

ART. 42. Whenever any person refuses to give his evidence or to give it in the manner provided by these articles, or prevaricates, or behaves with contempt to the court, it shall be lawful for the court to imprison him for any time not exceeding two months.

ART. 43. The person accused shall be furnished with a true copy of the charges, with the specifications, at the time he is put under arrest; and no other charges than those so furnished shall be urged against him at the trial, unless it shall appear to the court that intelligence of such other charge had not reached the officer ordering the court when the accused was put under arrest, or that some witness material to the support of such charge was at that time absent and can be produced at the trial; in which case reasonable time shall be given to the accused to make his defense against such new charge.

ART. 44. Every officer who is arrested for trial shall deliver up his sword to his commanding officer and confine himself to the limits assigned him, on pain of dismissal from the service.

ART. 45. When the proceedings of any general court-martial have commenced, they shall not be suspended or delayed on account of the absence of any of the members, provided five or more are assembled; but the court is enjoined to sit from day to day, Sundays excepted, until sentence is given, unless temporarily adjourned by the authority which convened it.

ART. 46. No member of a general court-martial shall, after the proceedings are begun, absent himself therefrom, except in case of sickness, or of an order to go on duty from a superior officer, on pain of being cashiered.

ART. 47. Whenever any member of a court-martial, from any legal cause, is absent from the court after the commencement of a case, all the witnesses who have been examined during his absence must, when he is ready to resume his seat, be recalled by the court, and the recorded testimony of each witness so examined must be read over to him, and such witness must acknowledge the same to be correct and be subject to such further examination as the said member may require. Without a compliance with this rule, and an entry thereof upon the record, a member who shall have been absent during the examination of a witness shall not be allowed to sit again in that particular case.

ART. 48. Whenever a court-martial sentences an officer to be suspended, it may suspend his pay and emoluments for the whole or any part of the time of his suspension.

ART. 49. In no case shall punishment by flogging, or by branding, marking, or tattooing on the body be adjudged by any court-martial or be inflicted upon any person in the Navy.

ART. 50. No person shall be sentenced by a court-martial to suffer death, except by the concurrence of two-thirds of the members present, and in the cases where such punishment is expressly provided in these articles. All other sentences may be determined by a majority of votes.

ART. 51. It shall be the duty of a court-martial, in all cases of conviction, to adjudge a punishment adequate to the nature of the offense; but the members thereof may recommend the person convicted as deserving of clemency, and state, on the record, their reasons for so doing.

Oath of witness.

Id., art. 14.

Contempts of court.

Id., art. 13.

Charges.

Id., art. 15.

Duty of officer arrested.

Id., art. 15.

Suspension of proceedings.

Id., art. 16.

Absence of members.

Id., art. 16.

Witnesses examined in absence of a member.

Id., art. 17.

Suspension of pay.

Id., art. 18.

Flogging, branding, &c.

Id., art. 8.

6 June, 1872, c. 316, s. 2, v. 17, p. 261.

Sentences, how determined.

Id., art. 19.

Adequate punishment; recommendation to mercy.

Id., art. 21.

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| Authentication of judgment. | ART. 52. The judgment of every court-martial shall be authenticated by the signature of the president, and of every member who may be present when said judgment is pronounced, and also of the judge-advocate. |
| Id., art. 22. | |
| Confirmation of sentence. | ART. 53. No sentence of a court-martial, extending to the loss of life, or to the dismissal of a commissioned or warrant officer, shall be carried into execution until confirmed by the President. All other sentences of a general court-martial may be carried into execution on confirmation of the commander of the fleet or officer ordering the court. |
| Id., art. 19. | |
| Remission and mitigation of sen- tence. | ART. 54. Every officer who is authorized to convene a general court-martial shall have power, on revision of its proceedings, to remit or mitigate, but not to commute, the sentence of any such court which he is authorized to approve and confirm. |
| Id., art. 20. | |
| Courts of inquiry, by whom ordered. | ART. 55. Courts of inquiry may be ordered by the President, the Secretary of the Navy, or the commander of a fleet or squadron. |
| Id., art. 23. | |
| Constitution of. | ART. 56. A court of inquiry shall consist of not more than three commissioned officers as members, and of a judge-advocate, or person officiating as such. |
| Id., art. 23. | |
| Powers of. | ART. 57. Courts of inquiry shall have power to summon witnesses, administer oaths, and punish contempts, in the same manner as courts-martial; but they shall only state facts, and shall not give their opinion, unless expressly required so to do in the order for convening. |
| Id., art. 23. | |
| Oath of mem- bers and judge-ad- vocate. | ART. 58. The judge-advocate, or person officiating as such, shall administer to the members the following oath or affirmation: "You do swear (or affirm) well and truly to examine and inquire, according to the evidence, into the matter now before you, without partiality." After which the president shall administer to the judge-advocate, or person officiating as such, the following oath or affirmation: "You do swear (or affirm) truly to record the proceedings of this court and the evidence to be given in the case in hearing." |
| Id., art. 25. | |
| Rights of party inquired of. | ART. 59. The party whose conduct shall be the subject of inquiry, or his attorney, shall have the right to cross-examine all the witnesses. |
| Id., art. 23. | |
| Proceedings, how authenticated and used as evidence. | ART. 60. The proceedings of courts of inquiry shall be authenticated by the signature of the president of the court and of the judge-advocate, and shall, in all cases not capital, nor extending to the dismissal of a commissioned or warrant officer, be evidence before a court-martial, provided oral testimony cannot be obtained. |
| Id., art. 24. | |

TITLE XVI.

THE MILITIA.

| Sec. | Sec. |
|---|---|
| 1625. Who to be enrolled in the militia. | 1645. Organization. |
| 1626. Enrollment, by whom. | 1646. How formed. |
| 1627. Notice of enrollment. | 1647. How composed. |
| 1628. Arms and accouterments. | 1648. When called forth, term of service to be specified. |
| 1629. Persons exempt. | 1649. Disobedience of orders, penalty. |
| 1630. Arrangement into divisions, brigades, &c. | 1650. Pay, rations, &c. |
| 1631. Militia, how officered. | 1651. When pay to commence. |
| 1632. Artillery and cavalry. | 1652. Traveling allowance. |
| 1633. Regimental colors. | 1653. Forage and use of horses. |
| 1634. Adjutant-general in each State; his duty. | 1654. Expenses of march to rendezvous. |
| 1635. Returns. | 1655. Addition to ration. |
| 1636. Returns to the President. | 1656. Provision for widows, &c., of those who die in service. |
| 1637. Discipline. | 1657. Volunteers, &c., to suppress Indian depredations in Florida, benefits to. |
| 1638. Officers, how to take rank. | 1658. Courts-martial, how composed. |
| 1639. Care of the wounded. | 1659. Fines assessed, how to be levied. |
| 1640. Brigade-inspector's duty. | 1660. To be paid into the Treasury of United States. |
| 1641. Privileges of certain corps. | 1661. Appropriation for arms, and equipments. |
| 1642. Orders of President in case of invasion. | |
| 1643. Militia, how apportioned. | |
| 1644. Subject to rules of war. | |

SEC. 1625. Every able-bodied male citizen of the respective States, resident therein, who is of the age of eighteen years, and under the age of forty-five years, shall be enrolled in the militia. Who to be enrolled in the militia.

8 May 1792, c. 33,
s. 1, v. 1, p. 271. 17 July, 1862, c. 201, s. 1, v. 12, p. 597. 2 March, 1867, c. 145, s. 6, v. 14,
p. 423.—*Houston vs. Moore*, 5 Wh., 1.

SEC. 1626. It shall be the duty of every captain or commanding officer of a company to enroll every such citizen residing within the bounds of his company, and all those who may, from time to time, arrive at the age of eighteen years, or who, being of the age of eighteen years and under the age of forty-five years, come to reside within his bounds. Enrollment, by whom.

8 May, 1792, c. 33,
s. 1, v. 1, p. 271.

SEC. 1627. Each captain or commanding officer shall, without delay, notify every such citizen of his enrollment, by a proper non-commissioned officer of his company, who may prove the notice. And any notice or warning to a citizen enrolled, to attend a company, battalion, or regimental muster, which is according to the laws of the State in which it is given for that purpose, shall be deemed a legal notice of his enrollment. Notice of enrollment.

8 May, 1792, c. 33,
s. 1, v. 1, p. 271.
2 March, 1803, c.
15, s. 2, v. 2, p. 207.

SEC. 1628. Every citizen shall, after notice of his enrollment, be constantly provided with a good musket or firelock of a bore sufficient for balls of the eighteenth part of a pound, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball; or with a good rifle, knapsack, shot-pouch and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutered, and provided when called out to exercise, or into service, except that when called out on company days to exercise only, he may appear without a knapsack. And all arms, ammunition, and accouterments so provided and required shall be held exempted from all suits, distresses, executions, or sales, for debt or for the payment of taxes. Each commissioned officer shall be armed with a sword or hanger and spontoon. Arms and accouterments.

8 May, 1792, c.
33, s. 1, v. 1, p. 271.
2 March, 1803, c.
15, s. 2, v. 2, p. 207.

Persons exempt.

8 May, 1792, c. 33, s. 2, v. 1, p. 272.
30 April, 1810, c. 37, s. 33, v. 2, p. 603.
7 May, 1800, c. 46, s. 4, v. 2, p. 62.

SEC. 1629. The Vice-President of the United States; the officers judicial and executive of the Government of the United States; the members of both Houses of Congress, and their respective officers; all custom-house officers with their clerks; all postmasters and persons employed in the transportation of the mail; all ferrymen employed at any ferry on post-roads; all inspectors of exports; all artificers and workmen employed in the armories and arsenals of the United States; all pilots; all mariners actually employed in the sea-service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective States, shall be exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

Arrangement into divisions, brigades, &c.

8 May, 1792, c. 33, s. 3, v. 1, p. 272.

SEC. 1630. The militia of each State shall be arranged into divisions, brigades, regiments, battalions, and companies, as the legislature of the State may direct. Each brigade may consist of four regiments; each regiment of two battalions; each battalion of five companies; each company of sixty-four privates. Each division, brigade, and regiment shall be numbered at the formation thereof; and a record of such numbers shall be made in the adjutant-general's office of the State. When in the field, or in service in the State, each division, brigade, and regiment shall respectively take rank according to its number, reckoning the first or lowest number highest in rank.

Militia, how officered.

8 May, 1792, c. 33, s. 3, v. 1, p. 272.
2 March, 1803, c. 15, s. 3, v. 2, p. 207.
18 April, 1814, c. 80, v. 3, p. 134.
20 April, 1816, c. 64, v. 3, p. 295.

SEC. 1631. The militia shall be officered by the respective States as follows: To the militia of each State, one quartermaster-general; to each division, one major-general, two aids-de-camp with the rank of major, one division-inspector with the rank of lieutenant-colonel, and one division-quartermaster with the rank of major; to each brigade, one brigadier-general, one brigade-inspector, to serve also as brigade-major with the rank of major, one quartermaster of brigade with the rank of captain, and one aid-de-camp with the rank of captain; to each regiment of two battalions, one colonel, one lieutenant-colonel, one major, and one chaplain; to only one battalion, a major, who shall command the same; to each company, one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer, and one fifer or bugler. And there shall be a regimental staff, to consist of one adjutant and one quartermaster, to rank as lieutenants, one paymaster, one surgeon, one surgeon's mate, one sergeant-major, one drum-major, and one fife-major.

Artillery and cavalry.

8 May, 1792, c. 33, s. 4, v. 1, p. 272.
2 March, 1803, c. 15, s. 2, v. 2, p. 207.

SEC. 1632. There shall be formed for each battalion at least one company of grenadiers, light infantry, or riflemen, and for each division at least one company of artillery and one troop of horse. For each company of artillery there shall be one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer, and one fifer. The officers shall be armed with a sword or hanger, a fusée, bayonet, and belt, with a cartridge-box to contain twelve cartridges; and each private shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided. For each troop of horse there shall be one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers shall furnish themselves with good horses of at least fourteen hands and a half high, and shall be armed with a sword and pair of pistols, the holsters to be covered with bearskin caps. Each dragoon shall furnish himself with a serviceable horse, at least fourteen hands and a half high, a good saddle, bridle, mail-pillion, and valise, holsters, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a saber, and a cartridge-box, to contain twelve cartridges for pistols. Each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander-in-chief of the State, not exceeding one company of each to a regiment, nor more in number than one-eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expense; the color and fashion to be determined by the brigadier commanding the brigade to which they belong.

SEC. 1633. Each battalion and regiment shall be provided with the State and regimental colors by the field-officers, and each company with a drum and fife, or bugle-horn, by the commissioned officers of the company, in such manner as the legislature of the respective States may direct.

Regimental colors.

8 May, 1792, c. 33, s. 5, v. 1, p. 273.

SEC. 1634. There shall be appointed in each State an adjutant-general, whose duty it shall be to distribute all orders from the commander-in-chief of the State to the several corps; to attend all musters when the commander-in-chief of the State reviews the militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by law; to furnish blank forms of returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the State returns of the militia under their command; and to make proper abstracts from such returns, and lay the same annually before the commander-in-chief of the State.

Adjutant-general in each State, his duty.

8 May, 1792, c. 33, s. 6, v. 1, p. 273.

SEC. 1635. The several officers of the divisions, brigades, regiments, and battalions, shall report, in their returns of the corps under their command, the actual condition of their arms, accouterments, and ammunition, their delinquencies, and every other particular relating to the general advancement of good order and discipline, and shall make the same in the usual manner.

Returns.

8 May, 1792, c. 33, s. 6, v. 1, p. 273.

SEC. 1636. It shall be the duty of the adjutant-general in each State to make return of the militia of the State, with their arms, accouterments, and ammunition, agreeably to the provisions of law, to the President of the United States, annually, on or before the first Monday in January; and it shall be the duty of the Secretary of War, from time to time, to give such directions to the adjutant-generals of the militia as may, in his opinion, be necessary to produce a uniformity in such returns.

Returns to the President.

2 March, 1803, c. 15, s. 1, v. 2, p. 207.

SEC. 1637. The system of discipline and field exercise which is ordered to be observed in the different corps of infantry, artillery, and riflemen of the Regular Army, shall also be observed in such corps, respectively, of the militia.

Discipline.

12 May, 1820, c. 97, s. 1, v. 3, p. 577.

SEC. 1638. All commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, their rank shall be determined by lot to be drawn by them before the commanding officer of the brigade, regiment, battalion, company, or detachment.

Officers, how to take rank.

8 May, 1792, c. 33, s. 8, v. 1, p. 273.

SEC. 1639. If any person, whether officer or soldier, belonging to the militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

Care of the wounded.

8 May, 1792, c. 33, s. 9, v. 1, p. 273.

SEC. 1640. It shall be the duty of the brigade-inspector to attend the regimental and battalion meetings of the militia composing the several brigades, during the time when they are under arms, to inspect their arms, ammunition, and accouterments; to superintend their exercise and maneuvers, and introduce throughout the brigade the system of military discipline prescribed by law, and such orders as they receive from the commander-in-chief of the State; and to make returns to the adjutant-general of the State, at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual condition of the arms, accouterments, and ammunition of the several corps, and every other particular which, in his judgment, may relate to their government and the general advancement of good order and military discipline.

Brigade-inspector's duty.

8 May, 1792, c. 33, s. 10, v. 1, p. 273.

SEC. 1641. All corps of artillery, cavalry, and infantry, now existing in any State, which, by any law, custom, or usage thereof, have not been incorporated with the militia, or are not governed by the general regulations thereof, shall be allowed to retain their accustomed privileges, subject, nevertheless, to all other duties required by law in like manner as the other militia.

Privileges of certain corps.

8 May, 1792, c. 33, s. 11, v. 1, p. 274.

Orders of President in case of invasion.

28 Feb., 1795, c. 36, s. 1, v. 1, p. 424.

Martin *vs.* Mott, 12 Wh., 19.

McCall's Case, 5 Phila., 259.

Militia, how apportioned.

17 July, 1862, c. 201, s. 1, v. 12, p. 597.

Subject to rules of war.

28 Feb., 1795, c. 36, s. 4, v. 1, p. 424.

29 July, 1861, c. 25, s. 3, v. 12, p. 282. Martin *vs.* Mott, 12 Wh., 19.

Organization.

17 July, 1862, c. 201, s. 2, v. 12, p. 598.

How formed.

22 July, 1861, c. 9, s. 2, v. 12, p. 269.

2 July, 1862, c. 127, s. 3, v. 12, p. 502.

17 July, 1862, c. 200, s. 5, v. 12, p. 594.

How composed.

22 July, 1861, c. 9, s. 3, v. 12, p. 269.

17 July, 1862, c. 200, s. 6, v. 12, p. 594.

When called forth, term of service to be specified.

17 July, 1862, c. 201, s. 1, v. 12, p. 597.

Disobedience of orders, penalty.

28 Feb., 1795, c. 36, s. 5, v. 1, p. 424.

29 July, 1861, c. 25, s. 4, v. 12, p. 282.

Wise *vs.* Withers, 2 Cr., 331; Houston *vs.* Moore, 5 Wh., 1; Martin *vs.* Mott, 12 Wh., 19; Mcade's Case, 1 Brock., 324.

Pay, rations, &c.

29 July, 1861, c. 25, s. 3, v. 12, p. 282.

19 March, 1836, c. 44, s. 1, v. 5, p. 7.

SEC. 1642. Whenever the United States are invaded, or are in imminent danger of invasion from any foreign nation or Indian tribe, or of rebellion against the authority of the Government of the United States, it shall be lawful for the President to call forth such number of the militia of the State or States, most convenient to the place of danger, or scene of action, as he may deem necessary to repel such invasion, or to suppress such rebellion, and to issue his orders for that purpose to such officers of the militia as he may think proper.

SEC. 1643. When the militia of more than one State is called into the actual service of the United States by the President, he shall apportion them among such States according to representative population.

SEC. 1644. The militia, when called into the actual service of the United States for the suppression of rebellion against and resistance to the laws of the United States, shall be subject to the same rules and articles of war as the regular troops of the United States.

SEC. 1645. The militia, when called into actual service, shall be organized as prescribed in the two sections following.

SEC. 1646. They shall be formed, by the President, into regiments of infantry, with the exception of such numbers for cavalry and artillery as he may direct, not to exceed the proportion of one company of each of those arms to every regiment of infantry, and to be organized as in the regular service. Each regiment of infantry shall have one colonel, one lieutenant-colonel, one major, one adjutant, (a lieutenant,) one quartermaster, (a lieutenant,) one surgeon and two assistant surgeons, one sergeant-major, one regimental quartermaster-sergeant, one regimental commissary-sergeant, one hospital-steward, and two principal musicians, and shall be composed of ten companies, each company to consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, four sergeants, eight corporals, two musicians, one wagoner, and from sixty-four to eighty-two privates.

SEC. 1647. They shall be further organized into divisions of three or more brigades each; and each division shall have a major-general, three aids-de-camp, and one assistant adjutant-general with the rank of major. Each brigade shall be composed of four or more regiments, and shall have one brigadier-general, two aids-de-camp, one assistant adjutant-general with the rank of captain, one surgeon, one assistant-quartermaster, one commissary of subsistence, and sixteen musicians as a band.

SEC. 1648. Whenever the President calls forth the militia of the States, to be employed in the service of the United States, he may specify in his call the period for which such service will be required, not exceeding nine months, and the militia so called shall be mustered in and continued to serve during the term so specified, unless sooner discharged by command of the President.

SEC. 1649. Every officer, non-commissioned officer, or private of the militia, who fails to obey the orders of the President when he calls out the militia into the actual service of the United States, shall forfeit of his pay a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer shall be liable to be cashiered by a sentence of court-martial, and be incapacitated from holding a commission in the militia for a term not exceeding twelve months; and such non-commissioned officer and private shall be liable to imprisonment, by a like sentence, on failure to pay the fines adjudged against him, for one calendar month for every twenty-five dollars of such fine.

SEC. 1650. The militia when called into the actual service of the United States, shall, during their time of service, be entitled to the same pay, rations, clothing, and camp equipage as may be provided by law for the Army of the United States.

SEC. 1651. Whenever the militia is called into the actual service of the United States, their pay shall be deemed to commence from the day of their appearing at the place of battalion, regimental, or brigade rendezvous.

SEC. 1652. The officers, non-commissioned officers, musicians, artificers, and privates shall be entitled to one day's pay, subsistence, and allowances for every twenty miles' travel from their places of residence to the place of general rendezvous, and from the place of discharge back to their residence.

SEC. 1653. The officers of all mounted companies in the militia called into the service of the United States shall each be entitled to receive forage, or money in lieu thereof, for two horses, when they actually keep private servants, and for one horse when without private servants, and forty cents per day shall be allowed for the use and risk of each horse, except horses killed in battle or dying of wounds received in battle. Each non-commissioned officer, musician, artificer, and private of such mounted companies shall be entitled to receive forage in kind for one horse, with forty cents per day for the use and risk thereof, except horses killed in battle, or dying of wounds received in battle, and twenty-five cents per day in lieu of forage and subsistence, when the same is furnished by himself, or twelve and a half cents per day for either, as the case may be.

SEC. 1654. The expenses incurred by marching the militia of any State or Territory to their places of rendezvous, in pursuance of a requisition of the President, or of a call made by the authority of any State or Territory and approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such places of rendezvous, on the requisition of the President; but this provision does not authorize any species of expenditure, previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after their arrival at such place of rendezvous.

SEC. 1655. When the militia in the military service of the United States are employed on the western frontiers, there shall be allowed two ounces of flour or bread, and two ounces of beef or pork, in addition to each of their rations, and half a pint of salt, in addition to every hundred of their rations.

SEC. 1656. When any officer, non-commissioned officer, artificer, or private of the militia or volunteer corps dies in the service of the United States, or in returning to his place of residence after being mustered out of service, or at any time in consequence of wounds received in service, and leaves a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children, shall be entitled to receive half the monthly pay to which the deceased was entitled, at the time of his death, during the term of five years; and in case of the death or intermarriage of such widow before the expiration of five years, the half-pay for the remainder of the time shall go to the child or children of the decedent. And the Secretary of the Interior shall adopt such forms of evidence, in applications under this section as the President may prescribe.

SEC. 1657. The volunteers or militia, who have been received into the service of the United States, to suppress Indian depredations in Florida, shall be entitled to all the benefits which are conferred on persons wounded or otherwise disabled in the service of the United States.

SEC. 1658. Courts-martial for the trial of militia shall be composed of militia officers only.

SEC. 1659. All fines assessed under the provisions of law concerning the militia or volunteer corps, when called into the actual service of the United States, shall be certified by the presiding officer of the court-martial, before whom they are assessed, to the marshal of the district in which

When pay to commence.

2 Jan., 1795, c. 9, s. 3, v. 1, p. 408.

Traveling allowance.

19 March, 1836, c. 44, s. 3, v. 5, p. 7.

Forage and use of horses.

19 March, 1836, c. 44, s. 2, v. 5, p. 7.

2 Jan., 1795, c. 9, s. 2, v. 1, p. 408.

Expenses of march to rendezvous.

20 April, 1818, c. 84, v. 3, p. 444.

28 Feb., 1795, c. 36, v. 1, p. 424.

Addition to ration.

2 Jan., 1795, c. 9, s. 6, v. 1, p. 409.

Provision for widows, &c., of those who die in the service.

19 March, 1836, c. 44, s. 5, v. 5, p. 7.

Volunteers, &c., to suppress Indian depredations in Florida; benefits to.

19 March, 1836, c. 44, s. 4, v. 5, p. 7.

Courts-martial, how composed.

Fines assessed, how to be levied.

28 Feb., 1795, c. 36, s. 7, v. 1, p. 424.

2 Feb., 1813, c.
18, s. 1, v. 2, p. 797.
29 July, 1861, c.
25, s. 6, v. 12, p. 282

the delinquent resides, or to one of his deputies, and to the Comptroller of the Treasury, who shall record the certificate in a book to be kept for that purpose. The marshal or his deputy shall forthwith proceed to levy the fines with costs, by distress and sale of the goods and chattels of the delinquent, which costs and the manner of proceeding, with respect to the sale of the goods distrained, shall be agreeable to the laws of the State in which the same may be in other cases of distress. And where any non-commissioned officer or private is adjudged to suffer imprisonment, there being no goods or chattels to be found whereof to levy the fines, the marshal of the district or his deputy shall commit such delinquent to jail, during the term for which he is so adjudged to imprisonment, or until the fine is paid, in the same manner as other persons condemned to fine and imprisonment at the suit of the United States may be committed.

To be paid into
the Treasury of the
United States.

28 Feb., 1795, c.
36, s. 8, v. 1, p. 425.
2 Feb., 1813, c.
18, s. 2, v. 2, p. 797.
29 July, 1861, c.
25, s. 6, v. 12, p. 282.

Appropriation
for arms and equip-
ments.

23 April, 1808, c.
55, s. 1, v. 2, p. 490.
29 April, 1816, c.
135, s. 1, v. 3, p. 320.

SEC. 1660. The marshal shall pay all fines collected by him or his deputy, under the authority of the preceding section, into the Treasury of the United States, within two months after he has received the same, deducting five per centum for his compensation; and in case of failure, it shall be the duty of the Comptroller of the Treasury to give notice to the district attorney of the United States, who shall proceed against the marshal in the district court, by attachment, for the recovery of the same. [See § 269.]

SEC. 1661. The annual sum of two hundred thousand dollars is appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms and equipments for the whole body of the militia, either by purchase or manufacture, by and on account of the United States.

TITLE XVII.

ARMS, ARMORIES, AND ARSENALS.

Sec.
 1662. Armories, officers, workmen.
 1663. Pay of officers, clerks, &c., at armories.
 1664. When paid; who to give bond.
 1665. Annual accounts to Congress.
 1666. Arsenals may be abolished.
 1667. Distribution of arms to States, &c.
 1668. Enticing away workmen; penalty.
 1669. Workmen guilty of certain misconduct.

Sec.
 1670. Distribution of arms to States which had not received their quota from 1862 to 1869.
 1671. Exemption from service as jurors.
 1672. Springfield breech-loading system to be used for muskets and carbines.
 1673. No royalty to be paid by U. S. to its officers for patent mentioned in preceding section.

SEC. 1662. At each arsenal there shall be established a national armory, in which there shall be employed one superintendent, who shall be an officer of the Ordnance Department, to be designated by the President; one master-armorer, who shall be appointed by the President, and as many workmen as the Secretary of War may, from time to time, deem necessary.

Armories, officers, workmen.

2 April, 1794, c. 14, s. 2, v. 1, p. 352.
 23 April, 1808, c. 55, s. 2, v. 2, p. 490.
 6 Aug., 1854, c. 267, s. 1, v. 10, p. 578. 6 Aug., 1861, c. 57, s. 5, v. 12, p. 318.

SEC. 1663. The ordnance officer in charge of any national armory shall receive no compensation other than his regular pay as an officer of the corps; the master-armorers shall receive fifteen hundred dollars per annum each; the inspectors and clerks, each, eight hundred dollars per annum, except the clerks of the armory at Springfield, Massachusetts, who may receive, at the discretion of the Secretary of War, twelve hundred dollars per annum.

Pay of officers, clerks, &c., at armories.

23 Aug., 1842, c. 186, s. 2, v. 5, p. 512.
 3 March, 1857, c. 106, s. 3, v. 11, p. 203.
 6 Aug., 1861, c. 57, s. 5, v. 12, p. 318. 2 March, 1867, c. 167, s. 12, v. 14, p. 467.

SEC. 1664. The several compensations fixed by the preceding section for master-armorers and inspectors shall be paid quarter-yearly. All military store-keepers and paymasters shall give bond and security for the faithful discharge of their duties, in such sum as may be prescribed by the Secretary of War.

When paid; who to give bond.

23 Aug., 1842, c. 186, s. 2, v. 5, p. 512.

SEC. 1665. An annual account of the expenses of the national armories shall be laid before Congress, together with an account of the arms made and repaired therein.

Annual accounts to Congress.

2 April, 1794, c. 14, s. 5, v. 1, p. 352.

SEC. 1666. The Secretary of War is authorized to abolish such of the arsenals of the United States as, in his judgment, may be useless or unnecessary.

Arsenals may be abolished.

3 March, 1853, c. 98, s. 1, v. 10, pp. 214, 217.

SEC. 1667. All the arms procured in virtue of any appropriation authorized by law for the purpose of providing arms and equipments for the whole body of the militia of the United States shall be annually distributed to the several States of the Union according to the number of their Representatives and Senators in Congress, respectively; and all arms for the Territories and for the District of Columbia shall be annually distributed in such quantities, and under such regulations, as the President may prescribe. All such arms are to be transmitted to the several States and Territories by the United States. [See § 1225.]

Distribution of arms to States, &c.

23 April, 1808, c. 55, s. 3, v. 2, p. 490.
 3 March, 1855, c. 169, s. 7, v. 10, p. 639.

SEC. 1668. If any person procures or entices any artificer or workman, retained or employed in any arsenal or armory, to depart from the same during the continuance of his engagement, or to avoid or break his contract with the United States, or if any person, after due notice of the engagement of any such workman or armorer, during the continuance of such engagement, retains, hires, or in anywise employs, harbors, or

Enticing away workmen; penalty.

7 May, 1800, c. 46, s. 2, v. 2, p. 61.

conceals such artificer or workman, he shall be fined not more than fifty dollars, or be imprisoned not more than three months.

Workmen guilty of certain misconduct.

7 May, 1800, c. 46, s. 3, v. 2, p. 62.

SEC. 1669. If any artificer or workman, hired, retained, or employed in any public arsenal or armory, wantonly and carelessly breaks, impairs, or destroys any implements, tools, or utensils, or any stock, or materials for making guns, the property of the United States, or willfully and obstinately refuses to perform the services lawfully assigned to him, pursuant to his contract, he shall forfeit a sum not exceeding twenty dollars for every such act of disobedience or breach of contract, to be recovered in any court having competent jurisdiction thereof.

Distribution of arms to States which had not received their quota from 1862 to 1869.

3 March, 1873, c. 282, v. 17, p. 608.

SEC. 1670. The Secretary of War is authorized and directed to distribute to such States as did not receive the same, their proper quota of arms and military equipments for each year, from eighteen hundred and sixty-two to eighteen hundred and sixty-nine, under the provisions of section sixteen hundred and sixty-one: *Provided*, That in the organization and equipment of military companies and organizations with such arms, no discrimination shall be made between companies and organizations on account of race, color, or former condition of servitude.

Exemption from service as jurors.

7 May, 1800, c. 46, s. 4, v. 2, p. 62.

SEC. 1671. All artificers and workmen employed in the armories and arsenals of the United States shall be exempted, during their time of service, from service as jurors in any court.

3 March, 1855, c. 169, s. 7, v. 10, p. 639.

Springfield breech-loading system to be used for muskets and carbines.

SEC. 1672. The breech-loading system for muskets and carbines adopted by the Secretary of War known as "the Springfield breech-loading system," is the only system to be used by the Ordnance Department in the manufacture of muskets and carbines for the military service.

6 June, 1872, c. 316, v. 17, p. 261.

No royalty to be paid by U. S. to its officers for patent mentioned in preceding section.

6 June, 1872, c. 316, v. 17, p. 261.

SEC. 1673. No royalty shall be paid by the United States to any one of its officers or employes for the use of any patent for the system, or any part thereof, mentioned in the preceding section, nor for any such patent in which said officers or employes may be directly or indirectly interested.

TITLE XVIII.

DIPLOMATIC AND CONSULAR OFFICERS.

CHAPTER ONE.

DIPLOMATIC OFFICERS.

Sec.
 1674. Definition of official designations employed in this Title.
 1675. Salaries.
 1676. Commissioners and chargés d'affaires, compensation.
 1677. Secretary of legation to Turkey.
 1678. Interpreter of legation to Turkey.
 1679. Interpreter of legation to Japan.
 1680. Secretary of legation to China, and interpreter.
 1681. Minister to Uruguay and Paraguay.
 1682. Minister to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua.

Sec.
 1683. Representatives to Hayti, Liberia, &c.
 1684. Condition of compensation of chargé d'affaires or secretary.
 1685. Compensation of secretary of legation, acting as chargé d'affaires.
 1686. Compensation of persons filling two offices.
 1687. Fees at legations to be accounted for.
 1688. Uniforms and official costumes.

SEC. 1674. The official designations employed throughout this Title shall be deemed to have the following meanings, respectively:

First. "Consul-general," "consul," and "commercial agent," shall be deemed to denote full, principal, and permanent consular officers, as distinguished from subordinates and substitutes.

Second. "Deputy consul" and "consular agent" shall be deemed to denote consular officers subordinate to such principals, exercising the powers and performing the duties within the limits of their consulates or commercial agencies respectively, the former at the same ports or places, and the latter at ports or places different from those at which such principals are located respectively.

Third. "Vice-consuls" and "vice-commercial agents" shall be deemed to denote consular officers, who shall be substituted, temporarily, to fill the places of consuls-general, consuls, or commercial agents, when they shall be temporarily absent or relieved from duty.

Fourth. "Consular officer" shall be deemed to include consuls-general, consuls, commercial agents, deputy consuls, vice-consuls, vice-commercial agents, and consular agents, and none others.

Fifth. "Diplomatic officer" shall be deemed to include ambassadors, envoys extraordinary, ministers plenipotentiary, ministers resident, commissioners, chargés d'affaires, agents, and secretaries of legation, and none others.

SEC. 1675. Ambassadors, envoys extraordinary, and ministers plenipotentiary, ministers resident, agents, and secretaries, and second secretaries of legation, shall be entitled to salaries as hereinafter provided.

Envoys extraordinary and ministers plenipotentiary to France, Germany, Great Britain, and Russia, seventeen thousand five hundred dollars each; to Austria, Brazil, China, Italy, Japan, Mexico, and Spain, twelve thousand dollars each; to Chili and Peru, ten thousand dollars each.

Minister resident accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua, ten thousand dollars.

Minister resident at Uruguay, ten thousand dollars.

Ministers resident at Portugal, Switzerland, Greece, Belgium, Netherlands, Denmark, Sweden and Norway, Turkey, Ecuador, Colombia,

Definition of official designations employed in this title.

18 Aug., 1856, c. 127, s. 31, v. 11, p. 64.
 20 June, 1864, c. 136, s. 1, v. 13, p. 138.
 25 July, 1866, c. 233, v. 14, p. 225.

Salaries.

16 June, 1860, c. 135, s. 1, v. 12, p. 40.
 18 Aug., 1856, c. 127, s. 1, v. 11, p. 52.
 22 Feb., 1873, c. 184, v. 17, s. 1, pp. 471, 472.

Bolivia, Venezuela, Hawaiian Islands, and the Argentine Republic, seven thousand five hundred dollars each.

Minister resident and consul-general at Hayti, seven thousand five hundred dollars.

Minister resident and consul-general at Liberia, four thousand dollars.

Agent and consul-general at Alexandria, three thousand five hundred dollars.

Secretaries of legation to London, Paris, Berlin, and St. Petersburg, two thousand six hundred and twenty-five dollars each.

Secretary of legation to Japan, two thousand five hundred dollars.

Secretaries of legation to Austria, Brazil, Italy, Mexico, and Spain, one thousand eight hundred dollars each.

The second secretaries of the legations to France, Great Britain, and Germany, two thousand dollars each.

Commissioners and chargés d'affaires, compensation.

18 Aug., 1856, c. 127, s. 1, v. 11, p. 52.

Secretary of legation to Turkey.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

Interpreter of legation to Turkey.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

Interpreter of legation to Japan.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 472.

Secretary of legation to China, and interpreter.

18 Aug., 1856, c. 127, s. 2, v. 11, p. 52.

Minister to Uruguay and Paraguay.

21 Feb., 1871, c. 61, v. 16, p. 417.

Minister to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua.

22 May, 1872, c. 194, s. 1, v. 17, p. 142.

Representatives to Hayti, Liberia, &c.

5 June, 1862, c. 96, v. 12, p. 421.

25 July, 1866, c. 233, v. 14, p. 225.

Condition of compensation of chargés d'affaires or secretaries.

1 May, 1810, c. 44, s. 2, v. 2, p. 603.

SEC. 1676. A commissioner appointed to any of the countries mentioned in the preceding section shall be entitled to receive seventy-five per centum of the salary therein provided for the envoy extraordinary and minister plenipotentiary or the minister resident to such country; and a chargé d'affaires so appointed shall be entitled to receive fifty per centum of such salary.

SEC. 1677. The consul general at Constantinople shall be the secretary of the legation to Turkey, but shall receive compensation only as consul-general.

SEC. 1678. The interpreter of the legation to Turkey shall be entitled to receive three thousand dollars, and such salary may be paid to an interpreter, notwithstanding he may not be a citizen of the United States.

SEC. 1679. The interpreter to the legation to Japan shall receive a salary of two thousand five hundred dollars.

SEC. 1680. The compensation of the secretary of the legation to China, if acting as interpreter, shall be at the rate of five thousand dollars a year, and if not acting as such, at the rate of three thousand dollars a year. And the President may appoint for the legation to China an interpreter, when the secretary of legation does not act as such, who shall be entitled to compensation at the rate of five thousand dollars a year.

SEC. 1681. The minister at Uruguay is also accredited to Paraguay.

SEC. 1682. There shall be but one minister resident accredited to Guatemala, Costa Rica, Honduras, Salvador, and Nicaragua; and the President may select the place of residence for the minister in any one of those States.

SEC. 1683. There shall be a diplomatic representative of the United States to each of the republics of Hayti and Liberia, who shall be appointed by the President, by and with the advice and consent of the Senate; and shall be accredited as minister resident and consul-general. The representative at Hayti shall be entitled to a salary of seven thousand five hundred dollars a year; and the representative at Liberia to a salary not exceeding four thousand dollars a year.

SEC. 1684. To entitle any chargé d'affaires, or secretary of any legation or embassy to any foreign country, or secretary of any minister plenipotentiary, to compensation, they shall respectively be appointed by the President, by and with the advice and consent of the Senate; but in the recess of the Senate the President is authorized to make such appointments, which shall be submitted to the Senate at the next session thereafter, for their advice and consent; and no compensation

shall be allowed to any chargé d'affaires, or any of the secretaries hereinbefore described, who shall not be so appointed.

SEC. 1685. For such time as any secretary of legation shall be lawfully authorized to act as chargé d'affaires ad interim at the post to which he shall have been appointed, he shall be entitled to receive compensation at the rate allowed by law for a chargé d'affaires at such post; but he shall not be entitled to receive, for such time, the compensation allowed for his services as secretary of legation.

SEC. 1686. When to any diplomatic office held by any person there is superadded another, such person shall be allowed additional compensation for his services, in such superadded office, at the rate of fifty per centum of the amount allowed by law for such superadded office, and for such time as shall be actually and necessarily occupied in making the transit between the two posts of duty, at the commencement and termination of the period of such superadded office, and no longer; and such superadded office shall be deemed to continue during the time to which it is limited by the terms thereof.

SEC. 1687. All fees collected at any of the legations shall be accounted for to the Secretary of the Treasury, and held subject to his draft, or other directions.

SEC. 1688. No person in the diplomatic service of the United States shall wear any uniform or official costume not previously authorized by Congress.

Compensation of secretary of legation, acting as chargé d'affaires.

18 Aug., 1865, c. 127, s. 10, v. 11, p. 56.

Compensation of persons filling two offices.

18 Aug., 1856, c. 127, s. 9, v. 11, p. 56.

Fees at legations to be accounted for.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 58.

Uniforms and official costumes.

27 May, 1867, Res. 15, v. 15, p. 23.

CHAPTER TWO.

CONSULAR OFFICERS.

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| Sec. | Sec. |
| 1689. Application of general provisions in this Title. | 1710. Notification of death. |
| 1690. Appointment and salaries of consular officers. | 1711. Decedent's directions to be followed. |
| 1691. Consuls, &c., not to hold office at different consulates. | 1712. Commercial reports. |
| 1692. Interpreters at Chinese consulates. | 1713. Prices current. |
| 1693. Salary of interpreter at Bangkok. | 1714. Construction of powers. |
| 1694. Consul at Trinidad de Cuba. | 1715. Certifying invoices. |
| 1695. Extent of consulates, and appointment of vice-consular officers. | 1716. Exacting excessive fees for verifying invoices. |
| 1696. Expenses of vice-consulates and consular agencies. | 1717. Certificate for goods from countries adjacent to United States. |
| 1697. Bonds of consular officers to be furnished and deposited with Secretary of the Treasury. | 1718. Fees allowed for official service. |
| 1698. Bonds of vice-consuls. | 1719. No profit from discharged seamen. |
| 1699. Consular officers not to transact business. | 1720. Restriction on amount of fees. |
| 1700. Extension of prohibition upon transacting business. | 1721. Fees in British North America. |
| 1701. Penalty for illegally transacting business. | 1722. Tonnage fees in Canada. |
| 1702. Compensation of consuls where fees amount to \$3,000. | 1723. Exacting excessive fees. |
| 1703. Compensation of vice-consuls, vice-commercial agents, and consular agents. | 1724. Penalty for omissions to collect fees. |
| 1704. Appointment of consular clerks. | 1725. Returns of fees. |
| 1705. Examination and removal of consular clerks. | 1726. Receipts for fees. |
| 1706. Actual expenses may be allowed to consuls-general, &c., who are not allowed to trade. | 1727. Registering receipts for fees. |
| 1707. Protests. | 1728. Verification of account of fees. |
| 1708. Lists and returns of seamen, vessels, &c. | 1729. Fees of officers not included in Schedules B and C. |
| 1709. Estates of decedents. | 1730. Compensation of officers not embraced in Schedules B and C. |
| | 1731. Rates of fees to be posted up. |
| | 1732. Excess of fees above \$2,500. |
| | 1733. Excess of fees above \$1,000. |
| | 1734. Embezzlement. |
| | 1735. Neglect of duty, &c. |
| | 1736. Neglect of duty to seamen; corrupt conduct. |
| | 1737. False certificate of property. |
| | 1738. When consular officers may perform diplomatic functions. |
| | 1739. Compensation of consular officer performing diplomatic functions. |

SEC. 1689. The various provisions of this Title which are expressed in terms of general application to any particular classes of consular

Application of general provisions in this Title.

18 Aug., 1856, c.
127, s. 31, v. 11, p. 64.

Appointment and
salaries of consular
officers.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.

officers, shall be deemed to apply as well to all other classes of such officers, so far as may be consistent with the subject-matter of the same, and with the treaties of the United States.

SEC. 1690. Consuls-general, consuls, and commercial agents appointed to the ports and places specified in Schedules B and C, are entitled to annual salaries respectively, at the rates specified therein. And whenever the President thinks proper to appoint a consul to any port or place named in the Schedules B and C for a commercial agency instead of such commercial agent, or vice versa, and an appointment is made accordingly, the compensation for such consular officer shall be the same in any such case as that fixed for such port or place in the schedule embracing the same; or whenever the President thinks the public interests will be subserved by appointing to any such port or place a consul-general instead of a consul or commercial agent, and an appointment is made accordingly, the compensation for such consul-general shall be the same as that fixed for such port or place in the schedule embracing the same.

SCHEDULE B.

I. CONSUL-GENERAL.

GREAT BRITAIN.

22 Feb., 1873, c.
184, s. 1, v. 17, p.
472.

London, seven thousand five hundred dollars.

BRITISH NORTH AMERICA.

Ibid.; and 18
Aug., 1856, c. 127,
s. 3, v. 11, p. 52.

Montreal, four thousand dollars.

BRITISH INDIA.

Ibid.

Calcutta, five thousand dollars.

FRANCE.

22 Feb., 1873, c.
184, s. 1, v. 17, p.
472.

Paris, five thousand dollars.

CUBA.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.

Havana, six thousand dollars.

MEXICO.

22 Feb., 1873, c.
184, s. 1, v. 17, p. 472.

Mexico, one thousand dollars.
Tampico, one thousand five hundred dollars.

NORTH GERMAN UNION.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.

Frankfort-on-the-Main, three thousand dollars.

ITALY.

Rome, one thousand five hundred dollars.

TURKISH DOMINIONS.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
20 June, 1864, c.
136, s. 1, v. 13, pp.
137, 138.

Constantinople, three thousand dollars.
Beirut, two thousand dollars.

CHINA.

22 Feb., 1873, c.
184, s. 1, v. 17, p.
472.

Shanghai, four thousand dollars.

II. CONSULS.

GREAT BRITAIN.

Liverpool, seven thousand five hundred dollars.
 Leeds, two thousand dollars.
 Manchester, three thousand dollars.

Southampton, two thousand dollars.

Newcastle-upon-Tyne, one thousand five hundred dollars.

Birmingham, two thousand five hundred dollars.

Tunstall, one thousand five hundred dollars.

Glasgow, three thousand dollars.

Dundee, two thousand dollars.

Belfast, two thousand dollars.

Cork, two thousand dollars.

Hong-Kong, three thousand five hundred dollars.

Singapore, two thousand five hundred dollars.

Mauritius, two thousand five hundred dollars.

Melbourne, four thousand dollars.

Gibraltar, one thousand five hundred dollars.

Malta, one thousand five hundred dollars.

St. Helena, one thousand five hundred dollars.

Clifton, one thousand five hundred dollars.

Fort Erie, one thousand five hundred dollars.

Goderich, one thousand five hundred dollars.

Kingston, (Canada,) one thousand five hundred dollars.

Prescott, one thousand five hundred dollars.

Port Sarnia, one thousand five hundred dollars.

Toronto, one thousand five hundred dollars.

Windsor, (Ontario,) one thousand five hundred dollars.

Coaticook, one thousand five hundred dollars.

Quebec, one thousand five hundred dollars.

Halifax, two thousand dollars.

Saint John's, (Quebec,) one thousand five hundred dollars.

Pictou, (N. S.,) one thousand five hundred dollars.

Prince Edward's Island, one thousand five hundred dollars.

Winnipeg, one thousand five hundred dollars.

Kingston, (Jamaica,) two thousand dollars.

Nassau, (West Indies,) two thousand dollars.

Turk's Island, two thousand dollars.

Demerara, two thousand dollars.

Mahé, (Seychelles,) one thousand five hundred dollars.

RUSSIA.

Odessa, two thousand dollars.

Revel, two thousand dollars.

St. Petersburg, two thousand dollars.

Moscow, two thousand dollars.

FRENCH DOMINIONS.

Havre, six thousand dollars.

18 Aug., 1856, c.
 127, s. 3, v. 11, p. 52.
 Ibid.

20 June, 1864, c.
 136, s. 1, v. 13, pp. 138, 139.

18 Aug., 1856, c.
 127, s. 3, v. 11, p. 52.
 4 Feb., 1862, c. 17,
 s. 1, v. 12, p. 336.

22 Feb., 1873, c.
 184, s. 1, v. 17, p. 472.
 Ibid.

18 Aug., 1856, c.
 127, s. 3, v. 11, p. 52.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

20 June, 1864, c.

136, s. 1, v. 13, p. 139.

25 July, 1866, c.

233, s. 1, v. 14, p. 225.

20 June, 1864, c.

136, s. 1, v. 13, p. 139.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

28 Feb., 1867, c.

99, s. 1, v. 14, p. 414.

18 Aug., 1856, c.

127, s. 3, v. 11, p. 52.

25 July, 1866, c.

233, s. 1, v. 14, p. 225.

4 Feb., 1862, c. 17,

s. 1, v. 12, p. 335.

25 July, 1866, c.

233, s. 1, v. 14, p. 225.

22 Feb., 1873, c.

184, s. 1, v. 17, p. 472.

18 Aug., 1856, c.

127, s. 3, v. 11, p. 52.

Ibid.

Ibid.

Ibid.

28 Feb., 1867, c.

99, s. 1, v. 14, p. 412.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

Ibid.

| | |
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| Ibid. | Marseilles, two thousand five hundred dollars. |
| Ibid. | Bordeaux, two thousand dollars. |
| 20 June, 1864, c. 136, s. 1, v. 13, p. 139. | Lyons, two thousand dollars. |
| 18 Aug., 1856, c. 127, s. 3, v. 11, p. 52. | La Rochelle, one thousand five hundred dollars. |
| 25 July, 1866, c. 233, s. 1, v. 14, p. 225. | Nantes, one thousand five hundred dollars. |
| 20 June, 1864, c. 136, s. 1, v. 13, p. 139. | Boulogne, one thousand five hundred dollars. |
| 25 July, 1866, c. 233, s. 1, v. 14, p. 225. | Nice, one thousand five hundred dollars. |
| 22 Feb., 1873, c. 184, s. 1, v. 17, p. 472. | Algiers, one thousand five hundred dollars. |

SPANISH DOMINIONS.

| | |
|--|---|
| 18 Aug., 1856, c. 127, s. 3, v. 11, p. 52. | Cadiz, one thousand five hundred dollars. |
| Ibid. | Malaga, one thousand five hundred dollars. |
| 25 July, 1866, c. 233, s. 1, v. 14, p. 225. | Barcelona, one thousand five hundred dollars. |
| 4 Feb., 1862, c. 17, s. 1, v. 12, p. 336. | Port Mahon, one thousand five hundred dollars. |
| 22 Feb., 1873, c. 184, s. 1, v. 17, p. 472. | Valencia, one thousand five hundred dollars. |
| 18 Aug., 1856, c. 127, s. 3, v. 11, p. 52. | Matanzas, two thousand five hundred dollars. |
| Ibid. | Trinidad de Cuba, two thousand five hundred dollars. |
| Ibid. | Santiago de Cuba, two thousand five hundred dollars. |
| Ibid. | San Juan, (Porto Rico,) two thousand dollars. |
| Ibid. | Ponce, (Porto Rico,) one thousand five hundred dollars. |

PORTUGUESE DOMINIONS.

| | |
|--|---|
| 25 July, 1866, c. 233, s. 1, v. 14, p. 225. | Lisbon, one thousand five hundred dollars. |
| 18 Aug., 1856, c. 127, s. 3, v. 11, p. 52. | Oporto, one thousand five hundred dollars. |
| Ibid. | Funchal, one thousand five hundred dollars. |

BELGIUM.

| | |
|-------|---|
| Ibid. | Antwerp, two thousand five hundred dollars. |
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DOMINIONS OF THE NETHERLANDS.

| | |
|-------|----------------------------------|
| Ibid. | Amsterdam, one thousand dollars. |
| Ibid. | Rotterdam, two thousand dollars. |

DANISH DOMINIONS.

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| 25 July, 1866, c. 233, s. 1, v. 14, p. 225. | Santa Cruz, one thousand five hundred dollars. |
| 18 Aug., 1856, c. 127, s. 3, v. 11, p. 52. | Saint Thomas, four thousand dollars. |
| Ibid. | Elsinore, one thousand five hundred dollars. |

NORTH GERMAN UNION.

| | |
|---|---|
| 18 Aug., 1856, c. 127, s. 3, v. 11, p. 52. | Aix-la-Chapelle, two thousand five hundred dollars. |
| 28 Feb., 1867, c. 99, v. 14, p. 412. | Chemnitz, two thousand dollars. |
| 18 Aug., 1856, c. 127, s. 3, v. 11, p. 52. | Leipsic, one thousand five hundred dollars. |
| 23 Feb., 1867, c. 99, v. 14, p. 412. | Munich, one thousand five hundred dollars. |
| 18 Aug., 1856, c. 127, s. 3, v. 11, p. 52. | Stuttgart, one thousand dollars. |
| 4 Feb., 1862, c. 17, s. 1, v. 12, p. 336. | Bremen, three thousand dollars. |

Hamburg, two thousand dollars.

Barmen, one thousand five hundred dollars.

AUSTRIA.

Vienna, five thousand dollars.

Trieste, two thousand dollars.

SWITZERLAND.

Basle, two thousand dollars.

Geneva, one thousand five hundred dollars.

Zurich, one thousand five hundred dollars.

ITALY.

Genoa, one thousand five hundred dollars.

Spezzia, one thousand five hundred dollars.

Leghorn, one thousand five hundred dollars.

Brindisi, one thousand five hundred dollars.

Naples, one thousand five hundred dollars.

Palermo, one thousand five hundred dollars.

Messina, one thousand five hundred dollars.

Rome, one thousand five hundred dollars.

TURKISH DOMINIONS.

Smyrna, two thousand dollars.

Jerusalem, one thousand five hundred dollars.

Port Said, two thousand dollars.

BARBARY STATES.

Tripoli, three thousand dollars.

Tunis, three thousand dollars.

Tangier, three thousand dollars.

SIAM.

Bangkok, three thousand dollars.

JAPAN.

Kanagawa, three thousand dollars.

Nagasaki, three thousand dollars.

Hakodadi, two thousand five hundred dollars.

Osaka and Hioga, three thousand dollars.

CHINA.

Canton, four thousand dollars.

Foo-Chow, three thousand five hundred dollars.

Amoy, three thousand dollars.

Ningpo, three thousand dollars.

Hankow, three thousand dollars.

Chin Kiang, three thousand dollars.

Swatow, three thousand five hundred dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
22 Feb., 1873, c.
184, s. 1, v. 17, p. 472.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
22 Feb., 1873, c.
184, s. 1, v. 17, p. 472.
Ibid.

Ibid.
Ibid.
20 June, 1864, c.
136, s. 1, v. 13, p. 139.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
28 Feb., 1867, c.
99, v. 14, p. 414.
18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
20 June, 1864, c.
136, s. 1, v. 13, p. 139.
18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
Ibid.
Ibid.
28 Feb., 1867, c.
99, v. 14, p. 414.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
Ibid.
22 Feb., 1873, c.
184, v. 17, p. 472.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
Ibid.
Ibid.

3 March, 1869, c.
125, s. 7, v. 15, p. 322.

28 Feb., 1861, c.
58, s. 1, v. 12, p. 171.
Ibid.
22 Feb., 1873, c.
184, s. 1, v. 17, p. 472.
Ibid.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
Ibid.
Ibid.
Ibid.
25 July, 1866, c.
233, s. 1, v. 14, p. 225.
20 June, 1864, c.
136, s. 4, v. 13, p. 139.
4 Feb., 1862, c. 17,
s. 1, v. 12, p. 336.

17 May, 1872, c. 169, v. 17, p. 120. Tien-Tsin, three thousand five hundred dollars.

HAWAIIAN ISLANDS.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52. Honolulu, four thousand dollars.
Ibid. Lahaina, three thousand dollars.

MEXICO.

Ibid. Vera Cruz, three thousand five hundred dollars.
Ibid. Acapulco, two thousand dollars.
22 Feb., 1873, c. 184, s. 1, v. 17, p. 472. Matamoras, two thousand dollars.

UNITED STATES OF COLOMBIA.

18 Aug., 1856, c. 127, s. 3, v. 11, p. 52. Panama, three thousand five hundred dollars.
Ibid. Aspinwall, two thousand five hundred dollars.

VENEZUELA.

Ibid. Lagunayra, one thousand five hundred dollars.

BRAZIL.

Ibid. Pernambuco, two thousand dollars.
Ibid. Rio de Janeiro, six thousand dollars.

ARGENTINE REPUBLIC.

Ibid. Buenos Ayres, two thousand five hundred dollars.

CHILI.

Ibid. Valparaiso, three thousand dollars.

PERU.

Ibid. Callao, three thousand five hundred dollars.

NICARAGUA.

Ibid. San Juan del Sur, two thousand dollars.

III. COMMERCIAL AGENTS.

NICARAGUA.

20 June, 1864, c. 136, s. 1, v. 13, p. 139. San Juan del Norte, two thousand dollars.

MADAGASCAR.

Ibid. Tamatave, two thousand dollars.

SAN DOMINGO.

22 Feb., 1873, c. 184, s. 1, v. 17, p. 473. San Domingo, one thousand five hundred dollars.

SCHEDULE C.

I. CONSULS.

GREAT BRITAIN.

Ibid. Bay of Islands, one thousand dollars.

Cape Town, one thousand dollars.

Ceylon, one thousand dollars.

Falkland Islands, one thousand dollars.

Windsor, (Nova Scotia,) one thousand dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
20 June, 1864, c.
136, s. 1, v. 13, p. 139.
18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
22 May, 1872, c.
194, v. 17, p. 144.

PORTUGUESE DOMINIONS.

Fayal, seven hundred and fifty dollars.

Santiago, (Cape Verde,) seven hundred and fifty dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
Ibid.

DOMINIONS OF THE NETHERLANDS.

Batavia, one thousand dollars.

Ibid.

NORTH GERMAN UNION.

Stettin, one thousand dollars.

Ibid.

GREECE.

Athens, one thousand dollars.

Piræus, one thousand dollars.

Ibid.
20 June, 1864, c.
136, s. 1, v. 13, p. 139.

ITALY.

Venice, seven hundred and fifty dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.

TURKISH DOMINIONS.

Candia, one thousand dollars.

Cypress, one thousand dollars.

Ibid.
Ibid.

MUSCAT.

Zanzibar, one thousand dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.

MEXICO.

Tampico, one thousand dollars.

Paso del Norte, five hundred dollars.

Tabasco, five hundred dollars.

Guaymas, one thousand dollars.

Ibid.
18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.
Ibid.
30 March, 1868, c.
38, s. 1, v. 15, p. 57.

UNITED STATES OF COLOMBIA.

Carthagena, five hundred dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.

BRAZIL.

Bahia, one thousand dollars.

Maranhão, one thousand dollars.

Para, one thousand dollars.

Rio Grande, one thousand dollars.

Santarem, one thousand dollars.

Saint Catherine, one thousand five hundred dollars.

Ibid.
Ibid.
Ibid.
Ibid.
8 June, 1872, c.
332, v. 17, p. 282.
25 July, 1866, c.
233, s. 1, v. 14, p. 225.

PERU.

Payta, five hundred dollars.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.

Ibid. Tumbez, five hundred dollars.

BOLIVIA.

Ibid. Cobija, five hundred dollars.

ECUADOR.

Ibid. Guayaquil, seven hundred and fifty dollars.

CHILI.

Ibid. Talcahuano, one thousand dollars.

HONDURAS.

Ibid. Omoa, one thousand dollars.

HAYTI.

22 Feb., 1873, c.
184, s. 1, v. 17, p. 473.
Ibid.

Aux Cayes, five hundred dollars.
Cape Haytien, one thousand dollars.

URUGUAY.

18 Aug., 1856, c.
127, s. 3, v. 11, p. 52.

Montevideo, one thousand dollars.

SOCIETY ISLANDS.

Ibid. Tahiti, one thousand dollars.

II. COMMERCIAL AGENTS.

RUSSIA.

Ibid. Amoor River, one thousand dollars.

FRENCH DOMINIONS.

Ibid. Gaboon, one thousand dollars.

PORTUGUESE DOMINIONS.

Ibid. Saint Paul de Loando, one thousand dollars.

FEJEE ISLANDS.

22 Feb., 1873, c.
184, s. 1, v. 17, p. 473.

Lanthala, one thousand dollars.

NAVIGATOR ISLANDS.

Ibid. Apia, one thousand dollars.

UNITED STATES OF COLOMBIA.

Ibid.
Consuls, &c., not
to hold office at dif-
ferent consulates.

Sabanilla, five hundred dollars.

SEC. 1691. No consul-general or consul shall be permitted to hold the office of consul-general or consul at any other consulate, or exercise the duties thereof.

3 March, 1869, c. 125, s. 6, v. 15, p. 322.

SEC. 1692. The President is authorized to appoint three interpreters of the Chinese language, who shall be entitled to compensation for their services, respectively, at a rate not to exceed fifteen hundred dollars a year, to be determined by the President, and to assign such interpreters, from time to time, to such consulates in China and with such duties as he may think proper.

Interpreters at Chinese consulates.

18 Aug., 1856, c. 127, s. 6, v. 11, p. 55.

SEC. 1693. The salary of the interpreter at the consulate of Bangkok, in Siam, shall not exceed the sum of five hundred dollars a year; and no salary shall be allowed the marshal at that consulate.

Salary of interpreter at Bangkok.

3 March, 1869, c. 125, s. 7, v. 15, p. 322.

SEC. 1694. The President is authorized, whenever in his judgment the public interest may so require, to discontinue the consulate of the United States at Trinidad de Cuba, and to appoint at Cienfuegos, in that island, a consul with the same salary and emoluments as those now allowed by law to the consul at Trinidad de Cuba.

Consul at Trinidad de Cuba.

3 March, 1863, c. 79, s. 24, v. 12, p. 754.

SEC. 1695. The President is authorized to define the extent of country to be embraced within any consulate or commercial agency, and to provide for the appointment of vice-consuls, vice-commercial agents, deputy consuls, and consular agents, therein, in such manner and under such regulations as he shall deem proper; but no compensation shall be allowed for the services of any such vice-consul, or vice-commercial agent, beyond nor except out of the allowance made by law for the principal consular officer in whose place such appointment shall be made. No vice-consul, vice-commercial agent, deputy consul, or consular agent, shall be appointed otherwise than under such regulations as have been or may be prescribed by the President.

Extent of consulates, and appointment of vice-consular officers.

18 Aug., 1856, c. 127, s. 14, v. 11, p. 57.

SEC. 1696. The only allowance to any vice-consulate or consular agency for expenses shall be an amount sufficient to pay for stationery and postage on official letters.

Expenses of vice-consulates and consular agencies.

3 March, 1869, c. 125, s. 6, v. 15, p. 322.

SEC. 1697. Every consul-general, consul, and commercial agent, before he receives his commission or enters upon the duties of his office, shall give a bond to the United States, with such sureties, who shall be permanent residents of the United States, as the Secretary of State shall approve, in a penal sum not less than one thousand dollars, and in no case less than the annual compensation allowed to such officer, and not more than ten thousand dollars, and in such form as the President shall prescribe, conditioned for the true and faithful accounting for, paying over, and delivering up of all fees, moneys, goods, effects, books, records, papers, and other property which shall come to his hands, or to the hands of any other person to his use as such consul-general, consul, or commercial agent, under any law now or hereafter enacted; and for the true and faithful performance of all other duties now or hereafter lawfully imposed upon him as such consul-general, consul, or commercial agent. The bonds herein mentioned shall be deposited with the Secretary of the Treasury.

Bonds of consular officers to be furnished and deposited with Secretary of the Treasury.

18 Aug., 1856, c. 127, s. 13, v. 11, p. 56.

SEC. 1698. Every vice-consul shall, before he enters on the execution of his trust, give bond, with such sureties as shall be approved by the Secretary of State, in a sum of not less than two thousand nor more than ten thousand dollars, conditioned for the true and faithful discharge of the duties of his office according to law, and for truly accounting for all moneys, goods, and effects which may come into his possession by virtue of his office. The bond shall be lodged in the office of the Secretary of the Treasury.

Bonds of vice-consuls.

14 Apr., 1792, c. 24, s. 6, v. 1, p. 256.

SEC. 1699. No consul-general, consul, or commercial agent, embraced in Schedule B, shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his consulate or commercial agency, directly or indirectly, either in his own name, or in the name or through the agency of any other person; and he shall, in his official bond, stipulate, as a condition thereof, not to violate this prohibition.

Consular officers not to transact business.

18 Aug., 1856, c. 127, s. 5, v. 11, p. 55.

Extension of prohibition upon transacting business.

18 Aug., 1856, c. 127, s. 15, v. 11, p. 57.

4 Feb., 1862, c. 17, s. 1, v. 12, pp. 335, 336.

Penalty for illegally transacting business.

18 Aug., 1856, c. 127, s. 5, v. 11, p. 55.

Compensation of consuls where fees amount to \$3,000.

30 Mar., 1868, c. 38, s. 1, v. 15, p. 57.

Compensation of vice-consuls, vice-commercial agents, and consular agents.

18 Aug., 1856, c. 127, s. 15, v. 11, p. 57.

Appointment of consular clerks.

20 June, 1864, c. 136, s. 2, v. 13, p. 139.

Examination and removal of consular clerks.

20 June, 1864, c. 136, s. 2, v. 13, p. 139.

Actual expenses may be allowed to consuls-general, &c., who are not allowed to trade.

SEC. 1700. All consular officers whose respective salaries exceed one thousand dollars a year, shall be subject to the prohibition against transacting business contained in the preceding section. And the President may extend the prohibition to any consul or commercial agent not embraced in Schedules B and C, and to any vice-consul, vice-commercial agent, deputy consul, or consular agent, and may require such officer to give a bond not to violate the same.

SEC. 1701. Every consul-general, consul, or commercial agent who violates the prohibition against transacting business, required to be inserted in his official bond, shall be liable to a penalty therefor, for the use of the United States, equal in amount to the annual compensation specified for him in Schedule B, which may be recovered in an action of debt at the suit of the United States, either directly for the penalty, as such, against such consul-general, or consul, or commercial agent, or upon his official bond, as liquidated damages, for the breach of such condition against such consul-general, consul, or commercial agent, and his sureties, or any one or more of them; and in every such case all such actions shall be open to the United States for the collection of such penalty till the same shall be collected in some one of such actions; and every such penalty, when collected, shall be paid into the Treasury of the United States.

SEC. 1702. The compensation of consuls whose annual salaries do not, under existing law, exceed one thousand five hundred dollars, shall, when the fees collected at the consulates where they are located and paid into the Treasury of the United States amount to three thousand dollars, be two thousand dollars a year.

SEC. 1703. Every vice-consul and vice-commercial agent shall be entitled, as compensation for his services as such, to the whole or so much of the compensation of the principal consular officer in whose place he shall be appointed, as shall be determined by the President, and the residue, if any, shall be paid to such principal consular officer; and every consular agent shall be entitled, as compensation for his services, to such fees as he may collect under the regulations prescribed by the President governing the subject of fees, or to so much thereof as shall be determined by the President; and the principal officer of the consulate or commercial agency within the limits of which such consular agent shall be appointed shall be entitled to the residue, if any, in addition to any other compensation allowed him by law for his services therein.

SEC. 1704. The President is authorized, whenever he shall think the public good will be promoted thereby, to appoint consular clerks, not exceeding thirteen in number at any one time, who shall be citizens of the United States, and over eighteen years of age at the time of their appointment, and shall be entitled to compensation for their services respectively at a rate not exceeding one thousand dollars a year each, to be determined by the President; and to assign such clerks, from time to time, to such consulates and with such duties as he shall direct.

SEC. 1705. Before the appointment of any such consular clerk shall be made, it shall be satisfactorily shown to the Secretary of State, after due examination and report by an examining board, that the applicant is qualified and fit for the duties to which he shall be assigned; and such report shall be laid before the President. And no clerk so appointed shall be removed from office, except for cause stated in writing, which shall be submitted to Congress at the session first following such removal.

SEC. 1706. The President may allow consuls-general, consuls, and commercial agents, who are not allowed to trade, actual expenses of office-rent, not to exceed, in any case, twenty per centum of the amount of the annual compensation allowed to such officer, whenever he shall think there is sufficient reason therefor.

18 August, 1856, c. 127, s. 22, v. 11, p. 60. 22 Feb., 1873, c. 184, s. 1, v. 17, p. 473.

SEC. 1707. Consuls and vice-consuls shall have the right, in the ports or places to which they are severally appointed, of receiving the protests or declarations which captains, masters, crews, passengers, or merchants, who are citizens of the United States, may respectively choose to make there; and also such as any foreigner may choose to make before them relative to the personal interest of any citizen of the United States. Copies of such acts duly authenticated by consuls or vice-consuls, under the seal of their consulates, respectively, shall be received in evidence equally with their originals in all courts in the United States. [See § 896.]

SEC. 1708. Every consular officer shall keep a detailed list of all seamen and mariners shipped and discharged by him, specifying their names and the names of the vessels on which they are shipped and from which they are discharged, and the payments, if any, made on account of each so discharged; also of the number of the vessels arrived and departed, the amounts of their registered tonnage, and the number of their seamen and mariners, and of those who are protected, and whether citizens of the United States or not, and as nearly as possible the nature and value of their cargoes, and where produced, and shall make returns of the same, with their accounts and other returns, to the Secretary of the Treasury. [See §§ 4561, 4580.]

SEC. 1709. It shall be the duty of consuls and vice-consuls, where the laws of the country permit:

First. To take possession of the personal estate left by any citizen of the United States, other than seamen belonging to any vessel, who shall die within their consulate, leaving there no legal representative, partner in trade, or frustee by him appointed to take care of his effects.

Second. To inventory the same with the assistance of two merchants of the United States, or, for want of them, of any others at their choice.

Third. To collect the debts due the deceased in the country where he died, and pay the debts due from his estate which he shall have there contracted.

Fourth. To sell at auction, after reasonable public notice, such part of the estate as shall be of a perishable nature, and such further part, if any, as shall be necessary for the payment of his debts, and, at the expiration of one year from his decease, the residue.

Fifth. To transmit the balance of the estate to the Treasury of the United States, to be holden in trust for the legal claimant; except that if at any time before such transmission the legal representative of the deceased shall appear and demand his effects in their hands they shall deliver them up, being paid their fees, and shall cease their proceedings.

SEC. 1710. For the information of the representative of the deceased, the consul or vice-consul, in the settlement of his estate, shall immediately notify his death in one of the gazettes published in the consulate, and also to the Secretary of State, that the same may be notified in the State to which the deceased belonged; and he shall, as soon as may be, transmit to the Secretary of State an inventory of the effects of the deceased, taken as before directed.

SEC. 1711. When any citizen of the United States, dying abroad, leaves, by any lawful testamentary disposition, special directions for the custody and management, by the consular officer of the port or place where he dies, of the personal property of which he dies possessed in such country, such officer shall, so far as the laws of the country permit, strictly observe such directions. When any such citizen so dying, appoints, by any lawful testamentary disposition, any other person than such officer to take charge of and manage such property, it shall be the duty of the officer, whenever required by the person so appointed, to give his official aid in whatever way may be necessary to facilitate the proceedings of such person in the lawful execution of his trust, and, so far as the laws of the country permit, to protect the property of the deceased from any

Protests.

14 April, 1792, c. 24, s. 2, v. 1, p. 255.

Armstrong vs. Lear, 12 Wh., 169.

Lists and returns of seamen, vessels, &c.

18 Aug., 1856, c. 127, s. 27, v. 11, p. 62.

Estates of decedents.

14 April, 1792, c. 24, s. 2, v. 1, p. 255.

Notification of death.

14 April, 1792, c. 24, s. 2, v. 1, p. 255.

Decedent's directions to be followed.

18 Aug., 1856, c. 127, s. 28, v. 11, p. 63.

interference of the local authorities of the country where such citizen dies; and to this end it shall be the duty of such consular officer to place his official seal upon all of the personal property or effects of the deceased, and to break and remove such seal as may be required by such person, and not otherwise.

**Commercial re-
ports.**

18 August, 1856, c. 170, s. 2, v. 11, p. 139.

Prices current.

18 Aug., 1856, c. 127, s. 27, v. 11, p. 62.

**Construction of
powers.**

14 April, 1792, c. 24, s. 9, v. 1, p. 257.

**Certifying in-
voices.**

18 Aug., 1856, c. 127, s. 27, v. 11, p. 62.

**Exacting excess-
ive fees for verify-
ing invoices.**

3 March, 1869, c. 125, s. 3, v. 15, p. 321.

**Certificate for
goods from coun-
tries adjacent to
United States.**

22 Feb., 1873, c. 184, s. 3, v. 17, p. 474.

**Fees allowed for
official service.**

18 Aug., 1856, c. 127, s. 28, v. 11, p. 63.

**No profit from
discharged seamen.**

18 Aug., 1856, c. 127, s. 20, v. 11, p. 59.

SEC. 1712. Consuls and commercial agents of the United States in foreign countries shall procure and transmit to the Department of State authentic commercial information respecting such countries, of such character, and in such manner and form, and at such times as the Department may from time to time prescribe.

SEC. 1713. Every consular officer shall furnish to the Secretary of the Treasury, as often as shall be required, the prices current of all articles of merchandise usually exported to the United States from the port or place in which he is stationed.

SEC. 1714. The specification in this Title of certain powers to be exercised and duties to be performed by consuls and vice-consuls, shall not be construed as implying the exclusion of others resulting from the nature of their appointments, or prescribed by any treaty or convention under which they may act.

SEC. 1715. No consular officer shall certify any invoice unless he is satisfied that the person making oath thereto is the person he represents himself to be, that he is a credible person, and that the statements made under such oath are true; and he shall, thereupon, by his certificate, state that he was so satisfied. [See § 2862.]

SEC. 1716. The fee provided by law for the verification of invoices by consular officers shall, when paid, be held to be a full payment for furnishing blank forms of declaration to be signed by the shipper, and for making, signing, and sealing the certificate of the consular officer thereto; and any consular officer who, under pretense of charging for blank forms, advice, or clerical services in the preparation of such declaration or certificate, charges or receives any fee greater in amount than that provided by law for the verification of invoices, or who demands or receives for any official services, or who allows any clerk or subordinate to receive for any such service any fee or reward other than the fee provided by law for such service, shall be punishable by imprisonment for not more than one year, or by a fine of not more than two thousand dollars; and shall be removed from his office.

SEC. 1717. That no consular officer of the United States shall hereafter grant a certificate for goods, wares, or merchandise shipped from countries adjacent to the United States, which have passed a consulate after purchase for shipment. [See § 2861.]

SEC. 1718. Whenever any master or commander of a vessel of the United States has occasion for any consular or other official service, which any consular officer of the United States is authorized by law or usage officially to perform, and for which any fees are allowed by the rates or tariffs of fees, he shall apply to the consular officer at the consulate or commercial agency where such service is required to perform such service, and shall pay to such officer the fees allowed for such service by the rates or tariffs of fees. And every such master or commander who omits so to do shall be liable to the United States for the amount of the fees lawfully chargeable for such services when actually performed. All consular officers are authorized and required to retain in their possession all the papers of such vessels, which shall be deposited with them as directed by law, till payment shall be made of all demands and wages on account of such vessels. [See §§ 4207, 4309.]

SEC. 1719. No consular officer, nor any person under any consular officer shall make any charge or receive, directly or indirectly, any compensation, by way of commission or otherwise, for receiving or disbursing the wages or extra wages to which any seaman or mariner is entitled who is discharged in any foreign country, or for any money advanced

to any such seaman or mariner who seeks relief from any consulate or commercial agency; nor shall any consular officer, or any person under any consular officer, be interested, directly or indirectly, in any profit derived from clothing, boarding, or otherwise supplying or sending home any such seaman or mariner. Such prohibition as to profit, however, shall not be construed to relieve or prevent any such officer who is the owner of or otherwise interested in any vessel of the United States, from transporting in such vessel any such seaman or mariner, or from receiving or being interested in such reasonable allowance as may be made for such transportation by law. [See §§ 4561, 4577, 4578, 4590, 4581, 4584.]

SEC. 1720. American vessels running regularly by weekly or monthly trips, or otherwise, to or between foreign ports, shall not be required to pay fees to consuls for more than four trips in a year.

SEC. 1721. The fee for certifying invoices to be charged by the consul-general for the British North American Provinces, and his subordinate consular officers and agents, for goods not exceeding one hundred dollars in value, shall be one dollar.

SEC. 1722. No consul, vice-consul, or consular agent in the Dominion of Canada, shall be allowed tonnage fees for any services, actual or constructive, rendered any vessel owned and registered in the United States that may touch at a Canadian port; and in the collection of official fees they shall receive foreign moneys at the rate given in the Treasury schedule of the value of foreign coins.

SEC. 1723. Whenever any consular officer collects, or knowingly allows to be collected for any service, any other or greater fees than are allowed by law for such service, he shall, besides his liability to refund the same, be liable to pay to the person by whom or in whose behalf the same are paid, treble the amount of the unlawful charge so collected, as a penalty, to be recovered with costs, in any proper form of action, by such person for his own use. And in any such case the Secretary of the Treasury may retain out of the compensation of such officer, the amount of such overcharge, and of such penalty, and charge the same to such officer in account, and may thereupon refund such unlawful charge, and pay such penalty to the person entitled to the same if he shall think proper so to do.

SEC. 1724. Every consul-general, consul, or commercial agent, mentioned in Schedules B and C, or vice-consul, or vice-commercial agent, appointed to perform the duty of any such officer mentioned in Schedules B and C, who omits to collect any fees which he is entitled to charge for any official service, shall be liable to the United States therefor, as if he had collected the same; unless, upon good cause shown therefor, the Secretary of the Treasury shall think proper to remit the same.

SEC. 1725. All such consuls-general, consuls, commercial agents, and consular agents, as are allowed for their compensation the whole or any part of the fees which they may collect, and all such vice-consuls and vice-commercial agents appointed to perform the duties of such consuls-general, consuls, and commercial agents as are allowed for their compensation the whole or any part of such fees, shall make returns in such manner as the Secretary of State shall prescribe, of all such fees as they or any person in their behalf so collect.

SEC. 1726. Every consular officer shall give receipts for all fees collected for his official services, expressing the particular services for which the same were collected. [See § 4213.]

SEC. 1727. Every consular officer shall number all receipts given by him for fees received for official services, in the order of their dates, beginning with number one at the commencement of the period of his service, and on the first day of January in every year thereafter. He shall also register in a book to be kept by him for that purpose all fees so received by him, in the order in which they are received, specifying each item of service and the amount received therefor, from whom, and the dates when received, and if for any service connected with any vessel,

Restriction on amount of fees.

5 Aug., 1861, c. 49, v. 12, p. 315.

Fees in British North America.

20 June, 1864, c. 136, s. 3, v. 13, p. 140.

Tonnage-fees in Canada.

3 March, 1869, c. 125, s. 3, v. 15, p. 321.

Exacting excessive fees.

18 Aug., 1856, c. 127, s. 17, v. 11, p. 58.

Penalty for omission to collect fees.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 58.

Returns of fees.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 58.

Receipts for fees.

18 Aug., 1856, c. 127, s. 17, v. 11, p. 58.

Registering receipts for fees.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 58.

the name thereof, and indicating what items and amounts are embraced in each receipt given by him therefor, and numbering the same according to the number of the receipts respectively, so that the receipts and register shall correspond with each other; and he shall, in such register, specify the name of the person for whom, and the date when he shall grant, issue, or verify any passport, certify any invoice, or perform any other official service in the entry of the receipt of the fees therefor, and also number each consular act so receipted for with the number of such receipt, and as shown by such register.

Verification of
account of fees.

18 Aug., 1856, c.
127, s. 18, v. 11, p. 58.

SEC. 1728. Every consular officer, in rendering his account of fees received shall furnish a full transcript of the register which he is required to keep, and make oath that, to the best of his knowledge, the same is true, and contains a full and accurate statement of all fees received by him, or for his use, for his official services as such consular officer, during the period for which it purports to be rendered. Such oath may be taken before any person having authority to administer oaths at the port or place where the consular officer is located. If any such consular officer willfully and corruptly commits perjury, in any such oath, within the intent and meaning of any act of Congress now or hereafter made, he may be charged, proceeded against, tried, and convicted, and dealt with in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, and shall be subject to the same punishment and disability therefor as are or shall be prescribed for such offense.

Fees of officers
not included in
Schedules B and C.

25 July, 1866, c.
233, s. 3, v. 14, p. 226.

Compensation of
officers not em-
braced in Sched-
ules B and C.

18 Aug., 1856, c.
127, s. 4, v. 11, p. 55.

Rates of fees to
be posted up.

18 Aug., 1856, c.
127, s. 16, v. 11, p. 57.

Excess of fees
above \$2,500.

25 July, 1866, c.
233, s. 3, v. 14, p. 226.

Excess of fees
above \$1,000.

30 March, 1868, c.
38, s. 1, v. 15, p. 57.

Embezzlement.

3 March, 1869, c.
125, s. 5, v. 15, p. 322.

SEC. 1729. All fees collected by any consul or commercial agent not mentioned in Schedule B or C, or by any vice-consul or commercial agent appointed to perform their duties, or by any other person in their behalf, shall be accounted for to the Secretary of the Treasury in the manner prescribed by the five preceding sections.

SEC. 1730. Consuls-general, consuls, and commercial agents, not embraced in Schedules B and C, shall be entitled, as compensation for their services, to such fees as they may collect under the regulations prescribed by the President governing the subject of fees.

SEC. 1731. It shall be the duty of all consular officers at all times to keep posted up in their offices, respectively, in a conspicuous place, and subject to the examination of all persons interested therein, a copy of such rates or tariffs as shall be in force.

SEC. 1732. Whenever the fees collected by or in behalf of any consul or commercial agent, not mentioned in Schedule B or C, amount to more than twenty-five hundred dollars in any one year, over and above such expenses of office-rent and clerk-hire as are approved by the Secretary of State, of which return shall be made to the Secretary of the Treasury, the excess for that year shall be held subject to the draft or other directions of the Secretary of the Treasury.

SEC. 1733. All moneys received for fees at any vice-consulates or consular agencies of the United States, beyond the sum of one thousand dollars in any one year, and all moneys received by any consul or consul-general from consular agencies or vice-consulates in excess of one thousand dollars in the aggregate from all such agencies or vice-consulates, shall be accounted for to the Secretary of the Treasury, and held subject to his draft or other directions.

SEC. 1734. Every consular officer who willfully neglects to render true and just quarterly accounts and returns of the business of his office, and of moneys received by him for the use of the United States, or who neglects to pay over any balance of such moneys due to the United States at the expiration of any quarter, before the expiration of the next succeeding quarter, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than one year and by a fine of not more than two thousand dollars, and shall be forever disqualified from holding any office of trust or profit under the United States.

SEC. 1735. Whenever any consular officer willfully neglects or omits to perform seasonably any duty imposed upon him by law, or by any order or instruction made or given in pursuance of law, or is guilty of any willful malfeasance or abuse of power, or of any corrupt conduct in his office, he shall be liable to all persons injured by any such neglect, or omission, malfeasance, abuse, or corrupt conduct, for all damages occasioned thereby; and for all such damages, he and his sureties upon his official bond shall be responsible thereon to the full amount of the penalty thereof, to be sued in the name of the United States for the use of the person injured. Such suit, however, shall in no case prejudice, but shall be held in entire subordination to the interests, claims, and demands of the United States, as against any officer, under such bond, for every willful act of malfeasance or corrupt conduct in his office.

Neglect of duty,
&c.

18 Aug., 1856, c.
127, s. 32, v. 11, p.
64.

SEC. 1736. If any consul or commercial agent neglects or omits to perform, seasonably, the duties imposed upon him by the laws regulating the shipment and discharge of seamen, and the reclamation of deserters on board or from vessels in foreign ports, or is guilty of any malversation or abuse of power, he shall be liable to any injured person for all damage occasioned thereby; and for all malversation and corrupt conduct in office, he shall be punishable by imprisonment for not more than five years and not less than one, and by a fine of not more than ten thousand dollars and not less than one thousand. [See § 4600.]

Neglect of duty
to seamen; cor-
rupt conduct.

20 July, 1840, c.
48, s. 18, v. 5, p. 397.

SEC. 1737. If any consul, vice-consul, commercial agent, or vice-commercial agent falsely and knowingly certifies that property belonging to foreigners is property belonging to citizens of the United States, he shall be punishable by imprisonment for not more than three years and by a fine of not more than ten thousand dollars.

False certificate
of property.

28 Feb., 1803, c.
9, s. 7, v. 2, p. 204.

SEC. 1738. No consular officer shall exercise diplomatic functions, or hold any diplomatic correspondence or relation on the part of the United States, in, with, or to the government or country to which he is appointed, or any other country or government, when there is in such country any officer of the United States authorized to perform diplomatic functions therein; nor in any case, unless expressly authorized by the President so to do. [See § 5335.]

When consular
officers may per-
form diplomatic
functions.

18 Aug., 1856, c.
127, s. 12, v. 11, p. 56.

SEC. 1739. For such time as any consular officer shall be authorized to perform diplomatic functions, in the absence of the regular diplomatic officer in the country to which he shall be appointed, he shall be entitled, in addition to his compensation as such consular officer, to receive compensation for his services while so authorized, at the rate which would be allowed for a secretary of legation in such country.

Compensation of
consular officer per-
forming diplomatic
functions.

18 Aug., 1865, c.
127, s. 11, v. 11, p. 56.

CHAPTER THREE.

PROVISIONS COMMON TO DIPLOMATIC AND CONSULAR OFFICERS.

| Sec. | Sec. |
|--|--|
| 1740. Term during which salary is payable. | 1748. Expenses of legations, consulates, &c. |
| 1741. Absence. | 1749. Allowance to widow of consular offi- cer deceased in a foreign country. |
| 1742. Salary in case of absence. | 1750. Depositions. |
| 1743. Extra compensation prohibited. | 1751. Certain correspondence by officers prohibited. |
| 1744. Compensation to citizens only. | 1752. Regulations. |
| 1745. President to regulate fees. | |
| 1746. Fees to be collected in coin. | |
| 1747. Officers to account for fees. | |

SEC. 1740. No ambassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, chargé d'affaires, secretary of legation, assistant secretary of legation, interpreter to any legation or consulate, or consul-general, consul, or commercial agent, mentioned in Schedules B and C, shall be entitled to compensation for his services, except from the time when he reaches his post and enters upon his offi-

Term during
which salary is
payable.

18 Aug., 1856, c.
127, s. 8, v. 11, p. 55.

cial duties to the time when he ceases to hold such office, and for such time as is actually and necessarily occupied in receiving his instructions, not to exceed thirty days, and in making the direct transit between the place of his residence, when appointed, and his post of duty, at the commencement and termination of the period of his official service, for which he shall in all cases be allowed and paid, except as hereinafter mentioned. And no person shall be deemed to hold any such office after his successor is appointed and actually enters upon the duties of his office at his post of duty, nor after his official residence at such post has terminated if not so relieved. But no such allowance or payment shall be made to any consul-general, consul, or commercial agent, not embraced in Schedules B and C, or to any vice-consul, vice-commercial agent, deputy consul, or consular agent, for the time so occupied in receiving instructions, or in such transit as aforesaid; nor shall any such officer as is referred to in this section be allowed compensation for the time so occupied in such transit, at the termination of the period of his official service, if he has resigned or been recalled therefrom for any malfeasance in his office.

Absence.

18 Aug., 1856, c. 127, s. 19, v. 11, p. 59.

SEC. 1741. No ambassador, envoy extraordinary, minister plenipotentiary, minister resident, commissioner, chargé d'affaires, secretary of legation, assistant secretary of legation, interpreter for any legation or consulate, or consul-general, consul, or commercial agent, mentioned in Schedules B and C, or consular agent, shall be absent from his post, or the performance of his duties, for a longer period than ten days at any one time, without the permission previously obtained of the President.

Salary in case of absence.

3 March, 1869, c. 125, s. 2, v. 15, p. 321.

SEC. 1742. No diplomatic or consular officer shall receive salary for the time during which he may be absent from his post, by leave or otherwise, beyond the term of sixty days in any one year; but the time equal to that usually occupied in going to and from the United States in case of the return, on leave, of such diplomatic or consular officer to the United States may be allowed in addition to such sixty days.

Extra compensation prohibited.

18 Aug., 1856, c. 127, s. 20, v. 11, p. 59.

SEC. 1743. The compensation allowed by law to the various diplomatic and consular officers shall be in full for all the services rendered and personal expenses incurred by the persons respectively for whom such compensation is provided, of whatever kind such services or personal expenses may be, or by whatever treaty, law, or instructions they are required; and no allowance, other than such as is so provided, shall be made in any case for the outfit or return home of any such officer or person.

Compensation to citizens only.

18 Aug., 1856, c. 127, s. 21, v. 11, p. 60.

SEC. 1744. No compensation provided for any officer mentioned in section sixteen hundred and seventy-five, or for any assistant secretary of legation, or any appropriation therefor, shall be applicable to the payment of the compensation of any person appointed to or holding any such office who shall not be a citizen of the United States; nor shall any other compensation be allowed in any such case.

President to regulate fees.

18 Aug., 1856, c. 127, s. 16, v. 11, p. 57.

SEC. 1745. The President is authorized to prescribe, from time to time, the rates or tariffs of fees to be charged for official services, and to designate what shall be regarded as official services, besides such as are expressly declared by law, in the business of the several legations, consulates, and commercial agencies, and to adapt the same, by such differences as may be necessary or proper, to each legation, consulate, or commercial agency; and it shall be the duty of all officers and persons connected with such legations, consulates, or commercial agencies to collect for such official services such and only such fees as may be prescribed for their respective legations, consulates, and commercial agencies, and such rates or tariffs shall be reported annually to Congress.

Fees to be collected in coin.

18 Aug., 1856, c. 127, s. 30, v. 11, p. 63.

SEC. 1746. All fees collected by diplomatic and consular officers for and in behalf of the United States shall be collected in the coin of the United States, or at its representative value in exchange.

SEC. 1747. All fees collected by the consuls-general, consuls, and commercial agents mentioned in Schedules B and C, and by vice-consuls and vice-commercial agents appointed to perform their duties, or by any other persons in their behalf, shall be accounted for to the Secretary of the Treasury, and held subject to his draft, or other directions.

SEC. 1748. The President is authorized to provide at the public expense all such stationery, blanks, record and other books, seals, presses, flags, and signs, as he shall think necessary for the several legations, consulates, and commercial agencies in the transaction of their business.

SEC. 1749. Whenever any diplomatic or consular officer of the United States dies in a foreign country in the discharge of his duty, there shall be paid to his widow, or, if no widow survive him, then to his heirs at law, a sum of money equal to the allowance now made to such officer for the time necessarily occupied in making the transit from his post of duty to his residence in the United States.

SEC. 1750. Every secretary of legation and consular officer is hereby authorized, whenever he is required or deems it necessary or proper so to do, at the post, port, place, or within the limits of his legation, consulate, or commercial agency, to administer to or take from any person an oath, affirmation, affidavit, or deposition, and to perform any notarial act which any notary public is required or authorized by law to do within the United States. Every such oath, affirmation, affidavit, deposition, and notarial act administered, sworn, affirmed, taken, had, or done, by or before any such officer, when certified under his hand and seal of office, shall be as valid, and of like force and effect within the United States, to all intents and purposes, as if administered, sworn, affirmed, taken, had, or done, by or before any other person within the United States duly authorized and competent thereto. If any person shall willfully and corruptly commit perjury, or by any means procure any person to commit perjury in any such oath, affirmation, affidavit, or deposition, within the intent and meaning of any act of Congress now or hereafter made, such offender may be charged, proceeded against, tried, convicted, and dealt with in any district of the United States, in the same manner, in all respects, as if such offense had been committed in the United States, before any officer duly authorized therein to administer or take such oath, affirmation, affidavit, or deposition, and shall be subject to the same punishment and disability therefor as are or shall be prescribed by any such act for such offense; and any document purporting to have affixed, impressed, or subscribed thereto or thereon the seal and signature of the officer administering or taking the same in testimony thereof, shall be admitted in evidence without proof of any such seal or signature being genuine or of the official character of such person; and if any person shall forge any such seal or signature, or shall tender in evidence any such document with a false or counterfeit seal or signature thereto, knowing the same to be false or counterfeit, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction shall be imprisoned not exceeding three years nor less than one year, and fined in a sum not to exceed three thousand dollars, and may be charged, proceeded against, tried, convicted, and dealt with, therefor, in the district where he may be arrested or in custody. [See §§ 5302, 5303.]

SEC. 1751. No diplomatic or consular officer shall correspond in regard to the public affairs of any foreign government with any private person, newspaper, or other periodical, or otherwise than with the proper officers of the United States, nor recommend any person, at home or abroad, for any employment of trust or profit under the government of the country in which he is located; nor ask or accept, for himself or any other person, any present, emolument, pecuniary favor, office, or title of any kind, from any such government.

Officers to account for fees.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 58.

Expenses of legations, consulates, &c.

18 Aug., 1856, c. 127, s. 22, v. 11, p. 60.

Allowance to widow of consular officer deceased in a foreign country.

22 Feb., 1873, c. 184, s. 2, v. 17, p. 474.

Depositions.

18 Aug., 1856, c. 127, s. 24, v. 11, p. 61.

Herman vs. Herman, 4 Wash. C. C., p. 555.

Penalty for perjury in such cases.

Evidence of taking the oath.

Penalty for forging certificate of oath.

Certain correspondence by officers prohibited.

18 Aug., 1856, c. 127, s. 19, v. 11, p. 59.

Regulations.

18 Aug., 1856, c.
127, s. 22, v. 11, p.
60.

SEC. 1752. The President is authorized to prescribe such regulations, and make and issue such orders and instructions, not inconsistent with the Constitution or any law of the United States, in relation to the duties of all diplomatic and consular officers, the transaction of their business, the rendering of accounts and returns, the payment of compensation, the safe keeping of the archives and public property in the hands of all such officers, the communication of information, and the procurement and transmission of the products of the arts, sciences, manufactures, agriculture, and commerce, from time to time, as he may think conducive to the public interests. It shall be the duty of all such officers to conform to such regulations, orders, and instructions.

TITLE XIX.

PROVISIONS APPLICABLE TO SEVERAL CLASSES OF OFFICERS.

| Sec. | Sec. |
|---|---|
| 1753. President to regulate admissions to the civil service. | 1775. Notification of nominations, rejections, &c., to Secretary of Treasury. |
| 1754. Preference of persons disabled in military or naval service. | 1776. Removal of office. |
| 1755. Recommendation for employment of such persons. | 1777. Preservation of copies of Statutes at Large. |
| 1756. Form of oath of office. | 1778. Taking oaths, acknowledgments, &c. |
| 1757. Oath for certain persons. | 1779. Restriction upon payments for newspapers, &c. |
| 1758. Who may administer oath. | 1780. Failure to make returns or reports. |
| 1759. Custody of oath. | 1781. Prohibition upon taking consideration for procuring contracts, offices, &c. |
| 1760. Unauthorized office, no salary for. | 1782. Upon taking compensation in matters to which United States is a party. |
| 1761. Appointees to fill vacancies during recess of Senate. | 1783. Persons interested not to act as agents of the Government. |
| 1762. Salaries to officers improperly holding over. | 1784. Prohibition of contributions, presents, &c., to superiors. |
| 1763. Double salaries. | 1785. Punishment for aiding, &c., in importing or trading in obscene literature. |
| 1764. Extra services. | 1786. Proceedings against persons illegally holding office. |
| 1765. Extra allowances. | 1787. Penalty for illegally holding office. |
| 1766. Officer in arrears. | 1788. Disbursing officers forbidden to trade in public funds or property. |
| 1767. Tenure of office. | 1789. Collecting officers forbidden to trade in public property. |
| 1768. Suspension and filling vacancies. | 1790. Restriction on payment for services. |
| 1769. Filling vacancies temporarily. | |
| 1770. Term of office not to be extended. | |
| 1771. Accepting or exercising office contrary to law. | |
| 1772. Removing, appointing, or commissioning officer contrary to law. | |
| 1773. Commissions. | |
| 1774. Notification of appointments to Secretary of Treasury. | |

SEC. 1753. The President is authorized to prescribe such regulations for the admission of persons into the civil service of the United States as may best promote the efficiency thereof, and ascertain the fitness of each candidate in respect to age, health, character, knowledge, and ability for the branch of service into which he seeks to enter; and for this purpose he may employ suitable persons to conduct such inquiries, and may prescribe their duties, and establish regulations for the conduct of persons who may receive appointments in the civil service.

President to regulate admissions to the civil service.

3 March 1871, c. 114, s. 9, v. 16, p. 514.

SEC. 1754. Persons honorably discharged from the military or naval service by reason of disability resulting from wounds or sickness incurred in the line of duty, shall be preferred for appointments to civil offices, provided they are found to possess the business capacity necessary for the proper discharge of the duties of such offices.

Preference of persons disabled in military or naval service.

3 Mar., 1865, Res. No. 27, s. 1, v. 13, p. 571.

SEC. 1755. In grateful recognition of the services, sacrifices, and sufferings of persons honorably discharged from the military and naval service of the country, by reason of wounds, disease, or the expiration of terms of enlistment, it is respectfully recommended to bankers, merchants, manufacturers, mechanics, farmers, and persons engaged in industrial pursuits, to give them the preference for appointments to remunerative situations and employments.

Recommendation for employment of such persons.

3 Mar., 1865, Res. No. 27, s. 2, v. 13, p. 571.

SEC. 1756. Every person elected or appointed to any office of honor or profit, either in the civil, military, or naval service, excepting the President and the persons embraced by the section following, shall, before entering upon the duties of such office, and before being entitled to any part of the salary or other emoluments thereof, take and subscribe

Form of oath of office.

2 July, 1862, c. 128, v. 12, p. 502.

Ex parte Garland, 4 Wall., 333.

the following oath: "I, A B, do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever, under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God."

Oath for certain persons.

11 July, 1868, c. 139, v. 15, p. 85.
15 Feb., 1871, c. 53, v. 16, p. 412.

Who may administer oath.

6 Aug., 1861, c. 64, s. 2, v. 12, p. 326.

Custody of oath.

2 July, 1863, c. 128, s. 12, p. 502.

Unauthorized office, no salary for.

9 Feb., 1863, c. 25, s. 2, v. 12, p. 646.

No salaries to certain appointees to fill vacancies during recess of Senate.

9 Feb., 1863, c. 25, s. 2, v. 12, p. 646.

Salaries to officers improperly holding over.

2 March, 1867, c. 154, s. 9, v. 14, p. 431.

SEC. 1757. Whenever any person who is not rendered ineligible to office by the provisions of the fourteenth amendment to the Constitution is elected or appointed to any office of honor or trust under the Government of the United States, and is not able, on account of his participation in the late rebellion, to take the oath prescribed in the preceding section, he shall, before entering upon the duties of his office, take and subscribe in lieu of that oath the following oath: "I, A B, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

SEC. 1758. The oath of office required by either of the two preceding sections may be taken before any officer who is authorized either by the laws of the United States, or by the local municipal law, to administer oaths, in the State, Territory, or District where such oath may be administered. [See § 2617.]

SEC. 1759. The oath of office taken by any person pursuant to the requirements of section seventeen hundred and fifty-six, or of section seventeen hundred and fifty-seven, shall be delivered in by him to be preserved among the files of the House of Congress, Department, or court to which the office in respect to which the oath is made may appertain.

SEC. 1760. No money shall be paid from the Treasury to any person acting or assuming to act as an officer, civil, military, or naval, as salary, in any office when the office is not authorized by some previously existing law, unless such office is subsequently sanctioned by law.

SEC. 1761. No money shall be paid from the Treasury, as salary, to any person appointed during the recess of the Senate, to fill a vacancy in any existing office, if the vacancy existed while the Senate was in session and was by law required to be filled by and with the advice and consent of the Senate, until such appointee has been confirmed by the Senate.

SEC. 1762. No money shall be paid or received from the Treasury, or paid or received from or retained out of any public moneys or funds of the United States, whether in the Treasury or not, to or by or for the benefit of any person appointed to or authorized to act in or holding or exercising the duties or functions of any office contrary to sections seventeen hundred and sixty-seven to seventeen hundred and seventy, inclusive; nor shall any claim, account, voucher, order, certificate, warrant, or other instrument providing for or relating to such payment, receipt, or retention, be presented, passed, allowed, approved, certified, or paid by any officer, or by any person exercising the functions or performing the duties of any office or place of trust under the United States, for or in respect to such office, or the exercising or performing the functions

or duties thereof. Every person who violates any of the provisions of this section shall be deemed guilty of a high misdemeanor, and shall be imprisoned not more than ten years, or fined not more than ten thousand dollars, or both.

SEC. 1763. No person who holds an office, the salary or annual compensation attached to which amounts to the sum of two thousand five hundred dollars, shall receive compensation for discharging the duties of any other office, unless expressly authorized by law.

SEC. 1764. No allowance or compensation shall be made to any officer or clerk, by reason of the discharge of duties which belong to any other officer or clerk in the same or any other Department; and no allowance or compensation shall be made for any extra services whatever, which any officer or clerk may be required to perform, unless expressly authorized by law.

SEC. 1765. No officer in any branch of the public service, or any other person whose salary, pay, or emoluments are fixed by law or regulations, shall receive any additional pay, extra allowance, or compensation, in any form whatever, for the disbursement of public money, or for any other service or duty whatever, unless the same is authorized by law, and the appropriation therefor explicitly states that it is for such additional pay, extra allowance, or compensation.

maker, 7 Wall., 338; *Stansbury vs. U. S.*, 8 Wall., 33.

SEC. 1766. No money shall be paid to any person for his compensation who is in arrears to the United States, until he has accounted for and paid into the Treasury all sums for which he may be liable. In all cases where the pay or salary of any person is withheld in pursuance of this section, the accounting officers of the Treasury, if required to do so by the party, his agent or attorney, shall report forthwith to the Solicitor of the Treasury the balance due; and the Solicitor shall, within sixty days thereafter, order suit to be commenced against such delinquent and his sureties.

SEC. 1767. Every person holding any civil office to which he has been or hereafter may be appointed by and with the advice and consent of the Senate, and who shall have become duly qualified to act therein, shall be entitled to hold such office during the term for which he was appointed, unless sooner removed by and with the advice and consent of the Senate, or by the appointment, with the like advice and consent, of a successor in his place, except as herein otherwise provided.

SEC. 1768. During any recess of the Senate the President is authorized, in his discretion, to suspend any civil officer appointed by and with the advice and consent of the Senate, except judges of the courts of the United States, until the end of the next session of the Senate, and to designate some suitable person, subject to be removed, in his discretion, by the designation of another, to perform the duties of such suspended officer in the mean time; and the person so designated shall take the oath and give the bond required by law to be taken and given by the suspended officer, and shall, during the time he performs the duties of such officer, be entitled to the salary and emoluments of the office, no part of which shall belong to the officer suspended. The President shall, within thirty days after the commencement of each session of the Senate, except for any office which in his opinion ought not to be filled, nominate persons to fill all vacancies in office which existed at the meeting of the Senate, whether temporarily filled or not, and also in the place of all officers suspended; and if the Senate during such session shall refuse to advise and consent to an appointment in the place of any suspended officer, then, and not otherwise, the President shall nominate another person as soon as practicable to the same session of the Senate for the office.

SEC. 1769. The President is authorized to fill all vacancies which may happen during the recess of the Senate by reason of death or resignation or expiration of term of office, by granting commissions which shall expire at the end of their next session thereafter. And if no appointment,

Double salaries.

31 Aug., 1852, c. 108, s. 18, v. 10, p. 100.

Extra services.

26 Aug., 1842, c. 202, s. 12, v. 5, p. 525.

Stansbury vs. U. S., 8 Wall., 33.

Extra allowances.

3 March, 1839, c. 82, s. 3, v. 5, p. 349.
23 Aug., 1842, c. 183, s. 2, v. 5, p. 510.

Converse Admr. vs. U. S., 21 How., 463; *U. S. vs. Shoc-*
maker, 7 Wall., 338; *Stansbury vs. U. S.*, 8 Wall., 33.

Officer in arrears.

25 Jan., 1828, c. 2, v. 4, p. 246.
20 May, 1836, c. 77, v. 5, p. 31.

Tenure of office.

2 March, 1867, c. 154, s. 1, v. 14, p. 430.
5 April, 1869, c. 10, s. 1, v. 16, p. 6.

Suspension and filling vacancies.

2 March, 1867, c. 154, s. 2, v. 14, p. 430.
5 April, 1869, c. 10, s. 2, v. 16, p. 7.

Filling vacancies temporarily.

2 March, 1867, c. 154, s. 3, v. 14, p. 430.

5 April, 1869, c. 10, s. 3, v. 16, p. 7.

Term of office not to be extended.

2 March, 1867, c. 154, s. 4, v. 14, p. 431.

Accepting or exercising office contrary to law.

2 March, 1867, c. 154, s. 5, v. 14, p. 431.

Removing, appointing, or commissioning officer contrary to law.

2 March, 1867, c. 154, s. 6, v. 14, p. 431.

Commissions.

2 March, 1867, c. 154, s. 6, v. 14, p. 431.

Notification of appointments to Secretary of Treasury.

2 March, 1867, c. 154, s. 8, v. 14, p. 431.

Notification of nominations, rejections, &c., to Secretary of Treasury.

2 March, 1867, c. 154, s. 7, v. 14, p. 431.

Removal of office.

21 April, 1866, c. 41, s. 6, v. 2, p. 397.

Preservation of copies of Statutes at Large.

8 Aug., 1846, c. 100, s. 1, v. 9, p. 75.

Taking oaths, acknowledgments, &c.

16 Sept., 1850, c. 52, v. 9, p. 458.

29 July, 1854, c. 159, s. 1, v. 10, p. 515.

by and with the advice and consent of the Senate, is made to an office so vacant or temporarily filled during such next session of the Senate, the office shall remain in abeyance, without any salary, fees, or emoluments attached thereto, until it is filled by appointment thereto by and with the advice and consent of the Senate; and during such time all the powers and duties belonging to such office shall be exercised by such other officer as may by law exercise such powers and duties in case of a vacancy in such office.

SEC. 1770. Nothing in sections seventeen hundred and sixty-seven, seventeen hundred and sixty-eight, or seventeen hundred and sixty-nine shall be construed to extend the term of any office the duration of which is limited by law.

SEC. 1771. Every person who, contrary to the four preceding sections, accepts any appointment to or employment in any office, or holds or exercises, or attempts to hold or exercise, any such office or employment, shall be deemed guilty of a high misdemeanor, and shall be imprisoned not more than five years, or fined not more than ten thousand dollars, or both.

SEC. 1772. Every removal, appointment, or employment, made, had, or exercised, contrary to sections seventeen hundred and sixty-seven, to seventeen hundred and seventy, inclusive, and the making, signing, sealing, countersigning, or issuing of any commission or letter of authority for or in respect to any such appointment or employment, shall be deemed a high misdemeanor, and every person guilty thereof shall be imprisoned not more than five years, or fined not more than ten thousand dollars, or both.

SEC. 1773. The President is authorized to make out and deliver, after the adjournment of the Senate, commissions for all officers whose appointments have been advised and consented to by the Senate.

SEC. 1774. Whenever the President, without the advice and consent of the Senate, designates, authorizes, or employs any person to perform the duties of any office, he shall forthwith notify the Secretary of the Treasury thereof, and the Secretary of the Treasury shall thereupon communicate such notice to all the proper accounting and disbursing officers of his Department.

SEC. 1775. The Secretary of the Senate shall, at the close of each session thereof, deliver to the Secretary of the Treasury, and to each of the Assistant Secretaries of the Treasury, and to each of the Auditors, and to each of the Comptrollers in the Treasury, and to the Treasurer, and to the Register of the Treasury, a full and complete list, duly certified, of all the persons who have been nominated to and rejected by the Senate during such session, and a like list of all the offices to which nominations have been made and not confirmed and filled at such session.

SEC. 1776. Whenever any public office is removed by reason of sickness which may prevail in the town or city where it is located, a particular account of the cost of such removal shall be laid before Congress.

[See §§ 4797-4799.]

SEC. 1777. The various officers of the United States, to whom, in virtue of their offices and for the uses thereof, copies of the United States Statutes at Large, published by Little, Brown and Company, have been or may be distributed at the public expense, by authority of law, shall preserve such copies, and deliver them to their successors respectively as a part of the property appertaining to the office. A printed copy of this section shall be inserted in each volume of the Statutes distributed to any such officers.

SEC. 1778. In all cases in which, under the laws of the United States, oaths or acknowledgments may now be taken or made before any justice of the peace of any State or Territory, or in the District of Columbia, they may hereafter be also taken or made by or before any notary public duly appointed in any State, district, or Territory, or any of the commissioners of the circuit courts, and, when certified under the hand and official seal of such notary or commissioner, shall have the same

force and effect as if taken or made by or before such justice of the peace.

SEC. 1779. No executive officer, other than the heads of Departments, shall apply more than thirty dollars, annually, out of the contingent fund under his control, to pay for newspapers, pamphlets, periodicals, or other books or prints not necessary for the business of his office.

Restriction upon payments for newspapers, &c.

3 March, 1839, c. 82, s. 3, v. 5, p. 349.

SEC. 1780. Every officer who neglects or refuses to make any return or report which he is required to make at stated times by any act of Congress or regulation of the Department of the Treasury, other than his accounts, within the time prescribed by such act or regulation, shall be fined not more than one thousand dollars and not less than one hundred.

Failure to make returns or reports.

18 July, 1866, c. 201, s. 42, v. 14, p. 188.

SEC. 1781. Every member of Congress or any officer or agent of the Government who, directly or indirectly, takes, receives, or agrees to receive, any money, property, or other valuable consideration whatever, from any person for procuring, or aiding to procure, any contract, office, or place, from the Government or any Department thereof, or from any officer of the United States, for any person whatever, or for giving any such contract, office, or place to any person whomsoever, and every person who, directly or indirectly, offers or agrees to give, or gives, or bestows any money, property, or other valuable consideration whatever, for the procuring or aiding to procure any such contract, office, or place, and every member of Congress who, directly or indirectly, takes, receives, or agrees to receive any money, property, or other valuable consideration whatever after his election as such member, for his attention to, services, action, vote, or decision on any question, matter, cause, or proceeding which may then be pending, or may by law or under the Constitution be brought before him in his official capacity, or in his place as such member of Congress, shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years and fined not more than ten thousand dollars. And any such contract or agreement may, at the option of the President, be declared absolutely null and void; and any member of Congress or officer convicted of a violation of this section, shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States.

Prohibition upon taking consideration for procuring contracts, offices, &c.

16 July, 1862, c. 180, v. 12, p. 577.
25 Feb., 1863, c. 61, v. 12, p. 696.

SEC. 1782. No Senator, Representative, or Delegate, after his election and during his continuance in office, and no head of a Department, or other officer or clerk in the employ of the Government, shall receive or agree to receive any compensation whatever, directly or indirectly, for any services rendered, or to be rendered, to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party, or directly or indirectly interested, before any Department, court-martial, Bureau, officer, or any civil, military, or naval commission whatever. Every person offending against this section shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than two years, and fined not more than ten thousand dollars, and shall, moreover, by conviction therefor, be rendered forever thereafter incapable of holding any office of honor, trust, or profit under the Government of the United States.

Upon taking compensation in matters to which United States is a party.

11 June, 1864, c. 119, v. 13, p. 123.

SEC. 1783. No officer or agent of any banking or other commercial corporation, and no member of any mercantile or trading firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation or firm; and every such officer, agent, or member, or person, so interested, who so acts, shall be imprisoned not more than two years, and fined not more than two thousand dollars nor less than five hundred dollars.

Persons interested not to act as agents of the Government.

2 March, 1863, c. 67, s. 8, v. 12, p. 698.

SEC. 1784. No officer, clerk, or employé in the United States Government employ shall at any time solicit contributions from other

Prohibition of contributions, pres

ents, &c., to superiors.

1 Feb., 1870, c. 11, v. 16, p. 63.

Punishment for aiding, &c., in importing or trading in obscene literature.

3 March, 1873, c. 258, s. 4, v. 17, p. 599.

[See §§ 2491, 3893.]

Proceedings against persons illegally holding office.

31 May, 1870, c. 114, s. 14, v. 16, p. 143.

Penalty for illegally holding office.

31 May, 1870, c. 114, s. 15, v. 16, p. 143.

Disbursing officers forbidden to trade in public funds or property.

2 Sept., 1789, c. 12, s. 8, v. 1, p. 67.

8 May, 1792, c. 37, s. 12, v. 1, p. 281.

2 March, 1799, c. 22, s. 87, v. 1, p. 695.

Collecting officers forbidden to trade in public property.

2 Sept., 1789, c. 12, s. 8, v. 1, p. 67.

8 May, 1792, c. 37, s. 12, v. 1, p. 281.

2 March, 1799, c. 22, s. 87, v. 1, p. 695.

Restriction on payment for services.

18 July, 1866, c. 201, s. 30, v. 14, p. 185.

officers, clerks, or employés in the Government service for a gift or present to those in a superior official position; nor shall any such officials or clerical superiors receive any gift or present offered or presented to them as a contribution from persons in Government employ receiving a less salary than themselves; nor shall any officer or clerk make any donation as a gift or present to any official superior. Every person who violates this section shall be summarily discharged from the Government employ.

SEC. 1785. Whoever, being an officer, agent, or employé of the Government of the United States, shall knowingly aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail, obscene or indecent publications, or representations, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be deemed guilty of a misdemeanor, and shall for every offense be punishable by a fine of not less than one hundred dollars and not more than five thousand, or by imprisonment at hard labor for not less than one year nor more than ten, or both.

SEC. 1786. Whenever any person holds office, except as a member of Congress or of some State legislature, contrary to the provisions of the third section of the fourteenth article of amendment of the Constitution, the district attorney for the district in which such person holds office shall proceed against him by writ of quo warranto, returnable to the circuit or district court of the United States in such district, and prosecute the same to the removal of such person from office.

SEC. 1787. Every person who knowingly accepts or holds any office under the United States, or any State, to which he is ineligible under the third section of the fourteenth article of amendment of the Constitution, or who attempts to hold or exercise the duties of any such office, shall be deemed guilty of a misdemeanor, and shall be imprisoned not more than one year, or fined not more than one thousand dollars, or both.

SEC. 1788. Every officer of the United States concerned in the disbursement of the revenues thereof who carries on any trade or business in the funds or debts of the United States, or of any State, or in any public property of either, shall be deemed guilty of a misdemeanor, and punished by a fine of three thousand dollars, and shall, upon conviction, be removed from office, and forever thereafter be incapable of holding any office under the United States.

SEC. 1789. Every officer concerned in the collection of the revenues of the United States who carries on any trade or business in any public property of the United States, or of any State, shall be deemed guilty of a misdemeanor, and punished by a fine of three thousand dollars, and shall, upon conviction, be removed from office, and forever thereafter be incapable of holding any office under the United States.

SEC. 1790. No officer or clerk whose duty it is to make payments on account of the salary or wages of any officer or person employed in connection with the customs or the internal-revenue service, shall make any payment to any officer or person so employed on account of services rendered, or of salary, unless such officer or person so to be paid has made and subscribed an oath that, during the period for which he is to receive pay, neither he, nor any member of his family, has received, either personally or by the intervention of another party, any money or compensation of any description whatever, nor any promises for the same, either directly or indirectly, for services rendered or to be rendered, or acts performed or to be performed, in connection with the customs or internal revenue; or has purchased, for like services or acts, from any importer, if affiant is connected with the customs, or manufacturer, if affiant is connected with the internal-revenue service, consignee, agent, or custom-house broker, or other person whomsoever, any merchandise, at less than regular retail market prices therefor.

TITLE XX.

FLAG AND SEAL.

Sec.

1791. The flag to be 13 stripes and 37 stars.
1792. A star to be added for every new State.

Sec.

1793. Seal of the United States.
1794. Secretary of State to keep and use the seal.

SEC. 1791. The flag of the United States shall be thirteen horizontal stripes, alternate red and white; and the union of the flag shall be thirty-seven stars, white in a blue field. The flag to be 13 stripes and 37 stars.

13 Jan., 1794, c.
1, v. 1, p. 341. 4 April, 1818, c. 34, s. 1, v. 3, p. 415.

SEC. 1792. On the admission of a new State into the Union one star shall be added to the union of the flag; and such addition shall take effect on the fourth day of July then next succeeding such admission. A star to be added for every new State.

4 April, 1818, c. 34, s. 2, v. 3, p. 415.

SEC. 1793. The seal heretofore used by the United States in Congress assembled is declared to be the seal of the United States. Seal of the United States.

15 Sept., 1789, c. 14, s. 3, v. 1, p. 68.

SEC. 1794. The Secretary of State shall keep such seal, and shall make out and record, and shall affix the same to, all civil commissions for officers of the United States, to be appointed by the President, by and with the advice and consent of the Senate, or by the President alone. But the seal shall not be affixed to any commission before the same has been signed by the President of the United States, nor to any other instrument, without the special warrant of the President therefor. Secretary of State to keep and use the seal.

15 Sept., 1789, c.
14, s. 4, v. 1, p. 68.

Marbury vs. Madison, 1 Cr., 158.

TITLE XXI.

SEAT OF GOVERNMENT, INCLUDING THE PUBLIC BUILDINGS.

| Sec. | Sec. |
|--|--|
| 1795. Permanent seat of Government. | 1814. Old hall of House of Representatives. |
| 1796. Public offices to be exercised at seat of Government. | 1815. Paintings, &c., not to be exhibited in Capitol. |
| 1797. Chief of Engineers to have charge of public buildings and grounds. | 1816. Repairs, &c., of Capitol. |
| 1798. Estimates and appropriations. | 1817. Electrical apparatus. |
| 1799. Employés in office of public buildings. | 1818. Improper appropriation of streets, &c. |
| 1800. Chief of Engineers to have charge of Washington aqueduct. | 1819. Laws of District of Columbia extended to Capitol Square. |
| 1801. Chief of Engineers to obey the President. | 1820. Protection of public buildings; arrest of offenders. |
| 1802. How moneys for aqueduct, &c., to be expended. | 1821. Capitol police. |
| 1803. Unauthorized opening of pipes punishable. | 1822. Number and pay. |
| 1804. Willful, &c., breaking, &c., of pipes punishable. | 1823. Suspension of members of force. |
| 1805. Laying of pipes for use of public buildings. | 1824. Uniform. |
| 1806. Maliciously making water impure punishable. | 1825. At whose expense. |
| 1807. Compensation of Chief of Engineers. | 1826. Supervision extended over Botanical Garden. |
| 1808. Apartments, stationery, &c. | 1827. Superintendent, &c., of Botanical Garden and green-houses. |
| 1809. Record of property to be kept. | 1828. Report of warden of penitentiary. |
| 1810. Authority, &c. | 1829. Furniture for President's House. |
| 1811. Right of appeal to Secretary of War. | 1830. Ailantus trees prohibited. |
| 1812. Reports. | 1831. Works of fine arts. |
| 1813. Limitation on contracts of board of public works. | 1832. Annual statement of public property. |
| | 1833. Inventory of public property. |
| | 1834. Two last sections not to apply to Library of Congress, &c. |
| | 1835. Extra pay prohibited. |

Permanent seat of Government.

16 July, 1790, c. 28, s. 1, v. 1, p. 130.

Public offices to be exercised at seat of Government.

16 July, 1790, c. 28, s. 6, v. 1, p. 130.

Chief of Engineers to have charge of public buildings and grounds.

4 Aug., 1854, c. 242, s. 15, v. 10, p. 573. 2 March, 1867, c. 167, s. 2, v. 14, p. 466.

Estimates and appropriations.

4 Aug., 1854, c. 242, s. 15, v. 10, p. 573.

Employés in office of public buildings.

SEC. 1795. All that part of the territory of the United States included within the present limits of the District of Columbia shall be the permanent seat of Government of the United States.

SEC. 1796. All offices attached to the seat of Government shall be exercised in the District of Columbia, and not elsewhere, except as otherwise expressly provided by law. [See §§ 4798, 4799.]

SEC. 1797. The Chief of Engineers shall have charge of the public buildings and grounds in the District of Columbia, under such regulations as may be prescribed by the President through the War Department, except those buildings and grounds which are otherwise provided for by law.

SEC. 1798. All estimates for public buildings and grounds in charge of the Chief of Engineers shall be approved and submitted by the Secretary of War, through the Treasury Department, as other estimates, to the two Houses of Congress; and all appropriations which have been or may be hereafter made for repairs or improvements of the public buildings and grounds in the District of Columbia, and now in charge of the Chief of Engineers, shall be expended under the direction of the Secretary of War.

SEC. 1799. The Chief of Engineers in charge of public buildings and grounds is authorized to employ in his office and about the public buildings and grounds under his control such number of persons for such

employments, and at such rates of compensation, as may be appropriated for by Congress from year to year.

3 March, 1871, c. 113, s. 1, v. 16, p. 479. 8 May, 1872, c. 140, s. 1, v. 17, p. 65.

SEC. 1800. The Chief of Engineers shall have the immediate superintendence of the Washington aqueduct, together with all rights, appurtenances, and fixtures connected with the same, and belonging to the United States, and of all other public works and improvements in the District of Columbia in which the Government has an interest, and which are not otherwise specially provided for by law.

Chief of Engineers to have charge of Washington Aqueduct.

25 June, 1860, c. 211, s. 1, v. 12, p. 106. 2 March, 1867, c. 167, s. 2, v. 14, p. 466. 30 March, 1867, c. 20, s. 3, v. 15, p. 12.

3 March, 1859, c. 84, s. 1, v. 11, p. 435.

SEC. 1801. He shall obey, in the discharge of the duties mentioned in the preceding section, such regulations, pursuant to law, as may be prescribed by the President, through the Department of War.

Chief of Engineers to obey the President.

2 May, 1828, c. 45, s. 4, v. 4, p. 266. 3 March, 1859, c. 84, s. 1, v. 11, p. 435. 25 June, 1860, c. 211, s. 1, v. 12, p. 106. 30 March, 1867, c. 20, s. 3, v. 15, p. 12.

SEC. 1802. All moneys appropriated or hereafter appropriated for the Washington Aqueduct, and for the other public works in the District of Columbia, not otherwise expressly provided for by law, shall be expended under the direction of the Secretary of War.

How moneys for aqueduct, &c., to be expended.

84, s. 1, v. 11, p. 435. 18 June, 1862, Res. No. 36, v. 12, p. 620. 30 March, 1867, c. 20, s. 3, v. 15, p. 12.

3 March, 1859, c. 84, s. 1, v. 11, p. 435.

SEC. 1803. No person, unless by consent of the Chief of Engineers in charge of the public buildings and works, shall tap or open the mains or pipes laid or hereafter to be laid by the United States, under a penalty of not less than fifty nor more than five hundred dollars.

Unauthorized opening of pipes punishable.

3 March, 1859, c. 84, s. 5, v. 11, p. 436.

SEC. 1804. Every person who maliciously breaks, injures, defaces, or destroys any main or pipe, bend, branch, valve, hydrant, service-pipe, or any other fixture used for the distribution of water throughout the streets and avenues, or for its introduction into the houses, tenements, or buildings of Washington and Georgetown, shall be punishable by imprisonment in the county jail for not more than two years.

Willful, &c., breaking, &c., of pipes punishable.

3 March, 1859, c. 84, s. 5, v. 11, p. 436.

SEC. 1805. No greater number of main pipes of the Washington Aqueduct shall be laid at the expense of the United States than are sufficient to furnish the public buildings, offices, and grounds with the necessary supply of water. The cost of any main pipe, for the supply of water to the inhabitants of Washington and Georgetown, must be paid by the District of Columbia, in the manner provided by law.

Laying of pipes for use of public buildings.

3 Mar., 1859, c. 84, s. 6, v. 11, p. 436.

SEC. 1806. Every person who maliciously commits any act by reason of which the supply of water, or any part thereof, to the cities of Washington and Georgetown, becomes impure, filthy, or unfit for use, shall be fined not less than five hundred nor more than one thousand dollars, or imprisoned at hard labor in the District of Columbia not more than three years nor less than one year.

Maliciously making water impure punishable.

3 Mar., 1859, c. 84, s. 7, v. 11, p. 437.

SEC. 1807. The Chief of Engineers shall receive no compensation, other than his regular pay as an officer of the Corps of Engineers, for the services required of him under the provisions of this Title.

Compensation of Chief of Engineers.

3 Mar., 1859, c. 84, s. 1, v. 11, p. 435.

SEC. 1808. He shall be furnished official apartments in one of the public buildings in the city of Washington, as may be directed by the President, and shall be supplied by the Government with the stationery, instruments, books, and furniture which may be required for the performance of his duties.

Apartments, stationery, &c.

3 Mar., 1859, c. 84, s. 1, v. 11, p. 435.

SEC. 1809. He shall keep in his office a complete record of all the lands and other property connected with or belonging to the Washington Aqueduct and other public works under his charge, together with accurate plans and surveys of the public grounds and reservations in the District of Columbia.

Record of property to be kept.

3 Mar., 1859, c. 84, s. 1, v. 11, p. 435.

SEC. 1810. He and his necessary assistants are empowered to use all lawful means for the discharge of their duties; and, particularly, he shall have full control over the Washington Aqueduct, to regulate the

Authority, &c.

2 May, 1828, c. 45, s. 4, v. 4, p. 266.

3 Mar., 1859, c. 84,
s. 1, v. 11, p. 435.

Right of appeal
to Secretary of
War.

3 March, 1859, c. 84, s. 1, v. 11, p. 435.

Reports.

3 Mar., 1829, c. 51,
s. 3, v. 4, p. 363.

4 Aug., 1854, c.
242, s. 15, v. 10, p.
573.

3 Mar., 1859, c. 84,
s. 1, v. 11, p. 435.

25 June, 1860, c.
211, s. 1, v. 12, p.
106.

Limitation on
contracts of Board
of Public Works.

3 March, 1873, c.
227, s. 1, v. 17, p.
526.

Old hall of House
of Representatives.

2 July, 1864, c.
210, s. 2, v. 13, p.
347.

Paintings, &c.,
not to be exhibited
in Capitol.

20 July, 1868, c. 176, s. 6, v. 15, p. 110.

Repairs, &c., of
Capitol.

16 April, 1862,
Res. No. 28, v. 12, p.
617.

30 March, 1867, c.
24, s. 2, v. 15, p. 13.

20 July, 1868, c.
177, s. 1, v. 15, p.
115.

3 March, 1869, c.
121, s. 1, v. 15, pp.
283, 284.

Electrical appa-
ratus.

3 March, 1873, c.
226, s. 1, v. 17, p.
491.

manner in which the authorities of the District of Columbia may tap the supply of water to the inhabitants thereof; and he shall stop the same whenever it is found to be no more than adequate to the wants of the public buildings and grounds.

SEC. 1811. His decision on all questions concerning the supply of water, as provided in the preceding section, shall be subject to appeal to the Secretary of War only.

SEC. 1812. The Chief of Engineers shall, as Superintendent of Public Buildings and Grounds, and as Superintendent of the Washington Aqueduct, annually submit the following reports to the Secretary of War in time to accompany the annual message of the President to Congress, namely:

First. A report of his operations for the preceding year, with an account of the manner in which all appropriations for public buildings and grounds have been applied, including a statement of the number of public lots sold, or remaining unsold each year, of the condition of the public buildings and grounds, and of the measures necessary to be taken for the care and preservation of all public property under his charge.

Second. A report of the condition, progress, repairs, casualties, and expenditures of the Washington Aqueduct and other public works under his charge.

SEC. 1813. The Board of Public Works of said District are prohibited from incurring or contracting liabilities on behalf of the United States in the improvement of streets, avenues, and reservations beyond the amount of appropriations previously made by Congress, and from entering into any contract touching such improvements on behalf of the United States, except in pursuance of appropriations made by Congress.

SEC. 1814. Suitable structures and railings shall be erected in the old hall of Representatives for the reception and protection of statuary, and the same shall be under the supervision and direction of the Chief of Engineers in charge of public buildings and grounds. And the President is authorized to invite all the States to provide and furnish statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services, such as each State may deem to be worthy of this national commemoration; and when so furnished, the same shall be placed in the old hall of the House of Representatives, in the Capitol of the United States, which is set apart, or so much thereof as may be necessary, as a national statuary hall for the purpose herein indicated.

SEC. 1815. No statuary, paintings, or other article, the property of an individual, shall hereafter be allowed to be exhibited in the rotunda or any other portion of the Capitol building.

SEC. 1816. All improvements, alterations, additions, and repairs of the Capitol building shall hereafter be made by the direction and under the supervision of the Architect of the Capitol Extension, and the same shall be paid for by the Secretary of the Interior out of the appropriations for such extension, and from no other appropriation; and no furniture or carpets for either House shall hereafter be purchased without the written order of the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate, for the Senate, or without the written order of the chairman of the Committee on Accounts of the House of Representatives, for the House.

1871, c. 114, s. 1, v. 16, p. 500.

SEC. 1817. The electrical apparatus for lighting the hall of the House, the dome, the rotunda, and the old hall of Representatives shall be in charge of the chief engineer of the House of Representatives, and operated by the person or persons under his charge, to be designated

by him, subject to the control and supervision of the Architect of the Capitol and the Chief of Engineers in charge of public buildings and grounds.

SEC. 1818. The Secretary of the Interior is directed to prevent the improper appropriation or occupation of any of the public streets, avenues, squares, or reservations in the city of Washington, belonging to the United States, and to reclaim the same if unlawfully appropriated; and particularly to prevent the erection of any permanent building upon any property reserved to or for the use of the United States, unless plainly authorized by act of Congress, and to report to Congress at the commencement of each session his proceedings in the premises, together with a full statement of all such property, and how, and by what authority, the same is occupied or claimed. Nothing herein contained shall be construed to interfere with the temporary and proper occupation of any portion of such property, by lawful authority, for the legitimate purposes of the United States.

SEC. 1819. All laws and regulations of the District of Columbia for the preservation of the public peace and order shall extend to the Capitol Square, whenever application for the same is requested by the presiding officer of either House of Congress, or by the Chief of Engineers in charge of public buildings and grounds.

SEC. 1820. The Sergeants-at-Arms of the Senate and of the House of Representatives are authorized to make such regulations as they may deem necessary for preserving the peace and securing the Capitol from defacement, and for the protection of the public property therein, and they shall have power to arrest and detain any person violating such regulations, until such person can be brought before the proper authorities for trial.

SEC. 1821. There shall be a Capitol police, the members of which shall be appointed by the Sergeants-at-Arms of the two Houses and the Architect of the Capitol Extension. There shall be a captain of the Capitol police and such other members with such rates of compensation, respectively, as may be appropriated for by Congress from year to year.

SEC. 1822. The Capitol police shall consist of the following members, to be paid at the following rates, respectively, per annum, on the order of the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House, or of either of them, namely:

One captain, at two thousand four hundred and one dollars and twenty cents; three lieutenants, at two thousand and seventy dollars each; twenty-seven privates, at one thousand eight hundred and twenty-one dollars and sixty cents each; and eight watchmen, at one thousand one hundred and fifty dollars each.

SEC. 1823. The captain of the Capitol police may suspend any member of the force, subject to the approval of the two Sergeants-at-Arms and of the Architect of the Capitol Extension.

SEC. 1824. The Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House of Representatives are directed to select and regulate the pattern for a uniform for the Capitol police and watchmen, and to furnish each member of the force with the necessary belts and arms, at a cost not to exceed twenty dollars per man, payable out of the contingent fund of the Senate and House of Representatives upon the certificate of the officers above named.

SEC. 1825. The members of the Capitol police shall furnish, at their own expense, each his own uniform, which shall be in exact conformity to that required by regulation of the Sergeants-at-Arms.

SEC. 1826. The supervision of the Capitol police shall be extended over the Botanical Garden, and, until otherwise ordered, and especially during the period employed for rebuilding the fence surrounding the grounds, additional police force may be employed, if deemed necessary, the expense for which shall be defrayed from the contingent fund of

Improper appropriation of streets, &c.

30 June, 1864, Res. No. 56, v. 13, p. 412.

Laws of District of Columbia extended to Capitol Square.

2 May, 1828, c. 45, s. 4, v. 4, p. 266.

21 Feb., 1871, c. 62, s. 41, v. 16, p. 428.

Protection of public buildings; arrest of offenders.

30 March, 1867, c. 20, s. 2, v. 15, p. 12.

Capitol police.

2 March, 1867, c. 167, s. 2, v. 14, p. 466.

3 March, 1873, c. 226, v. 17, p. 488.

Number and pay.

30 March, 1867, c. 20, s. 1, v. 15, p. 11.

3 March, 1871, c. 113, s. 1, v. 16, p. 477.

Suspension of members of force.

3 March, 1873, c. 226, v. 17, p. 488.

Uniform.

30 March, 1867, c. 20, s. 1, v. 15, p. 11.

At whose expense.

20 July, 1868, c. 176, s. 1, v. 15, p. 94.

Supervision extended over Botanical Garden.

15 July, 1870, Res. No. 131, v. 16, p. 391.

the Senate and House of Representatives; but the additional number of policemen for this purpose shall not exceed three at any time.

Superintendent,
&c., of Botanical
Garden and green-
houses.

SEC. 1827. There shall be a superintendent, assistants, and two additional laborers, in the Botanical Garden and green-houses, who shall be under the direction of the Joint Committee on the Library.

3 March, 1873, c. 226, s. 1, v. 17, p. 491.

Report of warden
of penitentiary.

SEC. 1828. The warden of the penitentiary of the United States for the District of Columbia shall make to the Secretary of the Interior, annually, in time to accompany the annual message of the President to Congress, a report of his operations during the preceding year, and of the manner in which all appropriations have been applied.

4 Aug., 1854, c.
242, s. 13, v. 10, p.
573.

Furniture for
President's House.

SEC. 1829. All furniture purchased for the use of the President's House shall be, as far as practicable, of domestic manufacture.

22 May, 1826, c. 154, s. 2, v. 4, p. 194.

Ailantus trees
prohibited.

SEC. 1830. No more ailantus trees shall be purchased for or planted in the public grounds.

3 March, 1853, c. 97, s. 1, v. 10, p. 207.

Works of fine
arts.

SEC. 1831. The Joint Committee on the Library, whenever, in their judgment, it is expedient, are authorized to accept any work of the fine arts, on behalf of Congress, which may be offered, and to assign the same such place in the Capitol as they may deem suitable, and shall have the supervision of all works of art that may be placed in the Capitol.

10 June, 1872, c.
415, s. 1, v. 17, p.
362.

Annual statement
of public property.

SEC. 1832. It shall be the duty of the officer or officers having in charge the property of the United States in and about the Capitol, the President's House, and the Botanical Garden, to furnish an annual statement to the Architect of the Capitol Extension, by the first day of December, setting forth the public property in all the buildings, rooms, and grounds under their charge, purchased during each year, and an account of the disposition of such property during the same period, whether by sale or otherwise.

4 June, 1872, c.
287, v. 17, p. 220.

Inventory of pub-
lic property.

SEC. 1833. The Architect of the Capitol Extension shall make out and keep, in proper books, a complete inventory of all public property in and about the Capitol, the Botanical Garden, and the President's House, adding thereto, from time to time, an account of such property as may be procured, subsequently to the taking of the first inventory, as well as an account of the sale or other disposal of such property. And he shall submit an annual report of such inventories and accounts, on the first Monday of December, to Congress.

15 July, 1870, c.
300, s. 2, v. 16, p.
364.

Two last sections
not to apply to Li-
brary of Congress,
&c.

SEC. 1834. The two preceding sections shall not apply to the books, pamphlets, papers, and documents in the Library of Congress, nor to the supplies of stationery and fuel in the several public buildings and offices therein referred to.

15 July, 1870, c. 300, s. 3, v. 16, p. 364.

Extra pay pro-
hibited.

SEC. 1835. No pay or compensation other than is fixed by this Title shall be allowed to any officer, employé, or laborer embraced within the provisions hereof.

12 July, 1870, c.
251, s. 4, v. 16, p. 250.

TITLE XXII.

THE STATES.

Sec.

1836. Oath by members of State legislatures and State officers.

1837. By whom administered.

Sec.

1838. Assent of States to purchase of lands for forts, &c.

SEC. 1836. Every member of a State legislature, and every executive and judicial officer of a State, shall, before he proceeds to execute the duties of his office, take an oath in the following form, to wit: "I, A B, do solemnly swear that I will support the Constitution of the United States."

SEC. 1837. Such oath may be administered by any person who, by the law of the State, is authorized to administer the oath of office; and the person so administering such oath shall cause a record or certificate thereof to be made in the same manner as, by the law of the State, he is directed to record or certify the oath of office.

SEC. 1838. The President of the United States is authorized to procure the assent of the legislature of any State, within which any purchase of land has been made for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings, without such consent having been obtained.

Oath by members of State legislatures and State officers.

1 June, 1789, c. 1, s. 3, v. 1, p. 23.

By whom administered.

1 June, 1789, c. 1, s. 3, v. 1, p. 23.

Assent of States to purchase of lands for forts, &c.

28 April, 1828, c. 41, s. 2, v. 4, p. 264.

TITLE XXIII.

THE TERRITORIES.

CHAPTER ONE.

PROVISIONS COMMON TO ALL THE TERRITORIES.

| Sec. | Sec. |
|--|--|
| 1839. Right of Indians in person and property not impaired by this Title, &c., boundaries, &c. | 1870. Clerk of supreme court. |
| 1840. Authority to regulate Indians. | 1871. Clerk of district court. |
| 1841. Executive power. | 1872. Register in chancery, residence and office. |
| 1842. Veto power. | 1873. Judicial districts; how defined. |
| 1843. Secretary. | 1874. Judges of supreme court to hear certain causes. |
| 1844. Secretary's duties. | 1875. District attorneys. |
| 1845. Salaries of governors and secretaries. | 1876. Marshals. |
| 1846. Legislative power. | 1877. Appointment of governor, &c. |
| 1847. Census and elections. | 1878. Oath of office; how qualified. |
| 1848. Time and place of holding elections. | 1879. Salaries of justices. |
| 1849. Apportionment. | 1880. Salary of attorney. |
| 1850. Laws to be submitted to Congress. | 1881. Salary of marshal. |
| 1851. Extent of legislative power. | 1882. When salaries to be paid. |
| 1852. Limit of time of sessions. | 1883. Fees of clerks, &c. |
| 1853. Compensation of members. | 1884. Salary not to be paid when officer is absent. |
| 1854. Members of legislature prohibited from holding certain offices. | 1885. Seat of government in a new Territory. |
| 1855. Prohibition of extra compensation to certain officers. | 1886. Accounts of the Territories; no payments unless approved by Congress. |
| 1856. Election of justices of the peace and militia officers. | 1887. Limitation on expenses of printing. |
| 1857. Other officers. | 1888. Limitation on expenses of legislature. |
| 1858. Vacancies, how filled. | 1889. Legislatures not to grant special charters. |
| 1859. Qualifications of voting and holding office at first election. | 1890. Limitation on right of religious corporations to hold real estate. |
| 1860. At future elections. | 1891. Constitution and laws of United States made applicable to all the Territories. |
| 1861. Subordinate officers of legislature. | 1892. Penitentiaries. |
| 1862. Delegate to Congress. | 1893. Rules for their government. |
| 1863. Time, places, and manner of electing Delegate. | 1894. Payment of marshal, &c., and of expenses of subsistence, &c., of offenders. |
| 1864. Supreme courts of Territories. | 1895. Imprisonment in penitentiaries. |
| 1865. Judicial districts and courts. | |
| 1866. Jurisdiction of courts. | |
| 1867. Jurisdiction of justices of the peace. | |
| 1868. Chancery and common-law jurisdiction. | |
| 1869. Appellate jurisdiction of supreme court. | |

Right of Indians in person and property not impaired by this Title, &c.; boundaries, &c.

N. Mex., 9 Sept., 1850, c. 49, s. 2, v. 9, p. 447.

Utah, 9 Sept., 1850, c. 51, s. 1, v. 9, p. 453.

Colo., 28 Feb.,

1861, c. 59, s. 1, v. 12, p. 172. Idaho, 3 March, 1863, c. 117, s. 1, v. 12, p. 808. Dak., 2 March, 1861, c. 86, s. 1, v. 12, p. 239. Ariz., 24 Feb., 1863, c. 56, s. 1, v. 12, p. 664. Mont., 26 May, 1864, c. 95, s. 1, v. 13, p. 85. Wyo., 25 July, 1868, c. 235, s. 1, v. 15, p. 178. Wash., 2 March, 1853, c. 90, s. 1, v. 10, p. 172.

SEC. 1839. Nothing in this Title shall be construed to impair the rights of person or property pertaining to the Indians in any Territory, so long as such rights remain unextinguished by treaty between the United States and such Indians, or to include any Territory which, by treaty with any Indian tribe, is not, without the consent of such tribe, embraced within the territorial limits or jurisdiction of any State or Territory; but all such territory shall be excepted out of the boundaries, and constitute no part of any Territory now or hereafter organized until such tribe signifies its assent to the President to be embraced within a particular Territory.

SEC. 1840. Nor shall anything in this Title be construed to affect the authority of the United States to make any regulations respecting the Indians of any Territory, their lands, property, or rights, by treaty, law, or otherwise, in the same manner as might be made if no temporary government existed, or is hereafter established, in any such Territory.

SEC. 1841. The executive power of each Territory shall be vested in a governor, who shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. He shall reside in the Territory for which he is appointed, and shall be commander-in-chief of the militia thereof. He may grant pardons and reprieves, and remit fines and forfeitures, for offenses against the laws of the Territory for which he is appointed, and respites for offenses against the laws of the United States, till the decision of the President can be made known thereon. He shall commission all officers who are appointed under the laws of such Territory, and shall take care that the laws thereof be faithfully executed.

Dak., 2 March, 1861, c. 86, s. 2, v. 12, p. 239. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 2, v. 12, p. 809. Mont., 26 May, 1864, c. 95, s. 2, v. 13, p. 86. Wyo., 25 July, 1868, c. 235, s. 2, v. 15, p. 178. American Insurance Co. vs. 356 Bales of Cotton, 1 Pet., 511.

SEC. 1842. Every bill which has passed the legislative assembly of any Territory shall, before it becomes a law, be presented to the governor. If he approve, he shall sign it, but if not, he shall return it, with his objections, to that house in which it originated, and that house shall enter the objections at large on its journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and, if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for or against the bill shall be entered on the journal of each house. If any bill is not returned by the governor within three days, Sundays excluded, except in Washington and Wyoming, where the term is five days, Sundays excluded, after it has been presented to him, the same shall be a law, in like manner as if he had signed it, unless the legislative assembly, by adjournment sine die, prevent its return, in which case it shall not be a law.

Mont., 26 May, 1864, c. 95, s. 6, v. 13, p. 88. Wyo., 25 July, 1868, c. 235, s. 6, v. 15, p. 180.

SEC. 1843. There shall be appointed a secretary for each Territory, who shall reside within the Territory for which he is appointed, and shall hold his office for four years, and until his successor is appointed and qualified, unless sooner removed by the President. In case of the death, removal, resignation, or absence of the governor from the Territory, the secretary shall execute all the powers and perform all the duties of governor during such vacancy or absence or until another governor is appointed and qualified.

Colo., 28 Feb., 1861, c. 59, s. 3, v. 12, p. 172. Dak., 2 March, 1861, c. 86, s. 3, v. 12, p. 240. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 3, v. 12, p. 809. Mont., 26 May, 1864, c. 95, s. 3, v. 13, p. 86. Wyo., 25 July, 1868, c. 235, s. 3, v. 15, p. 179.

SEC. 1844. The secretary shall record and preserve all the laws and proceedings of the legislative assembly, and all the acts and proceedings of the governor in the executive department; he shall transmit one copy of the laws and journals of the legislative assembly, within thirty days after the end of each session thereof, to the President, and two copies of the laws, within like time, to the President of the Senate, and to the Speaker of the House of Representatives, for the use of Congress. He shall transmit one copy of the executive proceedings and official correspondence semi-annually, on the first day of January and July in each year, to the President. He shall prepare the acts passed by the legislative assembly for publication, and furnish a copy thereof to the public printer of the Territory, within ten days after the passage of each act.

Authority to regulate Indians.

Ibid.

Executive power.

N. Mex., 9 Sept., 1850, c. 49, s. 3, v. 9, p. 447.

Utah, 9 Sept., 1850, c. 51, s. 2, v. 9, p. 453.

Wash., 2 March, 1853, c. 90, s. 2, v. 10, p. 173.

Colo., 28 Feb., 1861, c. 59, s. 2, v. 12, p. 172.

Veto power.

N. Mex., 9 Sept., 1850, c. 49, s. 3, v. 9, p. 447.

27 July, 1868, c. 272, s. 1, v. 15, p. 239.

Utah, 9 Sept., 1850, c. 51, s. 2, v. 9, p. 453.

Wash., 17 June, 1864, c. 131, v. 13, p. 135.

Colo. and Dak., 2 March, 1863, ss. 1, 2, and 4, v. 12, pp. 700, 701.

Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

Idaho, 3 March, 1863, c. 117, s. 6, v. 12, p. 810.

Secretary.

N. Mex., 9 Sept., 1850, c. 49, s. 4, v. 9, p. 448.

Utah, 9 Sept., 1850, c. 51, s. 3, v. 9, p. 452.

Wash., 2 March, 1853, c. 90, s. 3, v. 10, p. 173.

Secretary's duties.

Ibid.

29 Aug., 1842, c. 259, s. 2, v. 5, p. 541.

Salaries of governors and secretaries.

23 Jan., 1873, c. 48, s. 3, v. 17, p. 416.
Legislative power.

3 March, 1869, c. 121, s. 1, v. 15, p. 300.

N. Mex., 9 Sept., 1850, c. 49, s. 6, v. 9, p. 448.

Utah, 9 Sept., 1850, c. 51, s. 4, v. 9, p. 454.

Wash., 2 March, 1853, c. 90, s. 4, v. 10, p. 173.

Colo., 28 Feb., 1861, c. 59, s. 4, v. 12, p. 173.

Dak., 2 March, 1861, c. 86, s. 4, v. 12, p. 240.

Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

Idaho, 3 March, 1863, c. 117, s. 4, v. 12, p. 809.

Mont., 26 May, 1864, c. 95, s. 4, v. 13, p. 87.

Wyo., 25 July, 1868, c. 235, s. 4, v. 15, p. 179.

Census and election.

N. Mex., 9 Sept., 1850, c. 49, s. 5, v. 9, p. 448.

Utah, 9 Sept., 1850, c. 51, s. 4, v. 9, p. 454.

Wash., 2 March, 1853, c. 90, s. 4, v. 10, p. 173.

Colo., 28 Feb., 1861, c. 59, s. 1, v. 12, p. 172.

Dak., 2 March, 1861, c. 86, s. 4, v. 12, p. 240.

Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

Idaho, 3 March, 1863, c. 117, s. 4, v. 12, p. 809.

Mont., 26 May, 1864, c. 95, s. 4, v. 13, p. 87.

Wyo., 25 July, 1868, c. 235, s. 4, v. 15, p. 179.

Time and place of holding elections.

Ibid.

Apportionment.

Ibid.

15 June, 1844, c. 63, s. 1, v. 5, p. 670.

Laws to be submitted to Congress.

N. Mex., 9 Sept., 1850, c. 49, s. 7, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 6, v. 9, p. 454.

Wash., 2 March, 1853, c. 90, s. 6, v. 10, p. 175.

Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

SEC. 1845. From and after the first day of July, eighteen hundred and seventy-three, the annual salaries of the governors of the several Territories shall be three thousand five hundred dollars, and the salaries of the secretaries shall be two thousand five hundred dollars each.

SEC. 1846. The legislative power in each Territory shall be vested in the governor and a legislative assembly. The legislative assembly shall consist of a council and house of representatives. The members of both branches of the legislative assembly shall have the qualifications of voters as herein prescribed. They shall be chosen for the term of two years, and the sessions of the respective legislative assemblies shall be biennial. Each legislative assembly shall fix by law the day of the commencement of its regular sessions. The members of the council and of the house of representatives shall reside in the district or county for which they are respectively elected.

SEC. 1847. Previous to the first election for members of the legislative assembly of a Territory in which Congress may hereafter provide a temporary government, the governor shall cause a census of the inhabitants and qualified voters of the several counties and districts of the Territory to be taken by such persons and in such mode as he may designate and appoint, and the persons so appointed shall receive a reasonable compensation for their services. And the first election shall be held at such time and places, and be conducted in such manner, both as to the persons who superintend such election and the returns thereof, as the governor may direct; and he shall, at the same time, declare the number of members of the council and house of representatives to which each of the counties or districts is entitled under the act providing such temporary government for the particular Territory. The persons having the highest number of legal votes in each of the districts for members of the council shall be declared by the governor to be duly elected to the council; and the persons having the highest number of legal votes for the house of representatives shall be declared by the governor to be duly elected members of that house; but in case two or more persons voted for have an equal number of votes, and in case a vacancy otherwise occurs in either branch of the legislative assembly, the governor shall order a new election; and the persons thus elected to the legislative assembly shall meet at such place and on such day as the governor appoints.

SEC. 1848. After such first election, however, the time, place, and manner of holding elections by the people in any newly-created Territory, as well as of holding all such elections in Territories now organized, shall be prescribed by the laws of each Territory.

SEC. 1849. The apportionment of representation, which the governor is authorized to make by section eighteen hundred and forty-seven, in the case of a Territory hereafter erected by Congress, shall be as nearly equal as practicable among the several districts and counties for such first election of the council and house of representatives, giving to each section of the Territory representation in the ratio of its population, except Indians not taxed; and thereafter in such new Territory, as well as in all Territories now organized, the legislative assemblies, respectively, may re-adjust and apportion the representation to the two houses thereof, among the several counties and districts, in such manner, from time to time, as they deem just and proper; but the number of either house, as authorized by law, shall not be increased.

SEC. 1850. All laws passed by the legislative assembly and governor of any Territory except in the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming, shall be submitted to Congress, and, if disapproved, shall be null and of no effect.

SEC. 1851. All laws passed by the legislative assembly and governor of any Territory except in the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming, shall be submitted to Congress, and, if disapproved, shall be null and of no effect.

SEC. 1851. The legislative power of every Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States. But no law shall be passed interfering with the primary disposal of the soil; no tax shall be imposed upon the property of the United States; nor shall the lands or other property of non-residents be taxed higher than the lands or other property of residents.

Extent of legislative power.

N. Mex., 9 Sept., 1850, c. 49, s. 7, v. 9, p. 449.
Utah, 9 Sept., 1850, c. 51, s. 6, v. 9, p. 454.
Wash., 2 March, 1853, c. 90, s. 6, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 6, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 6, v. 12, p. 241. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 6, v. 12, p. 810. Mont., 26 May, 1864, c. 95, s. 6, v. 13, p. 88. Wyo., 26 July, 1868, c. 235, s. 6, v. 15, p. 180.

SEC. 1852. The sessions of the legislative assemblies of the several Territories of the United States shall be limited to forty days' duration.

Limit of time of sessions.

23 Jan., 1873, c. 48, s. 1, v. 17, p. 416.

SEC. 1853. The members of each branch of the several territorial legislatures shall receive a compensation of six dollars per day during the sessions herein provided for, and they shall receive such mileage as now provided by law: *Provided*, That the president of the council and the speaker of the house of representatives shall each receive a compensation of ten dollars per day.

Compensation of members.

23 Jan., 1873, c. 48, s. 2, v. 17, p. 416.

SEC. 1854. No member of the legislative assembly of any Territory now organized shall hold or be appointed to any office which has been created, or the salary or emoluments of which have been increased, while he was a member, during the term for which he was elected, and for one year after the expiration of such term; but this restriction shall not be applicable to members of the first legislative assembly in any Territory hereafter organized; and no person holding a commission or appointment under the United States, except postmasters, shall be a member of the legislative assembly, or shall hold any office under the government of any Territory. The exception of postmasters shall not apply in the Territory of Washington.

Members of legislature prohibited from holding certain offices.

N. Mex., 9 Sept., 1850, c. 49, s. 9, v. 6, p. 449.
Utah, 9 Sept., 1850, c. 51, s. 8, v. 9, p. 455.
Wash., 2 March, 1853, c. 90, s. 8, v. 10, p. 175.
Colo., 28 Feb., 1861, c. 59, s. 8, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 8, v. 12, p. 241. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 8, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 8, v. 13, p. 88. Wyo., 25 July, 1868, c. 235, s. 8, v. 15, p. 180.

SEC. 1855. No law of any territorial legislature shall be made or enforced by which the governor or secretary of a Territory, or the members or officers of any territorial legislature are paid any compensation other than that provided by the laws of the United States.

Prohibition of extra compensation to certain officers.

23 Jan., 1873, c. 48, s. 4, v. 17, p. 416.

SEC. 1856. Justices of the peace and all general officers of the militia in the several Territories shall be elected by the people in such manner as the respective legislatures may provide by law.

Election of justices of the peace and militia officers.

15 June, 1844, c. 69, s. 2, v. 5, p. 671.

SEC. 1857. All township, district, and county officers, except justices of the peace and general officers of the militia, shall be appointed or elected in such manner as may be provided by the governor and legislative assembly of each Territory; and all other officers not herein otherwise provided for, the governor shall nominate, and by and with the advice and consent of the legislative council of each Territory, shall appoint; but, in the first instance, where a new Territory is hereafter created by Congress, the governor alone may appoint all the officers referred to in this and the preceding section and assign them to their respective townships, districts, and counties; and the officers so appointed shall hold their offices until the end of the first session of the legislative assembly.

Other officers.

N. Mex., 9 Sept., 1850, c. 49, s. 8, v. 9, p. 449.
Utah, 9 Sept., 1850, c. 51, s. 7, v. 9, p. 455.
Wash., 2 March, 1853, c. 90, s. 7, v. 10, p. 175.
Colo., 28 Feb., 1861, c. 59, s. 7, v. 12, p. 174.
Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Dak., 2 March, 1861, c. 86, s. 7, v. 12, p. 241. Idaho, 3 March, 1863, c. 117, s. 7, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 7, v. 13, p. 88. Wyo., 25 July, 1868, c. 235, s. 7, v. 15, p. 180.

SEC. 1858. In any of the Territories, whenever a vacancy happens from resignation or death, during the recess of the legislative council, in any office which, under the organic act of any Territory, is to be filled by appointment of the governor, by and with the advice and consent of

Vacancies, how filled.

8 June, 1872, c. 344, v. 17, p. 335.

the council, the governor shall fill such vacancy by granting a commission, which shall expire at the end of the next session of the legislative council.

Qualifications of voting and holding office at first election.

N. Mex., 9 Sept., 1850, c. 49, s. 6, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 5, v. 9, p. 454. Wash., 2 March, 1853, c. 90, s. 5, v. 10, p. 174. Colo., 28 Feb., 1861, c. 59, s. 5, v. 12, p. 173. Dak., 2 March, 1861, c. 86, s. 5, v. 12, p. 241. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 5, v. 12, p. 810. Mont., 26 May, 1864, c. 95, s. 5, v. 13, p. 87. Wyo., 25 July, 1868, c. 235, s. 5, v. 15, p. 179.

At future elections.

Ibid.

SEC. 1859. Every male citizen above the age of twenty-one, including persons who have legally declared their intention to become citizens in any Territory hereafter organized, and who are actual residents of such Territory at the time of the organization thereof, shall be entitled to vote at the first election in such Territory, and to hold any office therein; subject, nevertheless, to the limitations specified in the next section.

SEC. 1860. At all subsequent elections, however, in any Territory hereafter organized by Congress, as well as at all elections in Territories already organized, the qualifications of voters and of holding office shall be such as may be prescribed by the legislative assembly of each Territory; subject, nevertheless, to the following restrictions on the power of the legislative assembly, namely:

First. The right of suffrage and of holding office shall be exercised only by citizens of the United States above the age of twenty-one years, and by those above that age who have declared on oath, before a competent court of record, their intention to become such, and have taken an oath to support the Constitution and Government of the United States.

25 Jan., 1867, c. 15, v. 14, p. 379.

Second. There shall be no denial of the elective franchise or of holding office to a citizen on account of race, color, or previous condition of servitude.

Third. No officer, soldier, seaman, mariner, or other person in the Army or Navy, or attached to troops in the service of the United States, shall be allowed to vote in any Territory, by reason of being on service therein, unless such Territory is, and has been for the period of six months, his permanent domicile.

Fourth. No person belonging to the Army or Navy shall be elected to or hold any civil office or appointment in any Territory.

Subordinate officers of legislature.

23 Jan., 1873, c. 48, s. 2, v. 17, p. 416.

SEC. 1861. The subordinate officers of each branch of every legislative assembly shall consist of one chief clerk, who shall receive a compensation of eight dollars per day, and of one assistant clerk, one enrolling clerk, one engrossing clerk, one sergeant-at-arms, one doorkeeper, one messenger, and one watchman, who shall each receive a compensation of five dollars per day during the sessions, and no charge for a greater number of officers and attendants, or any larger per diem, shall be allowed or paid by the United States to any Territory.

Delegate to Congress.

3 March, 1817, c. 42, s. 1, v. 3, p. 363.

N. Mex., 9 Sept., 1850, c. 49, s. 14, v. 9, p. 451.

Utah, 9 Sept., 1850, c. 51, s. 13, v. 9, p. 457.

Wash., 2 March, 1853, c. 90, s. 14, v. 10, p. 178. Colo., 28 Feb., 1861, c. 59, s. 13, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 13, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 13, v. 12, p. 813. Mont., 26 May, 1864, c. 95, s. 13, v. 13, p. 91. Wyo., 25 July, 1868, c. 235, s. 13, v. 15, p. 182.

Time, places, and manner of electing Delegate.

Ibid.

SEC. 1863. The first election of a Delegate in any Territory for which a temporary government is hereafter provided by Congress shall be held at the time and places and in the manner the governor of such Territory may direct, after at least sixty days' notice, to be given by proclamation; but at all subsequent elections therein, as well as at all elections for a Delegate in organized Territories, such time, places, and

manner of holding the election shall be prescribed by the law of each Territory. [See § 25.]

SEC. 1864. The supreme court of every Territory shall consist of a chief justice and two associate justices, any two of whom shall constitute a quorum, and they shall hold their offices for four years, and until their successors are appointed and qualified. They shall hold a term annually at the seat of government of the Territory for which they are respectively appointed.

9, p. 455. Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

Supreme courts of Territories.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 9, v. 1850, c. 51, s. 9, v.

1850, c. 51, s. 9, v. 1850, c. 51, s. 9, v.

SEC. 1865. Every Territory shall be divided into three judicial districts; and a district court shall be held in each district of the Territory by one of the justices of the supreme court, at such time and place as may be prescribed by law; and each judge, after assignment, shall reside in the district to which he is assigned.

Judicial districts and courts.

Ibid.

SEC. 1866. The jurisdiction, both appellate and original, of the courts provided for in section nineteen hundred and seven and nineteen hundred and eight, shall be limited by law.

Jurisdiction of courts.

Ibid.

SEC. 1867. No justices of the peace in any Territory shall have jurisdiction of any case in which the title to land, or the boundary thereof, in anywise comes in question.

Jurisdiction of justices of the peace.

Ibid. And see, for Arizona, 23 May, 1870, c. 29, s. 5, v. 16, p. 77.

SEC. 1868. The snpreme court and the district courts, respectively, of every Territory, shall possess chancery as well as common law jurisdiction.

Chancery and common law jurisdiction.

Ibid.

SEC. 1869. Writs of error, bills of exception, and appeals shall be allowed, in all cases, from the final decisions of the district courts to the supreme court of all the Territories, respectively, under such regulation as may be prescribed by law; but in no case removed to the supreme court shall trial by jury be allowed in that court.

Appellate jurisdiction of supreme court.

Ibid.

SEC. 1870. The supreme court of each Territory shall appoint its own clerk, who shall hold his office at the pleasure of the court for which he is appointed.

Clerk of supreme court.

1850, c. 49, s. 10, p. 449. Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180.

N. Mex., 9 Sept., 1850, c. 49, s. 10, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455.

Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175.

Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174.

Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241.

Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811.

Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88.

Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180.

SEC. 1871. Each judge of the supreme court of the respective Territories shall designate and appoint one person as clerk of the district over which he presides, where one is not already appointed, and shall designate and retain but one such clerk where more than one is already appointed, and only such district clerk shall be entitled to a compensation from the United States.

Clerk of district court.

Ibid.

16 Aug., 1856, c. 124, s. 10, v. 11, p. 50.

SEC. 1872. Every district clerk shall be also the register in chancery, and shall reside and keep his office at the place where the court is held.

Register in chancery; residence and office.

Ibid.

SEC. 1873. Temporarily, and until otherwise provided by law, the governor of every Territory which may be hereafter established shall define, by proclamation, the judicial districts of such Territory, and assign the judges appointed for such Territory to the several districts as well as fix the times and places for holding courts in the respective counties or subdivisions of each judicial district.

Judicial districts; how defined.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 452.

Utah, 9 Sept., 1850, c. 51, s. 16, v. 1850, c. 51, s. 16, v.

9, p. 453. Wash., 2 March, 1853, c. 90, s. 18, v. 10, p. 179. Colo., 28 Feb., 1861, c. 59, s. 15, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 15, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 15, v. 12, p. 814. Mont., 26 May, 1864, c. 95, s. 15, v. 13, p. 91. Wyo., 25 July, 1860, c. 235, s. 15, v. 15, p. 193.

Judges of supreme court to hear certain causes.

SEC. 1874. The judges of the supreme court of each Territory are authorized to hold court within their respective districts, in the counties wherein, by the laws of the Territory, courts have been or may be estab-

14 June, 1858, c. 166, v. 11, p. 366.

lished, for the purpose of hearing and determining all matters and causes, except those in which the United States is a party; but the expense of holding such courts shall be paid by the Territory, or by the counties in which the courts are held, and the United States shall in no case be chargeable therewith.

District attorneys.

27 Feb., 1813, c. 35, v. 2, p. 806.

N. Mex., 9 Sept., 1850, c. 49, s. 11, v.

9, p. 450. Utah, 9 Sept., 1850, c. 51, s. 10, v. 9, p. 456. Wash., 2 March, 1853, c. 90, s. 10, v. 10, p. 176. Colo., 28 Feb., 1861, c. 59, s. 10, v. 12, p. 175. Dak., 2 March, 1861, c. 86, s. 10, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 177, s. 10, v. 12, p. 812. Mont., 26 May, 1864, c. 9, s. 10, v. 13, p. 89. Wyo., 25 July, 1868, c. 235, s. 10, v. 15, p. 181.

Marshals.

Ibid.

SEC. 1875. There shall be appointed in each Territory a person learned in the law, to act as attorney for the United States. He shall continue in office for four years, and until his successor is appointed and qualified, unless sooner removed by the President.

SEC. 1876. There shall be appointed a marshal for each Territory. He shall execute all process issuing from the territorial courts when exercising their jurisdiction as circuit and district courts of the United States. He shall have the power and perform the duties, and be subject to the regulations and penalties, imposed by law on the marshals for the several judicial districts of the United States. He shall hold his office for four years and until his successor is appointed and qualified, unless sooner removed by the President.

Appointment of governor, &c.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450.

Utah, 9 Sept., 1850, c. 51, s. 11, v. 9, p. 456. Wash., 2 March, 1853, c. 90, s. 11, v. 10, p. 176. Colo., 28 Feb., 1861, c. 59, s. 11, v. 12, p. 175. Dak., 2 March, 1861, c. 86, s. 11, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90. Wyo., 25 July, 1868, c. 235, s. 11, v. 15, p. 181.

Oath of office; how qualified.

Ibid.

SEC. 1877. The governor, secretary, chief justice, and associate justices, attorney, and marshal of every Territory shall be nominated and, by and with the advice and consent of the Senate, appointed by the President.

SEC. 1878. The governor and secretary for each Territory shall, before they act as such, respectively take an oath before the district judge, or some justice of the peace in the limits of the Territory for which they are appointed, duly authorized to administer oaths by the laws in force therein, or before the Chief Justice or some associate justice of the Supreme Court of the United States, to support the Constitution of the United States and faithfully to discharge the duties of their respective offices; and such oaths shall be certified by the person before whom the same are taken; and such certificates shall be received and recorded by the secretary among the executive proceedings; and the chief justice and associate justices, and all other civil officers appointed for any Territory, before they act as such, shall take a like oath before the governor or secretary, or some judge or justice of the peace of the Territory who may be duly commissioned and qualified, and such oath shall be certified and transmitted by the person taking the same to the secretary, to be by him recorded as above directed; but after the first qualification of the officers herein specified in the case of a new Territory, as well as in all organized Territories, the like oath shall be taken, certified, and recorded in such manner and form as may be prescribed by the law of each Territory.

Salaries of justices.

17 June, 1870, c. 130, v. 16, p. 152.

Salary of attorney.

27 Feb., 1813, c. 35, v. 2, p. 806.

Salary of marshal.

SEC. 1879. The annual salary of the chief justice and associate justices of all the Territories now organized shall be three thousand dollars each.

SEC. 1880. The salary of the attorney of the United States for each Territory shall be at the rate of two hundred and fifty dollars annually.

SEC. 1881. The salary of the marshal of the United States for each Territory shall be at the rate of two hundred dollars a year.

N. Mex., 9 Sept., 1850, c. 49, s. 11, v. 9, p. 450; 14 Aug., 1848, c. 177, s. 10, v. 9, p. 327; 20 April, 1836, c. 54, s. 10, v. 5, p. 14; 27 Feb., 1813, c. 35, s. 1, v. 2, p. 806. Utah, 9 Sept., 1850, c. 51, s. 10, v. 9, p. 456. Wash., 2 March, 1853, c. 90, s. 10, v. 10, p. 176. Colo., 28

Feb., 1861, c. 59, s. 10, v. 12, p. 175. Dak., 2 March, 1861, c. 86, s. 10, v. 12, p. 242; 30 May, 1854, c. 59, s. 11, v. 10, p. 281. Idaho, 3 March, 1863, c. 117, s. 10, v. 12, p. 812. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Mont., 26 May, 1864, c. 95, s. 10, v. 13, p. 89. Wyo., 25 July, 1868, c. 235, s. 10, v. 15, p. 181.

SEC. 1882. The salaries provided for in this Title, to be paid to the governor, secretary, chief justices and associate justices, district attorney, and marshal of the several Territories, shall be paid quarter-yearly at the Treasury of the United States.

When salaries to be paid, &c.

Ibid.

SEC. 1883. The fees and costs to be allowed to the United States attorneys and marshals, to the clerks of the supreme and district courts, and to jurors, witnesses, commissioners, and printers, in the Territories of the United States shall be the same for similar services by such persons as prescribed in chapter sixteen, Title "THE JUDICIARY," and no other compensation shall be taxed or allowed.

Fees of clerks, &c.

following sections and pages of such acts: N. Mex., s. 10, p. 449. Wash., s. 9, p. 175. Colo., s. 9, p. 174, and act 2 March, 1863, c. 70, s. 3, v. 12, p. 700. Dak., s. 9, p. 241. Ariz., s. 2, p. 665. Idaho, s. 9, p. 811. Mont., s. 9, p. 88. Wyo., s. 9, p. 180; 26 Feb., 1853, c. 80, s. 1, v. 10, p. 161; 3 March, 1855, c. 175, s. 12, v. 10, p. 671.

Sec organic acts cited to sections 1877, 1880, and 1881; and also the

Utah, s. 9, p. 455. s. 3, v. 12, p. 700. s. 9, p. 88. s. 9, p. 180.

SEC. 1884. When any officer of a Territory is absent therefrom, and from the duties of his office, no salary shall be paid him during the year in which such absence occurs, unless good cause therefor be shown to the President, who shall officially certify his opinion of such cause to the proper accounting officer of the Treasury, to be filed in his office.

Salary not to be paid when officer is absent.

15 June, 1852, c. 49, s. 1, v. 10, p. 10.

SEC. 1885. The legislative assembly of every Territory hereafter organized shall hold its first session at such time and place in the Territory as the governor thereof shall appoint and direct; and at the first session of the legislative assembly, or as soon thereafter as it may be deemed expedient, the governor and legislative assembly shall proceed to locate and establish the seat of government for the Territory at such place as they may think proper; but such place shall thereafter be subject to be changed by the governor and legislative assembly.

Seat of government in a new Territory.

N. Mex., 9 Sept., 1850, c. 49, s. 13, v. 9, p. 451.

Utah, 9 Sept., 1850, c. 51, s. 12, v. 9, p. 457. Wash., 2 March, 1853, c. 90,

s. 13, v. 10, p. 177. Colo., 28 Feb., 1861, c. 59, s. 12, v. 12, p. 176. c. 86, s. 12, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 12, v. 12, p. 813. Mont., 26 May, 1864, c. 95, s. 12, v. 13, p. 91. Wyo., 25 July, 1868, c. 235, s. 12, v. 15, p. 182.

SEC. 1886. All accounts for disbursements, in the Territories of the United States, of money appropriated by Congress for the support of government therein, shall be settled and adjusted at the Treasury Department; and no act, resolution, or order of the legislature of any Territory, directing the expenditure of the sum, shall be deemed a sufficient authority for such disbursement, but sufficient vouchers and proof for the same shall be required by the accounting officers of the Treasury. No payment shall be made or allowed, unless the Secretary of the Treasury has estimated therefor and the object been approved by Congress. No session of the legislature of a Territory shall be held until the appropriation for its expenses has been made.

Accounts of the Territories, no payments unless approved by Congress.

29 Aug., 1842, c. 259, s. 2, v. 5, p. 541.

SEC. 1887. Hereafter no expense for printing, exceeding four thousand dollars, including printing laws, journals, bills, and necessary printing of the same nature, shall be incurred for any session of the legislature of any of the Territories.

Limitation on expenses of printing.

8 May, 1872, c. 140, s. 1, v. 17, p. 73.

Limitation on expenses of legislature.

SEC. 1888. No legislative assembly of a Territory shall, in any instance or under any pretext, exceed the amount appropriated by Congress for its annual expenses.

18 May, 1842, c. 29, No. 117, v. 5, p. 480.

SEC. 1889. The legislative assemblies of the several Territories shall not grant private charters or especial privileges, but they may, by general incorporation acts, permit persons to associate themselves together as bodies corporate for mining, manufacturing, and other industrial pursuits, or the construction or operation of railroads, wagon-roads, irrigating-ditches, and the colonization and improvement of lands

Legislatures not to grant special charters.

2 March, 1867, c. 150, s. 1, v. 14, p. 426.

10 June, 1872, c. 434, v. 17, p. 290.

Limitation on
right of religious
corporations to
hold real estate.

1 July, 1862, c.
126, s. 3, v. 12, p.
501.

Constitution and
laws of United
States made ap-
plicable to all the
Territories.

N. Mex., 9 Sept., 1850, c. 49, s. 17, v. 9, p. 452. Utah, 9 Sept., 1850, c. 51, s. 17, v. 9, p. 458.
Colo., 28 Feb., 1861, c. 59, s. 16, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 16, v. 12, p. 244.
Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 13, v. 12, p. 813.
Mont., 26 May, 1864, c. 95, s. 13, v. 13, p. 91. Wyo., 25 July, 1868, c. 235, s. 16, v. 15, p. 183.

Penitentiaries.

10 Jan., 1871, c.
15, s. 1, v. 16, p. 398.

Rules for their
government.

10 Jan., 1871, c.
15, s. 2, v. 16, p. 398.

Payment of mar-
shal, &c., and of
expenses of sub-
sistence, &c., of of-
fenders.

Ibid.

Imprisonment in
penitentiaries.

10 Jan., 1871, c.
15, s. 3, v. 16, p. 398.

in connection therewith, or for colleges, seminaries, churches, libraries, or any benevolent, charitable or scientific association.

SEC. 1890. No corporation or association for religious or charitable purposes shall acquire or hold real estate in any Territory, during the existence of the territorial government, of a greater value than fifty thousand dollars; and all real estate acquired or held by such corporation or association contrary hereto shall be forfeited and escheat to the United States; but existing vested rights in real estate shall not be impaired by the provisions of this section.

SEC. 1891. The Constitution and all laws of the United States which are not locally inapplicable shall have the same force and effect within all the organized Territories, and in every Territory hereafter organized as elsewhere within the United States.

SEC. 1892. Any penitentiary which has been, or may hereafter be, erected by the United States in an organized Territory shall, when the same is ready for the reception of convicts, be placed under the care and control of the marshal of the United States for the Territory or District in which such penitentiary is situated; except as otherwise provided in the case of the penitentiaries in Montana, Idaho, Wyoming, and Colorado.

SEC. 1893. The Attorney-General of the United States shall prescribe all needful rules and regulations for the government of such penitentiary, and the marshal having charge thereof shall cause them to be duly and faithfully executed and obeyed, and the reasonable compensation of the marshal and of his deputies for their services under such regulations shall be fixed by the Attorney-General.

SEC. 1894. The compensation, as well as the expense incident to the subsistence and employment of offenders against the laws of the United States, who have been, or may hereafter be, sentenced to imprisonment in such penitentiary, shall be chargeable on, and payable out of, the fund for defraying the expenses of suits in which the United States are concerned, and of prosecutions for offenses committed against the United States; but nothing herein shall be construed to increase the maximum compensation now allowed by law to those officers.

SEC. 1895. Any person convicted by a court of competent jurisdiction in a Territory, for a violation of the laws thereof, and sentenced to imprisonment, may, at the cost of such Territory, on such terms and conditions as may be prescribed by such rules and regulations, be received, subsisted, and employed in such penitentiary during the term of his imprisonment, in the same manner as if he had been convicted of an offense against the laws of the United States.

CHAPTER TWO.

OF PROVISIONS CONCERNING PARTICULAR ORGANIZED TERRITORIES.

| Sec. | Sec. |
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| 1896. Boundaries and establishment of New Mexico. | 1905. Elections in Washington and Idaho. |
| 1897. Of Utah. | 1906. Delegate to Congress from Washington, Idaho, and Montana, must be a citizen of the United States. |
| 1898. Of Washington. | 1907. The judicial power, how vested in all the Territories except Arizona. |
| 1899. Of Colorado. | 1908. The judicial power, how vested in Arizona. |
| 1900. Of Dakota. | 1909. Writs of error to United States Supreme Court. |
| 1901. Of Arizona. | |
| 1902. Of Idaho. | |
| 1903. Of Montana. | |
| 1904. Of Wyoming. | |

| Sec. | Sec. |
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| 1910. Jurisdiction of district courts under Constitution, &c. | 1932. Jurisdiction of probate courts in Montana. |
| 1911. Writs of error, &c., in Washington Territory, to Supreme Court United States; jurisdiction of district courts. | 1933. Clerks of district courts in Washington Territory. |
| 1912. Writ of <i>habeas corpus</i> . | 1934. Adjourned terms of the supreme court of Arizona; mileage of clerk. |
| 1913. Certain Territories may modify judicial districts. | 1935. Contingent expenses of certain Territories. |
| 1914. Judges of supreme courts in Idaho and Montana to define judicial districts, &c. | 1936. Control of penitentiaries in Montana, Idaho, &c., transferred to said Territories. |
| 1915. Judges of supreme courts in New Mexico and Arizona may fix time and places for holding courts. | 1937. Expenses of maintenance of prisoners to be paid from judiciary fund. |
| 1916. Assignment of district judges in Utah. | 1938. Contingent expenses of Washington Territory. |
| 1917. Terms of district court in Washington. | 1939. Expenses of printing laws, &c., in New Mexico, Utah, Colorado, Dakota, Arizona, and Wyoming. |
| 1918. Assignment of judges. | 1940. In Washington, Idaho, and Montana. |
| 1919. Time and places of holding district courts in Colorado, Dakota, and Wyoming; how fixed. | 1941. No payment of salaries in certain Territories until officers enter on their duties. |
| 1920. Secretary of New Mexico to be superintendent of public buildings. | 1942. Pay of members of legislative assembly in New Mexico, Utah, Dakota, and Arizona. |
| 1921. May administer oath of office. | 1943. In Idaho and Montana. |
| 1922. Number of council and house of representatives in each Territory. | 1944. Seats of government; how changed in certain Territories. |
| 1923. Extra sessions of legislative assembly in Washington, Idaho, and Montana. | 1945. In Idaho and Montana. |
| 1924. Restrictions on legislative power of Washington Territory. | 1946. School-lands in certain Territories. |
| 1925. Of Colorado, Dakota, and Wyoming. | 1947. Certain sections in Washington Territory to be reserved. |
| 1926. Jurisdiction of justices of the peace in New Mexico and other Territories. | 1948. Certain laws of Dakota continued in force. |
| 1927. In Colorado and Arizona. | 1949. Agencies, &c., continued. |
| 1928. Jurisdiction of district court of New Mexico. | 1950. Concurrent jurisdiction over the Columbia River. |
| 1929. Jurisdiction of probate court in Colorado. | 1951. Disbursing officers in Washington, Idaho, and Montana to give security. |
| 1930. Writs of error from probate court in Colorado. | 1952. Certain laws of Washington continued in force. |
| 1931. Appeal. | 1953. Library for Utah and Washington to be kept. |

SEC. 1896. All that portion of the territory of the United States bounded as follows: Beginning at a point in the Colorado River where the boundary-line with the republic of Mexico crosses the same; thence eastwardly with that boundary-line to the Rio Grande; thence following the main channel of the Rio Grande to the parallel of the thirty-second degree of north latitude; thence east with that degree to its intersection with the one hundred and third degree of longitude west of Greenwich; thence north with that degree of longitude to the parallel of thirty-eighth degree of north latitude; thence west with that parallel to the summit of Sierra Madre; thence south with the crest of those mountains to the thirty-seventh parallel of north latitude; thence west with that parallel to its intersection with the boundary-line of the State of California; thence with such boundary-line to the place of beginning, is erected into a temporary government by the name of the Territory of New Mexico.

SEC. 1897. All that part of the territory of the United States included within the following limits, to wit: Bounded on the west by the State of California, on the north by the State of Oregon, and on the east by the summit of the Rocky Mountains, and on the south by the thirty-seventh parallel of north latitude, is created into a temporary government by the name of the Territory of Utah.

SEC. 1898. All that portion of Oregon, while that State was a Territory, lying and being south of the forty-ninth degree of north latitude, and north of the middle of the main channel of the Columbia River,

Boundaries and establishment of New Mexico.

9 Sept., 1850, c. 49, s. 2, v. 9, p. 447.

Of Utah.

9 Sept., 1850, c. 51, s. 1, v. 9, p. 453.

Of Washington.

2 March, 1853, c. 90, s. 1, v. 10, p. 172.

from its mouth to where the forty-sixth degree of north latitude crosses that river, near Fort Walla-Walla; thence with the forty-sixth degree of latitude to the summit of the Rocky Mountains, is organized into a temporary government by the name of the Territory of Washington.

Of Colorado.

28 Feb., 1861, c.
59, s. 1, v. 12, p. 172.

SEC. 1899. All that part of the territory of the United States included within the following limits, viz: Commencing on the thirty-seventh parallel of north latitude, where the twenty-fifth meridian of longitude west from Washington crosses the same; thence north on that meridian to the forty-first parallel of north latitude; thence along that parallel west to the thirty-second meridian of longitude west from Washington; thence south on that meridian to the northern line of New Mexico; thence along the thirty-seventh parallel of north latitude to the place of beginning, is erected into a temporary government by the name of the Territory of Colorado.

Of Dakota.

2 March, 1861, c.
86, s. 1, v. 12, p. 239.

SEC. 1900. All that part of the territory of the United States included within the following limits, namely: Commencing at a point in the main channel of the Red River of the North, where the forty-ninth degree of north latitude crosses the same; thence up the main channel of the same, and along the boundary of the State of Minnesota to Big Stone Lake; thence along the boundary-line of the State of Minnesota to the Iowa line; thence along the boundary line of the State of Iowa to the point of intersection between the Big Sioux and Missouri Rivers; thence up the Missouri River, and along the boundary-line of the State of Nebraska, to the mouth of the Niobrara or Running Water River; thence following up the same, in the middle of the main channel thereof, to the mouth of the Kaha Paha or Turtle Hill River; thence up that river to the forty-third parallel of north latitude; thence due west to the twenty-seventh meridian of longitude west from Washington; thence due north on that meridian, to the forty-ninth degree of north latitude; thence east, along the forty-ninth degree of north latitude, to the place of beginning, is organized into a temporary government by the name of the Territory of Dakota.

Of Arizona.

24 Feb., 1863, c.
56, s. 1, v. 12, p. 664.

SEC. 1901. All that part of the present Territory of New Mexico situate west of a line running due south from the point where the southwest corner of the Territory of Colorado joins the northern boundary of the Territory of New Mexico to the southern boundary-line of the Territory of New Mexico, is erected into a temporary government by the name of the Territory of Arizona.

Of Idaho.

3 March, 1863, c.
117, s. 1, v. 12, p.
808.

SEC. 1902. All that part of the territory of the United States included within the following limits, to wit: Beginning at a point in the middle channel of the Snake River, where the northern boundary of Oregon intersects the same; then follow down the channel of Snake River to a point opposite the mouth of the Kooskooskia or Clear Water River; thence due north to the forty-ninth parallel of latitude; thence east, along that parallel, to the thirty-ninth degree of longitude west of Washington; thence south along that degree of longitude to the crest of the Bitter Root Mountains; thence southward along the crest of the Bitter Root Mountains till its intersection with the Rocky Mountains; thence southward along the crest of the Rocky Mountains to the thirty-fourth degree of longitude west of Washington; thence south along that degree of longitude to the forty-second degree of north latitude; thence west, along that parallel, to the eastern boundary of the State of Oregon; thence north, along that boundary, to the place of beginning, is created into a temporary government by the name of the Territory of Idaho.

Of Montana.

26 May, 1864, c.
95, s. 1, v. 13, p. 85.

SEC. 1903. All that part of the territory of the United States included within the following limits, to wit: Commencing at a point formed by the intersection of the twenty-seventh degree of longitude west from Washington with the forty-fifth degree of north latitude; thence due west, on the forty-fifth degree of latitude, to a point formed by its intersection with the thirty-fourth degree of longitude west from Washington; thence due south, along the thirty-fourth degree of longitude,

to a point formed by its intersection with the crest of the Rocky Mountains; thence following the crest of the Rocky Mountains northward till its intersection with the Bitter Root Mountains; thence northward, along the crest of the Bitter Root Mountains, to its intersection with the thirty-ninth degree of longitude west from Washington; thence along the thirty-ninth degree of longitude northward to the boundary-line of the British Possessions; thence eastward, along that boundary-line to the twenty-seventh degree of longitude west from Washington; thence southward, along the twenty-seventh degree of longitude, to the place of beginning, is created into a temporary government by the name of the Territory of Montana.

SEC. 1904. All that part of the United States described as follows: Commencing at the intersection of the twenty-seventh meridian of longitude west from Washington with the forty-fifth degree of north latitude, and running thence west to the thirty-fourth meridian of west longitude, thence south to the forty-first degree of north latitude, thence east to the twenty-seventh meridian of west longitude, and thence north to the place of beginning, is organized into a temporary government by the name of the Territory of Wyoming.

Of Wyoming.

25 July, 1868, c. 235, s. 1, v. 15, p. 178.

SEC. 1905. The elections in the Territories of Washington and Idaho for Delegates to the House of Representatives shall be held biennially on the Tuesday next following the first Monday in November; and all elective territorial, county, and precinct officers shall hereafter be elected at the times herein specified, unless otherwise provided by legislation subsequent hereto, in either of such Territories. [See § 25.]

Elections in Washington and Idaho.

9 May, 1872, c. 147, v. 17, p. 90.

SEC. 1906. The Delegate to the House of Representatives from each of the Territories of Washington, Idaho, and Montana, must be a citizen of the United States.

Delegate to Congress from Washington, Idaho, and Montana must be a citizen of the United States.

2 March, 1853, c. 90, s. 14, v. 10, p. 178. 3 March, 1863, c. 117, s. 13, v. 12, p. 813. 26 May, 1864, c. 95, s. 13, v. 13, p. 91.

SEC. 1907. The judicial power in New Mexico, Utah, Washington, Colorado, Dakota, Idaho, Montana, and Wyoming, shall be vested in a supreme court, district courts, probate courts, and in justices of the peace.

The judicial power, how vested in all the Territories except Arizona.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449. Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180.

SEC. 1908. The judicial power in Arizona shall be vested in a supreme court and such inferior courts as the legislative council may by law prescribe.

The judicial power, how vested in Arizona.

24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

SEC. 1909. Writs of error and appeals from the final decisions of the supreme court of either of the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming, shall be allowed to the Supreme Court of the United States, in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath of either party, or of other competent witnesses, exceeds one thousand dollars, except that a writ of error or appeal shall be allowed to the Supreme Court of the United States from the decision of the supreme courts created by this Title, or of any judge thereof, or of the district courts created by this Title, or of any judge thereof, upon writs of habeas corpus involving the question of personal freedom.

Writs of error to United States Supreme Court.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455.

Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175.

Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174.

[See § 702.]

Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180. Arizona, 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

SEC. 1910. Each of the district courts in the Territories mentioned in the preceding section shall have and exercise the same jurisdiction, in all cases arising under the Constitution and laws of the United States, as is vested in the circuit and district courts of the United States; and

Jurisdiction of district courts under Constitution, &c.

Ibid.

the first six days of every term of the respective district courts, or so much thereof as is necessary, shall be appropriated to the trial of causes arising under such Constitution and laws; but writs of error and appeals in all such cases may be had to the supreme court of each Territory, as in other cases. [See Title 13, cc. 3 and 7.]

Writs of error, &c., in Washington Territory, to Supreme Court United States.

Jurisdiction of district courts.

2 March, 1853, c. 90, s. 9, v. 10, p. 175.

SEC. 1911. Writs of error and appeals from the final decisions of the supreme court of Washington Territory shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations as from the circuit courts of the United States, where the value of the property or the amount in controversy, to be ascertained by the oath of either party, or of any other competent witness, exceeds two thousand dollars; and such writs of error and appeals shall be allowed, in all cases, where the Constitution of the United States, or a treaty thereof, or acts of Congress are brought in question; and each of the district courts shall have the same jurisdiction in all cases arising under the Constitution of the United States, and the laws of the Territory, as is vested in the circuit and district courts of the United States; but writs of error and appeals in all such cases may be had from the district courts to the supreme court of the Territory, as in other cases. [See § 702.]

Writ of habeas corpus.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449.

Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175. Colo., 28 Feb., 1861, c. 59, s. 9, v. 12, p. 174. Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1860, c. 235, s. 9, v. 15, p. 180.

[See Title 13, c. 13.]

Certain Territories may modify judicial districts.

N. Mex., 9 Sept., 1850, c. 49, s. 16, v. 9, p. 452.

Utah, 9 Sept., 1850, c. 51, s. 16, v. 9, p. 458. Wash., 2 March, 1853, c. 90, s. 18, v. 10, p. 179. Colo., 28 Feb., 1861, c. 59, s. 15, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 15, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Wyo., 25 July, 1868, c. 235, s. 15, v. 15, p. 183.

Judges of supreme court in Idaho and Montana to define judicial districts, &c.

Idaho, 2 March, 1867, c. 151, s. 1, v. 14, p. 427.

Mont., 2 March, 1867, c. 150, s. 4, v. 14, p. 426.

Judges of supreme courts in New Mexico and Arizona may fix the times and places for holding their courts.

16 Aug., 1856, c. 124, s. 5, v. 11, p. 49.

Assignment of district judges in Utah.

27 July, 1868, c. 275, v. 15, p. 242.

SEC. 1912. The supreme and district courts of each Territory, and the respective judges thereof, except for Idaho and Montana, may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the United States in the District of Columbia.

SEC. 1913. The legislative assemblies of New Mexico, Utah, Washington, Colorado, Dakota, Arizona, and Wyoming Territories, respectively, may organize, alter, or modify, the several judicial districts thereof, in such manner as each legislative assembly deems proper and convenient.

SEC. 1914. The judges of the supreme courts of the Territories of Idaho and Montana, or a majority of them, shall, when assembled at their respective seats of government, define the judicial districts of each of such Territories, and assign the judges who may be appointed for each of such Territories to the several districts; and shall also fix the times and places for holding court in the several counties or subdivisions in each of such judicial districts, and alter the times and places of holding the courts, as to them may seem proper and convenient; but not less than two terms a year shall be held at each place of holding court in the Territory of Montana.

SEC. 1915. The judges of the supreme court in each of the Territories of New Mexico and Arizona, 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 courts in their respective districts, and limit the duration of the terms thereof; but such courts shall not be held at more than three places in any one Territory; and a judge holding court may adjourn the same, without day, at any time before the expiration of a term, whenever in his opinion the further continuance thereof is not necessary.

SEC. 1916. The governor of Utah Territory shall assign the district judges of that Territory to their respective districts, and appoint the time and place of holding court in each of such districts, not exceeding two terms in each district in any one year.

SEC. 1917. The district court for the several districts in the Territory of Washington shall be held at such times and places in the districts not exceeding three places in each district, as the legislative assembly of that Territory may by law determine; but until the legislative assembly otherwise provides, the courts shall be held as provided by law on the ninth of February, eighteen hundred and sixty-three.

Terms of district court in Washington.

9 Feb., 1863, c. 27, v. 12, p. 648.

SEC. 1918. The legislative assemblies of New Mexico, Washington, Colorado, Dakota, Arizona, and Wyoming Territories may assign the judges appointed for such Territories, respectively, to the several judicial districts thereof, in such manner as each legislative assembly deems proper and convenient.

Assignment of judges.

N. Mex., 9 Sept., 1850, c. 49, s. 16, v. 9, p. 452.

Wash., 2 March, 1853, c. 90, s. 18, v. 10, p. 179. Colo., 28 Feb., 1861, c. 59, s. 15, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 15, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Wyo., 25 July, 1868, c. 235, s. 15, v. 15, p. 183.

SEC. 1919. The legislative assemblies of Colorado, Dakota, and Wyoming Territories may fix or alter the times and places of holding the district courts for such Territories, respectively, in such manner as each legislative assembly deems proper and convenient.

Times and places of holding district courts in Colorado, Dakota, and Wyoming; how fixed.

Colo., 28 Feb., 1861, c. 59, s. 15, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 15, v. 12, p. 242. Wyo., 25 July, 1868, c. 235, s. 15, v. 15, p. 183.

SEC. 1920. The secretary of the Territory of New Mexico shall be ex-officio superintendent of public buildings and grounds, and shall have full control and management of all public buildings now erected, in process of erection, or to be hereafter erected, and of all grounds pertaining thereto; and he shall be under the direction of the Secretary of the Interior, who shall establish such rules in relation to the public buildings and grounds as he may deem necessary.

Secretary of New Mexico to be superintendent of public buildings.

27 July, 1868, c. 272, s. 2, v. 15, p. 240.

SEC. 1921. The secretary of New Mexico Territory, upon the convening of the legislature thereof, shall administer the oath of office to the members elect of the two houses, and the officers thereof, when chosen; and no other person shall be competent to administer such oath, save in the absence of the secretary; in which case any one member of either house may administer the oath to the presiding officer elect, and he shall administer the same to the members and other officers.

May administer oath of office.

27 July, 1868, c. 272, s. 2, v. 15, p. 240.

SEC. 1922. The councils of New Mexico and Utah shall each consist of thirteen members, and the house of representatives of twenty-six members. The council of Washington Territory shall consist of nine members, and the house of representatives of eighteen members, which may be increased to thirty. The councils of Colorado and Dakota shall each consist of nine members, which may be increased to thirteen, and the house of representatives of thirteen members, which may be increased to twenty-six. The council of Arizona shall consist of nine members, and the house of representatives of eighteen members. The councils of Idaho and Montana shall each consist of seven members, which may be increased to thirteen, and the house of representatives of thirteen members, which may be increased to twenty-six. The council of Wyoming shall consist of nine members, which may be increased to thirteen, and the house of representatives of thirteen members, which may be increased to twenty-seven.

Number of council and house of representatives in each Territory.

N. Mex., 9 Sept., 1850, c. 49, s. 5, v. 9, p. 443.

Utah, 9 Sept., 1850, c. 51, s. 4, v. 9, p. 454.

Wash., 2 March, 1853, c. 90, s. 4, v. 10, p. 173.

Colo., 28 Feb., 1861, c. 59, s. 4, v. 12, p. 173.

Dak., 2 March,

1861, c. 86, s. 4, v. 12, p. 240. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. 1863, c. 117, s. 4, v. 12, p. 808. Mont., 26 May, 1864, c. 95, s. 4, v. 13, p. 87. Wyo., 25 July, 1868, c. 235, s. 4, v. 15, p. 179.

SEC. 1923. In each of the Territories of Washington, Idaho, and Montana, the governor shall have power to call the legislative assembly together by proclamation, on an extraordinary occasion, at any time.

Extra sessions legislative assembly in Washington, Idaho, and Montana.

2 March, 1853, c. 90, s. 4, v. 10, p. 103. 3 March, 1863, c. 117, s. 4, v. 12, p. 809. 26 May, 1864, c. 95, s. 4, v. 13, p. 87.

SEC. 1924. In addition to the restrictions upon the legislative power of the Territories contained in the preceding chapter, section eighteen hundred and fifty-one, the legislative assembly of Washington shall have no power to incorporate a bank or any institution with banking

Restrictions on legislative power of Washington Territory.

2 March, 1853, c. 90, s. 6, v. 10, p. 175.

powers, or to borrow money in the name of the Territory, or to pledge the faith of the people of the same for any loan whatever, directly or indirectly. No charter granting any privileges of making, issuing, or putting into circulation any notes or bills in the likeness of bank-notes, or any bonds, scrip, drafts, bills of exchange, or obligations, or granting any other banking powers or privileges, shall be passed by the legislative assembly; nor shall the establishment of any branch or agency of any such corporation, derived from other authority, be allowed in the Territory; nor shall the legislative assembly authorize the issue of any obligation, scrip, or evidence of debt, by the Territory, in any mode or manner whatever, except certificates for service to the Territory. And all taxes shall be equal and uniform, and no distinctions shall be made in the assessments between different kinds of property, but the assessments shall be according to the value of the property. To avoid improper influences, which may result from intermixing in the same act such things as have no proper relation to each other, every law shall embrace but one object, and that shall be expressed in the title.

Of Colorado, Dakota, and Wyoming.

Colo., 28 Feb., 1861, c. 59, s. 6, v. 12 p. 174.

Dak., 2 March, 1861, c. 86, s. 6, v. 12, p. 241.

Wyo., 25 July, 1868, c. 235, s. 6, v. 15, p. 189.

Jurisdiction of justices of the peace in New Mexico and other Territories.

SEC. 1925. In addition to the restrictions upon the legislative power of the Territories, contained in the preceding chapter, section eighteen hundred and fifty-one, the legislative assemblies of Colorado, Dakota, and Wyoming shall not pass any law impairing the rights of private property, nor make any discrimination in taxing different kinds of property; but all property, subject to taxation, shall be taxed in proportion to its value.

SEC. 1926. Justices of the peace, in the Territories of New Mexico, Utah, Washington, Dakota, Idaho, Montana, and Wyoming, shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds one hundred dollars.

N. Mex., 9 Sept., 1850, c. 49, s. 10, v. 9, p. 449. Utah, 9 Sept., 1850, c. 51, s. 9, v. 9, p. 455. Wash., 2 March, 1853, c. 90, s. 9, v. 10, p. 175. Dak., 2 March, 1861, c. 86, s. 9, v. 12, p. 241. Idaho, 3 March, 1863, c. 117, s. 9, v. 12, p. 811. Mont., 26 May, 1864, c. 95, s. 9, v. 13, p. 88. Wyo., 25 July, 1868, c. 235, s. 9, v. 15, p. 180.

In Colorado and Arizona

Colo., 2 March, 1863, c. 70, s. 3, v. 12, p. 700.

Jurisdiction of district court of New Mexico.

3 March, 1863, c. 88, s. 2, v. 12, p. 761.

U. S. vs. Hart, 6 Wall., 770.

Jurisdiction of probate court in Colorado.

2 March, 1863, c. 70, s. 3, v. 12, p. 700.

Writs of error from probate court in Colorado.

2 March, 1863, c. 70, s. 3, v. 12, p. 700. 4 May, 1870, c. 73, s. 1, v. 16, p. 96. 14 July, 1870, c. 271, v. 16, p. 279.

Appeal.

4 May, 1870, c. 73, s. 1, v. 16, p. 96.

SEC. 1927. Justices of the peace in the Territories of Colorado and Arizona shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds three hundred dollars.

SEC. 1928. The jurisdiction of the district court of New Mexico shall extend over the citizens of El Paso County, Texas, only in cases not instituted by indictment, and the trial and proceedings for violations of the revenue laws in such district court shall be the same as in other district courts of the United States invested with admiralty powers.

SEC. 1929. The probate court of Colorado Territory shall possess chancery as well as common-law jurisdiction, and authority for the redress of all wrongs committed against the laws of the Territory, affecting persons and property; but such court shall not have jurisdiction of any matter in controversy where the debt or sum claimed exceeds the sum of two thousand dollars.

SEC. 1930. Writs of error shall be allowed, from any decision of a probate court in Colorado, to the supreme court of the Territory, under such regulations as are or may be prescribed by law.

SEC. 1931. An appeal from any final order, judgment, or decree of a probate court in Colorado, shall be allowed to the district court of the district in which such probate court is held, under such regulations as are or may be prescribed by the law of the Territory.

SEC. 1932. The probate courts of the Territory of Montana, in their respective counties, in addition to their probate jurisdiction, are authorized to hear and determine civil causes wherein the damage or debt claimed does not exceed five hundred dollars, and such criminal cases arising under the laws of the Territory as do not require the intervention of a grand jury; but they shall not have jurisdiction of any matter in controversy when the title or right to the peaceable possession of land may be in dispute, or of chancery or divorce causes; and in all cases an appeal may be taken from any order, judgment, or decree of the probate courts to the district court.

SEC. 1933. Each clerk of a district court in Washington Territory shall exercise the powers now provided by law for the clerk of the supreme court of the Territory, and be subject to all provisions of law, not inconsistent with this act, applicable to the clerk of such supreme court.

SEC. 1934. The supreme court of the Territory of Arizona may hold adjourned terms thereof at any time and place in the Territory agreed upon by a majority of the judges of the court at any regular term thereof. The order for an adjourned term shall be signed by a majority of the judges thereof at a regular term of the court, and entered upon the minutes of the court, and any business which such court might do at any regular term thereof may be done at such adjourned term; and the clerk of the court shall be entitled to such mileage for attendance at such adjourned term as is by law allowed the marshal of the district of Arizona for his attendance upon the courts in the Territory.

SEC. 1935. There shall be appropriated, annually, one thousand dollars, to be expended by the respective governors, to defray the contingent expenses of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming, including the salary of the clerk in the executive departments of those Territories.

Utah, 9 Sept., 1850, c. 51, s. 11, v. 9, p. 456. Colo., 28 Feb., 1861, c. 59, s. 11, v. 12, p. 175. Dak., 2 March, 1861, c. 86, s. 11, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90. Wyo., 25 July, 1868, c. 235, s. 11, v. 15, p. 181.

SEC. 1936. The care and custody of the penitentiaries in Montana, Idaho, Wyoming, and Colorado, and the personal property thereunto belonging, and the use and occupation thereof, are transferred to such Territories, respectively, until otherwise ordered by the Attorney-General; but the legal title to such penitentiaries and the property shall continue to vest in the United States.

SEC. 1937. The Territories named in the preceding section shall keep and maintain, in the penitentiaries transferred to their custody and control, all persons convicted in such Territories of violations of the laws of the United States, and sentenced to imprisonment therefor, and all persons held to answer for alleged violations of the laws of the United States in such Territories, at the rate and price, to be paid by the United States out of the judiciary fund, of one dollar per day for each person so imprisoned.

SEC. 1938. There shall be appropriated, annually, fifteen hundred dollars for Washington Territory, to be expended in like manner and for like purposes as specified in section nineteen hundred and thirty-five.

2 March, 1853, c. 90, s. 11, v. 10, p. 176.

SEC. 1939. There shall be appropriated, respectively, for the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, and Wyoming, annually, a sufficient sum, to be expended by the secretary of each Territory herein named, upon an estimate to be made by the Secretary of the Treasury, to defray the expenses of the legislative assembly and other incidental expenses; and the secretary of each Territory above specified shall, annually, account to the Secretary of the Treasury for the manner in which such sum has been expended.

Jurisdiction of probate courts in Montana.

2 March, 1867, c. 150, s. 2, v. 14, p. 426.

Clerks of district courts in Washington Territory.

26 July, 1866, c. 268, v. 14, p. 288.

Adjourned terms of the supreme court of Arizona; mileage of clerk.

24 Dec., 1872, c. 14, v. 17, p. 404.

Contingent expenses of certain Territories.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450.

Control of penitentiaries in Montana, Idaho, &c., transferred to said Territories.

24 Jan., 1873, c. 63, s. 1, v. 17, p. 418.

Expenses of maintenance of prisoners to be paid from judiciary fund.

Ibid, p. 419.

Contingent expenses of Washington Territory.

Expenses for printing laws, &c., in New Mexico, Utah, Colorado, Dakota, Arizona, and Wyoming.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450.

Utah, 9 Sept., 1850, c. 51, s. 11, v. 9, p. 456. Colo., 28 Feb., 1861, c. 59, s. 11, v. 12, p. 175. Dak., 2 March, 1861, c. 86, s. 11, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90. Wyo., 25 July, 1868, c. 235, s. 11, v. 15, p. 181. 8 May, 1872, c. 140, s. 1, v. 17, p. 73.

In Washington, Idaho, and Montana.

Wash., 2 March, 1853, c. 90, s. 11, v. 10, p. 176.

Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812.

Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90.

No payment of salaries in certain Territories until officers enter on their duties.

Wash., 2 March, 1853, c. 90, s. 11, v. 10, p. 176. Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812. Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90.

Pay of members of legislative assembly in New Mexico, Utah, Dakota, and Arizona.

SEC. 1940. There shall be appropriated, respectively, for the Territories of Washington, Idaho, and Montana, annually, a sufficient sum, to be expended by the secretary of each Territory herein named upon an estimate to be made by the Secretary of the Treasury, to defray the expenses of the legislative assembly and other incidental expenses. The governor and secretary of each Territory above specified shall, in the disbursement of all moneys intrusted to them, be governed solely by the instructions of the Secretary of the Treasury, and shall, semi-annually, account to such Secretary for the manner in which such sums of money have been expended.

SEC. 1941. No payment of salary shall be made to the governor, secretary, chief justice, and associate justices of Washington, Idaho, and Montana Territories until such officers have entered upon the duties of their respective appointments.

SEC. 1942. The members of the legislative assemblies of New Mexico, Utah, Washington, Colorado, Dakota, Arizona, and Wyoming Territories shall each receive three dollars for every twenty miles' travel in going to and returning from the sessions of their respective bodies, estimated according to the nearest usually traveled route.

N. Mex., 9 Sept., 1850, c. 49, s. 12, v. 9, p. 450. Utah, 9 Sept., 1850, c. 51, s. 11, v. 9, p. 456. Dak., 2 March, 1861, c. 86, s. 11, v. 12, p. 242. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665.

In Idaho and Montana.

Idaho, 3 March, 1863, c. 117, s. 11, v. 12, p. 812.

Mont., 26 May, 1864, c. 95, s. 11, v. 13, p. 90.

Seat of government, how changed in certain Territories.

SEC. 1943. The members of the legislative assembly of Idaho and Montana Territories shall each receive four dollars for every twenty miles' travel in going to and returning from the sessions of their respective bodies, estimated according to the nearest usually traveled route.

SEC. 1944. The seat of government of the Territories of New Mexico, Utah, Washington, Colorado, Dakota, Arizona, and Wyoming may be changed by the governors and legislative assemblies thereof, respectively.

N. Mex., 9 Sept., 1850, c. 49, s. 13, v. 9, p. 451. Utah, 9 Sept., 1850, c. 51, s. 12, v. 9, p. 457. Wash., 2 March, 1853, c. 90, s. 13, v. 10, p. 177. Dak., 2 March, 1861, c. 86, s. 12, v. 12, p. 243. Colo., 28 Feb., 1861, c. 59, s. 12, v. 12, p. 176. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Wyo., 25 July, 1868, c. 235, s. 12, v. 15, p. 182.

In Idaho and Montana.

Idaho, 3 March, 1863, c. 117, s. 12, v. 12, p. 813.

Mont., 26 May, 1864, c. 95, s. 12, v. 13, p. 91.

School lands in certain Territories.

N. Mex., 9 Sept., 1850, c. 49, s. 15, v. 9, p. 452.

Utah, 9 Sept., 1850, c. 51, s. 15, v. 9, p. 457. Colo., 28 Feb., 1861, c. 59, s. 14, v. 12, p. 176. Dak., 2 March, 1861, c. 86, s. 14, v. 12, p. 243. Ariz., 24 Feb., 1863, c. 56, s. 2, v. 12, p. 665. Idaho, 3 March, 1863, c. 117, s. 14, v. 12, p. 814. Mont., 26 May, 1864, c. 96, s. 14, v. 13, p. 91. Wyo., 25 July, 1868, c. 235, s. 14, v. 15, p. 183.

Certain sections in Washington Territory to be reserved.

2 March, 1853, c. 90, s. 20, v. 10, p. 179.

SEC. 1945. The seat of government, when once fixed by the governor and legislative assembly of Idaho and Montana, respectively, shall not be at any time changed except by an act of such assembly for each Territory, respectively, duly passed and approved, after due notice, at the first general election thereafter, by a majority of the legal votes cast on that question.

SEC. 1946. Sections numbered sixteen and thirty-six, in each township of the Territories of New Mexico, Utah, Colorado, Dakota, Arizona, Idaho, Montana, and Wyoming shall be reserved for the purpose of being applied to schools in the several Territories herein named, and in the States and Territories hereafter to be erected out of the same.

SEC. 1947. Sections numbered sixteen and thirty-six in each township of Washington Territory shall be reserved for the purpose of being applied to common schools in that Territory. In all cases where sections sixteen and thirty-six, or either or any of them, are occupied by actual settlers prior to survey thereof, the county commissioners of the counties in which such sections so occupied are situated are authorized to locate

other lands, to an equal amount, in sections or fractional sections, as the case may be, within their respective counties, in lieu of the sections so occupied.

SEC. 1948. All general territorial laws of the Territory of Dakota in force in any portion of the Territory of Wyoming on the 25th July, 1868, shall continue in force throughout the Territory of Wyoming until repealed by the legislative authority of that Territory, except such laws as relate to the possession or occupation of mines or mining claims.

SEC. 1949. The existing agencies and superintendencies of the Indians inhabiting the Territories of Idaho and Montana shall be continued with the same powers and duties now prescribed by law, except that the President may, at his discretion, change the location of the office of such agents or superintendents.

Mont., 26 May, 1864, c. 95, s. 17, v. 13, p. 91.

SEC. 1950. The State of Oregon and the Territory of Washington shall have concurrent jurisdiction over all offenses committed on the Columbia River, where that river forms a common boundary between the State and Territory.

Certain laws of
Dakota continued
in force.

25 July, 1868, c.
235, s. 17, v. 15, p.
183.

Agencies, &c.,
continued.

Idaho, 3 March,
1863, c. 117, s. 17,
v. 12, p. 814.

Mont., 26 May, 1864, c. 95, s. 17, v. 13, p. 91.

Concurrent juris-
diction over the
Columbia River.

2 March, 1853, c.
90, s. 21, v. 10, p. 179.

SEC. 1951. All officers to be appointed by the President, by and with the advice and consent of the Senate, for the Territories of Washington, Idaho, and Montana, who, by virtue of the provisions of any law now existing, or which may be enacted by Congress, are required to give security for moneys that may be intrusted to them for disbursement, shall give such security at such time and in such manner as the Secretary of the Treasury may prescribe.

Disbursing offi-
cers in Washing-
ton, Idaho, and
Montana to give
security.

26 May, 1864, c.
95, s. 16, v. 13, p. 91.

Wash., 2 March,
1853, c. 90, s. 12, v. 10, p. 177.

1853, c. 90, s. 19, v. 10, p. 179. Idaho, 3 March, 1863, c. 117, s. 16, v. 12, p. 814. Mont., 26 May, 1864, c. 95, s. 16, v. 13, p. 91.

SEC. 1952. The laws now in force in the Territory of Washington, by virtue of the legislation of Congress in reference to Oregon, when that State was a Territory, which were enacted and passed subsequent to the first day of September, eighteen hundred and forty-eight, applicable to the Territory of Washington, together with the legislative enactments of Oregon, while a Territory, enacted and passed prior to March 2, 1853, and not inconsistent with the provisions of this Title, and applicable to the Territory of Washington, are continued in force in that Territory until repealed or amended by future legislation, unless such laws have been repealed or amended by legislation subsequent to the second day of March, eighteen hundred and fifty-three.

Certain laws of
Washington con-
tinued in force.

2 March, 1853, c.
90, s. 12, v. 10, p.
177.

SEC. 1953. The libraries heretofore purchased by appropriations of Congress for the Territories of Utah and Washington shall be kept at the respective seats of government of those Territories for the use of the governor, legislative assembly, judges of the supreme court, secretary, marshal, and attorney of each Territory, and such other persons and under such regulations as may be prescribed by law.

Library for Utah
and Washington to
be kept.

Utah, 9 Sept.,
1850, c. 51, s. 14, v.
9, p. 457.

Wash., 2 March,
1853, c. 90, s. 17, v.
10, p. 179.

CHAPTER THREE.

PROVISIONS RELATING TO THE UNORGANIZED TERRITORY OF ALASKA.

| Sec. | Sec. |
|---|--|
| 1954. Customs, &c., laws extended to Alaska. | 1958. Remission of fines, &c. |
| 1955. Importation of fire-arms and distilled spirits may be prohibited. | 1959. Saint Paul and Saint George Islands declared special reservations. |
| 1956. Killing of fur-bearing animals prohibited. | 1960. Killing of seal upon them prohibited except in certain months. |
| 1957. What courts to have jurisdiction of offenses. | 1961. Killing of certain seal prohibited. |
| | 1962. Limit to number of seals to be killed. |
| | 1963. Right to take seal may be leased. |

Sec.

1964. Bond.
 1965. Who may lease.
 1966. Covenants in lease.
 1967. Penalty.
 1968. Penalty upon lessees.
 1969. Tax upon seal-skins.
 1970. Lease may be terminated.
 1971. Lessees to furnish copies to masters of their vessels.

Sec.

1972. Certain sections may be altered.
 1973. Agents and assistants to manage seal-fisheries.
 1974. Their pay, &c.
 1975. Not to be interested in right to take seals.
 1976. Agents may administer certain oaths and take testimony.

Customs, &c.,
 laws extended to
 Alaska.

27 July, 1868, c.
 273, s. 1, v. 15, p.
 240.

Importation and
 use of fire-arms and
 distilled spirits
 may be prohibited.

27 July, 1868, c.
 273, s. 4, v. 15, p.
 241.

Killing of fur-
 bearing animals
 prohibited.

27 July, 1868, c.
 273, s. 6, v. 15, p.
 246.

What courts to
 have jurisdiction
 of offenses.

27 July, 1868, c.
 273, s. 7, v. 15, p.
 241.

1 July, 1870, c.
 189, s. 7, v. 16, p.
 182.

SEC. 1954. The laws of the United States relating to customs, commerce, and navigation are extended to and over all the main-land, islands, and waters of the territory ceded to the United States by the Emperor of Russia by treaty concluded at Washington on the thirtieth day of March, anno Domini eighteen hundred and sixty-seven, so far as the same may be applicable thereto.

SEC. 1955. The President shall have power to restrict and regulate or to prohibit the importation and use of fire-arms, ammunition, and distilled spirits into and within the Territory of Alaska. The exportation of the same from any other port or place in the United States, when destined to any port or place in that Territory, and all such arms, ammunition, and distilled spirits, exported or attempted to be exported from any port or place in the United States and destined for such Territory, in violation of any regulations that may be prescribed under this section, and all such arms, ammunition, and distilled spirits landed or attempted to be landed or used at any port or place in the Territory, in violation of such regulations, shall be forfeited; and if the value of the same exceeds four hundred dollars the vessel upon which the same is found, or from which they have been landed, together with her tackle, apparel, and furniture and cargo, shall be forfeited; and any person willfully violating such regulations shall be fined not more than five hundred dollars, or imprisoned not more than six months. Bonds may be required for a faithful observance of such regulations from the master or owners of any vessel departing from any port in the United States having on board fire-arms, ammunition, or distilled spirits, when such vessel is destined to any place in the Territory, or if not so destined, when there is reasonable ground of suspicion that such articles are intended to be landed therein in violation of law; and similar bonds may also be required on the landing of any such articles in the Territory from the person to whom the same may be consigned.

SEC. 1956. No person shall kill any otter, mink, marten, sable, or fur-seal, or other fur-bearing animal within the limits of Alaska Territory, or in the waters thereof; and every person guilty thereof shall, for each offense, be fined not less than two hundred nor more than one thousand dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture and cargo, found engaged in violation of this section shall be forfeited; but the Secretary of the Treasury shall have power to authorize the killing of any such mink, marten, sable, or other fur-bearing animal, except fur-seals, under such regulation as he may prescribe; and it shall be the duty of the Secretary to prevent the killing of any fur-seal, and to provide for the execution of the provisions of this section until it is otherwise provided by law; nor shall he grant any special privileges under this section.

SEC. 1957. Until otherwise provided by law, all violations of this chapter, and of the several laws hereby extended to the Territory of Alaska and the waters thereof, committed within the limits of the same, shall be prosecuted in any district court of the United States in California or Oregon, or in the district courts of Washington; and the collector and deputy collectors appointed for Alaska Territory, and any person authorized in writing by either of them, or by the Secretary of the Treasury, shall have power to arrest persons and seize vessels and merchandise liable to fines, penalties, or forfeitures under this and the other laws extended over the Territory, and to keep and deliver the same to the marshal of some one of such courts; and such courts shall

have original jurisdiction, and may take cognizance of all cases arising under this act and the several laws hereby extended over the Territory, and shall proceed therein in the same manner and with the like effect as if such cases had arisen within the district or Territory where the proceedings are brought.

SEC. 1958. In all cases of fine, penalty, or forfeiture, embraced in the act approved March 3, 1797, ch. 13, or mentioned in any act in addition to or amendatory of such act, that have occurred or may occur in the collection district of Alaska, the Secretary of the Treasury is authorized, if in his opinion the fine, penalty, or forfeiture was incurred without willful negligence or intention of fraud, to ascertain the facts in such manner and under such regulations as he may deem proper without regard to the provisions of the act above referred to, and upon the facts so to be ascertained, he may exercise all the power of remission conferred upon him by that act, as fully as he might have done had such facts been ascertained under and according to the provisions of that act. [See §§ 5292, 5293.]

SEC. 1959. The islands of Saint Paul and Saint George, in Alaska, are declared a special reservation for Government purposes; and until otherwise provided by law it shall be unlawful for any person to land or remain on either of those islands, except by the authority of the Secretary of the Treasury; and any person found on either of those islands contrary to the provisions hereof shall be summarily removed; and it shall be the duty of the Secretary of War to carry this section into effect.

SEC. 1960. It shall be unlawful to kill any fur-seal upon the islands of Saint Paul and Saint George, or in the waters adjacent thereto, except during the months of June, July, September, and October in each year; and it shall be unlawful to kill such seals at any time by the use of firearms, or by other means tending to drive the seals away from those islands; but the natives of the islands shall have the privilege of killing such young seals as may be necessary for their own food and clothing during other months, and also such old seals as may be required for their own clothing, and for the manufacture of boats for their own use; and the killing in such cases shall be limited and controlled by such regulations as may be prescribed by the Secretary of the Treasury.

SEC. 1961. It shall be unlawful to kill any female seal, or any seal less than one year old, at any season of the year, except as above provided; and it shall also be unlawful to kill any seal in the waters adjacent to the islands of Saint Paul and Saint George, or on the beaches, cliffs, or rocks where they haul up from the sea to remain; and every person who violates the provisions of this or the preceding section shall be punished for each offense by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment not more than six months, or by both such fine and imprisonment; and all vessels, their tackle, apparel, and furniture, whose crews are found engaged in the violation of either this or the preceding section, shall be forfeited to the United States.

SEC. 1962. For the period of twenty years from the first of July, eighteen hundred and seventy, the number of fur-seals which may be killed for their skins upon the island of Saint Paul is limited to seventy-five thousand per annum; and the number of fur-seals which may be killed for their skins upon the island of Saint George is limited to twenty-five thousand per annum; but the Secretary of the Treasury may limit the right of killing, if it becomes necessary for the preservation of such seals, with such proportionate reduction of the rents reserved to the Government as may be proper; and every person who knowingly violates either of the provisions of this section shall be punished as provided in the preceding section.

SEC. 1963. When the lease heretofore made by the Secretary of the Treasury to "The Alaska Commercial Company," of the right to engage in taking fur-seals on the islands of Saint Paul and Saint George, pur-

Remission of fines, &c.

27 July, 1868, c. 273, s. 8, v. 15, p. 242.

Saint Paul and Saint George Islands declared special reservations.

3 Mar., 1869, Res. No. 22, v. 15, p. 348.

Killing of seal upon them prohibited except in certain months.

1 July, 1870, c. 189, s. 1, v. 16, p. 180.

Killing of certain seal prohibited.

1 July, 1870, c. 189, s. 2, v. 16, p. 180.

Limit to number of seals to be killed.

1 July, 1870, c. 189, s. 3, v. 16, p. 180.

Right to take seal may be leased.

1 July, 1870, c.

189, ss. 4, 5, and 6,
v. 16, pp. 180, 181.

suant to the act of July 1, 1870, chapter 189, or when any future similar lease expires, or is surrendered, forfeited, or terminated, the Secretary shall lease to proper and responsible parties, for the best advantage of the United States, having due regard to the interests of the Government, the native inhabitants, their comfort, maintenance, and education, as well as to the interests of the parties heretofore engaged in trade and the protection of the fisheries, the right of taking fur-seals on the islands herein named, and of sending a vessel or vessels to the islands for the skins of such seal, for the term of twenty years, at an annual rental of not less than fifty thousand dollars, to be reserved in such lease and secured by a deposit of United States bonds to that amount; and every such lease shall be duly executed in duplicate, and shall not be transferable.

Bond.

1 July, 1870, c.
189, s. 4, v. 16, p.
180.

SEC. 1964. The Secretary of the Treasury shall take from the lessees of such islands in all cases a bond, with securities, in a sum not less than five hundred thousand dollars, conditioned for the faithful observance of all the laws and requirements of Congress, and the regulations of the Secretary of the Treasury, touching the taking of fur-seals and the disposing of the same, and for the payment of all taxes and dues accruing to the United States connected therewith.

Who may lease.

1 July, 1870, c.
189, s. 5, v. 16, p.
181.

SEC. 1965. No persons other than American citizens shall be permitted, by lease or otherwise, to occupy the islands of Saint Paul and Saint George, or either of them, for the purpose of taking the skins of fur-seals therefrom, nor shall any foreign vessels be engaged in taking such skins; and the Secretary of the Treasury shall vacate and declare any lease forfeited if the same be held or operated for the use, benefit, or advantage, directly or indirectly, of any persons other than American citizens.

Covenants in lease.

1 July, 1870, c.
189, s. 5, v. 16, p.
181.

SEC. 1966. Every lease shall contain a covenant on the part of the lessee that he will not keep, sell, furnish, give, or dispose of any distilled spirits or spirituous liquors on either of those islands to any of the natives thereof, such person not being a physician and furnishing the same for use as medicine; and every revenue officer, officially acting as such, on either of the islands, shall seize and destroy any distilled or spirituous liquors found thereon; but such officer shall make detailed reports of his doings in that matter to the collector of the port.

Penalty.

1 July, 1870, c.
189, s. 5, v. 16, p.
181.

SEC. 1967. Every person who kills any fur-seal on either of those islands, or in the waters adjacent thereto, without authority of the lessees thereof, and every person who molests, disturbs, or interferes with the lessees, or either of them, or their agents or employés, in the lawful prosecution of their business, under the provisions of this chapter, shall for each offense be punished as prescribed in section nineteen hundred and sixty-one; and all vessels, their tackle, apparel, appurtenances, and cargo, whose crews are found engaged in any violation of the provisions of sections nineteen hundred and sixty-five to nineteen hundred and sixty-eight, inclusive, shall be forfeited to the United States.

Penalty upon lessees.

1 July, 1870, c.
189, s. 5, v. 16, p.
181.

SEC. 1968. If any person or company, under any lease herein authorized, knowingly kills, or permits to be killed, any number of seals exceeding the number for each island in this chapter prescribed, such person or company shall, in addition to the penalties and forfeitures herein provided, forfeit the whole number of the skins of seals killed in that year, or, in case the same have been disposed of, then such person or company shall forfeit the value of the same.

Tax upon seal-skins.

1 July, 1870, c.
189, s. 6, v. 16, p.
181.

SEC. 1969. In addition to the annual rental required to be reserved in every lease, as provided in section nineteen hundred and sixty-three, a revenue tax or duty of two dollars is laid upon each fur-seal skin taken and shipped from the islands of Saint Paul and Saint George, during the continuance of any lease, to be paid into the Treasury of the United States; and the Secretary of the Treasury is empowered to make all needful regulations for the collection and payment of the same, and to secure the comfort, maintenance, education, and protection of the na-

tives of those islands, and also to carry into full effect all the provisions of this chapter except as otherwise prescribed.

SEC. 1970. The Secretary of the Treasury may terminate any lease given to any person, company, or corporation on full and satisfactory proof of the violation of any of the provisions of this chapter or the regulations established by him.

Lease may be terminated.

1 July, 1870, c. 189, s. 6, v. 16, p. 182.

SEC. 1971. The lessees shall furnish to the several masters of vessels employed by them certified copies of the lease held by them respectively, which shall be presented to the Government revenue-officer for the time being who may be in charge at the islands as the authority of the party for landing and taking skins.

Lessees to furnish copies to masters of their vessels.

1 July, 1870, c. 189, s. 4, v. 16, p. 180.

SEC. 1972. Congress may at any time hereafter alter, amend, or repeal sections from nineteen hundred and sixty to nineteen hundred and seventy-one, both inclusive, of this chapter.

Certain sections may be altered.

1 July, 1870, c. 189, s. 8, v. 16, p. 182.

SEC. 1973. The Secretary of the Treasury is authorized to appoint one agent and three assistant agents, who shall be charged with the management of the seal fisheries in Alaska, and the performance of such other duties as may be assigned to them by the Secretary of the Treasury.

Agent and assistants to manage seal fisheries.

5 March, 1872, c. 31, s. 1, v. 17, p. 35.

SEC. 1974. The agent shall receive the sum of ten dollars each day, one assistant agent the sum of eight dollars each day, and two assistant agents the sum of six dollars each day while so employed; and they shall also be allowed their necessary traveling expenses in going to and returning from Alaska, for which expenses vouchers shall be presented to the proper accounting officers of the Treasury, and such expenses shall not exceed in the aggregate six hundred dollars each in any one year.

Their pay, &c.

5 March, 1872, c. 31, s. 1, v. 17, p. 35.

SEC. 1975. Such agents shall never be interested, directly or indirectly, in any lease of the right to take seals, nor in any proceeds or profits thereof, either as owner, agent, partner, or otherwise.

Not to be interested in right to take seals.

5 March, 1872, c. 31, s. 1, v. 17, p. 35.

SEC. 1976. Such agents are empowered to administer oaths in all cases relating to the service of the United States, and to take testimony in Alaska for the use of the Government in any matter concerning the public revenues.

Agents may administer certain oaths and take testimony.

5 March, 1872, c. 31, s. 3, v. 17, p. 35.

TITLE XXIV.

CIVIL RIGHTS.

Sec.
 1977. Equal rights under the law.
 1978. Rights of citizens in respect to real and personal property.
 1979. Civil action for deprivation of rights.
 1980. Conspiracy.
 1981. Action for neglect to prevent conspiracy.
 1982. District attorney, &c., to prosecute.
 1983. Commissioners.

Sec.
 1984. They may appoint persons to execute warrants, &c.
 1985. Marshals to obey precepts, &c.
 1986. Fees of district attorney, &c.
 1987. Of persons appointed to execute process, &c.
 1988. Speedy trial.
 1989. Aid of the military and naval forces.
 1990. Peonage abolished.
 1991. Foregoing section, how enforced.

Equal rights under the law.

31 May, 1870, c. 114, s. 16, v. 16, p. 144.

Rights of citizens in respect to real and personal property.

9 April, 1866, c. 31, s. 1, v. 14, p. 27.

Civil action for deprivation of rights.

20 April, 1871, c. 22, s. 1, v. 17, p. 13.

Conspiracy.

31 July, 1861, c. 33, v. 12, p. 284.

20 April, 1871, c. 22, s. 2, v. 17, p. 13.

SEC. 1977. All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other. [See § 538.]

SEC. 1978. All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold, and convey real and personal property.

SEC. 1979. Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress. [See §§ 563, 629.]

SEC. 1980. First. If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties;

Second. If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having such attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror; or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

Third. If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President, or as a member of Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators. [See §§ 563, 629.]

SEC. 1981. Every person who, having knowledge that any of the wrongs conspired to be done, and mentioned in the preceding section, are about to be committed, and having power to prevent or aid in preventing the commission of the same, neglects or refuses so to do, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives, for all damages caused by such wrongful act, which such person by reasonable diligence could have prevented; and such damages may be recovered in an action on the case; and any number of persons guilty of such wrongful neglect or refusal may be joined as defendants in the action; and if the death of any party be caused by any such wrongful act and neglect, the legal representatives of the deceased shall have such action therefor, and may recover not exceeding five thousand dollars damages therein, for the benefit of the widow of the deceased, if there be one, and if there be no widow, then for the benefit of the next of kin of the deceased. But no action under the provisions of this section shall be sustained which is not commenced within one year after the cause of action has accrued. [See § 629.]

SEC. 1982. The district attorneys, marshals, and deputy marshals, the commissioners appointed by the circuit and territorial courts, with power to arrest, imprison, or bail offenders, and every other officer who is especially empowered by the President, are authorized and required, at the expense of the United States, to institute prosecutions against all persons violating any of the provisions of chapter seven of the Title "CRIMES," and to cause such persons to be arrested, and imprisoned or bailed, for trial before the court of the United States or the territorial court having cognizance of the offense.

SEC. 1983. The circuit courts of the United States and the district courts of the Territories, from time to time, shall increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with the crimes referred to in the preceding section; and such commissioners are authorized and required to exercise all the powers and duties conferred on them herein with regard to such offenses in like manner as they are authorized by law to exercise with regard to other offenses against the laws of the United States.

SEC. 1984. The commissioners authorized to be appointed by the preceding section are empowered, within their respective counties, to appoint, in writing, under their hands, one or more suitable persons, from time to time, who shall execute all such warrants or other process as the commissioners may issue in the lawful performance of their duties, and the persons so appointed shall have authority to summon and call to

Action for neglect to prevent conspiracy.

20 April, 1871, c. 22, s. 6, v. 17, p. 15.

District attorney, &c., to prosecute.

31 May, 1870, c. 114, s. 9, v. 16, p. 142.

9 April, 1866, c. 31, s. 4, v. 14, p. 28.

Commissioners.

9 April, 1866, c. 31, s. 4, v. 14, p. 28.

31 May, 1870, c. 114, s. 9, v. 16, p. 142.

They may appoint persons to execute warrants, &c.

9 April, 1866, c. 31, s. 5, v. 14, p. 28.

31 May, 1870, c. 114, s. 10, v. 16, p. 142.

their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged; and such warrants shall run and be executed anywhere in the State or Territory within which they are issued. [See § 5516.]

Marshal to obey precepts, &c.

9 April, 1866, c. 31, s. 5, v. 14, p. 28.

Fees of district attorney, &c.

9 April, 1866, c. 31, s. 7, v. 14, p. 29.
31 May, 1871, c. 114, s. 12, v. 16, p. 143.

Of persons appointed to execute process, &c.

9 April, 1866, c. 31, s. 7, v. 14, p. 29.
31 May, 1870, c. 114, s. 12, v. 16, p. 143.

Speedy trial.

9 April, 1866, c. 31, s. 8, v. 14, p. 29.

Aid of the military and naval forces.

9 April, 1866, c. 31, s. 9, v. 14, p. 29.
31 May, 1870, c. 114, s. 13, v. 16, p. 143.

Peonage abolished.

2 March, 1867, c. 187, s. 1, v. 14, p. 546.

Foregoing section, how enforced.

2 March, 1867, c. 187, s. 2, v. 14, p. 546.

SEC. 1985. Every marshal and deputy marshal shall obey and execute all warrants or other process, when directed to him, issued under the provisions hereof. [See § 5516.]

31 May, 1870, c. 114, s. 10, v. 16, p. 142.

SEC. 1986. The district attorneys, marshals, their deputies, and the clerks of the courts of the United States and territorial courts shall be paid for their services, in cases under the foregoing provisions, the same fees as are allowed to them for like services in other cases; and where the proceedings are before a commissioner he shall be entitled to a fee of ten dollars for his services in each case, inclusive of all services incident to the arrest and examination.

SEC. 1987. Every person appointed to execute process under section nineteen hundred and eighty-four shall be entitled to a fee of five dollars for each party he may arrest and take before any commissioner, with such other fees as may be deemed reasonable by the commissioner for any additional services necessarily performed by him, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of the commissioner; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the Treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction.

SEC. 1988. Whenever the President has reason to believe that offenses have been, or are likely to be committed against the provisions of chapter seven of the Title CRIMES, within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons so charged, and it shall be the duty of every judge or other officer, when any such requisition is received by him, to attend at the place and for the time therein designated.

SEC. 1989. It shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as may be necessary to aid in the execution of judicial process issued under any of the preceding provisions, or as shall be necessary to prevent the violation and enforce the due execution of the provisions of this Title.

SEC. 1990. The holding of any person to service or labor under the system known as peonage is abolished and forever prohibited in the Territory of New Mexico, or in any other Territory or State of the United States; and all acts, laws, resolutions, orders, regulations, or usages of the Territory of New Mexico, or of any other Territory or State, which have heretofore established, maintained, or enforced, or by virtue of which any attempt shall hereafter be made to establish, maintain, or enforce, directly or indirectly, the voluntary or involuntary service or labor of any persons as peons, in liquidation of any debt or obligation, or otherwise, are declared null and void.

SEC. 1991. Every person in the military or civil service in the Territory of New Mexico shall aid in the enforcement of the preceding section.

TITLE XXV.

CITIZENSHIP.

Sec.

1992. Who are citizens.
 1993. Citizenship of children of citizens born abroad.
 1994. Citizenship of married women.
 1995. Of persons born in Oregon.
 1996. Rights as citizens forfeited for desertion, &c.
 1997. Certain soldiers and sailors not to incur the forfeitures of the last section.

Sec.

1998. Avoiding the draft.
 1999. Right of expatriation declared.
 2000. Protection to naturalized citizens in foreign states.
 2001. Release of citizens imprisoned by foreign governments to be demanded.

SEC. 1992. All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.

SEC. 1993. All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were or may be at the time of their birth citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.

SEC. 1994. Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.

71, s. 2, v. 10, p. 604.—Kelly vs. Owen, 7 Wall., 496.

SEC. 1995. All persons born in the district of country formerly known as the Territory of Oregon, and subject to the jurisdiction of the United States on the 18th May, 1872, are citizens in the same manner as if born elsewhere in the United States.

SEC. 1996. All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost-marshal within sixty days after the issuance of the proclamation by the President, dated the 11th day of March, 1865, are deemed to have voluntarily relinquished and forfeited their rights of citizenship, as well as their right to become citizens; and such deserters shall be forever incapable of holding any office of trust or profit under the United States, or of exercising any rights of citizens thereof.

SEC. 1997. No soldier or sailor, however, who faithfully served according to his enlistment until the 19th day of April, 1865, and who, without proper authority or leave first obtained, quit his command or refused to serve after that date, shall be held to be a deserter from the Army or Navy; but this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred, under the preceding section, by the loss of citizenship and of the right to hold office, in consequence of his desertion.

SEC. 1998. Every person who hereafter deserts the military or naval service of the United States, or who, being duly enrolled, departs the jurisdiction of the district in which he is enrolled, or goes beyond the limits of the United States, with intent to avoid any draft into the military or naval service, lawfully ordered, shall be liable to all the penalties and forfeitures of section nineteen hundred and ninety-six.

SEC. 1999. Whereas the right of expatriation is a natural and inherent right of all people, indispensable to the enjoyment of the rights of life, liberty, and the pursuit of happiness; and whereas in the recognition

Who are citizens.

9 April, 1866, c. 31, s. 1, v. 14, p. 27

Citizenship of children of citizens born abroad.

10 Feb., 1855, c. 71, s. 1, v. 10, p. 604.

14 April, 1802, c. 28, s. 4, v. 2, p. 155.

Citizenship of married women.

10 Feb., 1855, c. 71, s. 2, v. 10, p. 604.—Kelly vs. Owen, 7 Wall., 496.

Of persons born in Oregon.

18 May, 1872, c. 172, s. 3, v. 17, p. 134.

Rights as citizens forfeited for desertion, &c.

3 March, 1865, c. 79, s. 21, v. 13, p. 490.

Certain soldiers and sailors not to incur the forfeitures of the last section.

19 July, 1867, c. 28, v. 15, p. 14.

Avoiding the draft.

3 March, 1865, c. 79, s. 21, v. 13, p. 490.

Right of expatriation declared.

27 July, 1863, c. 249, s. 1, v. 15, p. 223.

of this principle this Government has freely received emigrants from all nations, and invested them with the rights of citizenship; and whereas it is claimed that such American citizens, with their descendants, are subjects of foreign states, owing allegiance to the governments thereof; and whereas it is necessary to the maintenance of public peace that this claim of foreign allegiance should be promptly and finally disavowed: Therefore any declaration, instruction, opinion, order, or decision of any officer of the United States which denies, restricts, impairs, or questions the right of expatriation, is declared inconsistent with the fundamental principles of the Republic.

Protection to naturalized citizens in foreign states.

27 July, 1868, c. 249, s. 2, v. 15, p. 224.

Release of citizens imprisoned by foreign governments to be demanded.

27 July, 1868, c. 249, s. 3, v. 15, p. 224.

SEC. 2000. All naturalized citizens of the United States, while in foreign countries, are entitled to and shall receive from this Government the same protection of persons and property which is accorded to native-born citizens.

SEC. 2001. Whenever it is made known to the President that any citizen of the United States has been unjustly deprived of his liberty by or under the authority of any foreign government, it shall be the duty of the President forthwith to demand of that government the reasons of such imprisonment; and if it appears to be wrongful and in violation of the rights of American citizenship, the President shall forthwith demand the release of such citizen, and if the release so demanded is unreasonably delayed or refused, the President shall use such means, not amounting to acts of war, as he may think necessary and proper to obtain or effectuate the release; and all the facts and proceedings relative thereto shall as soon as practicable be communicated by the President to Congress.

TITLE XXVI.

THE ELECTIVE FRANCHISE.

| Sec. | Sec. |
|---|--|
| 2002. Bringing armed troops to places of election. | 2015. Construction of preceding section. |
| 2003. Interference with freedom of election by officers of Army or Navy. | 2016. Duties of supervisors of elections. |
| 2004. Race, color, or previous condition not to affect the right to vote. | 2017. Attendance at elections. |
| 2005. Nor the performance of any prerequisite. | 2018. To personally scrutinize and count each ballot. |
| 2006. Penalty for refusing to give full effect to preceding section. | 2019. Their positions. |
| 2007. What shall entitle a person to vote. | 2020. When molested. |
| 2008. Penalty for wrongfully refusing to receive a vote. | 2021. Special deputies. |
| 2009. For unlawfully hindering a person from voting. | 2022. Duties of marshals. |
| 2010. Remedy for deprivation of office. | 2023. Persons arrested to be taken forthwith before a judge, &c. |
| 2011. In cities or towns of over 20,000 inhabitants, upon written application of two citizens, the circuit judge to open court. | 2024. Assistance of bystanders. |
| 2012. Supervisors of election. | 2025. Chief supervisors of elections. |
| 2013. Court to be kept open. | 2026. Their duties. |
| 2014. District judge may perform duties of circuit judge. | 2027. Marshals to forward complaint to chief supervisors. |
| | 2028. Supervisors and deputy marshals to be qualified voters, &c. |
| | 2029. Certain supervisors not to make arrests, &c. |
| | 2030. No more marshals or deputy marshals to be appointed than now authorized. |
| | 2031. Pay of supervisors. |

SEC. 2002. No military or naval officer, or other person engaged in the civil, military, or naval service of the United States, shall order, bring, keep, or have under his authority or control, any troops or armed men at the place where any general or special election is held in any State, unless it be necessary to repel the armed enemies of the United States, or to keep the peace at the polls. [See §§ 5528, 5529, 5532.]

SEC. 2003. No officer of the Army or Navy of the United States shall prescribe or fix, or attempt to prescribe or fix, by proclamation, order, or otherwise, the qualifications of voters in any State, or in any manner interfere with the freedom of any election in any State, or with the exercise of the free right of suffrage in any State. [See §§ 5530-5532.]

SEC. 2004. All citizens of the United States who are otherwise qualified by law to vote at any election by the people in any State, Territory, district, county, city, parish, townships, school district, municipality, or other territorial subdivision, shall be entitled and allowed to vote at all such elections, without distinction of race, color, or previous condition of servitude; any constitution, law, custom, usage, or regulation of any State or Territory, or by or under its authority, to the contrary notwithstanding.

SEC. 2005. When, under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done as a prerequisite or qualification for voting, and by such constitution or laws persons or officers are charged with the duty of furnishing to citizens an opportunity to perform such prerequisite, or to become qualified to vote, every such person and officer shall give to all citizens of the United States the same and equal opportunity to perform such prerequisite, and to become qualified to vote.

SEC. 2006. Every person or officer charged with the duty specified in the preceding section, who refuses or knowingly omits to give full effect to that section, shall forfeit the sum of five hundred dollars to the party aggrieved by such refusal or omission, to be recovered by an action on

Bringing armed troops to places of election.

25 Feb., 1865, c. 52, s. 1, v. 13, p. 437.

Interference with freedom of elections by officers of Army or Navy.

25 Feb., 1865, c. 52, s. 1, v. 13, p. 437.

Race, color, or previous condition not to affect the right to vote.

31 May, 1870, c. 114, s. 1, v. 16, p. 140.

2 Abb. U. S., 120.

McKay vs. Campbell, 1 Saw., 374.

Nor the performance of any prerequisite.

31 May, 1870, c. 114, s. 2, v. 16, p. 140.

McKay vs. Campbell, 1 Saw., 374.

Penalty for refusing to give full effect to preceding section.

31 May, 1870, c. 114, s. 2, v. 16, p. 140. the case, with costs, and such allowance for counsel fees as the court may deem just.

What shall entitle a person to vote.

31 May, 1870, c. 114, s. 3, v. 16, p. 140.

SEC. 2007. Whenever under the authority of the constitution or laws of any State, or the laws of any Territory, any act is required to be done by a citizen as a prerequisite to qualify or entitle him to vote, the offer of such citizen to perform the act required to be done shall, if it fail to be carried into execution by reason of the wrongful act or omission of the person or officer charged with the duty of receiving or permitting such performance or offer to perform, or acting thereon, be deemed and held as a performance in law of such act; and the person so offering and failing to vote, and being otherwise qualified, shall be entitled to vote in the same manner and to the same extent as if he had in fact performed such act.

Penalty for wrongfully refusing to receive a vote.

31 May, 1870, c. 114, s. 3, v. 16, p. 140.

SEC. 2008. Every judge, inspector, or other officer of election whose duty it is to receive, count, certify, register, report, or give effect to the vote of such citizen, who wrongfully refuses or omits to receive, count, certify, register, report, or give effect to the vote of such citizen upon the presentation by him of his affidavit, stating such offer and the time and place thereof, and the name of the officer or person whose duty it was to act thereon, and that he was wrongfully prevented by such person or officer from performing such act, shall forfeit the sum of five hundred dollars to the party aggrieved by such refusal or omission, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

For unlawfully hindering a person from voting.

31 May, 1870, c. 114, s. 4, v. 16, p. 141.

10 June, 1872, c. 415, s. 1, v. 17, p. 349.

SEC. 2009. Every officer or other person, having powers or duties of an official character to discharge under any of the provisions of this Title, who by threats, or any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school district, municipality, or other territorial subdivision, shall forfeit the sum of five hundred dollars to the person aggrieved thereby, to be recovered by an action on the case, with costs, and such allowance for counsel fees as the court may deem just.

Remedy for deprivation of office.

31 May, 1870, c. 114, s. 23, v. 16, p. 146.

Ex parte War-mouth, 17 Wall., 64.

SEC. 2010. Whenever any person is defeated or deprived of his election to any office, except elector of President or Vice-President, Representative or Delegate in Congress, or member of a State legislature, by reason of the denial to any citizen who may offer to vote, of the right to vote, on account of race, color, or previous condition of servitude, his right to hold and enjoy such office, and the emoluments thereof, shall not be impaired by such denial; and the person so defeated or deprived may bring any appropriate suit or proceeding to recover possession of such office, and in cases where it appears that the sole question touching the title to such office arises out of the denial of the right to vote to citizens who so offered to vote, on account of race, color, or previous condition of servitude, such suit or proceeding may be instituted in the circuit or district court of the United States of the circuit or district in which such person resides. And the circuit or district court shall have, concurrently with the State courts, jurisdiction thereof, so far as to determine the rights of the parties to such office by reason of the denial of the right guaranteed by the fifteenth article of amendment to the Constitution of the United States, and secured herein. [See §§ 563, 629.]

In cities or towns of over 20,000 inhabitants, &c., upon written application of two citizens, the circuit judge to open court.

28 Feb., 1871, c.

SEC. 2011. Whenever, in any city or town having upward of twenty thousand inhabitants, there are two citizens thereof, or whenever, in any county or parish, in any congressional district, there are ten citizens thereof, of good standing, who, prior to any registration of voters for an election for Representative or Delegate in the Congress of the United States, or prior to any election at which a Representative or Delegate in Congress is to be voted for, may make known, in writing, to the judge of the circuit court of the United States for the circuit wherein such city

or town, county or parish, is situated, their desire to have such registration, or such election, or both, guarded and scrutinized, the judge, within not less than ten days prior to the registration, if one there be, or, if no registration be required, within not less than ten days prior to the election, shall open the circuit court at the most convenient point in the circuit.

SEC. 2012. The court, when so opened by the judge, shall proceed to appoint and commission, from day to day and from time to time, and under the hand of the judge, and under the seal of the court, for each election district or voting precinct in such city or town, or for such election district or voting precinct in the congressional district, as may have applied in the manner hereinbefore prescribed, and to revoke, change, or renew such appointment from time to time, two citizens, residents of the city or town, or of the election district or voting precinct in the county or parish, who shall be of different political parties, and able to read and write the English language, and who shall be known and designated as supervisors of election. [See §§ 5521-5522.]

SEC. 2013. The circuit court, when opened by the judge as required in the two preceding sections, shall therefrom and thereafter, and up to and including the day following the day of election, be always open for the transaction of business under this Title, and the powers and jurisdiction hereby granted and conferred shall be exercised as well in vacation as in term time; and a judge sitting at chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in court.

SEC. 2014. Whenever, from any cause, the judge of the circuit court in any judicial circuit is unable to perform and discharge the duties herein imposed, he is required to select and assign to the performance thereof, in his place, such one of the judges of the district courts within his circuit as he may deem best; and upon such selection and assignment being made, the district judge so designated shall perform and discharge, in the place of the circuit judge, all the duties, powers, and obligations imposed and conferred upon the circuit judge by the provisions hereof.

SEC. 2015. The preceding section shall be construed to authorize each of the judges of the circuit courts of the United States to designate one or more of the judges of the district courts within his circuit to discharge the duties arising under this Title.

SEC. 2016. The supervisors of election, so appointed, are authorized and required to attend at all times and places fixed for the registration of voters, who, being registered, would be entitled to vote for a Representative or Delegate in Congress, and to challenge any person offering to register; to attend at all times and places when the names of registered voters may be marked for challenge, and to cause such names registered as they may deem proper to be so marked; to make, when required, the lists, or either of them, provided for in section two thousand and twenty-six, and verify the same; and upon any occasion, and at any time when in attendance upon the duty herein prescribed, to personally inspect and scrutinize such registry, and for purposes of identification to affix their signature to each page of the original list, and of each copy of any such list of registered voters, at such times, upon each day when any name may be received, entered, or registered, and in such manner as will, in their judgment, detect and expose the improper or wrongful removal therefrom, or addition thereto, of any name.

SEC. 2017. The supervisors of election are authorized and required to attend at all times and places for holding elections of Representatives or Delegates in Congress, and for counting the votes cast at such elections; to challenge any vote offered by any person whose legal qualifications the supervisors, or either of them, may doubt; to be and remain where the ballot-boxes are kept at all times after the polls are

99, s. 2, v. 16, p. 433.
10 June, 1872, c. 415, s. 1, v. 17, p. 348.

Supervisors of election.

Ibid.

Court to be kept open.

Ibid.

District judge may perform duties of circuit judge.

28 Feb., 1871, c. 99, s. 3, v. 16, p. 434.

Construction of preceding section.

10 June, 1872, c. 415, s. 1, v. 17, p. 349.

Duties of supervisors of elections.

28 Feb., 1871, c. 99, s. 4, v. 16, p. 434.

Attendance at elections.

28 Feb., 1871, c. 99, s. 5, v. 16, p. 434.

open until every vote cast at such time and place has been counted, the canvass of all votes polled wholly completed, and the proper and requisite certificates or returns made, whether the certificates or returns be required under any law of the United States, or any State, territorial, or municipal law, and to personally inspect and scrutinize, from time to time, and at all times, on the day of election, the manner in which the voting is done, and the way and method in which the poll-books, registry-lists, and tallies or check-books, whether the same are required by any law of the United States, or any State, territorial, or municipal law, are kept.

To personally
scrutinize and
count each ballot.

28 Feb., 1871, c.
99, s. 5, v. 16, p.
434.

SEC. 2018. To the end that each candidate for the office of Representative or Delegate in Congress may obtain the benefit of every vote for him cast, the supervisors of election are, and each of them is, required to personally scrutinize, count, and canvass each ballot in their election district or voting precinct cast, whatever may be the indorsement on the ballot, or in whatever box it may have been placed or be found; to make and forward to the officer who, in accordance with the provisions of section two thousand and twenty-five, has been designated as the chief supervisor of the judicial district in which the city or town wherein they may serve, acts, such certificates and returns of all such ballots as such officer may direct and require, and to attach to the registry-list, and any and all copies thereof and to any certificate, statement, or return, whether the same, or any part or portion thereof, be required by any law of the United States, or of any State, territorial, or municipal law, any statement touching the truth or accuracy of the registry, or the truth or fairness of the election and canvass, which the supervisors of the election, or either of them, may desire to make or attach, or which should properly and honestly be made or attached, in order that the facts may become known.

Their positions.

28 Feb., 1871, c.
99, s. 6, v. 16, p. 435.

SEC. 2019. The better to enable the supervisors of election to discharge their duties, they are authorized and directed, in their respective election districts or voting precincts, on the day of registration, on the day when registered voters may be marked to be challenged, and on the day of election, to take, occupy, and remain in such position, from time to time, whether before or behind the ballot-boxes, as will, in their judgment, best enable them to see each person offering himself for registration or offering to vote, and as will best conduce to their scrutinizing the manner in which the registration or voting is being conducted; and at the closing of the polls for the reception of votes, they are required to place themselves in such position, in relation to the ballot-boxes, for the purpose of engaging in the work of canvassing the ballots, as will enable them to fully perform the duties in respect to such canvass provided herein, and shall there remain until every duty in respect to such canvass, certificates, returns, and statements has been wholly completed. [See § 5521.]

When molested.

28 Feb., 1871, c.
99, s. 7, v. 16, p. 435.

SEC. 2020. When in any election district or voting precinct in any city or town, for which there have been appointed supervisors of election for any election at which a Representative or Delegate in Congress is voted for, the supervisors of election are not allowed to exercise and discharge, fully and freely, and without bribery, solicitation, interference, hindrance, molestation, violence, or threats thereof, on the part of any person, all the duties, obligations, and powers conferred upon them by law, the supervisors of election shall make prompt report, under oath, within ten days after the day of election to the officer who, in accordance with the provisions of section two thousand and twenty-five, has been designated as the chief supervisor of the judicial district in which the city or town wherein they served, acts, of the manner and means by which they were not so allowed to fully and freely exercise and discharge the duties and obligations required and imposed herein. And upon receiving any such report, the chief supervisor, acting both in such capacity and officially as a commissioner of the circuit court, shall forthwith examine into all the facts; and he shall have power to subpoena

and compel the attendance before him of any witness, and to administer oaths and take testimony in respect to the charges made; and, prior to the assembling of the Congress for which any such Representative or Delegate was voted for, he shall file with the Clerk of the House of Representatives all the evidence by him taken, all information by him obtained, and all reports to him made. [See § 5522.]

SEC. 2021. Whenever an election at which Representatives or Delegates in Congress are to be chosen is held in any city or town of twenty thousand inhabitants or upward, the marshal for the district in which the city or town is situated shall, on the application, in writing, of at least two citizens residing in such city or town, appoint special deputy marshals, whose duty it shall be, when required thereto, to aid and assist the supervisors of election in the verification of any list of persons who may have registered or voted; to attend in each election district or voting precinct at the times and places fixed for the registration of voters, and at all times and places when and where the registration may by law be scrutinized, and the names of registered voters be marked for challenge; and also to attend, at all times for holding elections, the polls in such district or precinct.

Special deputies

28 Feb., 1871, c. 99, s. 8, v. 16, p. 436.

SEC. 2022. The marshal and his general deputies, and such special deputies, shall keep the peace, and support and protect the supervisors of election in the discharge of their duties, preserve order at such places of registration and at such polls, prevent fraudulent registration and fraudulent voting thereat, or fraudulent conduct on the part of any officer of election, and immediately, either at the place of registration or polling place, or elsewhere, and either before or after registering or voting, to arrest and take into custody, with or without process, any person who commits, or attempts or offers to commit, any of the acts or offenses prohibited herein, or who commits any offense against the laws of the United States; but no person shall be arrested without process for any offense not committed in the presence of the marshal or his general or special deputies, or either of them, or of the supervisors of election, or either of them, and, for the purposes of arrest or the preservation of the peace, the supervisors of election shall, in the absence of the marshal's deputies, or if required to assist such deputies, have the same duties and powers as deputy marshals; nor shall any person, on the day of such election, be arrested without process for any offense committed on the day of registration. [See §§ 5521, 5522.]

Duties of marshals.

28 Feb., 1871, c. 99, s. 8, v. 16, p. 436.

SEC. 2023. Whenever any arrest is made under any provision of this Title, the person so arrested shall forthwith be brought before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

Persons arrested to be taken forthwith before a judge, &c.

28 Feb., 1871, c. 99, s. 9, v. 16, p. 436.

SEC. 2024. The marshal or his general deputies, or such special deputies as are thereto specially empowered by him, in writing, and under his hand and seal, whenever he or either or any of them is forcibly resisted in executing their duties under this Title, or shall, by violence, threats, or menaces, be prevented from executing such duties, or from arresting any person who has committed any offense for which the marshal or his general or his special deputies are authorized to make such arrest, are, and each of them is, empowered to summon and call to his aid the bystanders or posse comitatus of his district.

Assistance of bystanders.

28 Feb., 1871, c. 99, s. 12, v. 16, p. 437.

SEC. 2025. The circuit courts of the United States for each judicial circuit shall name and appoint, on or before the first day of May, in the year eighteen hundred and seventy-one, and thereafter as vacancies may from any cause arise, from among the circuit court commissioners for each judicial district in each judicial circuit, one of such officers, who shall be known for the duties required of him under this Title as the chief supervisor of elections of the judicial district for which he is a commissioner, and shall, so long as faithful and capable, discharge the duties in this Title imposed. [See § 627.]

Chief supervisors of elections.

28 Feb., 1871, c. 99, s. 13, v. 16, p. 437.

Their duties.

28 Feb., 1871, c.
99, s. 13, v. 16, p.
437.

SEC. 2026. The chief supervisor shall prepare and furnish all necessary books, forms, blanks, and instructions for the use and direction of the supervisors of election in the several cities and towns in their respective districts; he shall receive the applications of all parties for appointment to such positions; upon the opening, as contemplated in section two thousand and twelve, of the circuit court for the judicial circuit in which the commissioner so designated acts, he shall present such applications to the judge thereof, and furnish information to him in respect to the appointment by the court of such supervisors of election; he shall require of the supervisors of election, when necessary, lists of the persons who may register and vote, or either, in their respective election districts or voting precincts, and cause the names of those upon any such list whose right to register or vote is honestly doubted to be verified by proper inquiry and examination at the respective places by them assigned as their residences; and he shall receive, preserve, and file all oaths of office of supervisors of election, and of all special deputy marshals appointed under the provisions of this Title, and all certificates, returns, reports, and records of every kind and nature contemplated or made requisite by the provisions hereof, save where otherwise herein specially directed. [See § 627.]

Marshals to forward complaint to chief supervisors.

Ibid.

SEC. 2027. All United States marshals and commissioners who in any judicial district perform any duties under the preceding provisions relating to, concerning, or affecting the election of Representatives or Delegates in the Congress of the United States, from time to time, and, with all due diligence, shall forward to the chief supervisor in and for their judicial district, all complaints, examinations, and records pertaining thereto, and all oaths of office by them administered to any supervisor of election or special deputy marshal, in order that the same may be properly preserved and filed.

Supervisors and deputy marshals to be qualified voters, &c.

10 June, 1872, c.
415, s. 1, v. 17, p. 349.

Certain supervisors not to make arrests, &c.

10 June, 1872, c.
415, s. 1, v. 17, p.
349.

No more marshals or deputy marshals to be appointed than now authorized.

SEC. 2028. No person shall be appointed a supervisor of election or a deputy marshal, under the preceding provisions, who is not, at the time of his appointment, a qualified voter of the city, town, county, parish, election district, or voting precinct in which his duties are to be performed.

SEC. 2029. The supervisors of election appointed for any county or parish in any congressional district, at the instance of ten citizens, as provided in section two thousand and eleven, shall have no authority to make arrests, or to perform other duties than to be in the immediate presence of the officers holding the election, and to witness all their proceedings, including the counting of the votes and the making of a return thereof.

SEC. 2030. Nothing in this Title shall be construed to authorize the appointment of any marshals or deputy marshals in addition to those authorized by law, prior to the tenth day of June, eighteen hundred and seventy-two.

10 June, 1872, c. 415, s. 1, v. 17, p. 349.

Pay of supervisors.

28 Feb., 1871, c.
99, s. 14, v. 16, p.
438.

10 June, 1872, c.
415, s. 1, v. 17, p.
349.

SEC. 2031. There shall be allowed and paid to the chief supervisor, for his services as such officer, the following compensation, apart from and in excess of all fees allowed by law for the performance of any duty as circuit court commissioner: For filing and caring for every return, report, record, document, or other paper required to be filed by him under any of the preceding provisions, ten cents; for affixing a seal to any paper, record, report, or instrument, twenty cents; for entering and indexing the records of his office, fifteen cents per folio; and for arranging and transmitting to Congress, as provided for in section two thousand and twenty, any report, statement, record, return, or examination, for each folio, fifteen cents; and for any copy thereof, or of any paper on file, a like sum. And there shall be allowed and paid to each supervisor of election, and each special deputy marshal who is appointed and performs his duty under the preceding provisions, compensation at

the rate of five dollars per day for each day he is actually on duty, not exceeding ten days; but no compensation shall be allowed, in any case, to supervisors of election, except to those appointed in cities or towns of twenty thousand or more inhabitants. And the fees of the chief supervisors shall be paid at the Treasury of the United States, such accounts to be made out, verified, examined, and certified as in the case of accounts of commissioners, save that the examination or certificate required may be made by either the circuit or district judge.

TITLE XXVII.

THE FREEDMEN.

Sec.

2032. Certain acts continued in force.

2033. Such laws to be enforced by Secretary of War.

2034. Accounts for expenditures, &c., to be paid from what fund, and how.

2035. Secretary of War appointed trustee of a retained-bounty fund, &c.

Sec.

2036. May invest the fund, and for what purpose.

2037. Who to be deemed wife and children of colored soldiers.

2038. Freedmen's Hospital in District of Columbia, continued, &c.

Certain acts continued in force.

10 June, 1872, c. 415, s. 1, v. 17, p. 366.

Such laws to be enforced by Secretary of War.

Ibid.

Accounts for expenditures, &c., to be paid from what fund, and how.

15 June, 1866, c. 123, s. 2, v. 14, p. 65.

Secretary of War appointed trustee of a retained-bounty fund, &c.

2 March, 1867, c. 186, s. 1, v. 14, p. 545.

May invest the fund, and for what purpose.

2 March, 1867, c. 186, s. 2, v. 14, p. 545.

Who to be deemed wife and children of colored soldiers.

3 March, 1865, Res. No. 29, v. 13, p. 571.

Freedmen's Hospital in District of Columbia continued, &c.

10 June, 1872, c. 415, s. 1, v. 17, p. 366.

3 March, 1871, c. 114, v. 16, p. 506.

SEC. 2032. All laws and parts of laws pertaining to the collection and payment of bounty, prize-money, and other legitimate claims of colored soldiers, sailors, and marines, or their heirs, shall remain in force until otherwise ordered by Congress.

SEC. 2033. The Secretary of War is authorized to carry into effect all laws and parts of laws referred to in the preceding section, and to this end he may employ such clerical force as he deems necessary.

SEC. 2034. Where accounts have been rendered for necessary expenditures incurred for refugees or freedmen, under the sanction of the proper officers, but which cannot be settled for want of specific appropriations, the same may be paid out of the fund for the relief of refugees and freedmen, on the approval of the Secretary War.

SEC. 2035. The Secretary of War is constituted the lawful custodian of a retained bounty fund, which has been derived from a portion of the State bounties of certain colored soldiers enlisted in Virginia and North Carolina, during the years 1864 and 1865, and which, by virtue of General Orders No. 90, Department of Virginia and North Carolina, was held by the Superintendent of Freedmen's Affairs, but was turned over to the Bureau upon its organization; and the Secretary of War shall hold the fund as trustee for the benefit of such colored soldiers or their legal representatives, to whom the same shall be paid upon their application or discovery.

SEC. 2036. The Secretary of War is empowered to invest the fund, or any portion thereof, in bonds of the United States, for the exclusive benefit of such colored soldiers or their legal representatives; but a sufficient amount of the same in cash may be retained uninvested to meet all lawful claims thereupon that will probably be presented for payment.

SEC. 2037. In determining who is the wife or child of any colored soldier, within the meaning of this Title, evidence that the soldier and the woman claimed to be his wife cohabited or associated as husband and wife, and so continued to cohabit or associate at the time of enlistment, or evidence that a form of marriage, whether such marriage was authorized or recognized by law or not, was entered into by them, and that the parties thereafter lived together as husband and wife, and so continued to live together at the time of the enlistment, shall be deemed sufficient proof of marriage; and the children born of any such marriage shall be taken to be the children embraced within the provisions of this Title, whether such marriage was or was not dissolved at the time of the enlistment.

SEC. 2038. The Freedmen's Hospital and Asylum in the District of Columbia is, until otherwise ordered by Congress, continued under the control and supervision of the Secretary of War, who shall make all estimates, pass all accounts, and be responsible to the Treasury for all expenditures; but no part of any appropriation shall be used in support of, or to pay the expenses on account of, any person hereafter to be admitted to such Hospital and Asylum, unless persons removed thither from some other Government hospital.

TITLE XXVIII.

INDIANS.

CHAPTER ONE.

OFFICERS OF INDIAN AFFAIRS; THEIR DUTIES AND COMPENSATION.

| Sec. | Sec. |
|--|---|
| 2039. Board of Indian commissioners. | 2061. Limitation on visits to Washington by agents for Indians in California. |
| 2040. Secretary to the commissioners. | 2062. Officers of the Army may be required to act as Indian agents. |
| 2041. Duties of the commissioners. | 2063. Compensation for extra services performed by agents and sub-agents. |
| 2042. Power to investigate contracts. | 2064. Acknowledgment of deeds, &c., by agents. |
| 2043. Appointment of Indian inspectors; term of office. | 2065. Appointment of sub-Indian agents. |
| 2044. Salary and expenses. | 2066. Limits of superintendencies, agencies, and sub-agencies. |
| 2045. Powers and duties of inspectors. | 2067. Special agents and commissioners. |
| 2046. Superintendents, appointment, and salaries. | 2068. Interpreters to the agencies. |
| 2047. Four superintendents abolished, assignment, &c., of those retained. | 2069. Preference to Indians for interpreters. |
| 2048. Term of office. | 2070. Salaries of interpreters. |
| 2049. Bond. | 2071. Instruction of Indians. |
| 2050. Duties of superintendents. | 2072. When tribes may direct the employment of blacksmiths, &c. |
| 2051. Temporary clerks for superintendents. | 2073. Discontinuance of the offices of sub-agents, interpreters, &c. |
| 2052. Indian agents, appointments, salaries. | 2074. No person to hold two offices; leave of absence. |
| 2053. Services of certain agents and superintendents to be dispensed with. | 2075. Additional security. |
| 2054. Indian agents to report to Commissioner in certain cases. | 2076. Compensation prescribed to be in full. |
| 2055. Salary of Indian agents. | 2077. Allowance for traveling expenses. |
| 2056. Term of office. | 2078. Persons employed in Indian affairs not to trade with the Indians. |
| 2057. Bond of Indian agents. | |
| 2058. Duties of Indian agents. | |
| 2059. Discontinuance and transfer of agencies. | |
| 2060. Residence of Indian agents. | |

SEC. 2039. There shall be a board of Indian commissioners, composed of not more than ten persons, appointed by the President solely, from men eminent for intelligence and philanthropy, and who shall serve without pecuniary compensation.

Board of Indian commissioners.

10 April, 1869, c. 16, s. 4, v. 16, p. 40.

15 July, 1870, c. 296, s. 3, v. 16, p. 360.

SEC. 2040. The board of commissioners mentioned in the preceding section shall have power to appoint one of their own number as secretary, who shall be entitled to such reasonable compensation as the board may designate, payable from any moneys appropriated for the expenses of the board.

Secretary to the commissioners.

15 July, 1870, c. 296, s. 3, v. 16, p. 360.

SEC. 2041. The board of commissioners mentioned in section two thousand and thirty-nine shall supervise all expenditures of money appropriated for the benefit of Indians within the limits of the United States; and shall inspect all goods purchased for Indians, in connection with the Commissioner of Indian Affairs, whose duty it shall be to consult the commission in making purchases of such goods.

Duties of the commissioners.

15 July, 1870, c. 296, s. 3, v. 16, p. 360.

SEC. 2042. Any member of the board of Indian commissioners is empowered to investigate all contracts, expenditures, and accounts in connection with the Indian service, and shall have access to all books and papers relating thereto in any Government office; but the examination of vouchers and accounts by the executive committee of said board shall not be a prerequisite of payment.

Power to investigate contracts.

29 May, 1872, c. 233, s. 1, v. 17, p. 186

Appointment of
Indian inspectors;
term of office.

14 Feb., 1873, c.
138, s. 6, v. 17, p.
463.

Salary and ex-
penses.

Ibid.

Powers and du-
ties of inspectors.

Ibid

SEC. 2043. There shall be appointed by the President, by and with the advice and consent of the Senate, a sufficient number of Indian inspectors, not exceeding five in number, to perform the duties required of such inspectors by the provisions of this Title. Each inspector shall hold his office for four years, unless sooner removed by the President.

SEC. 2044. Each inspector shall receive an annual salary of three thousand dollars and his necessary traveling expenses, not exceeding ten cents a mile for actual travel while in the discharge of his duty, a statement of which expenses as to each inspector shall accompany the annual report of the Secretary of the Interior.

SEC. 2045. Each Indian superintendency and agency shall be visited and examined as often as twice a year by one or more of the inspectors. Such examination shall extend to a full investigation of all matters pertaining to the business of the superintendency or agency, including an examination of accounts, the manner of expending money, the number of Indians provided for, contracts of all kinds connected with the business, the condition of the Indians, their advancement in civilization, the extent of the reservations, and what use is made of the lands set apart for that purpose, and, generally, all matters pertaining to the Indian service. For the purpose of making such investigations, each inspector shall have power to examine all books, papers, and vouchers, to administer oaths, and to examine on oath all officers and persons employed in the superintendency or agency, and all such other persons as he may deem necessary or proper. The inspectors, or any of them, shall have power to suspend any superintendent or agent or employé, and to designate some person in his place temporarily, subject to the approval of the President, making immediate report of such suspension and designation; and upon the conclusion of each examination a report shall be forwarded to the President without delay. The inspectors, in the discharge of their duties, jointly and individually, shall have power, by proper legal proceedings, which it shall be the duty of the district attorney of the United States for the appropriate district duly to effectuate, to enforce the laws, and to prevent the violation of law in the administration of affairs in the several agencies and superintendencies. So far as practicable, the examinations of the agencies and superintendencies shall be made alternately by different inspectors, so that the same agency or superintendency may not be examined twice in succession by the same inspector or inspectors.

Superintendents,
appointment, and
salaries.

14 Feb., 1873, c.
138, s. 1, v. 17, p.
437.

27 Feb., 1851, c.
14, s. 2, v. 9, p. 586.

3 March, 1857, c.
90, s. 3, v. 11, p. 185.

5 June, 1850, c.
16, s. 2, v. 9, p. 437.

8 Feb., 1861, c.
30, s. 1, v. 12, p. 130.

8 April, 1864, c.
48, s. 1, v. 13, p. 39.

SEC. 2046. The President is authorized to appoint, from time to time, by and with the advice and consent of the Senate, the following superintendents of Indian affairs, who shall be entitled to receive the salaries mentioned below:

Two superintendents for the tribes east of the Rocky Mountains, at a salary of two thousand dollars a year, each.

One superintendent for Oregon, at a salary of two thousand five hundred dollars a year.

One superintendent for Washington Territory, at a salary of two thousand five hundred dollars a year.

One superintendent for the Territory of New Mexico, at a salary of two thousand dollars a year.

One superintendent for California, at a salary of three thousand six hundred dollars a year.

One superintendent for the Territory of Arizona, at a salary of two thousand dollars a year.

One superintendent for the Territory of Montana, at a salary of two thousand five hundred dollars a year.

Four superin-
tendents abol-
ished, assignment,
&c., of those re-
tained.

14 Feb., 1873, c.
138, s. 6, v. 17, p.
423.

SEC. 2047. After the thirtieth of June, eighteen hundred and seventy-three, the offices of four of the superintendents enumerated in the preceding section are abolished; and any money appropriated for the salaries of such superintendents or their clerks, shall, after that date, be applied to pay the salaries and traveling expenses of the inspectors. The President may assign the remaining four superintendents to juris-

diction over such agencies as he may deem proper; or he is authorized, in his discretion, to dispense with any or all of the superintendents and their clerks.

SEC. 2048. Each superintendent shall hold his office for the term of four years.

SEC. 2049. Each superintendent, before entering on the duties of his office, shall give bond in such penalties and with such security as the President or the Secretary of the Interior may require.

SEC. 2050. Each superintendent of Indian affairs shall, within his superintendency, exercise a general supervision and control over the official conduct and accounts of all officers and persons employed by the Government in Indian affairs, under such regulations as shall be established by the President; and may suspend such officers and persons from their offices or employments, for reasons forthwith to be communicated to the Secretary of the Interior, and shall also perform within his superintendency such duties as are or may be assigned to superintendents of Indian affairs.

SEC. 2051. The Secretary of the Interior may authorize, in his discretion, the employment of temporary clerks by superintendents of Indian affairs, on such occasions and for such periods of time as he may deem necessary to the public service.

SEC. 2052. The President is authorized to appoint from time to time, by and with the advice and consent of the Senate, the following Indian agents:

Three for the tribes in Oregon.

Fourteen for the tribes east of the Rocky Mountains, and north of New Mexico and Texas.

Seven for the tribes in New Mexico.

Three for the tribes in the Territory of Washington.

One for the tribes in Kansas.

One for the Kickapoos.

One for the Delawares.

Two for the tribes in Utah.

One for the Pouches.

One for the Pawnees in Nebraska, each with an annual salary of fifteen hundred dollars.

Four for the tribes in California, at an annual salary of eighteen hundred dollars, each.

Three for the tribes in Texas.

One for the Wichitas and neighboring tribes west of the Choctaws and Chickasaws, at an annual salary of one thousand dollars.

SEC. 2053. It shall be the duty of the President to dispense with the services of such Indian agents and superintendents as may be practicable; and where it is practicable he shall require the same person to perform the duties of two agencies or superintendencies for one salary.

SEC. 2054. Whenever any one or more of the superintendencies is abolished by law, or discontinued by the President, the Indian agents in such superintendencies shall report directly to the Commissioner of Indian Affairs.

SEC. 2055. Each Indian agent shall be entitled to receive a salary at the rate of fifteen hundred dollars a year.

SEC. 2056. Each Indian agent shall hold his office for the term of four years.

Term of office.

27 Feb., 1851, c. 14, s. 6, v. 9, p. 587.
Bond.

Ibid.

Duties of superintendents.

27 Feb., 1851, c. 14, s. 2, v. 9, p. 586.
30 June, 1834, c. 162, s. 3, v. 4, p. 735.

Temporary clerks for superintendents.

3 March, 1855, c. 175, s. 22, v. 10, p. 673.

Indian agents, appointments, salaries.

14 Feb., 1873, c. 138, s. 1, v. 17, p. 437.

Services of certain agents and superintendents to be dispensed with.

Ibid., p. 438.

Indian agents to report to Commissioner in certain cases.

15 July, 1870, c. 206, s. 6, v. 16, p. 360.

Salary of Indian agents.

14 Feb., 1873, c. 138, s. 1, v. 17, p. 438.

Term of office.

27 Feb., 1851, c. 14, s. 6, v. 9, p. 587. 8 April, 1864, c. 43, s. 4, v. 13, p. 40.

Bond of Indian agents.

27 Feb., 1851, c. 14, s. 6, v. 9, p. 587.

Duties of Indian agents.

30 June, 1834, c. 162, s. 7, v. 4, p. 736.

5 June, 1850, c. 16, s. 4, v. 9, p. 437.

27 Feb., 1851, c. 14, s. 5, v. 9, p. 587.—*Minis vs. U. S.*, 15 Pet., 423.

Discontinuance and transfer of agencies.

30 June, 1834, c. 162, s. 4, v. 4, p. 735.

Residence of Indian agents.

Ibid.

Limitation on visits to Washington by agents for Indians in California.

8 April, 1864, c. 48, s. 7, v. 13, p. 41.

Officers of the Army may be required to act as Indian agents.

30 June, 1834, c. 162, ss. 4, 12, v. 4, pp. 735-737.

Compensation for extra services performed by agents and sub-agents.

31 May, 1832, c. 109, s. 2, v. 4, p. 520.

Acknowledgment of deeds, &c., by agents.

3 March, 1855, c. 204, s. 10, v. 10, p. 701.

Appointment of sub-Indian agents.

30 June, 1834, c. 162, s. 5, v. 4, p. 736.

Limits of superintendencies, agencies, and sub-agencies.

3 March, 1847, c. 66, s. 1, v. 9, p. 203. 30 June, 1834, c. 162, s. 7, v. 4, p. 736.

Special agents and commissioners.

3 March, 1863, c. 99, s. 1, v. 12, p. 792.

Interpreters to the agencies.

30 June, 1834, c. 162, s. 9, v. 4, p. 737.

SEC. 2057. Each Indian agent, before entering upon the duties of his office, shall give bond in such penalties and with such security as the President or the Secretary of the Interior may require.

SEC. 2058. Each Indian agent shall, within his agency, manage and superintend the intercourse with the Indians, agreeably to law; and execute and perform such regulations and duties, not inconsistent with law, as may be prescribed by the President, the Secretary of the Interior, the Commissioner of Indian Affairs, or the superintendent of Indian affairs.

SEC. 2059. The President shall, whenever he may judge it expedient, discontinue any Indian agency, or transfer the same, from the place or tribe designated by law, to such other place or tribe as the public service may require.

SEC. 2060. Every Indian agent shall reside and keep his agency within or near the territory of the tribe for which he may be agent, and at such place as the President may designate, and shall not depart from the limits of his agency without permission.

SEC. 2061. All Indian agents appointed for California shall reside at their respective agencies, and shall in no case be permitted to visit the city of Washington except when ordered to do so by the Commissioner of Indian Affairs. The Commissioner shall report all cases of the violation of this section to the President, with the request that the agents offending be at once removed from office.

SEC. 2062. The President may require any military officer of the United States to execute the duties of an Indian agent; and when such duties are required of any military officer, he shall perform the same without any other compensation than his actual traveling expenses.

[See § 1224.]

SEC. 2063. No compensation beyond their actual expenses for extra services shall be allowed any Indian agent or sub-agent for services when doing duty under the order of the Government, detached from their agency and the boundary of the tribe to which they are agents or sub-agents.

SEC. 2064. Indian agents are authorized to take acknowledgments of deeds, and other instruments of writing, and to administer oaths in investigations committed to them in Indian country, pursuant to such rules and regulations as may be prescribed for that purpose, by the Secretary of the Interior; and acknowledgments so taken shall have the same effect as if taken before a justice of the peace.

SEC. 2065. A competent number of sub-Indian agents shall be appointed by the President, with a salary of one thousand dollars a year each, to be employed, and to reside wherever the President may direct, and who shall give bonds, with one or more sureties, in the penal sum of one thousand dollars, for the faithful execution of their duties. But no sub-agent shall be appointed who shall reside within the limits of any agency where there is an agent appointed.

SEC. 2066. The limits of each superintendency, agency, and sub-agency shall be established by the Secretary of the Interior, either by tribes or geographical boundaries.

SEC. 2067. All special agents and commissioners not appointed by the President shall be appointed by the Secretary of the Interior.

SEC. 2068. An interpreter shall be allowed to each agency. Where there are different tribes in the same agency, speaking different languages, one interpreter may be allowed, at the discretion of the Secretary of the Interior, for each of such tribes. Interpreters shall be nomi-

nated, by the proper agents, to the Department of the Interior for approval, and may be suspended by the agent from pay and duty, and the circumstances reported to the Department of the Interior for final action.

SEC. 2069. In all cases of the appointments of interpreters or other persons employed for the benefit of the Indians, a preference shall be given to persons of Indian descent, if such can be found, who are properly qualified for the execution of the duties.

Preference to Indians for interpreters.

30 June, 1834, c. 162, s. 9, v. 4, p. 737. Salaries of interpreters.

SEC. 2070. The salaries of interpreters lawfully employed in the service of the United States, in Oregon, Utah, and New Mexico, shall be five hundred dollars a year each, and of all so employed elsewhere, four hundred dollars a year each.

27 Feb., 1851, c. 14, s. 8, v. 9, p. 587. 14 Feb., 1873, c. 138, s. 1, v. 17, p. 437.

SEC. 2071. The President may, in every case where he shall judge improvement in the habits and condition of such Indians practicable, and that the means of instruction can be introduced with their own consent, employ capable persons of good moral character to instruct them in the mode of agriculture suited to their situation; and for teaching their children in reading, writing, and arithmetic, and performing such other duties as may be enjoined according to such instructions and rules as the President may give and prescribe for the regulation of their conduct, in the discharge of their duties. A report of the proceedings adopted in the execution of this provision shall be annually laid before Congress.

Instruction of Indians.

3 March, 1819, c. 85, v. 3, p. 516.

SEC. 2072. Where any of the tribes are, in the opinion of the Secretary of the Interior, competent to direct the employment of their blacksmiths, mechanics, teachers, farmers, or other persons engaged for them, the direction of such persons may be given to the proper authority of the tribe.

When tribes may direct the employment of blacksmiths, &c.

30 June, 1834, c. 162, s. 9, v. 4, p. 737.

SEC. 2073. The Secretary of the Interior shall, under the direction of the President, cause to be discontinued the services of such sub-agents, interpreters, and mechanics, as may from time to time become unnecessary, in consequence of the immigration of the Indians, or other causes.

Discontinuance of the offices of sub-agents, interpreters, &c.

9 July, 1832, c. 174, s. 5, v. 4, p. 564.

SEC. 2074. No person shall hold more than one office at the same time under this Title, nor shall any agent, sub-agent, interpreter, or person employed under this Title, receive his salary while absent from his agency or employment, without leave of the superintendent, or Secretary of the Interior; but such absence shall at no time exceed sixty days.

No person to hold two offices; leave of absence.

30 June, 1834, c. 162, s. 10, v. 4, p. 737.

SEC. 2075. The President may, from time to time, require additional security, and in larger amounts, from all persons charged or trusted, under the laws of the United States, with the disbursement or application of money, goods, or effects of any kind, on account of Indian affairs.

Additional security.

30 June, 1834, c. 162, s. 8, v. 4, p. 737.

SEC. 2076. The several compensations prescribed by this Title shall be in full of all emoluments or allowances whatsoever. But where necessary, a reasonable allowance or provision may be made for offices and office contingencies.

Compensation prescribed to be in full.

30 June, 1834, c. 162, s. 10, v. 4, p. 737.

SEC. 2077. Where persons are required, in the performance of their duties, under this Title, to travel from one place to another, their actual expenses, or a reasonable sum in lieu thereof, may be allowed them, except that no allowance shall be made to any person for travel or expenses in coming to the seat of Government to settle his accounts, unless thereto required by the Secretary of the Interior.

Allowance for traveling expenses.

30 June, 1834, c. 162, s. 10, v. 4, p. 737.

SEC. 2078. No person employed in Indian affairs shall have any interest or concern in any trade with the Indians, except for, and on account of, the United States; and any person offending herein, shall be liable to a penalty of five thousand dollars, and shall be removed from his office.

Minis vs. U. S., 15 Pet., 423.

Persons employed in Indian affairs not to trade with the Indians.

30 June, 1834, c. 162, s. 14, v. 4, p. 738.

CHAPTER TWO.

PERFORMANCE OF ENGAGEMENTS BETWEEN THE UNITED STATES AND INDIANS.

| Sec. | Sec. |
|--|---|
| 2079. No future treaties with Indian tribes. | 2097. Misapplication of funds belonging to the Indians prohibited. |
| 2080. Abrogation of treaties. | 2098. Indian depredations, how paid. |
| 2081. Payment of certain annuities in coin. | 2099. Funds for education. |
| 2082. Payment of annuities in goods. | 2100. Annuities of Indians hostile to United States. |
| 2083. Purchase of goods for the Indians. | 2101. Goods withheld from chiefs who have violated treaty stipulations. |
| 2084. Manner of purchase. | 2102. Moneys due Indians holding American captives. |
| 2085. Claims for supplies for Indians. | 2103. Contracts with the Indians. |
| 2086. Modes of paying annuities and distributing goods. | 2104. Payments under contracts restricted. |
| 2087. Withholding of annuities on account of intoxicating liquors. | 2105. Penalty for receiving moneys from Indians under prohibited contracts. |
| 2088. Persons to be present at delivery of annuities. | 2106. Assignments of contracts restricted. |
| 2089. Mode of disbursements. | 2107. Restriction on payments to contractors, &c., until accounts and vouchers submitted, &c. |
| 2090. Mode of distribution of goods | 2108. Moneys due incompetent or orphan Indians. |
| 2091. Annual accounts of disbursements, &c. | 2109. Number of Indians present and receiving food, &c., to be reported. |
| 2092. Restriction on advances to superintendents, &c. | 2110. Rations for Indians. |
| 2093. Disposal of proceeds of sales of Indian lands. | |
| 2094. Appropriation of moneys to carry out Indian treaties. | |
| 2095. Investments of stock required by treaties. | |
| 2096. Investment of proceeds of lands. | |

No future treaties with Indian tribes.

3 March, 1871, c. 120, s. 1, v. 16, p. 566.

Abrogation of treaties.

5 July, 1862, c. 135, s. 1, v. 12, p. 526.

Payment of certain annuities in coin.

3 March, 1865, c.

Payment of annuities in goods.

30 June, 1834, c. 162, s. 12, v. 4, p. 737.

Purchase of goods for the Indians.

30 June, 1834, c. 162, s. 13, v. 4, p. 737.

Manner of purchase.

5 July, 1862, c. 135, s. 5, v. 12, p. 529.

SEC. 2079. No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March third, eighteen hundred and seventy-one, shall be hereby invalidated or impaired.

SEC. 2080. Whenever the tribal organization of any Indian tribe is in actual hostility to the United States, the President is authorized, by proclamation, to declare all treaties with such tribe abrogated by such tribe, if in his opinion the same can be done consistently with good faith and legal and national obligations.

SEC. 2081. The Secretary of the Treasury is authorized to pay in coin such of the annuities as by the terms of any treaty of the United States with any Indian tribe are required to be paid in coin.

127, s. 3, v. 13, p. 561.

SEC. 2082. The President may, at the request of any Indian tribe, to which any annuity is payable in money, cause the same to be paid in goods, purchased as provided in the next section.

SEC. 2083. All merchandise required by any Indian treaty for the Indians, payable after making of such treaty, shall be purchased under the direction of the Secretary of the Interior, upon proposals to be received, to be based on notices previously to be given; and all merchandise required at the making of any Indian treaty shall be purchased under the order of the Commissioner of Indian Affairs by such person as he shall appoint. All other purchases on account of the Indians, and all payments to them of money or goods, shall be made by such person as the President shall designate for that purpose.

SEC. 2084. No goods shall be purchased by the Office of Indian Affairs, or its agents, for any tribe, except upon the written requisition of the superintendent in charge of the tribe, and only upon public bids in the mode prescribed by the preceding section.

SEC. 2085. No claims for supplies for Indians, purchased without authority of law, shall be paid out of any appropriation for expenses of the Office of Indian Affairs, or for Indians.

Claims for supplies for Indians.

15 July, 1870, c. 296, s. 2, v. 16, p. 360.

SEC. 2086. The payment of all moneys and the distribution of all goods stipulated to be furnished to any Indians, or tribe of Indians, shall be made in one of the following ways, as the President or the Secretary of the Interior may direct:

Modes of paying annuities and distributing goods.

30 June, 1834, c. 162, s. 11, v. 4, p. 737.

First. To the chiefs of a tribe, for the tribe.

3 March, 1847, c. 66, s. 3, v. 9, p. 203.

Second. In cases where the imperious interest of the tribe or the individuals intended to be benefited, or any treaty stipulation, requires the intervention of an agency, then to such person as the tribe shall appoint to receive such moneys or goods; or if several persons be appointed, then upon the joint order or receipt of such persons.

30 Aug., 1852, c. 103, s. 3, v. 10, p. 56.

Third. To the heads of the families and to the individuals entitled to participate in the moneys or goods.

15 July, 1870, c. 296, ss. 2, 3, v. 16, p. 360.

Fourth. By consent of the tribe, such moneys or goods may be applied directly, under such regulations, not inconsistent with treaty stipulations, as may be prescribed by the Secretary of the Interior, to such purposes as will best promote the happiness and prosperity of the members of the tribe, and will encourage able-bodied Indians in the habits of industry and peace.

SEC. 2087. No annuities, or moneys, or goods, shall be paid or distributed to Indians while they are under the influence of any description of intoxicating liquor, nor while there are good and sufficient reasons leading the officers or agents, whose duty it may be to make such payments or distribution, to believe that there is any species of intoxicating liquor within convenient reach of the Indians, nor until the chiefs and head-men of the tribe shall have pledged themselves to use all their influence and to make all proper exertions to prevent the introduction and sale of such liquor in their country.

Withholding of annuities on account of intoxicating liquors.

3 March, 1847, c. 66, s. 3, v. 9, p. 203.

SEC. 2088. The superintendent, agent, or sub-agent, together with such military officer as the President may direct, shall be present, and certify to the delivery of all goods and money required to be paid or delivered to the Indians.

Persons to be present at delivery of annuities.

30 June, 1834, c. 162, s. 13, v. 4, p. 737.—*Minis vs. U. S.*, 15 Pet., 423.

SEC. 2089. At the discretion of the President all disbursements of moneys, whether for annuities or otherwise, to fulfill treaty stipulations with individual Indians or Indian tribes, shall be made in person by the superintendents of Indian affairs, where superintendencies exist, to all Indians or tribes within the limits of their respective superintendencies, in the presence of the local agents and interpreters, who shall witness the same, under such regulations as the Secretary of the Interior may direct.

Mode of disbursements.

3 March, 1857, c. 90, s. 1, v. 11, p. 169.

SEC. 2090. Whenever goods and merchandise are delivered to the chiefs of a tribe, for the tribe, such goods and merchandise shall be turned over by the agent or superintendent of such tribe to the chiefs in bulk, and in the original package, as nearly as practicable, and in the presence of the head-men of the tribe, if practicable, to be distributed to the tribe by the chiefs in such manner as the chiefs may deem best, in the presence of the agent or superintendent.

Mode of distribution of goods.

10 April, 1869, c. 16, s. 2, v. 16, p. 39.

SEC. 2091. All persons whatsoever, charged or trusted with the disbursement or application of money, goods, or effects of any kind for the benefit of the Indians, shall settle their accounts, annually, at the Department of the Interior on the first day of October; and copies of the same shall be laid before Congress at the commencement of the ensuing session, by the proper accounting officers; together with a list of the names of all persons to whom money, goods, or effects have been delivered within the preceding year, for the benefit of the Indians, specifying the amount and object for which they were intended, and showing who are delinquents, if any, in forwarding their accounts according to the provisions of this section; and, also, with a list of the

Annual accounts of disbursements, &c.

30 June, 1834, c. 162, s. 13, v. 4, p. 737.

Restriction on advances to superintendents, &c.

27 June, 1846, c. 34, s. 1, v. 9, p. 20.

Disposal of proceeds of sales of Indian lands.

9 Jan., 1837, c. 1, s. 1, v. 5, p. 135.

Appropriation of moneys to carry out Indian treaties.

9 Jan., 1837, c. 1, s. 2, v. 5, p. 135.

Investments of stock required by treaties.

9 Jan., 1837, c. 1, s. 3, v. 5, p. 135.

Investment of proceeds of lands.

9 Jan., 1837, c. 1, s. 4, v. 5, p. 135.

Misapplication of funds belonging to the Indians prohibited.

26 July, 1866, c. 266, s. 2, v. 14, p. 280.

Indian depredations, how paid.

15 July, 1870, c. 296, s. 4, v. 16, p. 360.

Funds for education.

29 July, 1848, c. 118, s. 2, v. 9, p. 264.

Annuities of Indians hostile to United States.

2 March, 1867, c. 173, s. 2, v. 14, p. 515.

names of all persons appointed or employed under this Title, with the dates of their appointment or employment, and the salary and pay of each.

SEC. 2092. No superintendent of Indian affairs, or Indian agent, or other disbursing officer in such service, shall have advanced to him, on Indian or public account, any money to be disbursed in future, until such superintendent, agent, or officer in such service has settled his accounts of the preceding year, and has satisfactorily shown that all balances in favor of the Government, which may appear to be in his hands, are ready to be paid over on the order of the Secretary of the Interior.

SEC. 2093. All moneys received from the sales of lands that have been, or may be hereafter, ceded to the United States by Indian tribes, by treaties providing for the investment or payment to the Indians, parties thereto, of the proceeds of the lands ceded by them, respectively, after deducting the expenses of survey and sale, any sums stipulated to be advanced, and the expenses of fulfilling any engagements contained therein, shall be paid into the Treasury in the same manner that moneys received from the sales of public lands are paid into the Treasury.

SEC. 2094. All sums that are or may be required to be paid, and all moneys that are or may be required to be invested by the treaties mentioned in the preceding section, are appropriated in conformity to them, and shall be drawn from the Treasury as other public moneys are drawn therefrom, under such instructions as may from time to time be given by the President.

SEC. 2095. All investments of stock, that are or may be required by treaties with the Indians, shall be made under the direction of the President; and special accounts of the funds under such treaties shall be kept at the Treasury, and statements thereof be annually laid before Congress.

SEC. 2096. The Secretary of the Interior shall invest in a manner which shall be in his judgment most safe, and beneficial for the fund, all moneys that may be received under treaties containing stipulations for the payment to the Indians, annually, of interest upon the proceeds of the lands ceded by them; and he shall make no investment of such moneys, or of any portion, at a lower rate of interest than five per centum per annum.

SEC. 2097. No funds belonging to any Indian tribe with which treaty relations exist shall be applied in any manner not authorized by such treaty, or by express provisions of law; nor shall money appropriated to execute a treaty be transferred or applied to any other purpose, unless expressly authorized by law.

SEC. 2098. No part of the moneys which may be appropriated in any general act or deficiency bill making appropriations for the current and contingent expenses incurred in Indian affairs, to pay annuities due to or to be used and expended for the care and benefit of any tribe or tribes of Indians, shall be applied to the payment of any claim for depredations that may have been or may be committed by such tribe or tribes, or any member or members thereof. No claims for Indian depredations shall be paid until Congress shall make special appropriation therefor.

SEC. 2099. No moneys which may be appropriated for the purposes of education among the Indian tribes shall be expended for any such object elsewhere than in Indian country. But this provision shall not apply to appropriations the expenditure of which is authorized by treaty stipulations, to be made under the direction either of the President or of the Indian tribes, respectively.

SEC. 2100. No moneys or annuities stipulated by any treaty with an Indian tribe for which appropriations are made shall be expended for, or paid, or delivered to any tribe which, since the next preceding payment under such treaty, has engaged in hostilities against the United

States, or against its citizens peacefully or lawfully sojourning or traveling within its jurisdiction at the time of such hostilities; nor in such case shall such stipulated payments or deliveries be resumed until new appropriations shall have been made therefor by Congress. And the Commissioner of Indian Affairs shall report to Congress, at each session, any case of hostilities, by any tribe with which the United States has treaty stipulations, which has occurred since his next preceding report.

SEC. 2101. No delivery of goods or merchandise shall be made to the chiefs of any tribe, by authority of any treaty, if such chiefs have violated the stipulations contained in such treaty upon their part.

Goods withheld from chiefs who have violated treaty stipulations.

10 April, 1869, c. 16, s. 2, v. 16, p. 39.

SEC. 2102. The Secretary of the Interior shall withhold from any tribe of Indians who may hold American captives, any moneys due them from the United States, until such captives have been surrendered to the lawful authorities of the United States.

Moneys due Indians holding American captives.

15 May, 1870, Res.

No. 62, s. 3, v. 16, p. 377.

SEC. 2103. No agreement shall be made by any person with any tribe of Indians, or individual Indians not citizens of the United States, for the payment or delivery of any money or other thing of value, in present or in prospective, for the granting or procuring any privilege to him, or any other person in consideration of services for said Indians relative to their lands, or to any claims growing out of, or in reference to, annuities, installments, or other moneys, claims, demands, or thing, under laws or treaties with the United States, or official acts of any officers thereof, or in any way connected with or due from the United States, unless such contract or agreement be executed and approved as follows:

Contracts with the Indians.

3 March, 1871, c.

120, s. 3, v. 16, p. 570.

21 May, 1872, c. 177, ss. 1, 2, v. 17, p. 136.

First. Such agreement shall be in writing, and a duplicate of it delivered to each party.

Second. It shall be executed before a judge of a court of record, and bear the approval of the Secretary of the Interior and the Commissioner of Indian Affairs indorsed upon it.

Third. It shall contain the names of all parties in interest, their residence and occupation; and if made with a tribe, by their tribal authorities, the scope of authority and the reason for exercising that authority, shall be given specifically.

Fourth. It shall state the time when and place where made, the particular purpose for which made, the special thing or things to be done under it, and, if for the collection of money, the basis of the claim, the source from which it is to be collected, the disposition to be made of it when collected, the amount or rate per centum of the fee in all cases; and if any contingent matter or condition constitutes a part of the contract or agreement, it shall be specifically set forth.

Fifth. It shall have a fixed limited time to run, which shall be distinctly stated.

Sixth. The judge before whom such contract or agreement is executed shall certify officially the time when and place where such contract or agreement was executed, and that it was in his presence, and who are the interested parties thereto, as stated to him at the time; the parties present making the same; the source and extent of authority claimed at the time by the contracting parties to make the contract or agreement, and whether made in person or by agent or attorney of either party or parties.

All contracts or agreements made in violation of this section shall be null and void, and all money or other thing of value paid to any person by any Indian or tribe, or any other else, for or on his or their behalf, on account of such services, in excess of the amount approved by the Commissioner and Secretary for such services, may be recovered by suit in the name of the United States in any court of the United States, regardless of the amount in controversy; and one-half thereof shall be paid to the person suing for the same, and the other half shall be paid into the Treasury for the use of the Indian or tribe by or for whom it was so paid.

Payments under contracts restricted.

21 May, 1872, c. 177, s. 2, v. 17, p. 136.

Penalty for receiving moneys from Indians under prohibited contracts.

3 March, 1871, c. 120, s. 3, v. 16, p. 570.

Assignments of contracts restricted.

21 May, 1872, c. 177, s. 2, v. 17, p. 136.

Restriction on payments to contractors, &c., until accounts and vouchers submitted, &c.

3 March, 1871, c. 120, s. 1, v. 16, p. 568.

Moneys due incompetent or orphan Indians.

5 July, 1862, c. 135, s. 6, v. 12, p. 529.

SEC. 2104. No money shall be paid to any agent or attorney by an officer of the United States under any such contract or agreement, other than the fees due him for services rendered thereunder; but the moneys due the tribe, Indian, or Indians, as the case may be, shall be paid by the United States, through its own officers or agents, to the party or parties entitled thereto; and no money or thing shall be paid to any person for services under such contract or agreement, until such person shall have first filed with the Commissioner of Indian Affairs a sworn statement, showing each particular act of service under the contract, giving date and fact in detail, and the Secretary of the Interior and Commissioner of Indian Affairs shall determine therefrom whether, in their judgment, such contract or agreement has been complied with or fulfilled; if so, the same may be paid, and, if not, it shall be paid in proportion to the services rendered under the contract.

SEC. 2105. The person so receiving such money contrary to the provisions of the two preceding sections, and his aiders and abettors, shall, in addition to the forfeiture of such sum, be punishable by imprisonment for not less than six months, and by a fine of not less than one thousand dollars. And it shall be the duty of all district attorneys to prosecute such cases when applied to to do so, and their failure and refusal shall be ground for their removal from office. Any Indian agent, or other person in the employment of the United States, who shall, in violation of the provisions of the preceding section, advise, sanction, or in any way aid in the making of such contracts or agreements, or in making such payments as are here prohibited, shall, in addition to the punishment herein imposed on the person making such contract, or receiving such money, be, on conviction, dismissed from the service of the United States, and be forever disqualified from holding any office of profit or trust under the same.

SEC. 2106. No assignment of any contracts embraced by section twenty-one hundred and three, or of any part of one shall be valid, unless the names of the assignees and their residences and occupations be entered in writing upon the contract, and the consent of the Secretary of the Interior and the Commissioner of Indian Affairs to such assignment be also indorsed thereon.

SEC. 2107. No payments shall be made by any officer of the United States to contractors for goods or supplies of any sort furnished to the Indians, or for the transportation thereof, or for any buildings or machinery erected or placed on their reservations, under or by virtue of any contract entered into with the Department of the Interior, or any branch thereof, on the receipts or certificates of the Indian agents or superintendents for such supplies, goods, transportation, buildings, or machinery beyond fifty per cent. of the amount due, until the accounts and vouchers shall have been submitted to the executive committee of the board of Indian commissioners appointed by the President for examination, revisal, and approval; and such board of commissioners shall, without unnecessary delay, forward the accounts and vouchers so submitted to them to the Secretary of the Interior, with the reasons for their approval or disapproval of the same, in whole or in part, attached thereto; and the Secretary shall have power to sustain, set aside, or modify the action of the board, and cause payment to be made or withheld, as he may determine.

SEC. 2108. The Secretary of the Interior is directed to cause settlements to be made with all persons appointed by Indian councils to receive moneys due to incompetent or orphan Indians, and to require all moneys found due to such incompetent or orphan Indians to be returned to the Treasury; and all moneys so returned shall bear interest at the rate of six per centum per annum, until paid by order of the Secretary of the Interior to those entitled to the same. No money shall be paid to any person appointed by any Indian council to receive moneys due to incompetent or orphan Indians, but the same shall remain in the Treasury of the United States until ordered to be paid by

the Secretary to those entitled to receive the same, and shall bear six per centum interest until so paid.

SEC. 2109. Whenever the issue of food, clothing, or supplies of any kind to Indians is provided for, it shall be the duty of the agent or commissioner issuing the same, at such issue thereof, whether it be both of food and clothing, or either of them, or of any kind of supplies, to report to the Commissioner of Indian Affairs the number of Indians present and actually receiving the same.

SEC. 2110. The President is authorized to cause such rations as he deems proper, and as can be spared from the Army provisions without injury to the service, to be issued, under such regulations as he shall think fit to establish, to Indians who may visit the military posts or agencies of the United States on the frontiers, or in their respective nations; and a special account of these issues shall be kept and rendered.

Number of Indians present and receiving food, &c., to be reported.

14 Feb., 1873, c. 138, s. 7, v. 17, pp. 463-464.

Rations for Indians.

30 June, 1834, c. 162, s. 16, v. 4, p. 738.

CHAPTER THREE.

GOVERNMENT AND PROTECTION OF INDIANS.

Sec.
2111. Sending seditious messages, penalty.
2112. Carrying seditious messages, penalty.
2113. Correspondence with foreign nations to excite Indians to war, penalty.
2114. General superintendence by President over tribes removed west of the Mississippi.
2115. Survey of Indian reservations.
2116. Purchases or grants from Indians.
2117. Driving stock to feed on Indian lands.
2118. Settling on or surveying lands belonging to Indians by treaty.

Sec.
2119. Protection of Indians desiring civilized life.
2120. Indians trespassing on lands of civilized Indians.
2121. Suspension of chief for trespass.
2122. Sale of buildings belonging to the United States.
2123. Sale of lands with buildings.
2124. Penalties, how recovered.
2125. Proceedings against goods.
2126. Burden of proof.

SEC. 2111. Every person who sends any talk, speech, message, or letter to any Indian nation, tribe, chief, or individual, with an intent to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace and tranquillity of the United States, is liable to a penalty of two thousand dollars.

SEC. 2112. Every person who carries or delivers any talk, message, speech, or letter, intended to produce a contravention or infraction of any treaty or law of the United States, or to disturb the peace or tranquillity of the United States, knowing the contents thereof, to or from any Indian nation, tribe, chief, or individual, from or to any person or persons whatever, residing within the United States, or from or to any subject, citizen, or agent of any foreign power or state, is liable to a penalty of one thousand dollars.

SEC. 2113. Every person who carries on a correspondence, by letter or otherwise, with any foreign nation or power, with an intent to induce such foreign nation or power to excite any Indian nation, tribe, chief, or individual, to war against the United States, or to the violation of any existing treaty; or who alienates, or attempts to alienate, the confidence of any Indian or Indians from the Government of the United States, is liable to a penalty of one thousand dollars. [See § 5335.]

SEC. 2114. The President is authorized to exercise general superintendence and care over any tribe or nation which was removed upon an exchange of territory under authority of the act of May twenty-eighth, eighteen hundred and thirty, "to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the Mississippi;" and to cause such tribe or nation to be protected, at their new residence, against all interruption or disturbance from any other tribe or nation of Indians, or from any other person or persons whatever.

Sending seditious messages; penalty.

30 June, 1834, c. 161, s. 13, v. 4, p. 731.

Carrying seditious messages; penalty.

30 June, 1834, c. 161, s. 14, v. 4, p. 731.

Correspondence with foreign nations, to excite Indians to war; penalty.

30 June, 1834, c. 161, s. 15, v. 4, p. 731.

General superintendence by the President over tribes removed west of the Mississippi.

28 May, 1839, c. 148, ss. 7, 8, v. 4, p. 412.

Survey of Indian reservations.

8 April, 1864, c. 48, s. 6, v. 13, p. 41.

Purchases or grants from Indians.

30 June, 1834, c. 161, s. 12, v. 4, p. 730.

Johnson's Lessee vs. McIntosh, 8 Wh., 543.

Driving stock to feed on Indian lands.

30 June, 1834, c. 161, s. 9, v. 4, p. 730.

Settling on or surveying lands belonging to Indians by treaty.

30 June, 1834, c. 161, s. 11, v. 4, p. 730.

Worcester vs. Georgia, 6 Pet., 515; *Clark vs. Smith*, 13 Pet., 195; *Lattimer vs. Poteet*, 14 Pet., 4; *Lowry vs. Weaver*, 4 McLean, 82.

Protection of Indians desiring civilized life.

14 June, 1862, c. 101, s. 1, v. 12, p. 427.

Indians trespassing upon lands of civilized Indians.

14 June, 1862, c. 101, s. 2, v. 12, p. 427.

Suspension of chief for trespass.

14 June, 1862, c. 101, s. 3, v. 12, p. 427.

SEC. 2115. Whenever it becomes necessary to survey any Indian or other reservations, or any lands, the same shall be surveyed under the direction and control of the General Land-Office, and as nearly as may be in conformity to the rules and regulations under which other public lands are surveyed.

SEC. 2116. No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian nation or tribe of Indians, shall be of any validity in law or equity, unless the same be made by treaty or convention entered into pursuant to the Constitution. Every person who, not being employed under the authority of the United States, attempts to negotiate such treaty or convention, directly or indirectly, or to treat with any such nation or tribe of Indians for the title or purchase of any lands by them held or claimed, is liable to a penalty of one thousand dollars. The agent of any State who may be present at any treaty held with Indians under the authority of the United States, in the presence and with the approbation of the commissioner of the United States appointed to hold the same, may, however, propose to, and adjust with, the Indians the compensation to be made for their claim to lands within such State, which shall be extinguished by treaty.

SEC. 2117. Every person who drives or otherwise conveys any stock of horses, mules, or cattle, to range and feed on any land belonging to any Indian or Indian tribe, without the consent of such tribe, is liable to a penalty of one dollar for each animal of such stock.

SEC. 2118. Every person who makes a settlement on any lands belonging, secured, or granted by treaty with the United States to any Indian tribe, or surveys or attempts to survey such lands, or to designate any of the boundaries by marking trees, or otherwise, is liable to a penalty of one thousand dollars. The President may, moreover, take such measures and employ such military force as may judge necessary to remove any such person from the lands.

SEC. 2119. Whenever any Indian, being a member of any band or tribe with whom the Government has or shall have entered into treaty stipulations, being desirous to adopt the habits of civilized life, has had a portion of the lands belonging to his tribe allotted to him in severalty, in pursuance of such treaty stipulations, the agent and superintendent of such tribe shall take such measures, not inconsistent with law, as may be necessary to protect such Indian in the quiet enjoyment of the lands so allotted to him.

SEC. 2120. Whenever any person of Indian blood belonging to a band or tribe which receives or is entitled to receive annuities from the United States, and who has not adopted the habits and customs of civilized life, and received his lands in severalty by allotment, as mentioned in the preceding section, commits any trespass upon the lands or premises of any Indian who has so received his lands by allotment, the superintendent and agent of such band or tribe shall ascertain the damages resulting from such trespass, and the sum so ascertained shall be withheld from the payment next thereafter to be made, either to the band or tribe to which the party committing such trespass shall belong, as in the discretion of the superintendent he shall deem proper; and the sum so withheld shall, if the Secretary of the Interior approves, be paid over by the agent or superintendent to the party injured.

SEC. 2121. Whenever such trespasser as is mentioned in the preceding section is the chief or head-man of a band or tribe, the superintendent of Indian affairs in his district shall also suspend the trespasser from his office for three months, and shall during that time deprive him of all the benefits and emoluments connected therewith; but the chief or head-man may be sooner restored to his former standing if the superintendent shall so direct.

SEC. 2122. The Secretary of the Interior is authorized to cause all such buildings belonging to the United States, as have been, or hereafter shall be, erected for the use of their agents, teachers, farmers, mechanics, and other persons employed amongst the Indians, to be sold whenever the lands on which the same are erected have become the property of the United States, and are no longer necessary for such purposes.

SEC. 2123. The Secretary of the Interior is authorized to cause to be sold, at his discretion, with each of such buildings as are mentioned in the preceding section, a quantity of land not exceeding one section; and on the payment of the consideration agreed for into the Treasury of the United States by the purchaser, the Secretary shall make, execute, and deliver to the purchaser a title in fee-simple for such lands and tenements.

SEC. 2124. All penalties which shall accrue under this Title shall be sued for and recovered in an action in the nature of an action of debt, in the name of the United States, before any court having jurisdiction of the same, in any State or Territory in which the defendant shall be arrested or found, the one-half to the use of the informer and the other half to the use of the United States, except when the prosecution shall be first instituted on behalf of the United States, in which case the whole shall be to their use.

SEC. 2125. When goods or other property shall be seized for any violation of this Title, it shall be lawful for the person prosecuting on behalf of the United States to proceed against such goods, or other property, in the manner directed to be observed in the case of goods, wares, or merchandise brought into the United States in violation of the revenue laws.

SEC. 2126. In all trials about the right of property in which an Indian may be a party on one side, and a white person on the other, the burden of proof shall rest upon the white person, whenever the Indian shall make out a presumption of title in himself from the fact of previous possession or ownership.

Sale of buildings belonging to the United States.

3 March, 1843, c. 78, s. 1, v. 5, p. 611.

Sale of lands with buildings.

3 March, 1843, c. 78, s. 2, v. 5, p. 611.

Penalties, how recovered.

30 June, 1834, c. 161, s. 27, v. 4, p. 733.

Proceedings against goods.

30 June, 1834, c. 161, s. 28, v. 4, p. 734.

Burden of proof.

30 June, 1834, c. 161, s. 22, v. 4, p. 733.

CHAPTER FOUR.

GOVERNMENT OF INDIAN COUNTRY.

- Sec.
2127. Sale of cattle, &c., of the Indians by agents.
2128. Trading with Indians.
2129. License to trade.
2130. Refusal of license.
2131. Revocation of license.
2132. Prohibition of trade by the President.
2133. Penalty for trading without a license.
2134. Penalty upon foreigners entering Indian country without passports.
2135. Prohibited purchases and sales.
2136. Trading or selling arms, &c., in any district occupied by uncivilized or hostile Indians.
2137. Prohibition of hunting on Indian lands.
2138. Penalty for removing cattle from Indian country.
2139. Penalty for selling spirituous liquors in Indian country.
2140. Powers of superintendents, &c., to search for concealed liquors.
2141. Penalty for setting up distillery in Indian country.
2142. Assault.

- Sec.
2143. Arson.
2144. The laws defining, &c., forgery and depredations on mails extended to Indian country.
2145. General laws as to punishment of crimes extended to the Indian country.
2146. Exception to the operation of the preceding section.
2147. Removal of persons.
2148. Penalty for return.
2149. Removal from reservations.
2150. Employment of the military in apprehending persons violating the law.
2151. Detention of persons apprehended by the military.
2152. Arrest of absconding Indians guilty of crime.
2153. Executing process.
2154. Reparation for injured property.
2155. Payment where the offender is unable.
2156. Injuries to property by Indians.
2157. Superintendents authorized to take depositions.

SEC. 2127. The agent of each tribe of Indians, lawfully residing in the Indian country, is authorized to sell for the benefit of such Indians any

Sale of cattle, &c., of the Indians by agents.

3 March, 1865, c. 127, s. 9, v. 13, p. 563.

cattle, horses, or other live stock belonging to the Indians, and not required for their use and subsistence, under such regulations as shall be established by the Secretary of the Interior. But no such sale shall be made so as to interfere with the execution of any order lawfully issued by the Secretary of War, connected with the movement or subsistence of troops.

Trading with Indians.

26 July, 1866, c. 266, s. 4, v. 14, p. 280.

SEC. 2128. Any loyal person, a citizen of the United States, of good moral character, shall be permitted to trade with any Indian tribe upon giving bond to the United States in the penal sum of not less than five nor more than ten thousand dollars, with at least two good sureties, to be approved by the superintendent of the district within which such person proposes to trade, or by the United States district judge or district attorney for the district in which the obligor resides, renewable each year, conditioned that such person will faithfully observe all laws and regulations made for the government of trade and intercourse with the Indian tribes, and in no respect violate the same.

License to trade.

30 June, 1834, c. 161, s. 2, v. 4, p. 729.

U. S. vs. Cisma, 1 McLean, 254.

SEC. 2129. No person shall be permitted to trade with any of the Indians in the Indian country without a license therefor from a superintendent of Indian affairs, or Indian agent, or sub-agent, which license shall be issued for a term not exceeding two years for the tribes east of the Mississippi, and not exceeding three years for the tribes west of that river.

Refusal of license.

30 June, 1834, c. 161, s. 3, v. 4, p. 729.

SEC. 2130. Any superintendent or agent may refuse an application for a license to trade, if he is satisfied that the applicant is a person of bad character, or that it would be improper to permit him to reside in the Indian country, or if a license, previously granted to such applicant, has been revoked, or a forfeiture of his bond decreed. But an appeal may be had from the agent or the superintendent to the Commissioner of Indian Affairs.

Revocation of license.

30 June, 1834, c. 161, s. 2, v. 4, p. 729.

SEC. 2131. The superintendent of the district shall have power to revoke and cancel any license to trade within the Indian country whenever the person licensed has, in his opinion, transgressed any of the laws or regulations provided for the government of trade and intercourse with the Indian tribes, or whenever, in his opinion, it is improper to permit such person to remain in the Indian country. No trade with the tribes shall be carried on within their boundary, except at certain suitable and convenient places, to be designated from time to time by the superintendents, agents, and sub-agents, and to be inserted in the license. The persons granting or revoking such licenses shall forthwith report the same to the Commissioner of Indian Affairs, for his approval or disapproval.

Prohibition of trade by the President.

30 June, 1834, c. 161, s. 3, v. 4, p. 729.

SEC. 2132. The President is authorized, whenever in his opinion the public interest may require the same, to prohibit the introduction of goods, or of any particular article, into the country belonging to any Indian tribe, and to direct all licenses to trade with such tribe to be revoked, and all applications therefor to be rejected. No trader to any other tribe shall, so long as such prohibition may continue, trade with any Indians of or for the tribe against which such prohibition is issued.

Penalty for trading without a license.

30 June, 1834, c. 161, s. 4, v. 4, p. 729.

SEC. 2133. Any person other than an Indian who shall attempt to reside in the Indian country as a trader, or to introduce goods, or to trade therein without such license, shall forfeit all merchandise offered for sale to the Indians, or found in his possession, and shall moreover be liable to a penalty of five hundred dollars.

Penalty upon foreigners entering Indian country without passports.

30 June, 1834, c. 161, s. 6, v. 4, p. 730.

SEC. 2134. Every foreigner who shall go into the Indian country without a passport from the Department of the Interior, superintendent, agent, or sub-agent of Indian affairs, or officer of the United States commanding the nearest military post on the frontiers, or who shall remain intentionally therein after the expiration of such passport, shall be liable to a penalty of one thousand dollars. Every such passport shall express the object of such person, the time he is allowed to remain, and the route he is to travel.

SEC. 2135. Every person, other than an Indian, who, within the Indian country, purchases or receives of any Indian, in the way of barter, trade, or pledge, a gun, trap, or other article commonly used in hunting, any instrument of husbandry, or cooking utensils of the kind commonly obtained by the Indians in their intercourse with the white people, or any article of clothing, except skins or furs, shall be liable to a penalty of fifty dollars.

SEC. 2136. If any trader, his agent, or any person acting for or under him, shall sell any arms or ammunition at his trading-post or other place within any district or country occupied by uncivilized or hostile Indians, contrary to the rules and regulations of the Secretary of the Interior, such trader shall forfeit his right to trade with the Indians, and the Secretary shall exclude such trader, and the agent, or other person so offending, from the district or country so occupied.

SEC. 2137. Every person, other than an Indian, who, within the limits of any tribe with whom the United States has existing treaties, hunts, or traps, or takes and destroys any peltries or game, except for subsistence in the Indian country, shall forfeit all the traps, guns, and ammunition in his possession, used or procured to be used for that purpose, and all peltries so taken; and shall be liable in addition to a penalty of five hundred dollars.

SEC. 2138. Every person who drives or removes, except by authority of an order lawfully issued by the Secretary of War, connected with the movement or subsistence of troops, any cattle, horses, or other stock from the Indian country for the purposes of trade or commerce, shall be punishable by imprisonment for not more than three years, or by a fine of not more than five thousand dollars, or both.

SEC. 2139. No ardent spirits shall be introduced, under any pretense, into the Indian country. Every person, except an Indian, in the Indian country, who sells, exchanges, gives, barter, or disposes of any spirituous liquors or wine to any Indian under the charge of any Indian superintendent or agent, or introduces or attempts to introduce any spirituous liquor or wine into the Indian country, shall be punishable by imprisonment for not more than two years, and by a fine of not more than three hundred dollars. But it shall be a sufficient defense to any charge of introducing or attempting to introduce liquor into the Indian country, that the acts charged were done by order of or under authority from the War Department, or any officer duly authorized thereunto by the War Department.

SEC. 2140. If any superintendent of Indian affairs, Indian agent, or sub-agent, or commanding officer of a military post, has reason to suspect or is informed that any white person or Indian is about to introduce or has introduced any spirituous liquor or wine into the Indian country in violation of law, such superintendent, agent, sub-agent, or commanding officer, may cause the boats, stores, packages, wagons, sleds, and places of deposit of such person to be searched; and if any such liquor is found therein, the same, together with the boats, teams, wagons, and sleds used in conveying the same, and also the goods, packages, and peltries of such person, shall be seized and delivered to the proper officer, and shall be proceeded against by libel in the proper court, and forfeited, one-half to the informer and the other half to the use of the United States; and if such person be a trader, his license shall be revoked and his bond put in suit. It shall moreover be the duty of any person in the service of the United States, or of any Indian, to take and destroy any ardent spirits or wine found in the Indian country, except such as may be introduced therein by the War Department. In all cases arising under this and the preceding section Indians shall be competent witnesses.

SEC. 2141. Every person who shall, within the Indian country, set up or continue any distillery for manufacturing ardent spirits, shall be liable to a penalty of one thousand dollars; and the superintendent of Indian affairs, Indian agent, or sub-agent, within the limits of whose

Prohibited purchases and sales.

30 June, 1834, c. 161, s. 7, v. 4, p. 730.

Trading or selling arms, &c., in any district occupied by uncivilized or hostile Indians.

14 Feb., 1873, c. 138, s. 1, v. 17, p. 459.

Prohibition of hunting on Indian lands.

30 June, 1834, c. 161, s. 8, v. 4, p. 730.

Penalty for removing cattle from Indian country.

3 March, 1865, c. 127, s. 8, v. 13, p. 563.

Penalty for selling spirituous liquors in Indian country.

9 July, 1832, c. 174, s. 4, v. 4, p. 564.
15 Mar., 1864, c. 33, v. 13, p. 29.

American Fur Com. vs. U. S., 2 Pet., 358; U. S. vs. Halliday, 3 Wall., 407.

Power of superintendents, &c., to search for concealed liquors.

15 March, 1864, c. 33, v. 13, p. 29.

American Fur Com. vs. U. S., 2 Pet., 358.

Penalty for setting up distillery in Indian country.

30 June, 1834, c. 161, s. 21, v. 4, p. 732.

agency any distillery of ardent spirits is set up or continued, shall forthwith destroy and break up the same.

Assault.

27 March, 1854, c. 26, s. 5, v. 10, p. 270.

SEC. 2142. Every white person who shall make an assault upon an Indian, or other person, and every Indian who shall make an assault upon a white person, within the Indian country, with a gun, rifle, sword, pistol, knife, or any other deadly weapon, with intent to kill or maim the person so assaulted, shall be punishable by imprisonment, at hard labor, for not more than five years, nor less than one year.

Arson.

27 March, 1854, c. 26, s. 4, v. 10, p. 270.

SEC. 2143. Every white person who shall set fire, or attempt to set fire, to any house, out-house, cabin, stable, or other building, in the Indian country, to whomsoever belonging; and every Indian who shall set fire to any house, out-house, cabin, stable, or other building, in the Indian country, in whole or in part belonging to or in lawful possession of a white person, and whether the same be consumed or not, shall be punishable by imprisonment at hard labor for not more than twenty-one years, nor less than two years.

The laws defining, &c., forgery and depredations on mails, extended to Indian country.

3 March, 1855, c. 204, s. 8, v. 10, p. 700.

General laws as to punishment of crimes extended to Indian country.

30 June, 1834, c. 161, s. 25, v. 4, p. 733. 27 March, 1854, c. 26, s. 3, v. 10, p. 270.—U. S. vs. Rogers, 4 How., 567.

Exceptions to the operation of the preceding sections.

27 March, 1854, c. 26, s. 3, v. 10, p. 270.

Removal of persons.

30 June, 1834, c. 161, s. 10, v. 4, p. 730.

Penalty for return.

18 Aug., 1856, c. 128, s. 2, v. 11, p. 80.

Removal from reservations.

12 June, 1858, c. 155, s. 2, v. 11, p. 332.

Employment of the military in apprehending persons violating the law.

30 June, 1834, c. 161, ss. 21, 23, v. 4, p. 732.

SEC. 2144. The general laws of the United States defining and prescribing punishments for forgery and for depredations upon the mails, shall extend to the Indian country.

SEC. 2145. Except as to crimes the punishment of which is expressly provided for in this Title, the general laws of the United States as to the punishment of crimes committed in any place within the sole and exclusive jurisdiction of the United States, except the District of Columbia, shall extend to the Indian country.

SEC. 2146. The preceding section shall not be construed to extend to any Indian committing any offense in the Indian country who has been punished by the local law of the tribe, or to any case where, by treaty stipulations, the exclusive jurisdiction over such offenses is or may be secured to the Indian tribes respectively.

SEC. 2147. The superintendent of Indian affairs, and the Indian agents and sub-agents, shall have authority to remove from the Indian country all persons found therein contrary to law; and the President is authorized to direct the military force to be employed in such removal.

SEC. 2148. If any person who has been removed from the Indian country shall thereafter at any time return or be found within the Indian country, he shall be liable to a penalty of one thousand dollars.

SEC. 2149. The Commissioner of Indian Affairs is authorized and required, with the approval of the Secretary of the Interior, to remove from any tribal reservation any person being therein without authority of law, or whose presence within the limits of the reservation may, in the judgment of the Commissioner, be detrimental to the peace and welfare of the Indians; and may employ for the purpose such force as may be necessary to enable the agent to effect the removal of such person.

SEC. 2150. The military forces of the United States may be employed in such manner and under such regulations as the President may direct—

First. In the apprehension of every person who may be in the Indian country in violation of law; and in conveying him immediately from the Indian country, by the nearest convenient and safe route, to the civil authority of the Territory or judicial district in which such person shall be found, to be proceeded against in due course of law;

Second. In the examination and seizure of stores, packages, and boats, authorized by law;

Third. In preventing the introduction of persons and property into the Indian country contrary to law; which persons and property shall be proceeded against according to law;

Fourth. And also in destroying and breaking up any distillery for

manufacturing ardent spirits set up or continued within the Indian country.

SEC. 2151. No person apprehended by military force under the preceding section shall be detained longer than five days after arrest and before removal. All officers and soldiers who may have any such person in custody shall treat him with all the humanity which the circumstances will permit.

SEC. 2152. The superintendents, agents, and sub-agents shall endeavor to procure the arrest and trial of all Indians accused of committing any crime, offense, or misdemeanor, and of all other persons who may have committed crimes or offenses within any State or Territory, and have fled into the Indian country, either by demanding the same of the chiefs of the proper tribe, or by such other means as the President may authorize. The President may direct the military force of the United States to be employed in the apprehension of such Indians, and also in preventing or terminating hostilities between any of the Indian tribes.

SEC. 2153. In executing process in the Indian country, the marshal may employ a posse comitatus, not exceeding three persons in any of the States respectively, to assist in executing process by arresting and bringing in prisoners from the Indian country, and allow them three dollars for each day in lieu of all expenses and services. [See § 533.]

SEC. 2154. Whenever, in the commission, by a white person, of any crime, offense, or misdemeanor, within the Indian country, the property of any friendly Indian is taken, injured, or destroyed, and a conviction is had for such crime, offense, or misdemeanor, the person so convicted shall be sentenced to pay to such friendly Indian to whom the property may belong, or whose person may be injured, a sum equal to twice the just value of the property so taken, injured, or destroyed.

SEC. 2155. If such offender shall be unable to pay a sum at least equal to the just value or amount, whatever such payment shall fall short of the same shall be paid out of the Treasury of the United States. If such offender cannot be apprehended and brought to trial, the amount of such property shall be paid out of the Treasury. But no Indian shall be entitled to any payment out of the Treasury of the United States, for any such property, if he, or any of the nation to which he belongs, have sought private revenge, or have attempted to obtain satisfaction by any force or violence.

SEC. 2156. If any Indian, belonging to any tribe in amity with the United States, shall, within the Indian country, take or destroy the property of any person lawfully within such country, or shall pass from Indian country into any State or Territory inhabited by citizens of the United States, and there take, steal, or destroy, any horse, or other property belonging to any citizen or inhabitant of the United States, such citizen or inhabitant, his representative, attorney, or agent, may make application to the proper superintendent, agent, or sub-agent, who, upon being furnished with the necessary documents and proofs, shall, under the direction of the President, make application to the nation or tribe to which such Indian shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time not exceeding twelve months, such superintendent, agent, or sub-agent shall make return of his doings to the Commissioner of Indian Affairs, that such further steps may be taken as shall be proper, in the opinion of the President, to obtain satisfaction for the injury.

SEC. 2157. The superintendents, agents, and sub-agents within their respective districts are authorized and empowered to take depositions of witnesses touching any depredations, within the purview of the three preceding sections, and to administer oaths to the deponents.

Detention of persons apprehended by the military.

Ibid., s. 23.

Arrest of absconding Indians guilty of crime.

30 June, 1834, c. 161, s. 19, v. 4, p. 732.

Executing process.

14 June, 1858, c. 163, s. 3, v. 11, p. 363.

Reparation for injured property.

30 June, 1834, c. 161, s. 16, v. 4, p. 731.

Payment where the offender is unable.

30 June, 1834, c. 161, s. 16, v. 4, p. 731.

Injuries to property by Indians.

30 June, 1834, c. 161, s. 17, v. 4, p. 731.

28 Feb., 1859, c. 66, s. 8, v. 11, p. 401.

Superintendents authorized to take depositions.

30 June, 1834, c. 161, s. 18, v. 4, p. 732.

TITLE XXIX.

IMMIGRATION.

| Sec. | | Sec. | |
|---|--|---|--|
| 2158. | Cooly-trade prohibited. | 2162. | This Title not to interfere with voluntary emigration. |
| 2159. | Vessels employed in cooly-trade shall be forfeited. | 2163. | Examination of vessels. |
| 2160. | Building vessels to engage in cooly-trade, how punished. | 2164. | No charge upon particular persons immigrating, &c. |
| 2161. | Punishment for violation of section 2158. | | |
| <p>Cooly-trade prohibited.</p> <p>19 Feb., 1862, c. 27, s. 1, v. 12, p. 340.</p> <p>9 Feb., 1869, c. 24, v. 15, p. 269.</p> | | <p>SEC. 2158. No citizen of the United States, or foreigner coming into or residing within the same, shall, for himself or for any other person, either as master, factor, owner, or otherwise, build, equip, load, or otherwise prepare, any vessel, registered, enrolled, or licensed, in the United States, for the purpose of procuring from any port or place the subjects of China, Japan, or of any other oriental country, known as "coolies," to be transported to any foreign port, or place, to be disposed of, or sold, or transferred, for any time, as servants or apprentices, or to be held to service or labor.</p> | |
| <p>Vessels employed in cooly-trade shall be forfeited.</p> <p>Ibid.</p> | | <p>SEC. 2159. If any vessel, belonging in whole or in part to a citizen of the United States, and registered, enrolled, or otherwise licensed therein, be employed in the "cooly-trade," so called, contrary to the provisions of the preceding section, such vessel, her tackle, apparel, furniture, and other appurtenances, shall be forfeited to the United States, and shall be liable to be seized, prosecuted, and condemned in any of the circuit courts or district courts of the United States for the district where the vessel may be found, seized, or carried.</p> | |
| <p>Building vessels to engage in cooly-trade, how punished.</p> <p>19 Feb., 1862, c. 27, s. 2, v. 12, p. 340.</p> | | <p>SEC. 2160. Every person who so builds, fits out, equips, loads, or otherwise prepares, or who sends to sea, or navigates, as owner, master, factor, agent, or otherwise, any vessel, belonging in whole or in part to a citizen of the United States, or registered, enrolled, or licensed within the same, knowing or intending that such vessel is to be or may be employed in that trade, contrary to the provisions of section twenty-one hundred and fifty-eight, shall be liable to a fine not exceeding two thousand dollars, and be imprisoned not exceeding one year.</p> | |
| <p>Punishment for violation of section 2158.</p> <p>19 Feb., 1862, c. 27, s. 3, v. 12, p. 340.</p> | | <p>SEC. 2161. Every citizen of the United States who, contrary to the provisions of section twenty-one hundred and fifty-eight, takes on board of any vessel, or receives or transports any such subjects as are described in that section, for the purpose of disposing of them in any way as therein prohibited, shall be liable to a fine not exceeding two thousand dollars and be imprisoned not exceeding one year.</p> | |
| <p>This Title not to interfere with voluntary emigration.</p> <p>19 Feb., 1862, c. 27, s. 4, v. 12, p. 341.</p> | | <p>SEC. 2162. Nothing herein contained shall be deemed to apply to any voluntary emigration of the subjects specified in section twenty-one hundred and fifty-eight, or to any vessel carrying such person as passenger on board the same, but a certificate shall be prepared and signed by the consul or consular agent of the United States residing at the port from which such vessel may take her departure, containing the name of such person, and setting forth the fact of his voluntary emigration from such port, which certificate shall be given to the master of such vessel; and the same shall not be given until such consul or consular agent is first personally satisfied by evidence of the truth of the facts therein contained.</p> | |
| <p>Examination of vessels.</p> <p>19 Feb., 1862, c. 27, s. 6, v. 12, p. 341.</p> | | <p>SEC. 2163. The President is empowered, in such way and at such time as he may judge proper, to direct the vessels of the United States, and the masters and commanders thereof, to examine all vessels navigated or owned in whole or in part by citizens of the United States,</p> | |

and registered, enrolled, or licensed under the laws thereof, whenever, in the judgment of such master or commanding officer, reasonable cause exists to believe that such vessel has on board any subjects of China, Japan, or other oriental country, known as "coolies;" and, upon sufficient proof that such vessel is employed in violation of the preceding provisions, to cause her to be carried, with her officers and crew, into any port or district within the United States, and delivered to the marshal of such district, to be held and disposed of according to law.

SEC. 2164. No tax or charge shall be imposed or enforced by any State upon any person immigrating thereto from a foreign country, which is not equally imposed and enforced upon every person immigrating to such State from any other foreign country.

No charge upon particular persons immigrating, &c.

31 May, 1870, c. 114, s. 16, v. 16, p. 144.

TITLE XXX.

NATURALIZATION.

Sec.
 2165. Aliens, how naturalized.
 2166. Aliens honorably discharged from military service.
 2167. Minor residents.
 2168. Widow and children of declarants.
 2169. Aliens of African nativity and descent.
 2170. Residence of five years in United States.

Sec.
 2171. Alien enemies not admitted.
 2172. Children of persons naturalized under certain laws to be citizens.
 2173. Police court of District of Columbia has no power to naturalize foreigners.
 2174. Naturalization of seamen.

Aliens, how naturalized.

Declaration of intention.

14 April, 1802, c. 28, ss. 1, 3, v. 2, pp. 153, 155.

26 May, 1824, c. 186, s. 4, v. 4, p. 69.

Campbell vs. Gordon, 6 Cr., 176; Stark vs. Chesapeake Insurance Co., 7 Cr. 420; Chirack vs. Chirack, 2 Wh., 259; Osborn vs. U. S. Bank, 9 Wh., 827; Spratt vs. Spratt, 4 Pet., 393.

Oath to support the Constitution of the United States.

14 April, 1802, c. 28, s. 1, v. 2, p. 153.

Residence in United States, or States, and good moral character.

Titles of nobility to be renounced.

Persons residing in the United States before 29 January, 1795.

SEC. 2165. An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise:

First. He shall declare on oath, before a circuit or district court of the United States, or a district or supreme court of the Territories, or a court of record of any of the States having common-law jurisdiction, and a seal and clerk, two years, at least, prior to his admission, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject.

Second. He shall, at the time of his application to be admitted, declare, on oath, before some one of the courts above specified, that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to every foreign prince, potentate, state, or sovereignty; and, particularly, by name, to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; which proceedings shall be recorded by the clerk of the court.

Third. It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the State or Territory where such court is at the time held, one year at least; and that during that time he has behaved as a man of a good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; but the oath of the applicant shall in no case be allowed to prove his residence.

Fourth. In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Fifth. Any alien who was residing within the limits and under the jurisdiction of the United States before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts above specified, that he has resided two years, at least, within the jurisdiction of the United States, and one year, at least, immediately preceding his application, within the State or Territory where such court is at the time held; and on his declaring on oath that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, po-

son, or state, or sovereignty, and that he has behaved as a man of a good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same; but the oath of the applicant shall in no case be allowed to prove his residence.

tentate, state, or sovereignty, and, particularly, by name, to the prince, potentate, state, or sovereignty whereof he was before a citizen or subject; and, also, on its appearing to the satisfaction of the court, that during such term of two years he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his, moreover, making in the court an express renunciation of his title or order of nobility. All of the proceedings, required in this condition to be performed in the court, shall be recorded by the clerk thereof.

Sixth. Any alien who was residing within the limits and under the jurisdiction of the United States, between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become such; but whenever any person, without a certificate of such declaration of intention, makes application to be admitted a citizen, it must be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same; and the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceding the time of such application, must be proved by the oath of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place where the applicant has resided for at least five years, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States.

SEC. 2166. Any alien, of the age of twenty-one years and upward, who has enlisted, or may enlist, in the armies of the United States, either the regular or the volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States.

SEC. 2167. Any alien, being under the age of twenty-one years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of section twenty-one hundred and sixty-five; but such alien shall make the declaration required therein at the time of his admission; and shall further declare, on oath, and prove to the satisfaction of the court, that, for two years next preceding, it has been his bona-fide intention to become a citizen of the United States; and he shall in all other respects comply with the laws in regard to naturalization.

Persons residing between 18 June, 1798, and 18 June, 1812.

22 March, 1816, c. 31, s. 2, v. 3, p. 259.
24 May, 1828, c. 116, s. 2, v. 4, p. 310.

Aliens honorably discharged from military service.

17 July, 1862, c. 200, s. 21, v. 12, p. 597.

Minor residents.

26 May, 1824, c. 186, s. 1, v. 4, p. 69.

Widow and children of declarants.

26 March, 1804, c. 47, s. 2, v. 2, p. 293.

Aliens of African nativity and descent.

14 July, 1870, c. 254, s. 7, v. 16, p. 256.

Residence of five years in United States.

3 March, 1813, c. 42, s. 12, v. 2, p. 811.

Alien enemies not admitted.

14 April, 1802, c. 28, s. 1, v. 2, p. 153.

30 July, 1813, c. 36, v. 3, p. 53.

Children of persons naturalized under certain laws to be citizens.

14 April, 1802, c. 28, s. 4, v. 2, p. 155.

Campbell vs. Gordon, 6 Cr., 176.

Police court of District of Columbia has no power to naturalize foreigners.

17 June, 1870, c. 133, s. 5, v. 16, p. 154.

Naturalization of seamen.

7 June, 1872, c. 322, s. 29, v. 17, p. 268.

SEC. 2168. When any alien, who has complied with the first condition specified in section twenty-one hundred and sixty-five, dies before he is actually naturalized, the widow and the children of such alien shall be considered as citizens of the United States, and shall be entitled to all rights and privileges as such, upon taking the oaths proscribed ^(*) by law.

SEC. 2169. The provisions of this Title shall apply to aliens of African nativity and to persons of African descent.

SEC. 2170. No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States.

SEC. 2171. No alien who is a native citizen or subject, or a denizen of any country, state, or sovereignty with which the United States are at war, at the time of his application, shall be then admitted to become a citizen of the United States; but persons resident within the United States, or the Territories thereof, on the eighteenth day of June, in the year one thousand eight hundred and twelve, who had before that day made a declaration, according to law, of their intention to become citizens of the United States, or who were on that day entitled to become citizens without making such declaration, may be admitted to become citizens thereof, notwithstanding they were alien enemies at the time and in the manner prescribed by the laws heretofore passed on that subject; nor shall anything herein contained be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

SEC. 2172. The children of persons who have been duly naturalized under any law of the United States, or who, previous to the passing of any law on that subject, by the Government of the United States, may have become citizens of any one of the States, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of the United States, be considered as citizens thereof; but no person heretofore proscribed by any State, or who has been legally convicted of having joined the army of Great Britain during the Revolutionary War, shall be admitted to become a citizen without the consent of the legislature of the State in which such person was proscribed.

SEC. 2173. The police court of the District of Columbia shall have no power to naturalize foreigners.

SEC. 2174. Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant-vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of his declaration of intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant-vessel of the United States, anything to the contrary in any act of Congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.

(*) Error in the Roll; should be *prescribed*.

TITLE XXXI.

THE CENSUS.

| Sec. | Sec. |
|---|---|
| 2175. Census to be taken according to this Title, unless, &c. | 2189. Marshal may appoint deputies. |
| 2176. Marshals to take the census. | 2190. When officers of the Army to aid in taking census. |
| 2177. Marshals to be sworn. | 2191. Who may be required to answer questions; penalty for refusing |
| 2178. Subdivisions of districts; estimates of population. | 2192. Returns. |
| 2179. Assistant marshals. | 2193. Making false certificate. |
| 2180. Taking reward for appointing assistant. | 2194. Marshal to examine and transmit returns. |
| 2181. Assistant to be commissioned and sworn; oath. | 2195. New enumeration. |
| 2182. Assistant neglecting or refusing to act. | 2196. Secretary of the Interior to see that diligence is employed. |
| 2183. Secretary of Interior to furnish blanks and instructions. | 2197. Marshal's fees. |
| 2184. Instructions for statistics in regard to hemp. | 2198. Assistants' compensation. |
| 2185. Marshals to supply blanks, &c., to assistants. | 2199. Additional compensation. |
| 2186. Marshals to supervise assistants; substitutes. | 2200. Pay for making and returning copies of census returns. |
| 2187. Duties of assistants. | 2201. Marshal and assistants, when paid. |
| 2188. Enumeration in California, Oregon, &c. | 2202. False certificates by marshal. |
| | 2203. Fines and penalties. |
| | 2204. Superintendent of Census; salary. |
| | 2205. Clerks in the Census Office. |
| | 2206. Tables. |

SEC. 2175. If no other law be passed providing for the taking of any subsequent census of the United States, on or before the first day of January of any year, when, by the Constitution of the United States, any future enumeration of the inhabitants thereof is required to be taken, such census shall, in all things, be taken and completed according to the provisions of this Title.

SEC. 2176. The marshals of the several judicial districts of the United States, and of the District of Columbia and the Territories, are required to cause all the inhabitants to be enumerated, and to collect all the other statistical information within their respective districts, in the manner provided for by law, and specified in the instructions which may be given by the Secretary of the Interior, and in the tables annexed, and to return the same to the Secretary on or before the first day of November next ensuing such enumeration, omitting from the enumeration of the inhabitants Indians not taxed; and omitting, also, at the discretion of the Secretary, any part or all of the statistics of the Territories except those of population; but if the time assigned for making the returns from the Territories proves inadequate, the Secretary may extend the same. And if there be any district or Territory of the United States in which there is no marshal, the President shall appoint some suitable person to discharge the duties assigned herein to marshals.

SEC. 2177. Every marshal, before entering upon his duties, shall take and subscribe the following oath, before any circuit or district judge of the United States, or before any judge of any State court: "I, _____, marshal of the district of _____, do solemnly swear that I will to the best of my ability enumerate, or cause to be enumerated, all the inhabitants of such district, and will collect, or cause to be collected, the other statistical information within the same, and will faithfully perform all the duties enjoined on me by law providing for the taking of the census." When the oath is duly authenticated by the judge, the marshal shall deposit a copy thereof, so authenticated, with the Secretary of the Interior.

Census to be taken according to this Title, unless, &c.

23 May, 1850, c. 11, s. 23, v. 9, p. 432.

Marshals to take the census.

23 May, 1850, c. 11, s. 1, v. 9, p. 428.

Marshals to be sworn.

23 May, 1850, c. 11, s. 2, v. 9, p. 428.

Subdivisions of districts; estimates of population.

23 May, 1850, c. 11, s. 3, v. 9, p. 428.

SEC. 2178. Every marshal shall divide his district into subdivisions containing not exceeding twenty thousand persons in each, unless the limitation to that number causes inconvenient boundaries, in which case the number may be larger; and the limits of the subdivisions shall be known civil divisions, such as county, hundred, parish, township, town, city, ward, or shall be district lines, or highways, or natural boundaries, such as rivers and lakes. He shall also estimate, from the best sources of information which he is able to obtain, the number of square miles in each subdivision, and transmit a statement of such subdivisions and estimates to the Secretary of the Interior.

Assistant marshals.

23 May, 1850, c. 11, s. 4, v. 9, p. 428.

SEC. 2179. Every marshal shall appoint for each such subdivision a resident therein to be assistant marshal, to whom he shall give a commission under his hand, authorizing him to perform the duties herein assigned to assistants, and setting forth the boundaries of the subdivision; and he shall keep a true and faithful record of the appointments so made, and of the boundaries of the subdivision.

Taking reward for appointing assistant.

23 May, 1850, c. 11, ss. 6, 14, v. 9, p. 429.

SEC. 2180. If any marshal, by any arrangement or understanding whatever, secures to himself any fee, reward, or compensation for the appointment of an assistant, or in any way secures to himself any part of the compensation provided by law for the services of assistants, or knowingly neglects or refuses to perform the duties herein assigned to him, he shall forfeit not less than one thousand dollars.

Assistant to be commissioned and sworn; oath.

23 May, 1850, c. 11, s. 9, v. 9, p. 430.

SEC. 2181. No assistant shall be deemed qualified to enter upon his duties until he has received from the marshal, under his hand, such a commission as is provided for herein, and shall take and subscribe the following oath, which shall be thereon indorsed: "I, _____, an assistant to the marshal of the district of _____, do solemnly swear that I will make a true and exact enumeration of all the inhabitants within the district assigned to me, and will also faithfully collect the other statistics therein, in the manner provided for by law for taking the census, and in conformity with all lawful instructions which I may receive, and will make due and correct returns thereof;" (Signed;) and such oath may be administered by any judge of a court of record, or any justice of the peace empowered to administer oaths, and a copy thereof duly authenticated shall be forwarded to the marshal by such assistant before he proceeds to the business of the appointment.

Assistant neglecting or refusing to act.

23 May, 1850, c. 11, s. 14, v. 9, p. 431.

SEC. 2182. Every assistant marshal who, having accepted the appointment, neglects or refuses, without justifiable cause, to perform the duties enjoined on him, shall be liable to a penalty of five hundred dollars.

Secretary of Interior to furnish blanks and instructions.

23 May, 1850, c. 11, s. 19, v. 9, p. 431.

SEC. 2183. The Secretary of the Interior is required to provide blanks, and to distribute them among the marshals, so that the enumeration may commence on the first day of June of each census decade and be taken with reference to that day in every district and subdivision of districts; and to draw up and distribute, at the same time, printed instructions, defining and explaining the duties of such as collect the statistics, and the limits by which such duties are circumscribed, in a clear and intelligible manner.

Instructions for statistics in regard to hemp.

23 May, 1850, c. 11, s. 27, v. 9, p. 433.

SEC. 2184. The Secretary of the Interior, in his instructions to the marshals, shall direct that the statistics in regard to all other descriptions of hemp not embraced in the denomination of dew and water rotted, mentioned in schedule two, shall be taken and estimated in the returns.

Marshal to supply blanks, &c., to assistants.

23 May, 1850, c. 11, s. 5, v. 9, p. 429.

SEC. 2185. Every marshal shall seasonably supply to each of his assistants the instructions issued by the Department of the Interior, and the blanks provided for the enumeration of the population, and the collection of other statistics, and shall give to him, from time to time, all such information and directions as may be necessary to enable him to discharge his duty.

Marshal to supervise assistants; substitutes.

23 May, 1850, c. 11, s. 5, v. 9, p. 429.

SEC. 2186. Every marshal shall, from time to time, make himself acquainted with the progress made by each of his assistants in the discharge of his duties, and in case of inability or neglect arising from sickness, or otherwise, shall appoint a substitute.

SEC. 2187. Every assistant, when duly qualified, shall perform the service required of him by a personal visit to each dwelling-house and to each family in his subdivision, and shall ascertain, by inquiries made of some member of each family, if any one can be found capable of giving the information, but if not, then of the agent of such family, the name of each member thereof, the age and place of birth of each, and all the other particulars specified herein, or in the tables hereto subjoined, or in the instructions of the Secretary of the Interior; and shall also visit personally the farms, mills, shops, mines, and other places respecting which information is required in his district, and shall obtain all such information from the best and most reliable sources; and when, in either case, the information is obtained and entered on the tables, as obtained, till the same is complete, such memoranda shall be immediately read to the person furnishing the facts, in order to correct errors and supply omissions, if any exist.

SEC. 2188. In enumerating persons living in California, Oregon, Utah, and New Mexico, the several assistant marshals or agents shall include those who may have removed from their residence in any State or Territory of the United States prior to the first day of June, preceding such enumeration, and settled subsequent to that date in any of those States or Territories.

SEC. 2189. Any marshal may, for any purposes not inconsistent with the duties of the assistants herein provided for, appoint a deputy to act in his behalf; but he shall be responsible for all official acts of such deputy. And an appointment to collect the social statistics shall not be deemed an interference with the duties of the assistants.

SEC. 2190. When, in any of the Territories or places where the population is sparse, the officers of the Army, or any persons thereto belonging, can be usefully employed in taking the census, the Secretary of War is directed to afford such aid, if it can be given without prejudice to the public service.

SEC. 2191. Every person more than twenty years of age, belonging to any family residing in any subdivision, and in case of the absence of the heads and other members of any such family, then any agent of such family shall, upon the request of the marshal or his assistant, render a true account, to the best of his knowledge, of every person belonging to such family, in the various particulars required herein, and the tables hereto subjoined; and, for any refusal whatever to answer either of the inquiries authorized by law, such person shall be liable to a penalty of thirty dollars, to be sued for and recovered in an action by the assistant marshal, to the use of the United States.

SEC. 2192. Each assistant shall, within one month after the time specified for the completion of the enumeration, furnish the original census-returns to the clerk of the county court of his county, and two copies, duly compared and corrected, to the marshal of the district. He shall affix his signature to each page of the schedules before he returns them to his marshal, and, on the last page thereof, shall state the whole number of pages in each return, and certify that they were well and truly made according to the tenor of his oath of office.

SEC. 2193. Every assistant marshal who willfully makes a false certificate shall be liable to a penalty of not more than five thousand dollars, and shall be imprisoned not less than two years.

SEC. 2194. The marshal shall carefully examine whether the return of each assistant marshal is made in conformity with law, and where discrepancies are detected shall require them to be corrected. Of the two sets of the returns required from the assistant marshals as hereinbefore provided, he shall transmit one forthwith to the Census-Office, and the other to the office of the secretary of the State or Territory to which his district belongs.

The time allowed for transmitting a copy of the returns to the Census-Office is limited as follows: The returns of population upon schedule one shall be sent to that office on or before the tenth day of September,

Duties of assistants.

23 May, 1850, c. 11, s. 10, v. 9, p. 430.

Enumeration in California, Oregon, &c.

30 Aug., 1850, c. 43, s. 2, v. 9, p. 445.

Marshal may appoint deputies.

23 May, 1850, c. 11, s. 7, v. 9, p. 429.

When officers of the Army to aid in taking census.

23 May, 1850, c. 11, s. 18, v. 9, p. 431.

Who may be required to answer questions; penalty for refusing.

23 May, 1850, c. 11, s. 15, v. 9, p. 431.

6 May, 1870, c. 87, s. 2, v. 16, p. 118.

Returns.

23 May, 1850, c. 11, s. 11, v. 9, p. 430.

Making false certificate.

23 May, 1850, c. 11, s. 14, v. 9, p. 431.

Marshal to examine and transmit returns.

23 May, 1850, c. 11, s. 5, v. 9, p. 429.

6 May, 1870, c. 87, s. 1, v. 16, p. 118.

and the complete returns upon all the schedules shall be forwarded before the first day of October following; but the Secretary of the Interior may extend the time allowed for returns on the schedules, other than those of population, in any case where it appears to him necessary; and whenever, from the loss or destruction of returns, or from causes beyond the control of the officers charged with the enumeration, it is shown to be impracticable to comply with the requirements of this section, the Secretary of the Interior may extend the time allowed for rendering returns of population, not beyond the first day of October.

New enumeration.

30 July, 1852, c. 74, s. 2, v. 10, p. 25.

Secretary of the Interior to see that diligence is employed.

23 May, 1850, c. 11, s. 19, v. 9, p. 431.

Marshal's fees.

23 May, 1850, c. 11, s. 8, v. 9, p. 429.

Assistants' compensation.

23 May, 1850, c. 11, s. 12, v. 9, p. 430.

Additional compensation.

23 May, 1850, c. 11, s. 13, v. 9, p. 430.

Pay for making and returning copies of census returns.

6 May, 1870, c. 87, s. 3, v. 16, p. 118.

Marshal and assistants, when paid.

23 May, 1850, c. 11, s. 21, v. 9, p. 432.

SEC. 2195. Whenever it is found that the census of any district or subdivision has been improperly taken, or whenever the returns of any district or subdivision are accidentally lost or destroyed, the Secretary of the Interior shall order a new enumeration of such district or subdivision.

SEC. 2196. The Secretary of the Interior shall see that due diligence is employed by the marshals and assistants to make return of their respective doings completed, at the times herein prescribed; and, as the returns are made, shall cause them to be classified and arranged in the best and most convenient manner for use; and he shall lay the same before Congress at the next session.

SEC. 2197. Whenever the population returned in any district exceeds one million, the marshal thereof shall be entitled to receive as a compensation for all his services at the rate of one dollar for each thousand persons; but if the number returned be less than a million in any district, the marshal thereof shall be allowed for his services at the rate of one dollar and twenty-five cents for each thousand persons; but no marshal shall receive less than two hundred and fifty dollars. And when the compensation does not in the whole exceed the sum of five hundred dollars, a reasonable allowance for clerk-hire, to be determined by the Secretary of the Interior, shall be made. And the marshal of any district may, at his discretion, perform the duties of an assistant in any subdivision in which he may reside; and in such case he shall receive therefor the compensation allowed to assistants for like services.

SEC. 2198. Every assistant shall be allowed, as compensation for his services, at the rate of two cents for each person enumerated, and ten cents a mile for necessary travel, to be ascertained by multiplying the square root of the number of dwelling-houses in the division by the square root of the number of square miles in each division. The product shall be taken as the number of miles traveled for all purposes in taking the census.

SEC. 2199. In addition to the compensation allowed for the enumeration of the inhabitants, there shall be paid for each farm, fully returned, ten cents; for each establishment of productive industry, fully taken and returned, fifteen cents; for the social statistics, two per cent. upon the amount allowed for the enumeration of population, and for each name of a deceased person returned, two cents; but in making returns of farms and establishments of productive industry, the instructions given by the Secretary of the Interior must be strictly observed, and no allowance shall be made for any return not authorized by such instructions, or for any returns not limited to the year next preceding the first day of June in each decennial census.

SEC. 2200. Every assistant marshal or agent shall be paid, for making out and returning complete copies of the original census-returns, eight cents for each page of the two copies of the original census-returns required by section twenty-one hundred and ninety-two.

SEC. 2201. Whenever a marshal certifies that an assistant has completed to his satisfaction and made return of the subdivision confided to him, and also certifies the amount of compensation to which, under the provisions of law, such assistant is entitled, designating how much for each kind of service, the Secretary of the Interior shall cause one-half of the sum so due to be paid to such assistant; and when the returns

SEC. 2202. Every marshal who willfully makes a false certificate shall be fined not more than five thousand dollars, and imprisoned not less than two years.

SEC. 2203. All fines and penalties provided for in this Title may be enforced in the courts of the United States within the States or Territories where such offense has been committed or forfeiture incurred.

3 March, 1849, c. 108, s. 13, v. 9, p. 396.
Feb., 1863, c. 59, s. 3, v. 12, p. 696.

SEC. 2205. There may be employed in the Census-Office one chief clerk, and, at the discretion of the Secretary of the Interior, such other clerks of the first class as the requirements of the service may demand, of whom the Secretary may advance, from time to time, not more than ten to the second class, nine to the third class, and six to the fourth class.

SEC. 2206. The tables hereto annexed, and made part hereof, are numbered from one to five inclusive, and are the schedules referred to in this Title.

**False certificates
by marshal.**

23 May, 1850, c.
11, s. 14, v. 9, p. 431.

Fines and penalties.

23 May, 1850, c.
11, s. 16, v.9, p. 431.

Superintendent
of Census, salary.

23 May, 1850, c.
11, s. 19, v. 9, p. 431.

22 April, 1854, c.
52, s. 3, v. 10, p. 276.

3, v. 12, p. 582. 25

**Clerks in the Cen-
sus-Office.**

5 May, 1860, c.
37, v. 12, p. 14.

Tables.

23 May, 1850, c.
11, s. 22, v. 9, p. 432.

SCHEDULE 1.—Inhabitants in _____, in the county of _____, State of _____, enumerated
by me, on the _____ day of _____, _____.
_____, Assistant.

[illegible]

SCHEDULE 2.—*Productions of agriculture in _____, in the county of _____, State of _____, during the year ended June 1, _____, as enumerated by me on the _____ day of _____, _____, Assistant.*

| 1 | Name of owner, agent, or manager of the farm. | | Acres of land. | | 4 | 5 | Live-stock on hand, June 1, —. | | | | | | | Produce during the year ended June 1, —. | | | | | | | | | | |
|---|---|-------------|--|---------------------|---|---|--------------------------------|------------------|---------------|-------------|---------------|--------|--------|--|---|--------------------|------------------|--------------------------|-------------------|------------------|---------------------|--|------------------|-----------------------------|
| 2 | Improved. | Unimproved. | Value of farming implements and machinery. | | | | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 |
| | | | | Cash value of farm. | | | Horses. | Mules and asses. | Working-oxen. | Milch-cows. | Other cattle. | Sheep. | Swine. | The value of live-stock. | The value of animals slaughtered during the year. | Wheat, bushels of. | Rye, bushels of. | Indian corn, bushels of. | Oats, bushels of. | Rice, pounds of. | Tobacco, pounds of. | Ginned cotton, bales of 400 pounds each. | Wool, pounds of. | Beans and peas, bushels of. |

SCHEDULE 2—Continued.

| | | |
|----|---------------------------------------|----------------|
| 24 | Buckwheat, bushels of. | |
| 25 | Barley, bushels of. | |
| 26 | Irish, bushels of. | Pota- toes. |
| 27 | Sweet, bushels of. | |
| 28 | Value of orchard products in dollars. | |
| 29 | Wine, gallons of. | |
| 30 | Value of produce of market-garden. | |
| 31 | Butter, pounds of. | |
| 32 | Cheese, pounds of. | |
| 33 | Hay, tons of. | |
| 34 | Clover-seed, bushels of. | |
| 35 | Other grass-seeds, bushels of. | |
| 36 | Hops, pounds of. | Hemp. |
| 37 | Dew-rotted, tons of. | |
| 38 | Water-rotted, tons of. | |
| 39 | Flax, pounds of. | |
| 40 | Flax-seed, bushels of. | |
| 41 | Silk cocoon, pounds of. | |
| 42 | Maple-sugar, pounds of. | |
| 43 | Cane-sugar, hids. of—of 1,000 pounds. | |
| 44 | Molasses, gallons of. | |
| 45 | Honey and bees-wax, pounds of. | |
| 46 | Value of home-made manufactures. | |

SCHEDULE 3.—*Products of industry in _____, in the county of _____, State of _____, during the year ended June 1, _____, as enumerated by me.*
_____, Assistant.

[illegible]

TITLE XXXII.

THE PUBLIC LANDS.

CHAPTER ONE.

SURVEYORS AND DEPUTY SURVEYORS.

| Sec. | Sec. |
|--|---|
| 2207. Surveyors-general, how and where appointed. | 2220. Free access to field-notes, &c., delivered to States. |
| 2208. Salary of in Louisiana, Florida, Minnesota, Nebraska, Iowa, and Dakota. | 2221. Conditions of delivery of field-notes to the States. |
| 2209. Salary of in Oregon and Washington. | 2222. Continuance of duties after expiration of commission. |
| 2210. Salary of in Colorado, New Mexico, California, Idaho, Nevada, Montana, Utah, Wyoming, and Arizona. | 2223. General duties of surveyors-general. |
| 2211. Salaries of in Florida, Oregon, and California, how and from what time payable. | 2224. Seals of surveyors-general of California, Oregon, and Louisiana, transcripts from records of. |
| 2212. Offices, number and location of. | 2225. Transcripts from records of Louisiana. |
| 2213. Offices, location of in Minnesota, Idaho, Nebraska, and Iowa. | 2226. Clerk-hire, allowance of to surveyors-general. |
| 2214. Residence of surveyor-general. | 2227. Office-rent, allowance of to surveyors-general. |
| 2215. Bond of surveyor-general. | 2228. Duties of register and receiver performed by surveyor-general. |
| 2216. New bond of and additional security. | 2229. Official papers, &c., in office of surveyor-general of California; copies thereof. |
| 2217. Duration of office. | 2230. Bond of deputy surveyor. |
| 2218. Completion of surveys, delivery of field-notes, &c. | 2231. Oath of deputy surveyor. |
| 2219. Devolution of surveyor-general's powers upon Commissioner of Land-Office, when. | 2232. Suit on bond of deputy surveyor, lien of. |
| | 2233. Penalty for default of deputy. |

Surveyors-general, how and where appointed.

3 March, 1823, c. 29, s. 7, v. 3, p. 755. 3 March, 1831, c. 116, s. 1, v. 4, p. 492. 17 July, 1854, c. 84, s. 7, v. 10, p. 306. 22 July, 1854, c. 103, ss. 1, 10, v. 10, pp. 308, 309. 3 March, 1857, c. 107, s. 1, v. 11, p. 212. 28 Feb., 1861, c. 59, s. 17, v. 12, p. 176. 2 March, 1861, c. 83, s. 17, v. 12, p. 214. 2 March, 1861, c. 86, s. 17, v. 12, p. 244. 2 March, 1867, c. 179, s. 1, v. 14, p. 542. 29 June, 1866, c. 156, v. 14, p. 77. 4 July, 1866, c. 166, s. 4, v. 14, p. 85. 28 July, 1866, c. 311, s. 1, v. 14, p. 344. 16 July, 1868, c. 175, s. 1, v. 15, p. 91. 21 Feb., 1855, c. 117, s. 1, v. 10, p. 611. 5 Feb., 1870, c. 14, s. 2, v. 16, p. 65. 11 July, 1870, c. 246, v. 16, p. 230. 8 May, 1872, c. 140, s. 1, v. 17, p. 76.

Salary of, in Louisiana, Florida, Minnesota, Nebraska, Iowa, and Dakota.

3 March, 1823, c. 29, s. 7, v. 3, p. 755. 3 March, 1831, c. 116, s. 5, v. 4, p. 493. 2 March, 1861, c. 86, s. 17, v. 12, p. 244. 8 May, 1872, c. 140, s. 1, v. 17, p. 76.

Salary of in Oregon and Washington.

SEC. 2207. There shall be appointed by the President, by and with the advice and consent of the Senate, a surveyor-general for the States and Territories herein named, embracing, respectively, one surveying district, namely: Louisiana, Florida, Minnesota, Kansas, California, Nevada, Oregon, Nebraska and Iowa, Dakota, Colorado, New Mexico, Idaho, Washington, Montana, Utah, Wyoming, Arizona.

SEC. 2208. The surveyors-general of Louisiana, Florida, Minnesota, Kansas, Nebraska and Iowa, and of Dakota Territory, shall each receive a salary at the rate of two thousand dollars a year.

SEC. 2209. The surveyors-general of Oregon and of Washington shall each receive a salary at the rate of two thousand five hundred dollars a year.

27 Sept., 1850, c. 76, s. 2, v. 9, p. 496. 3 March, 1853, c. 145, s. 11, v. 10, p. 248. 14 Feb., 1853, c. 69, s. 4, v. 10, p. 152. 17 July, 1854, c. 84, s. 7, v. 10, p. 306. 3 March, 1855, c. 175, s. 26, v. 10, p. 674. 30 May, 1862, c. 86, s. 9, v. 12, p. 410. 8 May, 1872, c. 140, s. 1, v. 17, p. 76.

SEC. 2210. The surveyors-general of Colorado, New Mexico, California, Idaho, Nevada, Montana, Utah, Wyoming, and Arizona, shall each receive a salary at the rate of three thousand dollars a year.

Salary of, in Colorado, New Mexico, California, Idaho, Nevada, Montana, Utah, Wyoming, and Arizona.

3 March, 1853, c. 145, s. 1, v. 10, p. 244. 22 July, 1854, c. 103, s. 1, v. 10, p. 308. 28 Feb., 1861, c. 59, s. 17, v. 12, p. 176. 2 March, 1861, c. 83, s. 17, v. 12, p. 214. 30 May, 1862, c. 86, s. 9, v. 12, p. 410. 2 March, 1867, c. 179, s. 1, v. 14, p. 542. 29 June, 1866, c. 156, v. 14, p. 77. 4 July, 1866, c. 166, s. 4, v. 14, p. 85. 16 July, 1868, c. 175, s. 1, v. 15, p. 91. 21 Feb., 1855, c. 117, s. 1, v. 10, p. 611. 5 Feb., 1870, c. 14, s. 2, v. 16, p. 65. 11 July, 1870, c. 246, v. 16, p. 230. 8 May, 1872, c. 140, s. 1, v. 17, p. 76.

SEC. 2211. The salary of each surveyor-general of Florida, Oregon, and California shall be paid quarter-yearly, and shall commence from the time he enters into bond, as provided by law.

Salaries of, in Florida, Oregon, and California, how and from what time payable.

3 March, 1823, c. 29, s. 7, v. 3, p. 756. 27 Sept., 1850, c. 76, s. 2, v. 9, p. 496. 3 March, 1853, c. 145, s. 1, v. 10, p. 244.

SEC. 2212. There shall be but one office of surveyor-general in each surveyor-general's district; and such office shall be located as the President, in view of the public convenience, may from time to time direct, except as provided in the following section.

Offices, number and location of.

2 July, 1864, c. 210, s. 8, v. 13, p. 352.

SEC. 2213. The surveyor-general's office for Minnesota district shall continue to be located at the city of Saint Paul; that for Idaho Territory, at Boise City; and that for the district of Nebraska and Iowa, at Plattsmouth, in Nebraska.

Offices, location of, in Minnesota, Idaho, Nebraska, and Iowa.

3 March, 1857, c. 107, s. 1, v. 11, p. 212. 29 June, 1866, c. 156, v. 14, p. 77. 28 July, 1866, c. 311, s. 1, v. 14, p. 344.

SEC. 2214. Every surveyor-general, while in the discharge of the duties of his office, shall reside in the district for which he is appointed.

Residence of surveyor-general.

3 March, 1843, c. 100, s. 1, v. 5, p. 637.

SEC. 2215. Every surveyor-general shall, before entering on the duties of his office, execute and deliver to the Secretary of the Interior a bond, with good and sufficient security, for the penal sum of thirty thousand dollars, conditioned for the faithful disbursement, according to law, of all public money placed in his hands, and for the faithful performance of the duties of his office.

Bond of surveyor-general.

7 May, 1822, c. 118, s. 1, v. 3, p. 697.

Farrar vs. U. S., 5 Pet., 373.

SEC. 2216. The President is authorized, whenever he may deem it expedient, to require any surveyor-general to give a new bond and additional security, under the direction of the Secretary of the Interior, for the faithful disbursement, according to law, of all money placed in his hands.

New bond of, and additional security.

7 May, 1822, c. 118, s. 3, v. 3, p. 697.

SEC. 2217. The commission of every surveyor-general now in office, and of every surveyor-general hereafter appointed, shall cease and expire, unless sooner vacated by death, resignation, or removal from office, in four years from the date of the commission.

Duration of office.

7 May, 1822, c. 118, s. 2, v. 3, p. 697.

SEC. 2218. The Secretary of the Interior shall take all the necessary measures for the completion of the surveys in the several surveying-districts for which surveyors-general have been, or may be, appointed, at the earliest periods compatible with the purposes contemplated by law; and whenever the surveys and records of any such district are completed, the surveyor-general thereof shall be required to deliver over to the secretary of state of the respective States, including such surveys, or to such other officer as may be authorized to receive them, all the field-notes, maps, records, and other papers appertaining to land titles within the same; and the office of surveyor-general in every such district shall thereafter cease and be discontinued.

Completion of surveys, delivery of field-notes, &c.

12 June, 1840, c. 36, s. 1, v. 5, p. 384.

SEC. 2219. In all cases where, as provided in the preceding section, the field-notes, maps, records, and other papers appertaining to land-titles in any State are turned over to the authorities of such State, the same authority, powers, and duties in relation to the survey, resurvey, or subdivision of the lands therein, and all matters and things connected therewith, as previously exercised by the surveyor-general, whose district included such State, shall be vested in, and devolved upon, the Commissioner of the General Land-Office.

Devolution of surveyor-general's powers upon Commissioner of Land-Office, when.

22 Jan., 1853, c. 24, s. 1, v. 10, p. 152.

Free access to field-notes, &c., delivered to States.

22 Jan., 1853, c. 24, s. 2, v. 10, p. 152.

Conditions of delivery of field-notes to the States.

22 Jan., 1853, c. 24, s. 3, v. 10, p. 152.

Continuance of duties after expiration of commission.

3 March, 1853, c. 145, s. 10, v. 10, p. 247.

General duties of surveyors-general.

18 May, 1796, c. 29, s. 1, v. 1, p. 464.

29 April, 1816, c. 151, s. 1, v. 3, p. 325.

3 March, 1831, c. 116, s. 1, v. 4, p. 492.

3 March, 1853, c. 145, ss. 3, 10, v. 10, pp. 245, 247.

Seals of surveyors-general of California, Oregon, and Louisiana; transcripts from records of.

3 March, 1853, c. 145, ss. 2, 11, v. 10, pp. 245, 248.

SEC. 2220. Under the authority and direction of the Commissioner of the General Land-Office, any deputy surveyor or other agent of the United States shall have free access to any such field-notes, maps, records, and other papers, for the purpose of taking extracts therefrom, or making copies thereof, without charge of any kind.

SEC. 2221. The field-notes, maps, records, and other papers mentioned in section twenty-two hundred and nineteen, shall in no case be turned over to the authorities of any State, until such State has provided by law for the reception and safe-keeping of the same as public records, and for the allowance of free access to the same by the authorities of the United States.

SEC. 2222. Every surveyor-general, register, and receiver, except where the President sees cause otherwise to determine, is authorized to continue in the uninterrupted discharge of his regular official duties, after the day of expiration of his commission, and until a new commission is issued to him for the same office, or until the day when a successor enters upon the duties of such office; and the existing official bond of any officer so acting shall be deemed good and sufficient, and in force, until the date of the approval of a new bond to be given by him, if re-commissioned, or otherwise, for the additional time he may so continue officially to act, pursuant to the authority of this section.

SEC. 2223. Every surveyor-general shall engage a sufficient number of skillful surveyors as his deputies, to whom he is authorized to administer the necessary oaths upon their appointments. He shall have authority to frame regulations for their direction, not inconsistent with law or the instructions of the General Land-Office, and to remove them for negligence or misconduct in office.

Second. He shall cause to be surveyed, measured, and marked, without delay, all base and meridian lines through such points and perpetuated by such monuments, and such other correction parallels and meridians as may be prescribed by law or by instructions from the General Land-Office, in respect to the public lands within his surveying-district, to which the Indian title has been or may be hereafter extinguished.

Third. He shall cause to be surveyed all private land-claims within his district after they have been confirmed by authority of Congress, so far as may be necessary to complete the survey of the public lands.

Fourth. He shall transmit to the register of the respective land-offices within his district general and particular plats of all lands surveyed by him for each land-district; and he shall forward copies of such plats to the Commissioner of the General Land-Office.

Fifth. He shall, so far as is compatible with the desk-duties of his office, occasionally inspect the surveying operations while in progress in the field, sufficiently to satisfy himself of the fidelity of the execution of the work according to contract, and the actual and necessary expenses incurred by him while so engaged shall be allowed; and where it is incompatible with his other duties for a surveyor-general to devote the time necessary to make a personal inspection of the work in progress, then he is authorized to depute a confidential agent to make such examination; and the actual and necessary expenses of such person shall be allowed and paid for that service, and five dollars a day during the examination in the field; but such examination shall not be protracted beyond thirty days, and in no case longer than is actually necessary; and when a surveyor-general, or any person employed in his office at a regular salary, is engaged in such special service, he shall receive only his necessary expenses in addition to his regular salary.

SEC. 2224. The official seals heretofore authorized to be provided for the offices of the surveyors-general of Oregon, California, and Louisiana shall continue to be used; and any copy of or extract from the plats, field-notes, records, or other papers on file in those offices, respectively, when authenticated by the seal and signature of the proper surveyor-general, shall be evidence in all cases in which the original would be evidence.

SEC. 2225. Any copy of a plat of survey, or transcript from the records of the office of surveyor-general of Louisiana, duly certified by him, shall be admitted as evidence in all the courts of the United States and the Territories thereof.

Transcripts from records of Louisiana.

3 March, 1831, c. 116, s. 5, v. 4, p. 493. Clerk-hire, allowance of, to surveyors-general.

SEC. 2226. There shall be allowed for the offices of the several surveyors-general, for clerk-hire therein, such sums as may be appropriated for the purpose by Congress from year to year.

See appropriation acts.

SEC. 2227. There shall be allowed for office-rent, fuel, books, stationery, and other incidental expenses of the several offices of surveyors-general such sums as may be appropriated for the purpose by Congress, from year to year.

Office-rent, allowance of, to surveyors-general.

See appropriation acts.

SEC. 2228. The President is authorized, in any case where he thinks the public interest may require it, to transfer the duties of register and receiver in any district to the surveyor-general of the surveying-district in which such land-district is located.

Duties of register and receiver performed by surveyor-general.

30 May, 1862, c. 86, s. 8, v. 12, p. 410.

SEC. 2229. All official books, papers, instruments of writing, documents, archives, official seals, stamps, or dies, which have been heretofore authorized by law to be collected and deposited in the surveyor-general's office in California, shall be safely and securely kept by such surveyor-general in the archives of his office; and copies thereof, authenticated by the surveyor-general under his seal of office, shall be evidence in all cases where the originals would be evidence.

Official papers, &c., in office of surveyor-general of California; copies thereof.

18 May, 1858, c. 39, s. 1, v. 11, p. 259.

SEC. 2230. Every deputy-surveyor shall enter into bond, with sufficient security, for the faithful performance of all surveying contracts confided to him; and the penalty of the bond, in each case, shall be double the estimated amount of money accruing under such contracts, at the rate per mile stipulated to be paid therein. The sufficiency of the sureties to all such bonds shall be approved and certified by the proper surveyor-general.

Bond of deputy surveyor.

3 March, 1831, c. 116, s. 4, v. 4, p. 493.

3 March, 1853, c. 145, s. 10, v. 10, p. 247.

SEC. 2231. The surveyors-general, in addition to the oath now authorized by law to be administered to deputies on their appointment to office, shall require each of their deputies, on the return of his surveys, to take and subscribe an oath that those surveys have been faithfully and correctly executed, according to law and the instructions of the surveyor-general.

Oath of deputy surveyor.

8 Aug., 1846, c. 106, s. 2, v. 9, p. 79.

SEC. 2232. The district attorney of the United States, in whose district any false, erroneous, or fraudulent surveys have been executed, shall, upon the application of the proper surveyor-general, immediately institute suit upon the bond of such deputy; and the institution of such suit shall act as a lien upon any property owned or held by such deputy, or his sureties, at the time such suit was instituted.

Suit on bond of deputy surveyor, lien of.

8 Aug., 1846, c. 106, s. 2, v. 9, p. 79.

SEC. 2233. In the event of the failure of a deputy in Louisiana to comply with the terms of his contract, unless such failure be satisfactorily shown by him to have arisen from causes beyond his control, he shall forfeit the penalty of his bond on due process of law, and ever afterward be debarred from receiving a contract for surveying public lands.

Penalty for default of deputy.

3 March, 1831, c. 116, s. 4, v. 4, p. 493.

CHAPTER TWO.

REGISTERS AND RECEIVERS.

| Sec. | Sec. |
|--|---|
| 2234. Registers and receivers, appointment of. | 2242. Illegal fees; penalty. |
| 2235. Residence of register and receiver. | 2243. Compensation of registers and receivers when to commence. |
| 2236. Bond of register and receiver. | 2244. Duration of office of registers and receivers. |
| 2237. Salaries of register and receiver. | 2245. Monthly and quarterly returns of receivers. |
| 2238. Fees and commissions of register and receiver. | 2246. Oaths administered by registers and receivers. |
| 2239. Fees of register and receiver for consolidated land-offices. | 2247. Penalty for false information by register. |
| 2240. Maximum of compensation for registers and receivers. | |
| 2241. Excess of compensation to be paid in Treasury. | |

Appointment of registers and receivers.

SEC. 2234. There shall be appointed by the President, by and with the advice and consent of the Senate, a register of the land-office and a receiver of public moneys, for each land-district established by law.

See all acts establishing land-districts.

Residence of register and receiver.

SEC. 2235. Every register and receiver shall reside at the place where the land-office for which he is appointed is directed by law to be kept.

See all acts establishing land-districts.

Bond of register and receiver.

SEC. 2236. Every register and receiver shall, before entering on the duties of his office, give bond in the penal sum of ten thousand dollars, with approved security, for the faithful discharge of his trust.

10 May, 1800, c. 55, ss. 1, 6, v. 2, pp. 73, 75.

3 March, 1853, c. 145, s. 5, v. 10, p. 245.

Salaries of register and receiver.

SEC. 2237. Every register and receiver shall be allowed an annual salary of five hundred dollars.

30 May, 1862, c. 86, s. 6, v. 12, p. 409. 20 April, 1818, c. 123, v. 3, p. 466.

Fees and commissions of register and receiver.

SEC. 2238. Registers and receivers, in addition to their salaries, shall be allowed each the following fees and commissions, namely:

4 Sept., 1841, c. 16, s. 12, v. 5, p. 456. 21 March, 1864, c. 38, s. 4, v. 13, p. 35.

First. A fee of one dollar for each declaratory statement filed and for services in acting on pre-emption claims.

20 April, 1818, c. 123, v. 3, p. 466.

Second. A commission of one per centum on all moneys received at each receiver's office.

21 March, 1864, c. 38, s. 2, v. 13, p. 35.

Third. A commission to be paid by the homestead applicant, at the time of entry, of one per centum on the cash price, as fixed by law, of the land applied for; and a like commission when the claim is finally established, and the certificate therefor issued as the basis of a patent.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

15 July, 1870, c. 294, s. 25, v. 16, p. 320.

Fourth. The same commission on lands entered under any law to encourage the growth of timber on western prairies, as allowed when the like quantity of land is entered with money.

3 March, 1873, c. 277, s. 6, v. 17, p. 606.

Fifth. For locating military bounty-land warrants, issued since the eleventh day of February, eighteen hundred and forty-seven, and for locating agricultural-college land-scrip, the same commission, to be paid by the holder or assignee of each warrant or scrip, as is allowed for sales of the public lands for cash, at the rate of one dollar and twenty-five cents per acre.

22 March, 1852, c. 19, s. 2, v. 10, p. 4.

2 July, 1862, c. 130, s. 7, v. 12, p. 505.

Sixth. A fee, in donation cases, of five dollars for each final certificate for one hundred and sixty acres of land, ten dollars for three hundred and twenty acres, and fifteen dollars for six hundred and forty acres.

30 May, 1862, c. 86, s. 6, v. 12, p. 409.

Seventh. In the location of lands by States and corporations under grants from Congress for railroads and other purposes, (except for agricultural colleges,) a fee of one dollar for each final location of one hundred and sixty acres; to be paid by the State or corporation making such location.

1 July, 1864, c. 196, s. 1, v. 13, p. 335.

Eighth. A fee of five dollars per diem for superintending public-land sales at their respective offices; and, to each receiver, mileage in going to and returning from depositing the public moneys received by him.

24 April, 1820, c. 51, s. 5, v. 3, p. 567.

Ninth. A fee of five dollars for filing and acting upon each application for patent or adverse claim filed for mineral lands, to be paid by the respective parties.

10 May, 1872, c. 152, s. 12, v. 17, p. 95.

Tenth. Registers and receivers are allowed, jointly, at the rate of fifteen cents per hundred words for testimony reduced by them to writing for claimants, in establishing pre-emption and homestead rights.

21 March, 1864, c. 38, s. 4, v. 13, p. 35.

Eleventh. A like fee as provided in the preceding subdivision when such writing is done in the land-office, in establishing claims for mineral lands.

10 May, 1872, c. 152, s. 12, v. 17, p. 95.

Twelfth. Registers and receivers in California, Oregon, Washington, Nevada, Colorado, Idaho, New Mexico, Arizona, Utah, Wyoming, and Montana, are each entitled to collect and receive fifty per centum on the fees and commissions provided for in the first, third, and tenth subdivisions of this section.

21 March, 1864, c. 38, s. 6, v. 13, p. 36, and several acts establishing land-offices for Utah, Wyoming, and Montana.

SEC. 2239. The register for any consolidated land-district, in addition to the fees now allowed by law, shall be entitled to charge and receive for making transcripts for individuals, or furnishing any other record information respecting public lands or land-titles in his consolidated land-district, such fees as are properly authorized by the tariff existing in the local courts of his district; and the receiver shall receive his equal share of such fees, and it shall be his duty to aid the register in the preparation of the transcripts, or giving the desired record information.

Fees of register and receiver for consolidated land-offices.

18 Feb., 1861, c. 38, ss. 1, 3, v. 12, p. 131.

SEC. 2240. The compensation of registers and receivers, including salary, fees, and commissions, shall in no case exceed in the aggregate three thousand dollars a year, each; and no register or receiver shall receive for any one quarter or fractional quarter more than a pro-rata allowance of such maximum.

Maximum of compensation for registers and receivers.

21 March, 1864, c. 38, s. 6, v. 13, p. 36, and several acts establishing land-offices for Utah, Wyoming, and Montana.

36. 20 April, 1818, c. 123, v. 3, p. 466. 20 May, 1862, c. 75, s. 6, v. 12, p. 393. 30 May, 1862, c. 86, s. 6, v. 12, p. 409. 1 July, 1864, c. 196, s. 1, v. 13, p. 335. 22 March, 1852, c. 19, s. 3, v. 10, p. 4. 2 July, 1862, c. 130, s. 7, v. 12, p. 505. 2 Feb., 1859, c. 19, v. 11, p. 378. 18 Feb., 1861, c. 38, ss. 1, 3, v. 12, p. 131.—U. S. vs. Babbit, 1 Bl., 55.

SEC. 2241. Whenever the amount of compensation received at any land-office exceeds the maximum allowed by law to any register or receiver, the excess shall be paid into the Treasury, as other public moneys.

Excess of compensation to be paid in Treasury.

3 March, 1853, c. 97, s. 1, v. 10, p. 204. 18 Feb., 1861, c. 38, ss. 1, 3, v. 12, p. 131.

SEC. 2242. No register or receiver shall receive any compensation out of the Treasury for past services who has charged or received illegal fees; and, on satisfactory proof that either of such officers has charged or received fees or other rewards not authorized by law, he shall be forthwith removed from office.

Illegal fees; penalty.

22 March, 1852, c. 19, s. 3, v. 10, p. 4.

SEC. 2243. The compensation of registers and receivers, both for salary and commissions, shall commence and be calculated from the time they, respectively, enter on the discharge of their duties.

17 July, 1854, c. 84, s. 6, v. 10, p. 306.

Compensation of registers and receivers, when to commence.

24 Feb., 1855, c. 124, s. 3, v. 10, p. 615.

SEC. 2244. All registers and receivers shall be appointed for the term of four years, but shall be removable at pleasure.

Duration of office of registers and receivers.

15 May, 1820, c. 102, s. 1, v. 3, p. 582.

SEC. 2245. The receivers shall make to the Secretary of the Treasury monthly returns of the moneys received in their several offices, and pay over such money pursuant to his instructions. And they shall also make to the Commissioner of the General Land-Office like monthly returns, and transmit to him quarterly accounts-current of the debits and credits of their several offices with the United States.

Monthly and quarterly returns of receivers.

4 July, 1836, c. 352, s. 9, v. 5, p. 111.

Oaths administered by registers and receivers.

12 June, 1840, c. 35, v. 5, p. 384.

Penalty for false information by register.

4 July, 1836, c. 352, s. 13, v. 5, p. 112.

SEC. 2246. The register or receiver is authorized, and it shall be their duty, to administer any oath required by law or the instructions of the General Land-Office, in connection with the entry or purchase of any tract of the public lands; but he shall not charge or receive, directly or indirectly, any compensation for administering such oath.

SEC. 2247. If any person applies to any register to enter any land whatever, and the register knowingly and falsely informs the person so applying that the same has already been entered, and refuses to permit the person so applying to enter the same, such register shall be liable therefor to the person so applying, for five dollars for each acre of land which the person so applying offered to enter, to be recovered by action of debt in any court of record having jurisdiction of the amount.

CHAPTER THREE.

LAND-DISTRICTS.

GENERAL PROVISIONS RESPECTING CERTAIN LANDS.

Sec.

2248. When land-office may be discontinued by Secretary of the Interior.

2249. When land-office may be continued by Secretary of the Interior.

2250. When land-office may be annexed to adjacent district by the President.

2251. Change of location of land-office by the President.

2252. Discontinuance of land-offices by the President.

Sec.

2253. Change of boundaries of land-districts by the President.

2254. Business of original district in case of change of boundaries.

2255. Allowance of office-rent and clerk-hire for consolidated land-offices.

2256. Boundaries of land-districts in the United States on the 1st November, 1872.

When land-office may be discontinued by Secretary of the Interior.

12 June, 1840, c. 36, s. 2, v. 5, p. 385.

When land-office may be continued by Secretary of the Interior.

4 Sept., 1841, c. 16, s. 7, v. 5, p. 455.

When land-office may be annexed to adjacent district by the President.

3 March, 1853, c. 97, s. 1, v. 10, pp. 189, 194.

Change of location of land-office by the President.

3 March, 1853, c. 97, s. 1, v. 10, p. 204.

Discontinuance of land-offices by the President.

30 May, 1862, c. 86, s. 5, v. 12, p. 409.

SEC. 2248. Whenever the quantity of public land remaining unsold in any land-district is reduced to a number of acres less than one hundred thousand, it shall be the duty of the Secretary of the Interior to discontinue the land-office of such district; and if any land in any such district remains unsold at the time of the discontinuance of a land-office, the same shall be subject to sale at some one of the existing land-offices most convenient to the district in which the land-office has been discontinued, of which the Secretary of the Interior shall give notice.

SEC. 2249. The Secretary of the Interior may continue any land-district in which is situated the seat of government of any one of the States, and may continue the land-office in such district, notwithstanding the quantity of land unsold in such district may not amount to one hundred thousand acres, when, in his opinion, such continuance is required by public convenience, or in order to close the land-system in such State.

SEC. 2250. Whenever the cost of collecting the revenue from the sales of the public lands in any land-district is as much as one-third of the whole amount of revenue collected in such district, it may be lawful for the President, if, in his opinion, not incompatible with the public interest, to discontinue the land-office in such district, and to annex the same to some other adjoining land-district.

SEC. 2251. The President is authorized to change the location of the land-offices in the several land-districts established by law, and to relocate the same from time to time at such point in the district as he deems expedient.

3 March, 1853, c. 144, v. 10, p. 244.

SEC. 2252. Upon the recommendation of the Commissioner of the General Land-Office, approved by the Secretary of the Interior, the President may order the discontinuance of any land-office and the transfer of any of its business and archives to any other land-office within the same State or Territory.

SEC. 2253. The President is authorized to change and re-establish the boundaries of land-districts whenever, in his opinion, the public interests will be subserved thereby, without authority to increase the number of land-offices or land-districts.

Change of boundaries of land-districts, by the President.

29 June, 1870, c. 171, v. 16, p. 171.

SEC. 2254. In case of the division of existing land-districts by the erection of new ones, or by a change of boundaries by the President, all business in such original districts shall be entertained and transacted without prejudice or change, until the offices in the new districts are duly opened by public announcement under the direction of the Secretary of the Interior. All sales or disposals of the public lands heretofore regularly made at any land-office, after such lands have been made part of another district by any act of Congress, or by any act of the President, are confirmed, provided the same are free from conflict with prior valid rights.

Business of original district in case of change of boundaries.

31 May, 1872, c. 241, v. 17, p. 192.

SEC. 2255. The Secretary of the Interior is authorized to make a reasonable allowance for office-rent for each consolidated land-office; and when satisfied of the necessity therefor, to approve the employment by the register of one or more clerks, at a reasonable per-diem compensation, for such time as such clerical force is absolutely required to keep up the current public business, which clerical force shall be paid out of the surplus fees authorized to be charged by section twenty-two hundred and thirty-nine, if any, and if no surplus exists, then out of the appropriation for incidental expenses of district land-offices; but no clerk shall be so paid unless his employment has been first sanctioned by the Secretary of the Interior.

Allowance of office-rent and clerk-hire for consolidated land-offices.

18 Feb., 1861, c. 38, s. 2, v. 12, p. 131.

PROVISIONS RESPECTING PARTICULAR LOCAL LAND-DISTRICTS.

SEC. 2256. The following boundaries of the ninety-three land-districts, with the location of the respective land-offices, are established until changed in pursuance of law, namely:

Boundaries of land-districts in the United States on the 1st November, 1872.

OHIO.

1. Chillicothe.

Chillicothe.

The land-district of Chillicothe is co-extensive with the limits of the State of Ohio.

INDIANA.

2. Indianapolis.

Indianapolis.

The land-district of Indianapolis is co-extensive with the limits of the State of Indiana.

ILLINOIS.

3. Springfield.

Springfield.

The land-district of Springfield is co-extensive with the limits of the State of Illinois.

MISSOURI.

4. Boonville.

Boonville.

The land-district of Boonville embraces all that part of the State of Missouri which lies north of the line between townships thirty-seven and thirty-eight north, lying east of the line between ranges ten and eleven west, and townships thirty-four and thirty-five north of ranges eleven to thirty-three west, inclusive, counting from the fifth principal meridian.

Ironton.

5. Ironton.

The land-district of Ironton embraces all that part of the State of Missouri which lies south of the line between townships thirty-seven and thirty-eight north, and east of the line between ranges ten and eleven west of the fifth principal meridian.

Springfield.

6. Springfield.

The land-district of Springfield consists of that portion of the State of Missouri which is situated south of the line between townships thirty-four and thirty-five north, and west of the line between ranges ten and eleven west of the fifth principal meridian.

ALABAMA.

Mobile.

7. Mobile.

The land-district of Mobile embraces the southwestern part of the State of Alabama; it lies south of the line between townships thirteen and fourteen north, and west of the line between ranges nine and ten east of the basis meridian of Saint Stephen's.

Huntsville.

8. Huntsville.

This land-district consists of the northern part of the State of Alabama, lying north of the line between townships fourteen and fifteen south of the basis meridian of Huntsville, including the counties of De Kalb and Cherokee, and so much of the counties of Marshall, Etowah, and Jackson as were lately part of the Montgomery land-district in the State of Alabama.

Montgomery.

9. Montgomery.

The land-district of Montgomery embraces the central and southeastern parts of the State of Alabama, situated south of the Huntsville land-district, and extending south to the line between townships thirteen and fourteen north of the basis meridian of Saint Stephen's, across the whole State, and from townships one to thirteen north, inclusive, east from the line between ranges nine and ten east, to the eastern boundary of the State of Alabama.

LOUISIANA.

New Orleans.

10. New Orleans.

The land-district of New Orleans comprehends within its limits that portion of the State of Louisiana which lies south of the basis parallel of thirty-first degree of north latitude, and a portion thereof lying north of the basis and south of the Red River, and east of the line between ranges three and four west of the principal meridian.

Natchitoches.

11. Natchitoches.

This land-district occupies the northwestern part of the State of Louisiana, extending from townships one to thirteen north, inclusive, and west of the line between ranges three and four west; and also from township fourteen north to the north boundary of the State, extending from the line between ranges five and six west of the principal meridian to the western boundary of the State of Louisiana.

Monroe.

12. Monroe.

The land-district of Monroe consists of the northeastern portion of the State; it is bounded on the east by the Mississippi River, on the

south by Red River, and on the west by the line between ranges three and four west from townships six to thirteen north, inclusive, and from township fourteen north to the northern boundary of the State, by the line between ranges five and six west.

MISSISSIPPI.

13. Jackson.

Jackson.

The land-district of Jackson is co-extensive with the limits of the State of Mississippi.

MICHIGAN.

14. Detroit.

Detroit.

The land-district of Detroit includes all that part of the State of Michigan situated east of the following lines of public surveys, viz: Townships one to five north, inclusive, east of the principal meridian; townships six to nineteen north, inclusive, extending east of the line between ranges eleven and twelve east; townships one to four south, inclusive, lying east of the line between ranges three and four west; townships five to nine south, extending from the line between ranges four and five west. It also includes that part of the late Sheboygan land-district which lies north of the line between townships twenty-eight and twenty-nine north, and east of the line between ranges two and three west of the principal meridian, and extending to Lake Huron in the southern peninsula of Michigan, comprehending within its limits the island of Mackinaw.

15. East Saginaw

East Saginaw.

Land-district embraces townships six to ten north, lying east of the principal meridian and west of the line between ranges eleven and twelve east of said meridian; also townships eleven to twenty-eight north, lying east of the line between ranges two and three west of the principal meridian, and west of the line between ranges eleven and twelve east.

16. Ionia

Ionia.

Land-district includes the southwestern part of the southern peninsula of Michigan, extending south of the second correction-line north of the base-line and west of the East Saginaw district, and also west of that part of Detroit district adjoining south boundary of the State of Michigan.

17. Marquette

Marquette.

Land-district embraces the whole extent of the northern peninsula of Michigan, including Drummond Island and those adjacent to the Big Bay de Noc.

18. Traverse City or Sheboygan

Traverse City or
Sheboygan.

Land-district includes that portion of the northwestern part of the lower peninsula of Michigan which lies north of the second correction-line and west of the line between ranges two and three west of the principal meridian, including islands in Lakes Huron, Michigan, and the Straits of Mackinac, exclusive of the islands of Mackinaw and Drummond.

ARKANSAS.

19. Dardanelle

Dardanelle.

Land-district is bounded on the east by a line between ranges seventeen and eighteen west of the fifth principal meridian, running north from

the base-line to the corner common to townships twelve and thirteen north of the base-line, on the north by the line between townships twelve and thirteen north, on the west by the western boundary of the State of Arkansas, and on the south by the base-line.

Little Rock.

20. Little Rock

Land-district is bounded as follows, viz: Beginning on the south boundary of the State of Arkansas where the line between ranges five and six west of the fifth principal meridian intersects the same; thence north on said range-line to the corner common to townships ten and eleven south; thence west on the line between townships ten and eleven south to the line between ranges seventeen and eighteen west; thence north on the said range-line to the corner common to townships twelve and thirteen north of the base-line; thence east on the line between townships twelve and thirteen north to the line between ranges seven and eight west; thence north along said range-line to the north boundary of the State; thence east with the said boundary to the Saint Francis River; thence down said river to the intersection of the thirty-sixth degree and thirty minutes of north latitude; thence east along said parallel of north latitude to the Mississippi River; thence down said river to the south boundary of the State of Arkansas; and thence west along said boundary to the point of beginning.

Camden.

21. Camden

Land-district is bounded on the north by the base-line extending from the west boundary of the State of Arkansas to the intersection of the line between ranges seventeen and eighteen west of the fifth principal meridian; thence south with the said range-line to the corner common to townships ten and eleven south of the base-line; thence east, on the line between townships ten and eleven south, to the intersection of the line between ranges five and six west of the fifth principal meridian; thence south along said range-line to the south boundary of the State; thence west with the said boundary to the west boundary of the State; and thence with the west boundary to the place of beginning.

Harrison.

22. Harrison

Land-district comprises all that part of the State of Arkansas which lies north of the line between townships twelve and thirteen north of the base-line, and west of the line between ranges seven and eight west of the fifth principal meridian.

FLORIDA.

Tallahassee.

23. Tallahassee

Land-district embraces all that part of the State of Florida which lies west of the line between ranges fourteen and fifteen east of the principal meridian.

Gainesville or
East Florida.

24. Gainesville or East Florida

Land-district consists of that part of the State of Florida lying east of the line between ranges fourteen and fifteen east of the principal meridian.

IOWA.

Fort Des Moines.

25. Fort Des Moines

Land-district embraces the eastern portion of the State of Iowa, and is

bounded as follows, viz: Beginning on the south boundary of the State where the line between ranges thirty-three and thirty-four west of the fifth principal meridian intersects the same; thence north along said range-line to the corner common to townships eighty-five and eighty-six north of the base-line; thence east on the line between said townships to the line between ranges eighteen and nineteen west; thence north with said range-line to the corner common to townships ninety-three and ninety-four north; thence west on the line between said townships to the line between ranges twenty-four and twenty-five west; thence north on said range-line to the north boundary of the State; thence east with said boundary to the Mississippi River; thence down the river to the mouth of Des Moines River; thence up said river to the south boundary of Iowa, and thence west along the said boundary to the place of beginning.

26. Council Bluffs

Council Bluffs.

Land-district is bounded on the north by the line between townships eighty-five and eighty-six north, extending east from the Missouri River to the line between ranges thirty-three and thirty-four west of the fifth principal meridian; thence south with said range-line to the south boundary of the State; thence west with said boundary to the Missouri River; thence up the Missouri River to the place of beginning.

27. Fort Dodge

Fort Dodge.

Land-district is bounded on the north by the north boundary of the State of Iowa, extending east from the line between ranges thirty-three and thirty-four west of the fifth principal meridian to the line between ranges twenty-four and twenty-five west; thence south with said range-line to the corner common to townships ninety-three and ninety-four north; thence east on the line between townships ninety-three and ninety-four north to the line between ranges eighteen and nineteen west; thence south along said range-line to the corner common to townships eighty-five and eighty-six north; thence west on the line between said townships to the line between ranges thirty-three and thirty-four west; thence north with said range-line to the place of beginning.

28. Sioux City

Sioux City.

Land-district is bounded on the north by the north boundary of the State of Iowa; on the east by the line between ranges thirty-three and thirty-four west of the fifth principal meridian; on the south by the line between townships eighty-five and eighty-six north; and on the west by the Missouri and Big Sioux Rivers.

WISCONSIN.

29. Menasha

Menasha.

Land-district embraces eastern part of the State of Wisconsin lying east of the line between ranges eight and nine east, extending from the south boundary of the State to the corner common to townships fourteen and fifteen north; thence east on said township-line to the line between ranges eleven and twelve east; thence north along the said range-line to the north boundary of the State.

30. Falls Saint Croix

Falls Saint Croix.

Land-district is bounded on the north by the fourth correction-line north of the base-line; on the east by the line between ranges eleven and

twelve west of the fourth principal meridian ; on the south by the Chippeway and Mississippi Rivers, and on the west by the Saint Croix River.

Wausau.

31. Wausau

Land-district embraces all that portion of the State of Wisconsin lying north of the line between townships fourteen and fifteen north of the base-line ; west of the line between ranges eleven and twelve east of the fourth principal meridian ; and east of the line between ranges one and two east of the fourth principal meridian.

La Crosse.

32. La Crosse

Land-district is included within the following boundaries, to wit: Beginning on the south boundary of the State of Wisconsin, where the line between ranges eight and nine east of the fourth principal meridian intersects the same ; thence north with the said range-line to the corner common to townships fourteen and fifteen north of the base-line ; thence west with said line to the line between ranges one and two east ; thence north along said range-line to the corner common to townships twenty-four and twenty-five north ; thence west on the line between said townships to the line between ranges eleven and twelve west ; thence north with said range-line to the intersection with the Chippeway River ; thence down said river to its mouth ; thence down the Mississippi River to the southern boundary of Wisconsin ; and thence east along the said boundary to the place of beginning.

Bayfield.

33. Bayfield

Land-district embraces all that part of the northwestern corner of the State of Wisconsin lying north of the fourth correction-line and west of the line between ranges one and two east of the fourth principal meridian.

Eau Claire.

34. Eau Claire

Land-district is bounded on the north by the fourth correction-line running through ranges one east and one to eleven west of the fourth principal meridian ; on the west by the line running south between ranges eleven and twelve west to the corner common to townships twenty-four and twenty-five north of the base-line ; on the south by the line running east between said townships to the line between ranges one and two east of the fourth principal meridian, and on the east by the said range-line extending north to the corner common to townships forty and forty-one north of the base-line, to the place of beginning.

CALIFORNIA.

San Francisco.

35. San Francisco

Land-district is bounded as follows: Beginning on the Pacific Ocean where the line between townships seventeen and eighteen north intersects the ocean, and running thence east with the said township-line to the line between ranges six and seven west of the Mount Diablo meridian ; thence south on said range-line to the corner common to townships sixteen and seventeen north ; thence east between said townships to the line between ranges five and six west ; thence south along the line between ranges five and six west to the second standard north of the Mount Diablo base-line ; thence east along said standard-line, to the line between ranges four and five west ; thence south on line between ranges four and five west to the corner common to townships nine and ten north ; thence east between townships nine and ten north to the line between

ranges three and four west; thence south between ranges three and four west to the corner common to townships seven and eight north; thence east on the line between townships seven and eight north to the line between ranges three and four east; thence south on the line between ranges three and four east to the first standard north; thence west along said standard to the line between ranges two and three east; thence south on the line between ranges two and three east to the corner common to townships three and four north; thence west between townships three and four north to the line between ranges one and two east; thence south on line between ranges one and two east to the corner common to townships one and two north; thence east to the line between ranges two and three east; thence north between ranges two and three east to the corner common to townships two and three north; thence east on said township-line to the line between ranges four and five east; thence south on the line between ranges four and five east to the corner common to townships one and two south of the Mount Diablo base-line; thence east between townships one and two south to the line between ranges five and six east; thence south on said range-line to the corner common to townships seven and eight south; thence east on the line between townships seven and eight south to the line between ranges six and seven east; thence south on said range-line to the corner common to townships nine and ten south; thence east to the line between ranges seven and eight east; thence south to the corner common to townships ten and eleven south; thence east on line between townships ten and eleven south to the line between ranges eight and nine east; thence south on said range-line to the intersection of the third standard south; thence east along said standard to the line between ranges nine and ten east; thence on said range-line to the corner common to townships thirteen and fourteen south; thence east on the line between townships thirteen and fourteen south to the line between ranges ten and eleven east; thence south between ranges ten and eleven east to the corner common to townships fifteen and sixteen south; thence east on the line between townships fifteen and sixteen south to the line between ranges eleven and twelve east; thence south to the fourth standard south; thence east along said standard to the line between ranges twelve and thirteen east; thence south on said range-line to the corner common to townships eighteen and nineteen south; thence east along said township-line to the line between ranges thirteen and fourteen east; thence south to the fifth standard-line south; thence east along said standard-line to the line between ranges fourteen and fifteen east; thence south to the corner common to townships twenty-two and twenty-three south; thence east on the line between townships twenty-two and twenty-three south to the line between ranges fifteen and sixteen east; thence south on said range-line to the corner common to townships twenty-three and twenty-four south; thence east on said township-line to the line between ranges sixteen and seventeen east; thence south on said range-line to the corner common to townships twenty-six and twenty-seven south; thence east on said township-line to the line between ranges seventeen and eighteen east; thence south between said ranges to the corner common to townships twenty-seven and twenty-eight south; thence east on the line between said townships to the line between ranges eighteen and nineteen east; thence south on said range-line to the seventh standard-line south of the base-line; thence east along said standard-line to the line between ranges nineteen and twenty east; thence south on said range-line to the corner common to townships twenty-nine and thirty south; thence east on said township-line to the line between ranges twenty and twenty-one east; thence south on said range-line to the corner common to townships thirty and thirty-one south; thence east on said township-line to the line between ranges twenty-one and twenty-two east; thence south on said range-line to the corner common to townships thirty-one and thirty-two south; thence east on line between townships thirty-one and thirty-two south to the line between ranges

twenty-two and twenty-three east; thence south to the eighth standard-line south; thence east along said standard-line of the Mount Diablo base-line to the line between ranges twenty-three and twenty-four west of the San Bernardino meridian; thence south on said range-line to the corner common to townships ten and eleven north of the San Bernardino base-line; thence east on line between said townships to the line between ranges twenty and twenty-one west; thence south on said range-line to the first standard north of the San Bernardino base-line; thence west along said standard-line to the Pacific Ocean, and thence northwesterly along the ocean to the place of beginning.

Marysville.

36. Marysville

Land-district is bounded as follows: Beginning at a point where the north boundary of township twenty-five north is intersected by the line between ranges seven and eight west of the Mount Diablo meridian; thence east along the fifth standard north to the southeast corner of township twenty-six north, range four east; thence north to the corner of townships twenty-six and twenty-seven north, ranges four and five east; thence east to the corner of townships twenty-six and twenty-seven north, ranges five and six east; thence south to the fifth standard north; thence east along said standard to the line between ranges eight and nine east; thence south to the corner of townships twenty-three and twenty-four north, ranges eight and nine east; thence east to the line between ranges eleven and twelve east; thence south to the corner of townships twenty-one and twenty-two north, ranges eleven and twelve east; thence west to the corner of townships twenty-one and twenty-two north, ranges ten and eleven east; thence south to the fourth standard north; thence west along said standard, to the line between ranges nine and ten east; thence south, to the corner of townships nineteen and twenty north, ranges nine and ten east; thence west to the line between ranges eight and nine east; thence south to the corner of townships sixteen and seventeen north; thence west to the line between ranges six and seven east; thence south to the corner of townships thirteen and fourteen north, ranges six and seven east; thence west to the line between ranges five and six east; thence south to the corner of townships twelve and thirteen north; thence west to the line between ranges four and five east; thence south to the corner of townships eleven and twelve north; thence west to the line between ranges three and four east; thence south to the corner of townships seven and eight north; thence west to the line between ranges three and four west; thence north to the corner of townships nine and ten north; thence west to the line between ranges four and five west; thence north to the intersection of the second standard north; thence west along said standard to the southwest corner of township eleven north, range five west; thence north to the corner of townships sixteen and seventeen north; thence west to the corner of townships sixteen and seventeen north, ranges six and seven west; thence north to the corner of townships nineteen and twenty north; thence west to the line between ranges seven and eight west, and thence north to the place of beginning.

Humboldt.

37. Humboldt

Land-district is bounded as follows: Beginning at a point where the northern boundary of the State of California intersects the Pacific Ocean; thence east to the intersection of the line between ranges ten and eleven west of the Mount Diablo meridian; thence south on said range-line to the corner of townships twenty-five and twenty-six north; thence east to the line between ranges seven and eight west; thence south to the corner of townships nineteen and twenty north, ranges seven and eight west; thence east to the line between ranges six and seven west; thence south to the corner of townships seventeen and

eighteen north; thence west to the Pacific Ocean, and thence north-westerly, with the ocean, to the point of beginning.

38. Stockton

Stockton.

Land-district is bounded as follows: Beginning at the northwest corner of township five north, range five east of the Mount Diablo meridian, and running thence east along the first standard north to the line between ranges nine and ten east; thence south to the corner of townships three and four north, ranges nine and ten east; thence east to the line between ranges seventeen and eighteen east; thence north to the corner of townships four and five north, ranges seventeen and eighteen east; thence east to the line between ranges twenty-two and twenty-three east; thence south to the first standard south of the Mount Diablo base-line; thence east along said standard-line to the line between ranges twenty-six and twenty-seven east; thence south to the third standard south; thence west along said standard to the line between ranges eight and nine east; thence north to the corner of townships ten and eleven south; thence west to the line between ranges seven and eight east; thence north to the corner of townships nine and ten south; thence west to the line between ranges six and seven east; thence north to the corner of townships seven and eight south; thence west to the line between ranges five and six east; thence north to the corner of townships one and two south; thence west to the line between ranges four and five east; and thence north to the place of beginning.

39. Visalia

Visalia.

Land-district is bounded as follows: Beginning at the northwest corner of township thirteen south, range ten east, of the Mount Diablo meridian; running thence east along the third standard south to the line between ranges thirty-two and thirty-three east; thence south to the sixth standard south; thence east along said standard to the line between ranges thirty-two and thirty-three east; thence south along said range-line to the sixth standard south; thence east along said standard to the intersection of the San Bernardino meridian; thence north along said meridian to the intersection of the eastern boundary of the State of California; thence southeasterly along said boundary to the intersection of the line between townships eleven and twelve north of the San Bernardino base-line; thence west to the intersection of the San Bernardino meridian; thence with said meridian to the point where the same is intersected by the eighth standard south of the Mount Diablo meridian; thence west with the eighth standard south to the line between ranges twenty-two and twenty-three east of the Mount Diablo meridian; thence north to the corner of townships thirty-one and thirty-two south; thence west to the line between ranges twenty-one and twenty-two east; thence north to the corner of townships thirty and thirty-one south; thence west to the line between ranges twenty and twenty-one east; thence north to the corner of townships twenty-nine and thirty south; thence west to the line between ranges nineteen and twenty east; thence north to the seventh standard south; thence west along said standard to the line between ranges eighteen and nineteen east; thence north to the corner of townships twenty-seven and twenty-eight south; thence west to the line between ranges seventeen and eighteen east; thence north to the corner of townships twenty-six and twenty-seven south; thence west to the line between ranges sixteen and seventeen east; thence north along said range-line to the corner of townships twenty-three and twenty-four south; thence west to the line between ranges fifteen and sixteen east; thence north to the corner of townships twenty-two and twenty-three south; thence west to the line between ranges fourteen and fifteen east; thence north to the fifth standard south; thence west along said standard-line, to the line between ranges thirteen and fourteen east; thence

north to the corner of townships eighteen and nineteen south; thence west to the line between ranges twelve and thirteen east; thence north to the fourth standard south; thence west along said standard to the line between ranges eleven and twelve east; thence north to the corner of townships fifteen and sixteen south; thence west to the line between ranges ten and eleven east; thence north to the corner of townships thirteen and fourteen south; thence west to the line between ranges nine and ten east; and thence north to the place of beginning.

Sacramento.

40. Sacramento

Land-district is bounded as follows: Beginning at the northwest corner of township twenty north, range ten east; thence east along the fourth standard north of the Mount Diablo base-line to the line between ranges ten and eleven east; thence north to the corner of townships twenty-one and twenty-two north; thence east to the line between ranges thirteen and fourteen east; thence south along said line to the corner of townships nineteen and twenty east; thence east to the intersection of the eastern boundary of California; thence south to the intersection of the boundary with the thirty-ninth parallel of north latitude; thence southeasterly with the eastern boundary of California to the intersection of the western boundary of the Aurora land-district, or the line between ranges twenty-two and twenty-three east of the Mount Diablo meridian; thence south on said range-line to the corner of townships four and five north; thence west to the line between ranges seventeen and eighteen east; thence south to the corner of townships three and four north; thence west to the line between ranges nine and ten east; thence north to the first standard north; thence west with the said standard to the line between ranges four and five east; thence south to the corner of townships two and three north; thence west to the line between ranges two and three east; thence south to the corner of townships one and two north; thence west to the line between ranges one and two east; thence north to the corner of townships three and four north; thence east to the line between ranges two and three east; thence north on the line between ranges two and three east to the intersection of the first standard north; thence east along said standard-line to the line between ranges three and four east; thence north to the corner of townships eleven and twelve north; thence east to the line between ranges four and five east; thence north to the corner of townships twelve and thirteen north; thence east to the line between ranges five and six east; thence north to the corner of townships thirteen and fourteen north; thence east to the line between ranges six and seven east; thence north to the corner of townships sixteen and seventeen north; thence east to the line between ranges eight and nine east; thence north to the corner of townships nineteen and twenty north; thence east to the line between ranges nine and ten east; thence north to the point of beginning.

Los Angeles.

41. Los Angeles

Land-district is bounded as follows: Beginning at a point of the intersection of the first standard north of the San Bernardino base-line with the Pacific Ocean; thence east along said standard-line to the line between ranges twenty and twenty-one west of the San Bernardino meridian; thence north to the corner of townships ten and eleven north; thence west to the line between ranges twenty-three and twenty-four west; thence north with said range-line to the intersection of the eighth standard-line south of the Mount Diablo base-line; thence east with said standard-line to the intersection of the San Bernardino meridian; thence south to the corner of townships eleven and twelve north of San Bernardino base-line; thence east to the intersection of the eastern boundary of the State of California; thence in a southeasterly direction with said

boundary to the intersection of the Colorado River of the West; thence down said river to the intersection of the boundary between the United States and Mexico; thence southwesterly with said boundary to the Pacific Ocean; and thence in a northwesterly direction along the ocean to the place of beginning.

42. Shasta

Shasta.

Land-district is bounded as follows: Beginning on the northern boundary of the State of California, where the line between ranges ten and eleven west of the Mount Diablo meridian intersects said boundary; thence east with said boundary to the intersection of the line between ranges five and six east; thence south on said range-line to the corner to townships thirty and thirty-one north; thence west to the line between ranges four and five east; thence south to the fifth standard north of the Mount Diablo base-line; thence west along said standard-line to the line between ranges ten and eleven west; and thence north with said range-line to the north boundary of the State, the point of beginning.

43. Susanville

Susanville.

Land-district is bounded as follows: Beginning at a point where the north boundary of township nineteen north, Mount Diablo base-line, intersects the eastern boundary of the State of California; thence west on the north boundary of township nineteen north to the corner of townships nineteen and twenty north, ranges thirteen and fourteen east; thence north to the corner of townships twenty-one and twenty-two north, ranges thirteen and fourteen east; thence west to the corner of townships twenty-one and twenty-two north, ranges eleven and twelve east; thence north to the corner of townships twenty-three and twenty-four north, ranges eleven and twelve east; thence west to the corner of townships twenty-three and twenty-four north, ranges eight and nine east; thence north to the corner of townships twenty-five and twenty-six north, ranges eight and nine east; thence west to the corner of townships twenty-five and twenty-six north, ranges five and six east; thence north between ranges five and six east to the corner of townships twenty-six and twenty-seven north, ranges five and six east; thence west to the corner of townships twenty-six and twenty-seven north, ranges four and five east; thence north to the corner of townships thirty and thirty-one north, ranges four and five east; thence east to the corner of townships thirty and thirty-one north, ranges five and six east; thence north along said range-line to the northern boundary of the State of California; thence east with the said boundary to the intersection of the eastern boundary of the State, and thence south along the eastern boundary to the place of beginning.

NEVADA.

44. Carson City

Carson City.

Land-district is bounded as follows: Beginning at the northwest corner of the State of Nevada; thence east with the north boundary of the State to the intersection of the line between ranges forty-four and forty-five east of the Mount Diablo meridian; thence south on said range-line to the corner of townships twenty-four and twenty-five north of the Mount Diablo base-line; thence west to the line between ranges thirty-nine and forty east; thence south along said range-line to the corner of townships thirteen and fourteen north; thence west to the line between ranges twenty-six and twenty-seven east; thence south along said range-line to the corner of townships ten and eleven north; thence west to the line between ranges twenty-two and twenty-three east;

thence south along said range-line to the intersection of the eastern boundary of California; thence northwesterly along said boundary to the intersection of the thirty-ninth parallel of north latitude with the one hundred and twentieth meridian of west longitude from Greenwich; thence north with said meridian to the place of beginning.

Austin.

45. Austin

Land-district is bounded as follows: Beginning at the corner to townships twenty-four and twenty-five north, ranges thirty-nine and forty east; thence east to the eastern boundary of the State of Nevada; thence south with the said boundary to the line between townships thirteen and fourteen north; thence west with said township-line to the intersection of the line between ranges thirty-nine and forty east; thence north with said range-line to the place of beginning.

Belmont.

46. Belmont.

Land-district is bounded as follows: Beginning at the corner to townships thirteen and fourteen north of Mount Diablo base-line, between ranges thirty-nine and forty east; thence east to the eastern boundary of the State of Nevada; thence south with said boundary to the Colorado River of the West; thence down said river to the intersection of the thirty-fifth degree of north latitude; thence northwesterly along the east boundary of the State of California to the intersection of the line between ranges thirty-nine and forty east; thence along said range-line to the place of beginning.

Aurora.

47. Aurora

Land-district is bounded as follows: Beginning at the corner common to townships thirteen and fourteen north, ranges thirty-nine and forty east of the Mount Diablo base-line; thence west on the line between townships thirteen and fourteen north, to the intersection of the line between ranges twenty-six and twenty-seven east; thence south on said range-line to the corner of townships ten and eleven north; thence west to the line between ranges twenty-two and twenty-three east; thence south along the said range-line to the intersection of the first standard parallel south; thence east to the line between ranges twenty-six and twenty-seven east; thence south on the said range-line to the intersection of the third standard parallel south; thence east to the line between ranges thirty-two and thirty-three east; thence south on the said range-line to the intersection of the sixth standard parallel south; thence east to the San Bernardino meridian; thence north with said meridian to the intersection of the eastern boundary of California; thence northwesterly with said eastern boundary to the intersection of the line between ranges thirty-nine and forty east of Mount Diablo meridian; thence north on the said range-line to the place of beginning.

Elko.

48. Elko

Land-district is bounded as follows: Commencing at the corner common to townships twenty-four and twenty-five north, range forty-four and forty-five east, Mount Diablo base and meridian; thence running due east to the eastern boundary-line of the State of Nevada; thence north on said eastern boundary of said State to the north boundary of said State; thence west on said north boundary of said State to the eastern boundary of the Carson land-district; thence south along said eastern boundary of the Carson land-district to the place of beginning.

WASHINGTON.

49. Olympia

Olympia.

Land-district is bounded as follows: Beginning on the boundary-line between the United States and the British possessions, and on the summit of the Cascade Mountains, at the nearest range-line to the east line of range twelve east of the Willamette meridian; thence south on the nearest range-lines on the summit of said mountains to the line dividing townships ten and eleven north of the base-line; thence west to the line dividing ranges six and seven west; thence north on said range-line to the third standard parallel; thence west to Shoal Water Bay; thence with the Shoal Water Bay to the Pacific Ocean; thence northwesterly with the ocean to the Strait of Juan de Fuca; and thence along the boundary-line between the United States and British possessions, running through the said strait and that of De Harro, to the intersection of the forty-ninth parallel of north latitude; and thence due east along said parallel to the place of beginning.

50. Vancouver or Columbia River

Vancouver or Columbia River.

Land-district is bounded as follows: Beginning at a point where the line between townships twelve and thirteen north intersects Shoal Water Bay; thence with the Shoal Water Bay, including any islands therein, to the Pacific Ocean; thence southerly with the ocean to the mouth of Columbia River; thence up the river to the point opposite the line between ranges nineteen and twenty east of the Willamette meridian; thence north with said range-line to the corner common to townships ten and eleven north; thence west along said township-line to the line between ranges six and seven west; thence north on said range-line to the intersection of the third standard parallel north; thence west with the said standard parallel to the place of beginning.

51. Walla-Walla

Walla-Walla.

Land-district is bounded as follows: Beginning on the boundary-line between the United States and the British possessions, on the summit of the Cascade Mountains; thence southerly along the line established by the first section of the act of May sixteen, eighteen hundred and sixty, entitled "An act to create an additional land-district in Washington Territory," to the line dividing townships ten and eleven north; thence east to the line dividing ranges nineteen and twenty east; thence south along said line to the Columbia River; thence up the Columbia River to the point where the forty-sixth parallel of north latitude crosses the river; thence east along the parallel to the eastern boundary of the Territory of Washington; thence north with said eastern boundary to the boundary-line between the United States and the British possessions; and thence west along the said boundary to the place of beginning.

MINNESOTA.

52. Taylor's Falls

Taylor's Falls.

Land-district is bounded as follows: Beginning at a point where the northern boundary of township forty-five north of the base-line and fourth principal meridian intersects the boundary between the States of Minnesota and Wisconsin; thence south along said boundary to the intersection of the Saint Croix River; thence down with said river to its mouth; thence up the Mississippi River to the intersection of the line between ranges twenty-seven and twenty-eight west of the fourth principal meridian with said river; thence north with said range-line to the corner of townships forty-five and forty-six north; and thence east to the place of beginning.

Saint Cloud.

53. Saint Cloud

Land-district is bounded as follows: Beginning at a point of intersection of the fifth standard parallel north of the base-line with the line between ranges thirty-five and thirty-six west of the fifth principal meridian; thence north with the said range-line to the boundary-line between the United States and British possessions; thence east and southeasterly along said boundary to the intersection of the line between ranges twenty-three and twenty-four west of the fourth principal meridian; thence south with said range-line to the corner of townships forty-five and forty-six north; thence west to the line between ranges twenty-seven and twenty-eight west; thence south with said range-line to the Mississippi River; thence up the river to the intersection of the line between ranges twenty-four and twenty-five west of the fifth principal meridian with said river; thence south on the line between ranges twenty-four and twenty-five west to the intersection of the fifth standard parallel north; thence west with said standard parallel to the place of beginning.

Du Luth.

54. Du Luth

Land-district is bounded as follows: Commencing at a corner common to townships forty-five and forty-six north, ranges twenty-three and twenty-four west of the fourth principal meridian; thence north with said range-line to the intersection of the boundary-line between the United States and the British possessions; thence eastwardly with said boundary to Lake Superior; thence southwesterly with said lake to the mouth of Saint Louis River; thence up said river to the intersection of the boundary-line between Wisconsin and Minnesota; thence south along said boundary-line to the intersection of the line between townships forty-five and forty-six north; and thence west between townships forty-five and forty-six north to the place of beginning.

Alexandria.

55. Alexandria

Land-district is bounded as follows: On the east by the line between ranges thirty-five and thirty-six west of the fifth principal meridian; on the north by the ninth standard parallel north of the base-line; on the south by the sixth standard parallel north; and on the west by the western boundary of the State of Minnesota.

Jackson.

56. Jackson.

Root River land-district is bounded on the south by the boundary-line between the States of Iowa and Minnesota; on the west by the western boundary of the State of Minnesota; on the north by the line between townships one hundred and five and one hundred and six north; and on the east by the Mississippi River.

New Ulm.

57. New Ulm.

Winona land-district is bounded on the north by the line between townships one hundred and ten and one hundred and eleven north; on the south by the line between townships one hundred and five and one hundred and six north of the base-line; on the east by the Mississippi River, and on the west by the western boundary of the State of Minnesota.

Litchfield.

58. Litchfield

Land-district is bounded as follows: Beginning on the Mississippi River at a point of the intersection of the south boundary of township twenty-seven north of the base-line with said river; thence west on said town-

ship-line to the southwest corner of township twenty-seven north, range twenty-four west of the fourth principal meridian; thence north to the intersection of the line between townships one hundred and fifteen and one hundred and sixteen north; thence west with said township-line to the western boundary of Minnesota; thence north with the western boundary of the State of Minnesota to the intersection of the said standard parallel to the intersection of the line between ranges thirty-five and thirty-six west of the fifth principal meridian; thence south along said range-line to the intersection of the fifth standard parallel north; thence east with the said standard parallel to the third guide-meridian west of the fifth principal meridian; thence north with said third guide-meridian to the Mississippi River; thence down the Mississippi River to the place of beginning.

59. Redwood Falls

Redwood Falls.

Land-district is bounded on the south by the line between townships one hundred and ten and one hundred and eleven north; on the west by the western boundary of the State of Minnesota; on the north by the line between townships one hundred and fifteen and one hundred and sixteen north, extending east from the western boundary of the State of Minnesota to the intersection of the western boundary of township twenty-seven north, range twenty-four west of the fourth principal meridian; thence south with said west boundary of township twenty-seven north to the southwest corner thereof; thence east with the south boundary of township twenty-seven north to the Mississippi River; thence down the Mississippi River to the intersection of the line between townships one hundred and ten and one hundred and eleven north of the base-line.

60. Oak Lake

Oak Lake.

Land-district embraces all that part of the State of Minnesota which lies north of township number one hundred and thirty-six north and west of range number thirty-five west of the fifth principal meridian.

OREGON.

61. Oregon City

Oregon City.

Land-district is bounded as follows: Beginning at a point of the intersection of the third standard parallel south of the Willamette base-line with the Pacific Ocean; thence east along said standard-line to the summit of the Cascade Mountains; thence south to the fourth standard parallel south; thence east with said fourth standard-line to the intersection of the line between ranges twenty-two and twenty-three east of the Willamette meridian; thence north along said range-line to the Columbia River; thence down the Columbia River to the Pacific Ocean; thence with the ocean to the place of beginning.

62. Roseburgh

Roseburgh.

Land-district is bounded on the north by the third standard parallel south of the base-line extending from the Pacific Ocean east to the summit of the Cascade Mountains; on the east by said Cascade Mountains extending south to the intersection of the fourth standard south; thence west along said standard to the intersection of the line between ranges five and six east; thence south along said range-line to the south boundary of Oregon; thence west with said boundary to the Pacific Ocean; and thence along the ocean to the place of beginning.

Le Grand.

63. Le Grand

Land-district is bounded on the west by the line between ranges twenty-two and twenty-three east of the Willamette meridian; on the south by the fourth standard parallel south of the base-line; on the east by the Snake River, and on the north by the boundary-line between Washington Territory and the State of Oregon and the Columbia River.

Linkville.

64. Linkville.

Linkton district embraces all that portion of the State of Oregon lying south of the fourth standard parallel south of the base-line between townships eighteen and nineteen south, and east of the meridian-line between ranges five and six in said State.

KANSAS.

Topeka.

65. Topeka

Land-district is bounded on the north by the boundary-line between the States of Kansas and Nebraska; on the east by the Missouri River and the boundary-line between the States of Arkansas and Missouri; on the south by the line between townships twenty-two and twenty-three south of the base-line; and on the west by guide-meridian east of the sixth principal meridian.

Salina.

66. Salina.

Western land-district is bounded on the east by the guide-meridian east of the sixth principal meridian; on the south by the fourth standard parallel south of the base-line; on the west by the boundary-line between Kansas and Colorado; and on the north by the second standard parallel south of the base-line.

Independence.

67. Independence

Land-district is bounded on the north by the line between townships twenty-two and twenty-three south of the base-line; on the east by the western boundary of the State of Missouri; on the south by the south boundary of the State of Kansas; and on the west by the guide-meridian east of the sixth principal meridian.

Wichita.

68. Wichita.

Arkansas land-district is bounded on the north by the fourth standard parallel south; on the east by the guide-meridian east of the sixth principal meridian; on the south by the south boundary of the State of Kansas; and on the west by the boundary between the State of Kansas and the Territory of Colorado.

Concordia.

69. Concordia.

Republican land-district is bounded on the east by the guide-meridian east of the sixth principal meridian; on the south by the second standard parallel south of the base-line; on the west by the first guide-meridian west; and on the north by the boundary-line between the States of Kansas and Nebraska.

Cawker.

70. Cawker.

Northwestern land-district embraces all that portion of the State of Kansas lying west of the first guide-meridian west of the sixth principal meridian and north of the second standard parallel south of the base-line.

NEBRASKA.

71. West Point

West Point.

Land-district is bounded as follows: Beginning at the confluence of the Platte River with the Missouri; thence up the Missouri River to the intersection of the line between townships twenty-three and twenty-four north of the base-line; thence west with said township-line to the intersection of the line between ranges twenty-eight and twenty-nine west of the sixth principal meridian; thence south along said range-line to the fifth standard parallel north; thence east with said fifth standard parallel north to the intersection of the line between ranges six and seven east of the sixth principal meridian; thence south with said range-line to the Platte River; thence down with the Platte River to the place of beginning.

72. Beatrice.

Beatrice.

Nemaha land-district is bounded on the north by the line between townships six and seven north of the base-line; on the west by the line between ranges eight and nine west of the sixth principal meridian; on the south by the boundary-line between Kansas and Nebraska; and on the east by the Missouri River.

73. Lincoln.

Lincoln.

South Platte district is bounded on the south by the line between townships six and seven north of the base-line; on the west by the line between ranges eight and nine west of the sixth principal meridian; on the north by the Platte River; and on the east by the Missouri River.

74. Dakota City.

Dakota City.

Dakota land-district is bounded on the south by the line between townships twenty-three and twenty-four north of the base-line; on the west by the line between ranges twenty-eight and twenty-nine west of the sixth principal meridian; on the north by the boundary-line between Dakota Territory and the State of Nebraska; and on the east by the Missouri River.

75. Grand Island

Grand Island.

Land-district is bounded as follows: Beginning at the corner common to townships twenty and twenty-one north of the base-line, ranges six and seven east of the sixth principal meridian; thence south with said range-line to Platte River; thence up the Platte River to the intersection of the line between ranges twenty-four and twenty-five west of the sixth principal meridian; thence south with said range-line to the second standard parallel north; thence west along said standard parallel to the intersection of the line between ranges twenty-eight and twenty-nine west; thence north with said range-line to the intersection of the line between townships twenty and twenty-one north; thence east with said township line to the place of beginning.

76. North Platte.

North Platte.

Western district embraces all that portion of the State of Nebraska which lies west of range twenty-eight west of the sixth principal meridian, and north of the line between townships eight and nine north of the base-line.

Lowell.

77. Lowell.

Republican Valley district is bounded as follows: Beginning on the base-line, on the range-line between ranges eight and nine west of the sixth principal meridian; thence north with said range-line to the Platte River; thence up said river to the intersection of the line between ranges twenty-four and twenty-five west; thence south with said range-line to the second standard parallel north; thence west with said standard parallel to the western boundary of Nebraska; thence south with the western boundary of Nebraska to the intersection of the base-line; and thence east with said base-line to the place of beginning.

TERRITORY OF NEW MEXICO.

Santa Fé.

78. Santa Fé.

District of New Mexico is co-extensive with the limits of the Territory of New Mexico.

DAKOTA TERRITORY.

Vermillion.

79. Vermillion.

The Yankton land-district is bounded as follows: Beginning at a point on the north bank of Missouri River, on the line between ranges fifty-two and fifty-three west of the fifth principal meridian; thence north along said range-line to the line between townships one hundred and twenty and one hundred and twenty-one north, ranges fifty-two and fifty-three west; thence east with said range-line to the western boundary of the State of Minnesota; thence south with said boundary to the north boundary of Iowa; thence west with said boundary of the State of Iowa to the Big Sioux River; thence down said river to its mouth; thence up the middle channel of the Missouri River to the point opposite the place of beginning; and thence north to the point of beginning.

Springfield.

80. Springfield

Land-district is bounded as follows: Beginning at a point of the intersection of the line between ranges fifty-seven and fifty-eight west of the fifth principal meridian with the Missouri River; thence north with said range-line to the intersection of the line between townships one hundred and twenty and one hundred and twenty-one north; thence west on said township-line to the west boundary of Dakota Territory; thence south with said boundary to the south boundary of the Territory of Dakota; thence east with the south boundary of Dakota to the place of beginning.

Pembina.

81. Pembina

Land-district is bounded on the east by the western boundary of the State of Minnesota; on the south by the line between townships one hundred and twenty and one hundred and twenty-one north of the base-line, extending west from the west boundary of the State of Minnesota to the intersection of the line between ranges fifty-two and fifty-three west of the fifth principal meridian; thence north with said range-line to the forty-sixth parallel of north latitude; thence west along said parallel to the line between ranges fifty-seven and fifty-eight west; thence south along said range-line to the intersection of the line between townships one hundred and twenty and one hundred and twenty-one north; thence west along said township-line to the west boundary of Dakota Territory; thence north with said boundary to the forty-ninth parallel of north latitude; and thence east with said parallel to the western boundary of the State of Minnesota.

82. Yankton

Yankton.

Land-district is bounded as follows: Beginning at a point on the north bank of Missouri River at the intersection of the line between ranges fifty-two and fifty-three; thence north along said range-line to the forty-sixth parallel of north latitude; thence west along said parallel to the line between ranges fifty-seven and fifty-eight; thence south along said range-line to the Missouri River; thence easterly along the north bank of said stream to the place of beginning.

COLORADO TERRITORY.

83. Pueblo.

Pueblo.

Arkansas Valley land-district embraces all that part of the Territory of Colorado falling within the following limits: Beginning on the east boundary of the Territory of Colorado at a point where the second correction-line south intersects the same; running thence west on the said correction-line to the line dividing ranges numbered seventy-five and seventy-six west of the sixth principal meridian; thence south with said range-line to the third correction-line south; thence west on said line to the western boundary of the Territory; thence south to the southern boundary of said Territory; thence east to the eastern boundary of said Territory; and thence north to the point of beginning.

84. Denver City

Denver City.

Land-district is bounded as follows: Beginning at a point where the summit of the Rocky Mountains is intersected by the northern boundary of the Territory of Colorado; thence southerly with said mountains to the north boundary of Boulder County; thence east with said north boundary to the intersection of the line between ranges seventy and seventy-one west of the sixth principal meridian; thence south along said range-line to the intersection of South Platte River; thence up said river to the second correction line south; thence east along said correction-line to the eastern boundary of the Territory of Colorado; thence north with said eastern boundary to the northern boundary of Colorado; and thence west along said northern boundary of the Territory to the place of beginning.

85. Fair Play

Fair Play.

Land-district is bounded as follows: Beginning at a point where the second correction-line south of the base-line intersects South Platte River; thence down said river to the boundary-line between Clear Creek and Park Counties; thence north with said boundary to the intersection of the first correction-line south; thence west along said correction-line to the western boundary of the Territory of Colorado; thence south with said western boundary to the intersection of the third correction-line south; thence east with said correction-line to the line between ranges seventy-five and seventy-six west of the sixth principal meridian; thence north along said range-line to the intersection of the second correction-line south; and thence east to the place of beginning.

86. Central City

Central City.

Land-district is composed of the counties of Clear Creek and Gilpin; all that part of Boulder and Jefferson Counties lying west of the line between ranges seventy and seventy-one west of the sixth principal meridian; and all that part of Summit County, Colorado, which lies north of the first correction-line south of the base-line.

IDAHO TERRITORY.

Boise City.

87. Boise City.

Idaho land-district comprises all that part of the Territory of Idaho which lies south of the Salmon range of mountains, to which the Indian title is, or shall be, extinguished.

Lewiston.

88. Lewiston

Land-district consists of all that portion of the Territory of Idaho lying north of the Salmon River range of mountains.

MONTANA TERRITORY.

Helena.

89. Helena.

Montana land-district consists of all the public lands within the Territory to which the Indian title is, or shall be, extinguished.

UTAH TERRITORY.

Salt Lake City.

90. Salt Lake City.

Utah land-district consists of all the public lands within the Territory.

WYOMING TERRITORY.

Cheyenne City.

91. Cheyenne City.

Wyoming land-district consists of all the public lands embraced within the limits of the Territory.

ARIZONA TERRITORY.

Office to be located by President.

92. Office to be located as the President may direct.

The Gila land-district embraces all that portion of the Territory within the following limits, to wit: Commencing at the eastern boundary of the Territory, at the intersection of the first standard-line north; and running thence west on that line to the western boundary of the Territory; thence south with said boundary-line to the southern boundary of the Territory; thence east on said line to the eastern boundary of the Territory; and thence north on said line to the place of beginning.

Prescott.

93. Prescott.

Arizona land-district consists of all the public lands within the Territory, not described above in the Gila land-district.

CHAPTER FOUR.

PRE-EMPTIONS.

Sec.

- 2257. Lands subject to pre-emption.
- 2258. Lands not subject to pre-emption.
- 2259. Persons entitled to pre-emption.
- 2260. Persons not entitled to pre-emption.
- 2261. Limitation of pre-emption right.
- 2262. Oath of pre-emptionist where filed, penalty.
- 2263. Proof of settlement, assignment of pre-emption rights.
- 2264. Statement to be filed by settler with intent to purchase on lands subject to private entry.

Sec.

- 2265. Claim filed by settler on land not proclaimed for sale.
- 2266. Declaratory statement of settlers on unsurveyed lands, when filed.
- 2267. Pre-emption claimants, time of making proof and payment.
- 2268. Extension of time in certain cases to persons in military and naval service.
- 2269. Death before consummating claim; who to complete, &c.

| Sec. | Sec. |
|---|--|
| 2270. Non-compliance with laws caused by vacancy in office of register or receiver not to affect, &c. | 2279. Pre-emption limit along railroad lines. |
| 2271. No pre-emption of lands sold but not confirmed by Land-Office. | 2280. Pre-emption rights on lands reserved for grants found invalid. |
| 2272. Purchase by private entry after expiration of pre-emption right. | 2281. Pre-emption rights on lands reserved for railroads. |
| 2273. When more than one settler, rights of, appeals to Commissioner. | 2282. Sale of land not to be delayed, &c. |
| 2274. Settlements of two or more persons on same subdivision before survey. | 2283. Certain lands in Kansas, how to be sold. |
| 2275. Settlements before survey on sections 16 or 36, deficiencies thereof. | 2284. Transfer of above claims prior to, &c., subsequent right of entry. |
| 2276. Selections to supply deficiencies of school-lands. | 2285. Pre-emption restrictions not to apply to certain lands in Kansas. |
| 2277. Military bounty-land warrants receivable for pre-emption payments. | 2286. Pre-emption by counties for seats of justice. |
| 2278. Agricultural-college scrip receivable in payment of pre-emptions. | 2287. Where claimant of entry becomes register or receiver. |
| | 2288. Right of transfer of settlers under homestead or pre-emption laws for certain public purposes. |

SEC. 2257. All lands belonging to the United States, to which the Indian title has been or may hereafter be extinguished, shall be subject to the right of pre-emption, under the conditions, restrictions, and stipulations provided by law.

SEC. 2258. The following classes of lands, unless otherwise specially provided for by law, shall not be subject to the rights of pre-emption, to wit:

First. Lands included in any reservation by any treaty, law, or proclamation of the President, for any purpose.

Second. Lands included within the limits of any incorporated town, or selected as the site of a city or town.

Third. Lands actually settled and occupied for purposes of trade and business, and not for agriculture.

Fourth. Lands on which are situated any known salines or mines.

vs. Railroad Bridge Co., 6 McLean, 517; *Russell vs. Bcebe*, Hamps., 704.

SEC. 2259. Every person, being the head of a family, or widow, or single person, over the age of twenty-one years, and a citizen of the United States, or having filed a declaration of intention to become such, as required by the naturalization laws, who has made, or hereafter makes, a settlement in person on the public lands subject to pre-emption, and who inhabits and improves the same, and who has erected or shall erect a dwelling thereon, is authorized to enter with the register of the land-office for the district in which such land lies, by legal subdivisions, any number of acres not exceeding one hundred and sixty, or a quarter-section of land, to include the residence of such claimant, upon paying to the United States the minimum price of such land.

How., 44; *Garland vs. Wynn*, 20 *How.*, 6; *Harkness vs. Underhill*, 1 *Bl.*, 325; *Witherspoon vs. Duncan*, 4 *Wall.*, 218.

SEC. 2260. The following classes of persons, unless otherwise specially provided for by law, shall not acquire any right of pre-emption under the provisions of the preceding section, to wit:

First. No person who is the proprietor of three hundred and twenty acres of land in any State or Territory.

Second. No person who quits or abandons his residence on his own land to reside on the public lands in the same State or Territory.

SEC. 2261. No person shall be entitled to more than one pre-emptive right by virtue of the provisions of section twenty-two hundred and fifty-nine; nor where a party has filed his declaration of intention to claim the benefits of such provisions, for one tract of land, shall he file, at any future time, a second declaration for another tract.

SEC. 2262. Before any person claiming the benefit of this chapter is allowed to enter lands, he shall make oath before the receiver or register of the land-district in which the land is situated that he has never had the benefit of any right of pre-emption under section twenty-two hun-

Lands subject to pre-emption.

2 June, 1862, c. 94, s. 1, v. 12, p. 413.

Lands not subject to pre-emption.

4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.

Wilcox vs. Jackson, 13 *Pet.*, 498; *Josephs vs. U. S.*, 1 *N. and H.*, 197; *Turner vs. American Baptist Union*, 5 *McLean*, 344; *U. S. Bcebe*, Hamps., 704.

Persons entitled to pre-emption.

4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.

U. S. vs. Fitzgerald, 15 *Pet.*, 407; *Lytle vs. Arkansas*, 9 *How.*, 333; *Cunningham vs. Ashley*, 14 *How.*, 377; *Barnard's Heirs vs. Ashley's Heirs*, 18 *Bl.*, 325; *Witherspoon*, 4 *Wall.*, 218.

Persons not entitled to pre-emption.

4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.

Limitation of pre-emption right.

4 Sept., 1841, c. 16, s. 10, v. 5, p. 455.
3 March, 1843, c. 86, s. 4, v. 5, p. 620.

Oath of pre-emptionist, where filed, penalty.

4 Sept., 1841, c. 16, s. 13, v. 5, p. 456.

dred and fifty-nine; that he is not the owner of three hundred and twenty acres of land in any State or Territory; that he has not settled upon and improved such land to sell the same on speculation, but in good faith to appropriate it to his own exclusive use; and that he has not, directly or indirectly, made any agreement or contract, in any way or manner, with any person whatsoever, by which the title which he might acquire from the Government of the United States should inure in whole or in part to the benefit of any person except himself; and if any person taking such oath swears falsely in the premises, he shall forfeit the money which he may have paid for such land, and all right and title to the same; and any grant or conveyance which he may have made, except in the hands of bona-fide purchasers, for a valuable consideration, shall be null and void, except as provided in section twenty-two hundred and eighty-eight. And it shall be the duty of the officer administering such oath to file a certificate thereof in the public land-office of such district, and to transmit a duplicate copy to the General Land-Office, either of which shall be good and sufficient evidence that such oath was administered according to law.

Proof of settlement, assignment of pre-emption rights.

4 Sept., 1841, c. 16, s. 12, v. 5, p. 456.

Lytle vs. Arkansas, 9 How., 333; *Cunningham vs. Ashley*, 14 How., 377; *Barnard's Heirs vs. Ashley's Heirs*, 18 How., 44; *Garland vs. Wynn*, 20 How., 6; *Lytle vs. Arkansas*, 22 How., 193; *Harkness vs. Underhill*, 1 Bl., 325; *Lindsey vs. Hawse*, 2 Bl., 554; *Myers vs. Croft*, 13 Wall., 291.

Statement to be filed by settler with intent to purchase, on lands subject to private entry.

4 Sept., 1841, c. 16, s. 15, v. 5, p. 457.

Claim filed by settler on land not proclaimed for sale.

3 March, 1843, c. 86, s. 5, v. 5, p. 620.

Johnson vs. Tawley, 13 Wall., 72.

Declaratory statement of settlers on unsurveyed lands, when filed.

30 May, 1862, c. 86, s. 7, v. 12, p. 410.

Pre-emption claimants; time of making proof and payment.

14 July, 1870, c. 272, s. 2, v. 16, p. 279. 3 March, 1871,

SEC. 2263. Prior to any entries being made under and by virtue of the provisions of section twenty-two hundred and fifty-nine, proof of the settlement and improvement thereby required shall be made to the satisfaction of the register and receiver of the land-district in which such lands lie, agreeably to such rules as may be prescribed by the Secretary of the Interior; and all assignments and transfers of the right hereby secured, prior to the issuing of the patent, shall be null and void.

SEC. 2264. When any person settles or improves a tract of land subject at the time of settlement to private entry, and intends to purchase the same under the preceding provisions of this chapter, he shall, within thirty days after the date of such settlement, file with the register of the proper district a written statement, describing the land settled upon and declaring his intention to claim the same under the pre-emption laws; and he shall, moreover, within twelve months after the date of such settlement, make the proof, affidavit, and payment hereinbefore required. If he fails to file such written statement, or to make such affidavit, proof, and payment within the several periods named above, the tract of land so settled and improved shall be subject to the entry of any other purchaser.

SEC. 2265. Every claimant under the pre-emption law for land not yet proclaimed for sale is required to make known his claim in writing to the register of the proper land-office within three months from the time of the settlement, giving the designation of the tract and the time of settlement; otherwise his claim shall be forfeited and the tract awarded to the next settler, in the order of time, on the same tract of land, who has given such notice and otherwise complied with the conditions of the law.

SEC. 2266. In regard to settlements which are authorized upon unsurveyed lands, the pre-emption claimant shall be in all cases required to file his declaratory statement within three months from the date of the receipt at the district land-office of the approved plat of the township embracing such pre-emption settlement.

SEC. 2267. All claimants of pre-emption rights, under the two preceding sections, shall, when no shorter time is prescribed by law, make the proper proof and payment for the lands claimed within thirty months after the date prescribed therein, respectively, for filing their declaratory notices, has expired.

Res. 52, v. 16, p. 601.

SEC. 2268. Where a pre-emptor has taken the initiatory steps required by law in regard to actual settlement, and is called away from such settlement by being engaged in the military or naval service of the United States, and by reason of such absence is unable to appear at the district land-office to make before the register or receiver the affidavit, proof, and payment, respectively, required by the preceding provisions of this chapter, the time for filing such affidavit and making final proof and entry or location shall be extended six months after the expiration of his term of service, upon satisfactory proof by affidavit, or the testimony of witnesses, that such pre-emptor is so in the service, being filed with the register of the land-office for the district in which his settlement is made.

Extension of time in certain cases to persons in military and naval service.

21 March, 1864, c. 38, s. 5, v. 13, p. 35.

SEC. 2269. Where a party entitled to claim the benefits of the pre-emption laws dies before consummating his claim, by filing in due time all the papers essential to the establishment of the same, it shall be competent for the executor or administrator of the estate of such party, or one of the heirs, to file the necessary papers to complete the same; but the entry in such cases shall be made in favor of the heirs of the deceased pre-emptor, and a patent thereon shall cause the title to inure to such heirs, as if their names had been specially mentioned.

Death before consummating claim; who to complete, &c.

3 March, 1843, c. 86, s. 2, v. 5, p. 620.

SEC. 2270. Whenever the vacancy of the office either of register or receiver, or of both, renders it impossible for the claimant to comply with any requisition of the pre-emption laws within the appointed time, such vacancy shall not operate to the detriment of the party claiming, in respect to any matter essential to the establishment of his claim; but such requisition must be complied with within the same period after the disability is removed as would have been allowed had such disability not existed.

No non-compliance with laws caused by vacancy in office of register or receiver not to affect, &c.

3 March, 1843, c. 86, s. 6, v. 5, p. 620.

SEC. 2271. The provisions of this chapter shall be so construed as not to confer on any one a right of pre-emption, by reason of a settlement made on a tract theretofore disposed of, when such disposal has not been confirmed by the General Land-Office, on account of any alleged defect therein.

No pre-emption of lands sold but not confirmed by Land-Office.

26 Aug., 1842, c. 205, v. 5, p. 534.

SEC. 2272. Nothing in the provisions of this chapter shall be construed to preclude any person, who may have filed a notice of intention to claim any tract of land by pre-emption, from the right allowed by law to others to purchase such tract by private entry after the expiration of the right of pre-emption.

Purchase by private entry after expiration of pre-emption right.

3 March, 1843, c. 86, s. 9, v. 5, p. 621.

SEC. 2273. When two or more persons settle on the same tract of land, the right of pre-emption shall be in him who made the first settlement, provided such person conforms to the other provision of the law; and all questions as to the right of pre-emption arising between different settlers shall be determined by the register and receiver of the district within which the land is situated; and appeals from the decision of district officers, in cases of contest for the right of pre-emption, shall be made to the Commissioner of the General Land-Office, whose decision shall be final, unless appeal therefrom be taken to the Secretary of the Interior.

When more than one settler, rights of, appeals to Commissioner.

4 Sept., 1841, c. 16, s. 11, v. 5, p. 456.

12 June, 1858, c. 154, s. 10, v. 11, p. 326.

Barnard vs. Ashley, 18 How., 43; Garland vs. Wynn, 20 How., 6; Lindsey vs. Hawse, 2 Bl., 554; Minnesota vs. Batchelder, 1 Wall., 109; Johnson vs. Tawsley, 13 Wall., 72.

SEC. 2274. When settlements have been made upon agricultural public lands of the United States, prior to the survey thereof, and it has been or shall be ascertained, after the public surveys have been extended over such lands, that two or more settlers have improvements upon the same legal subdivision, it shall be lawful for such settlers to make joint entry of their lands at the local land-office, or for either of said settlers to enter into contract with his co-settlers to convey to them their portion of said land after a patent is issued to him, and, after making said contract, to file a declaratory statement in his own name, and prove up and pay for said land, and proof of joint occupation by himself and others, and of such contract with them made, shall be

Settlements of two or more persons on same subdivision before survey.

3 March, 1873, c. 283, s. 1, v. 17, p. 609.

equivalent to proof of sole occupation and pre-emption by the applicant: *Provided*, That in no case shall the amount patented under this section exceed one hundred and sixty acres, nor shall this section apply to lands not subject to homestead or pre-emption entry.

Settlements be-
fore survey on sec-
tions 16 or 36, de-
ficiencies thereof.

26 Feb., 1859, c.
53, v. 11, p. 385.

SEC. 2275. Where settlements, with a view to pre-emption, have been made before the survey of the lands in the field, which are found to have been made on sections sixteen or thirty-six, those sections shall be subject to the pre-emption claim of such settler; and if they, or either of them, have been or shall be reserved or pledged for the use of schools or colleges in the State or Territory in which the lands lie, other lands of like quantity are appropriated in lieu of such as may be patented by pre-emptors; and other lands are also appropriated to compensate deficiencies for school purposes, where sections sixteen or thirty-six are fractional in quantity, or where one or both are wanting by reason of the township being fractional, or from any natural cause whatever.

Selections to sup-
ply deficiencies of
school lands.

26 Feb., 1859, c.
53, v. 11, p. 385.
20 May, 1826, c.
83, s. 1, v. 4, p. 179.

SEC. 2276. The lands appropriated by the preceding section shall be selected, within the same land-district, in accordance with the following principles of adjustment, to wit: For each township, or fractional town-ship, containing a greater quantity of land than three-quarters of an entire township, one section; for a fractional township, containing a greater quantity of land than one-half, and not more than three-quarters, of a township, three-quarters of a section; for a fractional town-ship, containing a greater quantity of land than one-quarter, and not more than one-half, of a township, one half-section; and for a fractional township, containing a greater quantity of land than one entire section, and not more than one-quarter of a township, one quarter-section of land.

Military bounty-
land warrants re-
ceivable for pre-
emption payments.

22 March, 1852, c.
19, s. 1, v. 10, p. 3.

SEC. 2277. All warrants for military bounty-lands, which are issued under any law of the United States, shall be received in payment of pre-emption rights at the rate of one dollar and twenty-five cents per acre, for the quantity of land therein specified; but where the land is rated at one dollar and twenty-five cents per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

Agricultural-col-
lege scrip receiva-
ble in payment of
pre-emptions.

1 July, 1870, c.
196, v. 16, p. 186.

SEC. 2278. Agricultural-college scrip, issued to any State under the act approved July second, eighteen hundred and sixty-two, or acts amendatory thereof, shall be received from actual settlers in payment of pre-emption claims in the same manner and to the same extent as authorized in case of military bounty-land warrants, by the preceding section.

Pre-emption lim-
it along railroad
lines.

3 March, 1853, c. 143, v. 10, p. 244.

SEC. 2279. No person shall have the right of pre-emption to more than one hundred and sixty acres along the line of railroads within the limits granted by any act of Congress.

Pre-emption
rights on lands re-
served for grants
found invalid.

3 March, 1853, c.
143, v. 10, p. 244.

SEC. 2280. Any settler on lands heretofore reserved on account of claims under French, Spanish, or other grants, which have been or may be hereafter declared by the Supreme Court of the United States to be invalid, shall be entitled to all the rights of pre-emption granted by the preceding provisions of this chapter, after the lands have been released from reservation, in the same manner as if no reservation had existed.

Pre-emption
rights on lands re-
served for rail-
roads.

27 March, 1854, c.
25, v. 10, p. 269.

14 July, 1870, c. 272, s. 2, v. 16, p. 279.

SEC. 2281. All settlers on public lands which have been or may be withdrawn from market in consequence of proposed railroads, and who had settled thereon prior to such withdrawal, shall be entitled to pre-emption at the ordinary minimum to the lands settled on and cultivated by them; but they shall file the proper notices of their claims and make proof and payment as in other cases.

Sale of land not
to be delayed, &c.

4 Sept., 1841, c.
16, s. 14, v. 5, p. 457.

SEC. 2282. Nothing contained in this chapter shall delay the sale of any of the public lands beyond the time appointed by the proclamation of the President.

SEC. 2283. The Osage Indian trust and diminished-reserve lands in the State of Kansas, excepting the sixteenth and thirty-sixth sections in each township, shall be subject to disposal, for cash only, to actual settlers, in quantities not exceeding one hundred and sixty acres, or one quarter-section to each, in compact form, in accordance with the general principles of the pre-emption laws, under the direction of the Commissioner of the General Land-Office; but claimants shall file their declaratory statements as prescribed in other cases upon unoffered lands, and shall pay for the tracts, respectively, settled upon within one year from date of settlement where the plat of survey is on file at that date, and within one year from the filing of the township-plat in the district office where such plat is not on file at date of settlement.

SEC. 2284. The sale or transfer of his claim upon any portion of these lands by any settler prior to the twenty-sixth day of April, eighteen hundred and seventy-one, shall not operate to preclude the right of entry, under the provisions of the preceding section, upon another tract settled upon subsequent to such sale or transfer; but satisfactory proof of good faith must be furnished upon such subsequent settlement.

SEC. 2285. The restrictions of the pre-emption laws, contained in sections twenty-two hundred and sixty and twenty-two hundred and sixty-one, shall not apply to any settler on the Osage Indian trust and diminished-reserve lands in the State of Kansas, who was actually residing on his claim on the ninth day of May, eighteen hundred and seventy-two.

SEC. 2286. There shall be granted to the several counties or parishes of each State and Territory, where there are public lands, at the minimum price for which public lands of the United States are sold, the right of pre-emption to one quarter-section of land, in each of the counties or parishes, in trust for such counties or parishes, respectively, for the establishment of seats of justice therein; but the proceeds of the sale of each of such quarter-section shall be appropriated for the purpose of erecting public buildings in the county or parish for which it is located, after deducting therefrom the amount originally paid for the same. And the seat of justice for such counties or parishes, respectively, shall be fixed previously to a sale of the adjoining lands within the county or parish for which the same is located.

SEC. 2287. Any bona-fide settler under the homestead or pre-emption laws of the United States who has filed the proper application to enter not to exceed one quarter-section of the public lands in any district land-office, and who has been subsequently appointed a register or receiver, may perfect the title to the land under the pre-emption laws by furnishing the proofs and making the payments required by law, to the satisfaction of the Commissioner of the General Land-Office.

SEC. 2288. Any person who has already settled or hereafter may settle on the public lands, either by pre-emption, or by virtue of the homestead law or any amendments thereto, shall have the right to transfer, by warranty against his own acts, any portion of his pre-emption or homestead for church, cemetery, or school purposes, or for the right of way of railroads across such pre-emption or homestead, and the transfer for such public purposes shall in no way vitiate the right to complete and perfect the title to their pre-emptions or homesteads.

Certain lands in Kansas, how to be sold.

9 May, 1872, c. 149, s. 1, v. 17, p. 90.

Transfer of above claims prior to, &c., subsequent right of entry.

9 May, 1872, c. 149, s. 3, v. 17, p. 90.

Pre-emption restrictions not to apply to certain lands in Kansas.

9 May, 1872, c. 149, s. 3, v. 17, p. 90.

Pre-emptions by counties for seats of justice.

26 May, 1824, c. 169, s. 1, v. 4, p. 50.

Where claimant of entry becomes register or receiver.

20 April, 1871, c. 21, s. 16, v. 17, p. 10.

Right of transfer of settlers under homestead or pre-emption laws for certain public purposes.

Act of 3 March, 1873, c. 266, v. 17, p. 602.

CHAPTER FIVE.

HOMESTEADS.

Sec.

2289. Who may enter certain unappropriated public lands.

2290. Mode of procedure.

2291. Certificate and patent, when given and issued.

Sec.

2292. When rights inure to the benefit of infant children.

2293. Persons in military or naval service, when and before whom to make affidavit.

| Sec. | Sec. |
|---|--|
| 2294. When persons may make affidavit before clerk of court. | 2307. Widows and minor children of persons entitled to homestead, &c. |
| 2295. Record of applications. | 2308. Actual service in the Army or Navy equivalent to residence, &c. |
| 2296. Homestead lands not to be subject to prior debts. | 2309. Who may enter by agent. |
| 2297. When lands entered for homestead revert to Government. | 2310. Chiefs, &c., of Stockbridge Munsees, homestead rights of. |
| 2298. Limitation of amount entered for homestead. | 2311. Exemptions of homestead of Stockbridge Munsees. |
| 2299. Existing pre-emption rights not impaired. | 2312. Stockbridge Munsees becoming citizens. |
| 2300. What minors may have the privileges of this chapter. | 2313. Unsold lands of the Ottawa and Chippewa Indians, how opened for homestead. |
| 2301. Payment before expiration of five years, rights of applicant. | 2314. Selection for minors under preceding section. |
| 2302. No distinction on account of race or color, &c. | 2315. Bona-fide settlers on above lands prior to, &c. |
| 2303. What lands disposed of only as homesteads. | 2316. Certain lands to be patented to Indians making selection. |
| 2304. Soldiers' and sailors' homestead. | 2317. Cultivation of trees on homestead tracts. |
| 2305. Deduction of military and naval service from time, &c. | |
| 2306. Persons who have entered less than 160 acres, rights of. | |

Who may enter certain unappropriated public lands.

20 May, 1862, c. 75, s. 1, v. 12, p. 392.

SEC. 2289. Every person who is the head of a family, or who has arrived at the age of twenty-one years, and is a citizen of the United States, or who has filed his declaration of intention to become such, as required by the naturalization laws, shall be entitled to enter one quarter-section or a less quantity of unappropriated public lands, upon which such person may have filed a pre-emption claim, or which may, at the time the application is made, be subject to pre-emption at one dollar and twenty-five cents per acre; or eighty acres or less of such unappropriated lands, at two dollars and fifty cents per acre, to be located in a body, in conformity to the legal subdivisions of the public lands, and after the same have been surveyed. And every person owning and residing on land may, under the provisions of this section, enter other land lying contiguous to his land, which shall not, with the land so already owned and occupied, exceed in the aggregate one hundred and sixty acres.

Mode of procedure.

21 June, 1866, c. 127, s. 2, v. 14, p. 67.
20 May, 1862, c. 75, s. 2, v. 12, p. 392.
21 March, 1864, c. 38, s. 2, v. 13, p. 35.

SEC. 2290. The person applying for the benefit of the preceding section shall, upon application to the register of the land-office in which he is about to make such entry, make affidavit before the register or receiver that he is the head of a family, or is twenty-one years or more of age, or has performed service in the Army or Navy of the United States, and that such application is made for his exclusive use and benefit, and that his entry is made for the purpose of actual settlement and cultivation, and not either directly or indirectly for the use or benefit of any other person; and upon filing such affidavit with the register or receiver, on payment of five dollars when the entry is of not more than eighty acres, and on payment of ten dollars when the entry is for more than eighty acres, he shall thereupon be permitted to enter the amount of land specified.

Certificate and patent, when given and issued.

21 June, 1866, c. 127, s. 2, v. 14, p. 67.

SEC. 2291. No certificate, however, shall be given, or patent issued therefor, until the expiration of five years from the date of such entry; and if at the expiration of such time, or at any time within two years thereafter, the person making such entry; or if he be dead, his widow; or in case of her death, his heirs or devisee; or in case of a widow making such entry, her heirs or devisee, in case of her death, proves by two credible witnesses that he, she, or they have resided upon or cultivated the same for the term of five years immediately succeeding the time of filing the affidavit, and makes affidavit that no part of such land has been alienated, except as provided in section twenty-two hundred and eighty-eight, and that he, she, or they will bear true allegiance to the Government of the United States; then, in such case, he, she, or they, if at that time citizens of the United States, shall be entitled to a patent, as in other cases provided by law.

SEC. 2292. In case of the death of both father and mother, leaving an infant child or children under twenty-one years of age, the right and fee shall inure to the benefit of such infant child or children; and the executor, administrator, or guardian may, at any time within two years after the death of the surviving parent, and in accordance with the laws of the State in which such children, for the time being, have their domicile, sell the land for the benefit of such infants, but for no other purpose; and the purchaser shall acquire the absolute title by the purchase, and be entitled to a patent from the United States on the payment of the office-fees and sum of money above specified.

When rights inure to the benefit of infant children.

21 June, 1866, c. 127, s. 2, v. 14, p. 67.

SEC. 2293. In case of any person desirous of availing himself of the benefits of this chapter; but who, by reason of actual service in the military or naval service of the United States, is unable to do the personal preliminary acts at the district land-office which the preceding sections require; and whose family, or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, such person may make the affidavit required by law before the officer commanding in the branch of the service in which the party is engaged, which affidavit shall be as binding in law, and with like penalties, as if taken before the register or receiver; and upon such affidavit being filed with the register by the wife or other representative of the party, the same shall become effective from the date of such filing, provided the application and affidavit are accompanied by the fee and commissions as required by law.

Persons in military or naval service, when and before whom to make affidavit.

21 March, 1864, c. 38, s. 4, v. 13, p. 35.

SEC. 2294. In any case in which the applicant for the benefit of the homestead, and whose family or some member thereof, is residing on the land which he desires to enter, and upon which a bona-fide improvement and settlement have been made, is prevented, by reason of distance, bodily infirmity, or other good cause, from personal attendance at the district land-office, it may be lawful for him to make the affidavit required by law before the clerk of the court for the county in which the applicant is an actual resident, and to transmit the same, with the fee and commission, to the register and receiver.

When persons may make affidavit before clerk of court.

21 March, 1864, c. 38, s. 3, v. 13, p. 35.

SEC. 2295. The register of the land-office shall note all applications under the provisions of this chapter, on the tract-books and plats of his office, and keep a register of all such entries, and make return thereof to the General Land Office, together with the proof upon which they have been founded.

Record of applications.

20 May, 1862, c. 75, s. 3, v. 12, p. 393.

SEC. 2296. No lands acquired under the provisions of this chapter shall in any event become liable to the satisfaction of any debt contracted prior to the issuing of the patent therefor.

Homestead lands not to be subject to prior debts.

20 May, 1862, c. 75, s. 4, v. 12, p. 393.

SEC. 2297. If, at any time after the filing of the affidavit, as required in section twenty-two hundred and ninety, and before the expiration of the five years mentioned in section twenty-two hundred and ninety-one, it is proved, after due notice to the settler, to the satisfaction of the register of the land-office, that the person having filed such affidavit has actually changed his residence, or abandoned the land for more than six months at any time, then and in that event the land so entered shall revert to the Government.

When lands entered for homestead revert to Government.

20 May, 1862, c. 75, s. 5, v. 12, p. 393.

SEC. 2298. No person shall be permitted to acquire title to more than one quarter-section under the provisions of this chapter.

Limitation of amount entered for homestead.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

SEC. 2299. Nothing contained in this chapter shall be so construed as to impair or interfere in any manner with existing pre-emption rights; and all persons who may have filed their applications for a pre-emption right prior to the twentieth day of May, eighteen hundred and sixty-two, shall be entitled to all the privileges of this chapter.

Existing pre-emption rights not impaired.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

SEC. 2300. No person who has served, or may hereafter serve, for a period not less than fourteen days in the Army or Navy of the United States, either regular or volunteer, under the laws thereof, during the

What minors may have the privileges of this chapter.

20 May, 1862, c. 75, s. 6, v. 12, p. 393.

Payment before expiration of five years; rights of applicant.

20 May, 1862, c. 75, s. 8, v. 12, p. 393.

No distinction on account of race or color, &c.

21 June, 1866, c. 127, s. 1, v. 14, p. 67.

What lands disposed of only as homesteads.

21 June, 1866, c. 127, s. 1, v. 14, p. 67.

Soldiers' and sailors' homestead.

8 June, 1872, c. 338, s. 1, v. 17, p. 333.

Deduction of military and naval service from time, &c.

8 June, 1872, c. 338, s. 1, v. 17, p. 333.

Persons who have entered less than 160 acres, rights of.

8 June, 1872, c. 338, s. 2, v. 17, p. 333.

Widow and minor children of persons entitled to homestead, &c.

8 June, 1872, c. 338, s. 3, v. 17, p. 333.

existence of an actual war, domestic or foreign, shall be deprived of the benefits of this chapter on account of not having attained the age of twenty-one years.

SEC. 2301. Nothing in this chapter shall be so construed as to prevent any person who has availed himself of the benefits of section twenty-two hundred and eighty-nine, from paying the minimum price for the quantity of land so entered, at any time before the expiration of the five years, and obtaining a patent therefor from the Government, as in other cases directed by law, on making proof of settlement and cultivation as provided by law, granting pre-emption rights.

SEC. 2302. No distinction shall be made in the construction or execution of this chapter, on account of race or color; nor shall any mineral lands be liable to entry and settlement under its provisions.

SEC. 2303. All the public lands in the States of Alabama, Mississippi, Louisiana, Arkansas, and Florida, shall be disposed of in no other manner than according to the terms and stipulations contained in the preceding provisions of this chapter.

SEC. 2304. Every private soldier and officer who has served in the Army of the United States during the recent rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, including the troops mustered into the service of the United States by virtue of the third section of an act approved February thirteen, eighteen hundred and sixty-two, and every seaman, marine, and officer who has served in the Navy of the United States, or in the Marine Corps, during the rebellion, for ninety days, and who was honorably discharged, and has remained loyal to the Government, shall, on compliance with the provisions of this chapter, as hereinafter modified, be entitled to enter upon and receive patents for a quantity of public lands not exceeding one hundred and sixty acres, or one quarter-section, to be taken in compact form, according to legal subdivisions, including the alternate reserved sections of public lands along the line of any railroad or other public work, not otherwise reserved or appropriated, and other lands subject to entry under the homestead laws of the United States; but such homestead settler shall be allowed six months after locating his homestead, and filing his declaratory statement, within which to make his entry and commence his settlement and improvement.

SEC. 2305. The time which the homestead settler has served in the Army, Navy, or Marine Corps shall be deducted from the time heretofore required to perfect title, or if discharged on account of wounds received or disability incurred in the line of duty, then the term of enlistment shall be deducted from the time heretofore required to perfect title, without reference to the length of time he may have served; but no patent shall issue to any homestead settler who has not resided upon, improved, and cultivated his homestead for a period of at least one year after he shall have commenced his improvements.

SEC. 2306. Every person entitled, under the provisions of section twenty-three hundred and four, to enter a homestead who may have heretofore entered, under the homestead laws, a quantity of land less than one hundred and sixty acres, shall be permitted to enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres.

SEC. 2307. In case of the death of any person who would be entitled to a homestead under the provisions of section twenty-three hundred and four, his widow, if unmarried, or in case of her death or marriage, then his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, shall be entitled to all the benefits enumerated in this chapter, subject to all the provisions as to settlement and improvements therein contained; but if such person died during his term of enlistment, the whole term of his enlist-

ment shall be deducted from the time heretofore required to perfect the title.

SEC. 2308. Where a party at the date of his entry of a tract of land under the homestead laws, or subsequently thereto, was actually enlisted and employed in the Army or Navy of the United States, his services therein shall, in the administration of such homestead laws, be construed to be equivalent, to all intents and purposes, to a residence for the same length of time upon the tract so entered. And if his entry has been canceled by reason of his absence from such tract while in the military or naval service of the United States, and such tract has not been disposed of, his entry shall be restored; but if such tract has been disposed of, the party may enter another tract subject to entry under the homestead laws, and his right to a patent therefor may be determined by the proofs touching his residence and cultivation of the first tract and his absence therefrom in such service.

SEC. 2309. Every soldier, sailor, marine, officer, or other person coming within the provisions of section twenty-three hundred and four, may, as well by an agent as in person, enter upon such homestead by filing a declaratory statement, as in pre-emption cases; but such claimant in person shall within the time prescribed make his actual entry, commence settlements and improvements on the same, and thereafter fulfill all the requirements of law.

SEC. 2310. Each of the chiefs, warriors, and heads of families of the Stockbridge Munsee tribes of Indians, residing in the county of Shawana, State of Wisconsin, may, under the direction of the Secretary of the Interior, enter a homestead and become entitled to all the benefits of this chapter, free from any fee or charge; and any part of their present reservation, which is abandoned for that purpose, may be sold, under the direction of the Secretary of the Interior, and the proceeds applied for the benefit of such Indians as may settle on homesteads, to aid them in improving the same.

SEC. 2311. The homestead secured, by virtue of the preceding section, shall not be subject to any tax, levy, or sale; nor shall it be sold, conveyed, mortgaged, or in any manner incumbered, except upon the decree of the district court of the United States, as provided in the following section.

SEC. 2312. Whenever any of the chiefs, warriors, or heads of families of the tribes mentioned in section twenty-three hundred and ten, having filed with the clerk of the district court of the United States a declaration of his intention to become a citizen of the United States, and to dissolve all relations with any Indian tribe, two years previous thereto, appears in such court, and proves to the satisfaction thereof, by the testimony of two citizens, that for five years last past he has adopted the habits of civilized life; that he has maintained himself and family by his own industry; that he reads and speaks the English language; that he is well disposed to become a peaceable and orderly citizen; and that he has sufficient capacity to manage his own affairs; the court may enter a decree admitting him to all the rights of a citizen of the United States, and thenceforth he shall be no longer held or treated as a member of any Indian tribe, but shall be entitled to all the rights and privileges, and be subject to all the duties and liabilities to taxation of other citizens of the United States. But nothing herein contained shall be construed to deprive such chiefs, warriors, or heads of families of annuities to which they are or may be entitled.

SEC. 2313. The unoccupied lands in the reservation made for the Ottawa and Chippewa Indians, of Michigan, by the treaty of July thirty-one, eighteen hundred and fifty-five, shall be open to homestead entry for six months from the tenth day of June, eighteen hundred and seventy-two, by Indians only of those tribes, who have not made selections or purchases under the treaty, including such members of the tribes as have become of age since the expiration of the ten years named

Actual service in the Army or Navy equivalent to residence, &c.

8 June, 1872, c. 338, s. 4, v. 17, p. 333.

Who may enter by agent.

8 June, 1872, c. 338, s. 5, v. 17, p. 334.

Chiefs, &c., of Stockbridge Munsees, homestead rights of.

3 March, 1865, c. 127, s. 4, v. 13, p. 562.

Exemptions of homestead of Stockbridge Munsees.

3 March, 1865, c. 127, s. 4, v. 13, p. 562.

Stockbridge Munsees becoming citizens.

3 March, 1865, c. 127, s. 4, v. 13, p. 562.

Unsold lands of the Ottawa and Chippewa Indians, now opened for homestead.

10 June, 1872, c. 424, s. 2, v. 17, p. 381.

in the treaty; and every Indian so entitled shall be permitted to make his homestead entry, at the local land-office, within such six months, of not exceeding one hundred and sixty acres, or one quarter-section of minimum, or eighty acres of double minimum land, on making proper proof of his right, under such rules as may be prescribed by the Secretary of the Interior.

Selection for minors under preceding section.

10 June, 1872, c. 424, s. 2, v. 17, p. 381.

Bona-fide settlers on above lands prior to, &c.

10 June, 1872, c. 424, s. 3, v. 17, p. 381.

Certain lands to be patented to Indians making selection.

10 June, 1872, c. 424, s. 4, v. 17, p. 381.

Cultivation of trees on homestead tracts.

3 March, 1873, c. 277, s. 4, v. 17, p. 606.

SEC. 2314. The collector of customs for the district in which such land is situated, is authorized, and it is made his duty, to select for such minor children as would be entitled, under the preceding section, as the heirs of any Indian.

SEC. 2315. All actual, permanent, bona-fide settlers on any of such lands who settled prior to the first day of January, eighteen hundred and seventy-two, shall be entitled to enter either under the homestead laws or to pay for at the minimum or double minimum price, as the case may be, not exceeding one hundred and sixty acres of the former or eighty acres of the latter class of land on making proof of his settlement and continued residence before the expiration of six months from the tenth day of June, eighteen hundred and seventy-two.

SEC. 2316. All selections of such lands by Indians heretofore made and regularly reported and recognized as valid and proper by the Secretary of the Interior and Commissioner of Indian Affairs, shall be patented to the respective Indians making the same; and all sales heretofore made and reported, where the same are regular and not in conflict with such selections, or with any other valid adverse right, except of the United States, are confirmed, and patents shall issue thereon as in other cases according to law.

SEC. 2317. Every person having a homestead on the public domain, under the provisions of this chapter, who, at the end of the third year of his residence thereon, shall have had under cultivation, for two years, one acre of timber, the trees thereon not being more than twelve feet apart each way, and in a good, thrifty condition, for each and every sixteen acres of such homestead, shall, upon due proof of the fact by two credible witnesses, receive his patent for such homestead.

CHAPTER SIX.

MINERAL LANDS AND MINING RESOURCES.

| Sec. | Sec. |
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| 2318. Mineral lands reserved. | 2332. What evidence of possession, &c., to establish a right to a patent. |
| 2319. Mineral lands open to purchase by citizens. | 2333. Proceedings for patent for placer-claim, &c. |
| 2320. Length of mining-claims upon veins or lodes. | 2334. Surveyor-general to appoint surveyors of mining-claims, &c. |
| 2321. Proof of citizenship. | 2335. Verification of affidavits, &c. |
| 2322. Locators' rights of possession and enjoyment. | 2336. Where veins intersect, &c. |
| 2323. Owners of tunnels, rights of. | 2337. Patents for non-mineral lands, &c. |
| 2324. Regulations made by miners. | 2338. What conditions of sale may be made by local legislature. |
| 2325. Patents for mineral lands, how obtained. | 2339. Vested rights to use of water for mining, &c., right of way for canals. |
| 2326. Adverse claim, proceedings on. | 2340. Patents, pre-emptions, and homesteads, subject to vested and accrued water-rights. |
| 2327. Description of vein-claims on surveyed and unsurveyed lands. | 2341. Mineral lands in which no valuable mines are discovered, open to homesteads. |
| 2328. Pending applications; existing rights. | 2342. Mineral lands how set apart as agricultural lands. |
| 2329. Conformity of placer-claims to surveys, limit of. | |
| 2330. Subdivision of ten-acre tracts, maximum of placer locations. | |
| 2331. Conformity of placer-claims to surveys, limitation of claims. | |

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|--|--|
| Sec. | Sec. |
| 2343. Additional land districts and officers, power of the President to provide. | 2347. Entry of coal-lands. |
| 2344. Provisions of this chapter not to affect certain rights. | 2348. Pre-emption of coal-lands. |
| 2345. Mineral lands in certain States excepted. | 2349. Pre-emption claims of coal-land to be presented within sixty days, &c. |
| 2346. Grants of lands to States or corporations not to include mineral lands. | 2350. Only one entry allowed. |
| | 2351. Conflicting claims. |
| | 2352. Rights reserved. |

SEC. 2318. In all cases lands valuable for minerals shall be reserved from sale, except as otherwise expressly directed by law. Mineral lands reserved.

4 July, 1866, c. 166, s. 5, v. 14, p. 86.

SEC. 2319. All valuable mineral deposits in lands belonging to the United States, both surveyed and unsurveyed, are hereby declared to be free and open to exploration and purchase, and the lands in which they are found to occupation and purchase, by citizens of the United States and those who have declared their intention to become such, under regulations prescribed by law, and according to the local customs or rules of miners in the several mining-districts, so far as the same are applicable and not inconsistent with the laws of the United States. Mineral lands open to purchase by citizens.

10 May, 1872, c. 152, s. 1, v. 17, p. 91.

U. S. rs. Gear, 3 How., 120.

SEC. 2320. Mining-claims upon veins or lodes of quartz or other rock in place bearing gold, silver, cinnabar, lead, tin, copper, or other valuable deposits, heretofore located, shall be governed as to length along the vein or lode by the customs, regulations, and laws in force at the date of their location. A mining-claim located after the tenth day of May, eighteen hundred and seventy-two, whether located by one or more persons, may equal, but shall not exceed, one thousand five hundred feet in length along the vein or lode; but no location of a mining-claim shall be made until the discovery of the vein or lode within the limits of the claim located. No claim shall extend more than three hundred feet on each side of the middle of the vein at the surface, nor shall any claim be limited by any mining regulation to less than twenty-five feet on each side of the middle of the vein at the surface, except where adverse rights existing on the tenth day of May, eighteen hundred and seventy-two, render such limitation necessary. The end-lines of each claim shall be parallel to each other. Length of mining-claims upon veins or lodes.

10 May, 1872, c. 152, s. 2, v. 17, p. 91.

SEC. 2321. Proof of citizenship, under this chapter, may consist, in the case of an individual, of his own affidavit thereof; in the case of an association of persons unincorporated, of the affidavit of their authorized agent, made on his own knowledge, or upon information and belief; and in the case of a corporation organized under the laws of the United States, or of any State or Territory thereof, by the filing of a certified copy of their charter or certificate of incorporation. Proof of citizenship.

10 May, 1872, c. 152, s. 7, v. 17, p. 94.

SEC. 2322. The locators of all mining locations heretofore made or which shall hereafter be made, on any mineral vein, lode, or ledge, situated on the public domain, their heirs and assigns, where no adverse claim exists on the tenth day of May, eighteen hundred and seventy-two, so long as they comply with the laws of the United States, and with State, territorial, and local regulations not in conflict with the laws of the United States governing their possessory title, shall have the exclusive right of possession and enjoyment of all the surface included within the lines of their locations, and of all veins, lodes, and ledges throughout their entire depth, the top or apex of which lies inside of such surface-lines extended downward vertically, although such veins, lodes, or ledges may so far depart from a perpendicular in their course downward as to extend outside the vertical side-lines of such surface locations. But their right of possession to such outside parts of such veins or ledges shall be confined to such portions thereof as lie between vertical planes drawn downward as above described, through the end-lines of their locations, so continued in their own direction that such planes will intersect such exterior parts of such veins or ledges. And nothing in this section shall authorize the locator or possessor of a vein or lode which Locators' rights of possession and enjoyment.

10 May, 1872, c. 152, s. 3, v. 17, p. 91.

Owners of tunnels, rights of.

10 May, 1872, c. 152, s. 4, v. 17, p. 92.

Regulations made by miners.

10 May, 1872, c. 152, s. 5, v. 17, p. 92.

Patents for mineral lands, how obtained.

10 May, 1872, c. 152, s. 6, v. 7, p. 92.

extends in its downward course beyond the vertical lines of his claim to enter upon the surface of a claim owned or possessed by another.

SEC. 2323. Where a tunnel is run for the development of a vein or lode, or for the discovery of mines, the owners of such tunnel shall have the right of possession of all veins or lodes within three thousand feet from the face of such tunnel on the line thereof, not previously known to exist, discovered in such tunnel, to the same extent as if discovered from the surface; and locations on the line of such tunnel of veins or lodes not appearing on the surface, made by other parties after the commencement of the tunnel, and while the same is being prosecuted with reasonable diligence, shall be invalid; but failure to prosecute the work on the tunnel for six months shall be considered as an abandonment of the right to all undiscovered veins on the line of such tunnel.

SEC. 2324. The miners of each mining-district may make regulations not in conflict with the laws of the United States, or with the laws of the State or Territory in which the district is situated, governing the location, manner of recording, amount of work necessary to hold possession of a mining-claim, subject to the following requirements: The location must be distinctly marked on the ground so that its boundaries can be readily traced. All records of mining-claims hereafter made shall contain the name or names of the locators, the date of the location, and such a description of the claim or claims located by reference to some natural object or permanent monument as will identify the claim. On each claim located after the tenth day of May, eighteen hundred and seventy-two, and until a patent has been issued therefor, not less than one hundred dollars' worth of labor shall be performed or improvements made during each year. On all claims located prior to the tenth day of May, eighteen hundred and seventy-two, ten dollars' worth of labor shall be performed or improvements made by the tenth day of June, eighteen hundred and seventy-four, and each year thereafter, for each one hundred feet in length along the vein until a patent has been issued therefor; but where such claims are held in common, such expenditure may be made upon any one claim; and upon a failure to comply with these conditions, the claim or mine upon which such failure occurred shall be open to relocation in the same manner as if no location of the same had ever been made, provided that the original locators, their heirs, assigns, or legal representatives, have not resumed work upon the claim after failure and before such location. Upon the failure of any one of several co-owners to contribute his proportion of the expenditures required hereby, the co-owners who have performed the labor or made the improvements may, at the expiration of the year, give such delinquent co-owner personal notice in writing or notice by publication in the newspaper published nearest the claim, for at least once a week for ninety days, and if at the expiration of ninety days after such notice in writing or by publication such delinquent should fail or refuse to contribute his proportion of the expenditure required by this section, his interest in the claim shall become the property of his co-owners who have made the required expenditures.

SEC. 2325. A patent for any land claimed and located for valuable deposits may be obtained in the following manner: Any person, association, or corporation authorized to locate a claim under this chapter, having claimed and located a piece of land for such purposes, who has, or have, complied with the terms of this chapter, may file in the proper land-office an application for a patent, under oath, showing such compliance, together with a plat and field-notes of the claim or claims in common, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of the claim or claims, which shall be distinctly marked by monuments on the ground, and shall post a copy of such plat, together with a notice of such application for a patent, in a conspicuous place on the land embraced in such plat previous to the filing of the application for a patent, and shall file an affidavit of at least two persons that such notice has been duly posted, and

shall file a copy of the notice in such land-office, and shall thereupon be entitled to a patent for the land, in the manner following: The register of the land-office, upon the filing of such application, plat, field-notes, notices, and affidavits, shall publish a notice that such application has been made, for the period of sixty days, in a newspaper to be by him designated as published nearest to such claim; and he shall also post such notice in his office for the same period. The claimant at the time of filing this application, or at any time thereafter, within the sixty days of publication, shall file with the register a certificate of the United States surveyor-general that five hundred dollars' worth of labor has been expended or improvements made upon the claim by himself or grantors; that the plat is correct, with such further description by such reference to natural objects or permanent monuments as shall identify the claim, and furnish an accurate description, to be incorporated in the patent. At the expiration of the sixty days of publication the claimant shall file his affidavit, showing that the plat and notice have been posted in a conspicuous place on the claim during such period of publication. If no adverse claim shall have been filed with the register and the receiver of the proper land-office at the expiration of the sixty days of publication, it shall be assumed that the applicant is entitled to a patent, upon the payment to the proper officer of five dollars per acre, and that no adverse claim exists; and thereafter no objection from third parties to the issuance of a patent shall be heard, except it be shown that the applicant has failed to comply with the terms of this chapter.

SEC. 2326. Where an adverse claim is filed during the period of publication, it shall be upon oath of the person or persons making the same, and shall show the nature, boundaries, and extent of such adverse claim, and all proceedings, except the publication of notice and making and filing of the affidavit thereof, shall be stayed until the controversy shall have been settled or decided by a court of competent jurisdiction, or the adverse claim waived. It shall be the duty of the adverse claimant, within thirty days after filing his claim, to commence proceedings in a court of competent jurisdiction, to determine the question of the right of possession, and prosecute the same with reasonable diligence to final judgment; and a failure so to do shall be a waiver of his adverse claim. After such judgment shall have been rendered, the party entitled to the possession of the claim, or any portion thereof, may, without giving further notice, file a certified copy of the judgment-roll with the register of the land-office, together with the certificate of the surveyor-general that the requisite amount of labor has been expended or improvements made thereon, and the description required in other cases, and shall pay to the receiver five dollars per acre for his claim, together with the proper fees, whereupon the whole proceedings and the judgment-roll shall be certified by the register to the Commissioner of the General Land-Office, and a patent shall issue thereon for the claim, or such portion thereof as the applicant shall appear, from the decision of the court, to rightly possess. If it appears from the decision of the court that several parties are entitled to separate and different portions of the claim, each party may pay for his portion of the claim, with the proper fees, and file the certificate and description by the surveyor-general, whereupon the register shall certify the proceedings and judgment-roll to the Commissioner of the General Land-Office, as in the preceding case, and patents shall issue to the several parties according to their respective rights. Nothing herein contained shall be construed to prevent the alienation of the title conveyed by a patent for a mining-claim to any person whatever.

SEC. 2327. The description of vein or lode claims, upon surveyed lands, shall designate the location of the claim with reference to the lines of the public surveys, but need not conform therewith; but where a patent shall be issued for claims upon unsurveyed lands, the surveyor-general, in extending the surveys, shall adjust the same to the boundaries of such patented claim, according to the plat or description thereof,

Adverse claim,
proceedings on.

10 May, 1872, c.
152, s. 7, v. 17, p. 93.

Description of
vein-claims on sur-
veyed and unsur-
veyed lands.

10 May, 1872, c.
152, s. 8, v. 17, p. 94.

but so as in no case to interfere with or change the location of any such patented claim.

Pending applications; existing rights.

10 May, 1872, c. 152, s. 9, v. 17, p. 94.

SEC. 2328. Applications for patents for mining-claims under former laws now pending may be prosecuted to a final decision in the General Land-Office; but in such cases where adverse rights are not affected thereby, patents may issue in pursuance of the provisions of this chapter; and all patents for mining-claims upon veins or lodes heretofore issued shall convey all the rights and privileges conferred by this chapter where no adverse rights existed on the tenth day of May, eighteen hundred and seventy-two.

Conformity of placer-claims to surveys, limit of.

9 July, 1870, c. 235, s. 12, v. 16, p. 217.

SEC. 2329. Claims usually called "placers," including all forms of deposit, excepting veins of quartz, or other rock in place, shall be subject to entry and patent, under like circumstances and conditions, and upon similar proceedings, as are provided for vein or lode claims; but where the lands have been previously surveyed by the United States, the entry in its exterior limits shall conform to the legal subdivisions of the public lands.

Subdivisions of ten-acre tracts; maximum of placer locations.

9 July, 1870, c. 235, s. 12, v. 16, p. 217.

SEC. 2330. Legal subdivisions of forty acres may be subdivided into ten-acre tracts; and two or more persons, or associations of persons, having contiguous claims of any size, although such claims may be less than ten acres each, may make joint entry thereof; but no location of a placer-claim, made after the ninth day of July, eighteen hundred and seventy, shall exceed one hundred and sixty acres for any one person or association of persons, which location shall conform to the United States surveys; and nothing in this section contained shall defeat or impair any bona-fide pre-emption or homestead claim upon agricultural lands, or authorize the sale of the improvements of any bona-fide settler to any purchaser.

Conformity of placer-claims to surveys, limitation of claims.

10 May, 1872, c. 152, s. 10, v. 17, p. 94.

SEC. 2331. Where placer-claims are upon surveyed lands, and conform to legal subdivisions, no further survey or plat shall be required, and all placer-mining claims located after the tenth day of May, eighteen hundred and seventy-two, shall conform as near as practicable with the United States system of public-land surveys, and the rectangular subdivisions of such surveys, and no such location shall include more than twenty acres for each individual claimant; but where placer-claims cannot be conformed to legal subdivisions, survey and plat shall be made as on unsurveyed lands; and where by the segregation of mineral land in any legal subdivision a quantity of agricultural land less than forty acres remains, such fractional portion of agricultural land may be entered by any party qualified by law, for homestead or pre-emption purposes.

What evidence of possession, &c., to establish a right to a patent.

9 July, 1870, c. 235, s. 13, v. 16, p. 217.

SEC. 2332. Where such person or association, they and their grantors, have held and worked their claims for a period equal to the time prescribed by the statute of limitations for mining-claims of the State or Territory where the same may be situated, evidence of such possession and working of the claims for such period shall be sufficient to establish a right to a patent thereto under this chapter, in the absence of any adverse claim; but nothing in this chapter shall be deemed to impair any lien which may have attached in any way whatever to any mining-claim or property thereto attached prior to the issuance of a patent.

Proceedings for patent for placer-claim, &c.

10 May, 1872, c. 152, s. 11, v. 17, p. 94.

SEC. 2333. Where the same person, association, or corporation is in possession of a placer-claim, and also a vein or lode included within the boundaries thereof, application shall be made for a patent for the placer-claim, with the statement that it includes such vein or lode, and in such case a patent shall issue for the placer-claim, subject to the provisions of this chapter, including such vein or lode, upon the payment of five dollars per acre for such vein or lode claim, and twenty-five feet of surface on each side thereof. The remainder of the placer-claim, or any placer-claim not embracing any vein or lode claim, shall be paid for at the rate of two dollars and fifty cents per acre, together with all costs of proceedings; and where a vein or lode, such as is described in section twenty-three hundred and twenty, is known to exist within the

boundaries of a placer-claim, an application for a patent for such placer-claim which does not include an application for the vein or lode claim shall be construed as a conclusive declaration that the claimant of the placer-claim has no right of possession of the vein or lode claim; but where the existence of a vein or lode in a placer-claim is not known, a patent for the placer-claim shall convey all valuable mineral and other deposits within the boundaries thereof.

SEC. 2334. The surveyor-general of the United States may appoint in each land-district containing mineral lands as many competent surveyors as shall apply for appointment to survey mining-claims. The expenses of the survey of vein or lode claims, and the survey and subdivision of placer-claims into smaller quantities than one hundred and sixty acres, together with the cost of publication of notices, shall be paid by the applicants, and they shall be at liberty to obtain the same at the most reasonable rates, and they shall also be at liberty to employ any United States deputy surveyor to make the survey. The Commissioner of the General Land-Office shall also have power to establish the maximum charges for surveys and publication of notices under this chapter; and, in case of excessive charges for publication, he may designate any newspaper published in a land-district where mines are situated for the publication of mining-notices in such district, and fix the rates to be charged by such paper; and, to the end that the Commissioner may be fully informed on the subject, each applicant shall file with the register a sworn statement of all charges and fees paid by such applicant for publication and surveys, together with all fees and money paid the register and the receiver of the land-office, which statement shall be transmitted, with the other papers in the case, to the Commissioner of the General Land-Office.

SEC. 2335. All affidavits required to be made under this chapter may be verified before any officer authorized to administer oaths within the land-district where the claims may be situated, and all testimony and proofs may be taken before any such officer, and, when duly certified by the officer taking the same, shall have the same force and effect as if taken before the register and receiver of the land-office. In cases of contest as to the mineral or agricultural character of land, the testimony and proofs may be taken as herein provided on personal notice of at least ten days to the opposing party; or if such party cannot be found, then by publication of at least once a week for thirty days in a newspaper, to be designated by the register of the land-office as published nearest to the location of such land; and the register shall require proof that such notice has been given.

SEC. 2336. Where two or more veins intersect or cross each other, priority of title shall govern, and such prior location shall be entitled to all ore or mineral contained within the space of intersection; but the subsequent location shall have the right of way through the space of intersection for the purposes of the convenient working of the mine. And where two or more veins unite, the oldest or prior location shall take the vein below the point of union, including all the space of intersection.

SEC. 2337. Where non-mineral land not contiguous to the vein or lode is used or occupied by the proprietor of such vein or lode for mining or milling purposes, such non-adjacent surface-ground may be embraced and included in an application for a patent for such vein or lode, and the same may be patented therewith, subject to the same preliminary requirements as to survey and notice as are applicable to veins or lodes; but no location hereafter made of such non-adjacent land shall exceed five acres, and payment for the same must be made at the same rate as fixed by this chapter for the superficies of the lode. The owner of a quartz-mill or reduction-works, not owning a mine in connection therewith, may also receive a patent for his mill-site, as provided in this section.

Surveyor-general to appoint surveyors of mining-claims, &c.

10 May, 1872, c. 152, s. 12, v. 17, p. 95.

Verification of affidavits, &c.

10 May, 1872, c. 152, s. 13, v. 17, p. 95.

Where veins intersect, &c.

10 May, 1872, c. 152, s. 14, v. 17, p. 96.

Patents for non-mineral lands, &c.

10 May, 1872, c. 152, s. 15, v. 17, p. 96.

What conditions of sale may be made by local legislature.

26 July, 1866, c. 262, s. 5, v. 14, p. 252.

Vested rights to use of water for mining, &c.; right of way for canals.

26 July, 1866, c. 262, s. 9, v. 14, p. 253.

Patents, pre-emption, and homesteads subject to vested and accrued water-rights.

9 July, 1870, c. 235, s. 17, v. 16, p. 218.

Mineral lands in which no valuable mines are discovered, open to homesteads.

26 July, 1866, c. 262, s. 10, v. 14, p. 253.

Mineral lands how set apart as agricultural lands.

26 July, 1866, c. 262, s. 11, v. 14, p. 253.

Additional land-districts and officers, power of the President to provide.

26 July, 1866, c. 262, s. 7, v. 14, p. 252.

Provisions of this chapter not to affect certain rights.

10 May, 1872, c. 152, s. 16, v. 17, p. 96.

9 July, 1870, c. 235, s. 17, v. 16, p. 218.

Mineral lands in certain States excepted.

18 Feb., 1873, c. 159, v. 17, p. 465.

SEC. 2338. As a condition of sale, in the absence of necessary legislation by Congress, the local legislature of any State or Territory may provide rules for working mines, involving easements, drainage, and other necessary means to their complete development; and those conditions shall be fully expressed in the patent.

SEC. 2339. Whenever, by priority of possession, rights to the use of water for mining, agricultural, manufacturing, or other purposes, have vested and accrued, and the same are recognized and acknowledged by the local customs, laws, and the decisions of courts, the possessors and owners of such vested rights shall be maintained and protected in the same; and the right of way for the construction of ditches and canals for the purposes herein specified is acknowledged and confirmed; but whenever any person, in the construction of any ditch or canal, injures or damages the possession of any settler on the public domain, the party committing such injury or damage shall be liable to the party injured for such injury or damage.

SEC. 2340. All patents granted, or pre-emption or homesteads allowed, shall be subject to any vested and accrued water-rights, or rights to ditches and reservoirs used in connection with such water-rights, as may have been acquired under or recognized by the preceding section.

SEC. 2341. Wherever, upon the lands heretofore designated as mineral lands, which have been excluded from survey and sale, there have been homesteads made by citizens of the United States, or persons who have declared their intention to become citizens, which homesteads have been made, improved, and used for agricultural purposes, and upon which there have been no valuable mines of gold, silver, cinnabar, or copper discovered, and which are properly agricultural lands, the settlers or owners of such homesteads shall have a right of pre-emption thereto, and shall be entitled to purchase the same at the price of one dollar and twenty-five cents per acre, and in quantity not to exceed one hundred and sixty acres; or they may avail themselves of the provisions of chapter five of this Title, relating to "HOMESTEADS."

SEC. 2342. Upon the survey of the lands described in the preceding section, the Secretary of the Interior may designate and set apart such portions of the same as are clearly agricultural lands, which lands shall thereafter be subject to pre-emption and sale as other public lands, and be subject to all the laws and regulations applicable to the same.

SEC. 2343. The President is authorized to establish additional land-districts, and to appoint the necessary officers under existing laws, whenever he may deem the same necessary for the public convenience in executing the provisions of this chapter.

SEC. 2344. Nothing contained in this chapter shall be construed to impair, in any way, rights or interests in mining property acquired under existing laws; nor to affect the provisions of the act entitled "An act granting to A. Sutro the right of way and other privileges to aid in the construction of a draining and exploring tunnel to the Comstock lode, in the State of Nevada," approved July twenty-five, eighteen hundred and sixty-six.

SEC. 2345. The provisions of the preceding sections of this chapter shall not apply to the mineral lands situated in the States of Michigan, Wisconsin, and Minnesota, which are declared free and open to exploration and purchase, according to legal subdivisions, in like manner as before the tenth day of May, eighteen hundred and seventy-two. And any bona-fide entries of such lands within the States named since the tenth day of May, eighteen hundred and seventy-two, may be patented without reference to any of the foregoing provisions of this chapter. Such lands shall be offered for public sale in the same manner, at the same minimum price, and under the same rights of pre-emption as other public lands.

SEC. 2346. No act passed at the first session of the Thirty-eighth Congress, granting lands to States or corporations to aid in the construction of roads or for other purposes, or to extend the time of grants made prior to the thirtieth day of January, eighteen hundred and sixty-five, shall be so construed as to embrace mineral lands, which in all cases are reserved exclusively to the United States, unless otherwise specially provided in the act or acts making the grant.

Grants of lands to States or corporations not to include mineral lands.

30 Jan., 1865, Res. No. 10, v. 13, p. 567.

SEC. 2347. Every person above the age of twenty-one years, who is a citizen of the United States, or who has declared his intention to become such, or any association of persons severally qualified as above, shall, upon application to the register of the proper land-office, have the right to enter, by legal subdivisions, any quantity of vacant coal-lands of the United States not otherwise appropriated or reserved by competent authority, not exceeding one hundred and sixty acres to such individual person, or three hundred and twenty acres to such association, upon payment to the receiver of not less than ten dollars per acre for such lands, where the same shall be situated more than fifteen miles from any completed railroad, and not less than twenty dollars per acre for such lands as shall be within fifteen miles of such road.

Entry of coal-lands.

3 March, 1873, c. 279, s. 1, v. 17, p. 607.

SEC. 2348. Any person or association of persons severally qualified, as above provided, who have opened and improved, or shall hereafter open and improve, any coal mine or mines upon the public lands, and shall be in actual possession of the same, shall be entitled to a preference-right of entry, under the preceding section, of the mines so opened and improved: *Provided*, That when any association of not less than four persons, severally qualified as above provided, shall have expended not less than five thousand dollars in working and improving any such mine or mines, such association may enter not exceeding six hundred and forty acres, including such mining improvements.

Pre-emption of coal-lands.

Ibid., s. 2.

SEC. 2349. All claims under the preceding section must be presented to the register of the proper land-district within sixty days after the date of actual possession and the commencement of improvements on the land, by the filing of a declaratory statement therefor; but when the township plat is not on file at the date of such improvement, filing must be made within sixty days from the receipt of such plat at the district office; and where the improvements shall have been made prior to the expiration of three months from the third day of March, eighteen hundred and seventy-three, sixty days from the expiration of such three months shall be allowed for the filing of a declaratory statement, and no sale under the provisions of this section shall be allowed until the expiration of six months from the third day of March, eighteen hundred and seventy-three.

Pre-emption claims of coal-land to be presented within sixty days, &c.

Ibid., s. 3.

SEC. 2350. The three preceding sections shall be held to authorize only one entry by the same person or association of persons; and no association of persons any member of which shall have taken the benefit of such sections, either as an individual or as a member of any other association, shall enter or hold any other lands under the provisions thereof; and no member of any association which shall have taken the benefit of such sections shall enter or hold any other lands under their provisions; and all persons claiming under section twenty-three hundred and forty-eight shall be required to prove their respective rights and pay for the lands filed upon within one year from the time prescribed for filing their respective claims; and upon failure to file the proper notice, or to pay for the land within the required period, the same shall be subject to entry by any other qualified applicant.

Only one entry allowed.

Ibid., s. 4.

SEC. 2351. In case of conflicting claims upon coal-lands where the improvements shall be commenced, after the third day of March, eighteen hundred and seventy-three, priority of possession and improvement, followed by proper filing and continued good faith, shall determine the preference-right to purchase. And also where improvements have already been made prior to the third day of March, eighteen hundred and seventy-three, division of the land claimed may be made by legal

Conflicting claim.

Ibid., s. 5.

subdivisions, to include, as near as may be, the valuable improvements of the respective parties. The Commissioner of the General Land-Office is authorized to issue all needful rules and regulations for carrying into effect the provisions of this and the four preceding sections.

Rights reserved.

Ibid., s. 6.

SEC. 2352. Nothing in the five preceding sections shall be construed to destroy or impair any rights which may have attached prior to the third day of March, eighteen hundred and seventy-three, or to authorize the sale of lands valuable for mines of gold, silver, or copper.

CHAPTER SEVEN.

SALE AND DISPOSAL OF THE PUBLIC LANDS.

| Sec. | Sec. |
|--|---|
| 2353. Public sale of lands in half quarter-sections. | 2368. Certain lands located in good faith by claims arising under treaty of September 30, 1854, may be purchased, &c. |
| 2354. Private sales, in what bodies. | 2369. Mistakes in entry of lands, provisions for. |
| 2355. Private sales, proceedings in. | 2370. Mistakes in patent lands. |
| 2356. No credit on sales of public lands. | 2371. Mistakes in location of warrants. |
| 2357. Price of lands \$1.25 per acre. | 2372. Error in entry by mistake of numbers, proceedings upon. |
| 2358. Public lands may be offered for sale in such proportions as the President chooses. | 2373. Agreement and acts intended to prevent bids, penalty. |
| 2359. Advertisement of sales. | 2374. Agreements to pay premium to purchasers at public sales. |
| 2360. Duration of sales. | 2375. Recovery of premiums paid to purchasers at public sales. |
| 2361. Several certificates issued to two or more purchasers of same section. | 2376. Discovery of agreements to pay premiums by bill in equity. |
| 2362. Purchase-money refunded where sale cannot be confirmed. | 2377. Limitation of entries by agricultural-college scrip. |
| 2363. Refunding in certain cases, how done. | 2378. Grant to new States. |
| 2364. Minimum price, how fixed when reservations sold. | 2379. Selections and locations of lands granted in last section. |
| 2365. Highest bidder when preferred in private sales. | |
| 2366. What coins receivable in payment for public lands. | |
| 2367. Lands in California subject to private entry and withdrawn, how to be opened to entry. | |

Public sale of lands in half quarter-sections.

SEC. 2353. All the public lands, the sale of which is authorized by law, shall, when offered at public sale to the highest bidder, be offered in half quarter-sections.

24 April, 1820, c. 51, s. 1, v. 3, p. 566.—U. S. *vs.* Gratiot, 14 Pet., 526; Oliver *vs.* Piatt, 3 How., 333; Brown's Lessee *vs.* Clements, 3 How., 650; Gazzam *vs.* Phillips, 20 How., 372.

Private sales in what bodies.

SEC. 2354. All the public lands, when offered at private sale, may be purchased, at the option of the purchaser, in entire sections, half-sections, quarter-sections, half quarter-sections, or quarter quarter-sections.

5 April, 1832, c. 65, v. 4, p. 503.

Private sales, proceedings in.

SEC. 2355. Every person making application at any of the land-offices of the United States for the purchase at private sale of a tract of land shall produce to the register a memorandum in writing, describing the tract, which he shall enter by the proper number of the section, half-section, quarter-section, half quarter-section, or quarter quarter-section, as the case may be, and of the township and range, subscribing his name thereto, which memorandum the register shall file and preserve in his office.

24 Feb., 1810, c. 11, s. 1, v. 2, p. 556.

No credit on sales of public lands.

SEC. 2356. Credit shall not be allowed for the purchase-money on the sale of any of the public lands, but every purchaser of land sold at public sale shall, on the day of purchase, make complete payment therefor; and the purchaser at private sale shall produce to the register of the land-office a receipt from the Treasurer of the United States, or from the receiver of public moneys of the district, for the amount of the purchase-money on any tract, before he enters the same at the land-office;

24 April, 1820, c. 51, s. 2, v. 3, p. 566.

Chotard *vs.* Pope, 12 Wh., 589.

U. S. *vs.* Boyd, 5 How., 49; Bell *vs.* Hearne, 19 How., 260.

and if any person, being the highest bidder at public sale for a tract of land, fails to make payment therefor on the day on which the same was purchased, the tract shall be again offered at public sale on the next day of sale, and such person shall not be capable of becoming the purchaser of that or any other tract offered at such public sales.

SEC. 2357. The price at which the public lands are offered for sale shall be one dollar and twenty-five cents an acre; and at every public sale, the highest bidder, who makes payment as provided in the preceding section, shall be the purchaser; but no land shall be sold, either at public or private sale, for a less price than one dollar and twenty-five cents an acre; and all the public lands which are hereafter offered at public sale, according to law, and remain unsold at the close of such public sales, shall be subject to be sold at private sale, by entry at the land-office, at one dollar and twenty-five cents an acre, to be paid at the time of making such entry: *Provided*, That the price to be paid for alternate reserved lands, along the line of railroads within the limits granted by any act of Congress, shall be two dollars and fifty cents per acre.

SEC. 2358. Whenever the President is authorized to cause the public lands, in any land-district, to be offered for sale, he may offer for sale, at first, only a part of the lands contained in such district, and at any subsequent time or times he may offer for sale in the same manner any other part, or the remainder of the lands contained in the same.

SEC. 2359. The public lands which are exposed to public sale by order of the President shall be advertised for a period of not less than three nor more than six months prior to the day of sale, unless otherwise specially provided.

SEC. 2360. The public sales of lands shall, respectively, be kept open for two weeks, and no longer, unless otherwise specially provided by law.

SEC. 2361. Where two or more persons have become purchasers of a section or fractional section, the register of the land-office of the district in which the lands lie shall, on application of the parties, and a surrender of the original certificate, issue separate certificates, of the same date with the original, to each of the purchasers, or their assignees, in conformity with the division agreed on by them; but in no case shall the fractions so purchased be divided by other than north and south, or east and west, lines; nor shall any certificate issue for less than eighty acres.

SEC. 2362. The Secretary of the Interior is authorized, upon proof being made, to his satisfaction, that any tract of land has been erroneously sold by the United States, so that from any cause the sale cannot be confirmed, to repay to the purchaser, or to his legal representatives or assignees, the sum of money which was paid therefor, out of any money in the Treasury not otherwise appropriated.

SEC. 2363. Where any tract of land has been erroneously sold, as described in the preceding section, and the money which was paid for the same has been invested in any stocks held in trust, or has been paid into the Treasury to the credit of any trust-fund, it is lawful, by the sale of such portion of the stocks as may be necessary for the purpose, or out of such trust-fund, to repay the purchase-money to the parties entitled thereto.

SEC. 2364. Whenever any reservation of public lands is brought into market, the Commissioner of the General Land-Office shall fix a minimum price, not less than one dollar and twenty-five cents per acre, below which such lands shall not be disposed of.

SEC. 2365. Where two or more persons apply for the purchase, at private sale, of the same tract, at the same time, the register shall determine the preference, by forthwith offering the tract to the highest bidder.

Price of lands,
\$1.25 per acre.

24 April, 1820, c.
51, s. 3, v. 3, p. 566.

Public lands may
be offered for sale
in such proportions
as the President
chooses.

31 March, 1808, c.
40, s. 1, v. 2, p. 479.

Advertisement
of sales.

28 June, 1834, c.
102, v. 4, p. 702.

Duration of sales.

24 April, 1820, c.
51, s. 5, v. 3, p. 567.

Several certifi-
cates issued to two
or more purchasers
of same section.

23 May, 1828, c.
71, s. 7, v. 4, p. 287.

Purchase-money
refunded where
sale cannot be con-
firmed.

12 Jan., 1825, c.
5, v. 4, p. 80.

28 Feb., 1859, c.
64, s. 1, v. 11, p. 387.

Refunding in cer-
tain cases; how
done.

28 Feb., 1859, c.
64, s. 2, v. 11, p. 388.

Minimum price,
how fixed when
reservations sold.

2 July, 1864, c.
221, v. 13, p. 374.

Highest bidder,
when preferred in
private sales.

24 April, 1820, c.
51, s. 6, v. 3, p. 567.

What coins receivable in payment for public lands.

3 March, 1823, c. 53, s. 1, v. 3, p. 779.

21 February, 1857, c. 56, s. 1, v. 11, p. 163.

Lands in California subject to private entry and withdrawn, how to be opened to entry.

15 July, 1870, c. 292, s. 1, v. 16, p. 304.

Certain lands located in good faith by claims arising under treaty of Sept. 30, 1854, may be purchased, &c.

8 June, 1872, c. 357, v. 17, p. 340.

Mistakes in entry of lands, provisions for.

3 March, 1819, c. 98, v. 3, p. 526.

Mistakes in patent lands.

24 May, 1828, c. 96, v. 4, p. 301.

Mistakes in location of warrants.

3 March, 1853, c. 147, s. 2, v. 10, p. 257.

Error in entry by mistake of numbers, proceedings upon.

24 May, 1824, c. 138, s. 1, v. 4, p. 31.

SEC. 2366. The gold coins of Great Britain and other foreign coins shall be received in all payments on account of public lands, at the value estimated annually by the Director of the Mint, and proclaimed by the Secretary of the Treasury, in accordance with the provisions of section thirty-five hundred and sixty-four, Title, "THE COINAGE."

[See § 3474.]

SEC. 2367. Wherever lands in California subject to private entry have been or are hereafter withdrawn from market for any cause, such lands shall not thereafter be held subject to private entry until they have first been open for at least ninety days to homestead and pre-emption settlers, and again offered at public sale.

SEC. 2368. The Secretary of the Interior is authorized to permit the purchase, with cash or military bounty-land warrants, of such lands as may have been located with claims arising under the seventh clause of the second article of the treaty of September thirty, eighteen hundred and fifty-four, at such price per acre as he deems equitable and proper, but not at a less price than one dollar and twenty-five cents per acre, and the owners and holders of such claims in good faith are also permitted to complete their entries, and to perfect their titles under such claims upon compliance with the terms above mentioned; but it must be shown to the satisfaction of the Secretary of the Interior that such claims are held by innocent parties in good faith, and that the locations made under such claims have been made in good faith and by innocent holders of the same.

SEC. 2369. In every case of a purchaser of public lands, at private sale, having entered at the land-office, a tract different from that he intended to purchase, and being desirous of having the error in his entry corrected, he shall make his application for that purpose to the register of the land-office; and if it appears from testimony satisfactory to the register and receiver, that an error in the entry has been made, and that the same was occasioned by original incorrect marks made by the surveyor, or by the obliteration or change of the original marks and numbers at corners of the tract of land; or that it has in any otherwise arisen from mistake or error of the surveyor, or officers of the land-office, the register and receiver shall report the case, with the testimony, and their opinion thereon, to the Secretary of the Interior, who is authorized to direct that the purchaser is at liberty to withdraw the entry so erroneously made, and that the moneys which have been paid shall be applied in the purchase of other lands in the same district, or credited in the payment for other lands which have been purchased at the same office.

SEC. 2370. The provisions of the preceding section are declared to extend to all cases where patents have issued or may hereafter issue; upon condition, however, that the party concerned surrenders his patent to the Commissioner of the General Land-Office, with a relinquishment of title thereon, executed in a form to be prescribed by the Secretary of the Interior.

SEC. 2371. The provisions of the two preceding sections are made applicable in all respects to errors in the location of land-warrants.

SEC. 2372. In all cases of an entry hereafter made, of a tract of land not intended to be entered, by a mistake of the true numbers of the tract intended to be entered, where the tract, thus erroneously entered, does not, in quantity, exceed one half-section, and where the certificate of the original purchaser has not been assigned, or his right in any way transferred, the purchaser, or, in case of his death, the legal representatives, not being assignees or transferees, may, in any case coming within the provisions of this section, file his own affidavit, with such additional evidence as can be procured, showing the mistake of the

numbers of the tract intended to be entered, and that every reasonable precaution and exertion had been used to avoid the error, with the register and receiver of the land-district within which such tract of land is situated, who shall transmit the evidence submitted to them in each case, together with their written opinion, both as to the existence of the mistake and the credibility of each person testifying thereto, to the Commissioner of the General Land-Office, who, if he be entirely satisfied that the mistake has been made, and that every reasonable precaution and exertion had been made to avoid it, is authorized to change the entry, and transfer the payment from the tract erroneously entered, to that intended to be entered, if unsold; but, if sold, to any other tract liable to entry; but the oath of the person interested shall in no case be deemed sufficient, in the absence of other corroborating testimony, to authorize any such change of entry; nor shall anything herein contained affect the right of third persons.

SEC. 2373. Every person who, before or at the time of the public sale of any of the lands of the United States, bargains, contracts, or agrees, or attempts to bargain, contract, or agree with any other person, that the last-named person shall not bid upon or purchase the land so offered for sale, or any parcel thereof, or who by intimidation, combination, or unfair management, hinders, or prevents, or attempts to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both.

SEC. 2374. If any person before, or at the time of the public sale of any of the lands of the United States, enters into any contract, bargain, agreement, or secret understanding with any other person, proposing to purchase such land, to pay or give to such purchasers for such land a sum of money or other article of property, over and above the price at which the land is bid off by such purchasers, every such contract, bargain, agreement, or secret understanding, and every bond, obligation, or writing of any kind whatsoever, founded upon or growing out of the same, shall be utterly null and void.

SEC. 2375. Every person being a party to such contract, bargain, agreement, or secret understanding, who pays to such purchaser any sum of money or other article of value, over and above the purchase-money of such land, may sue for and recover such excess from such purchaser in any court having jurisdiction of the same.

SEC. 2376. If the party aggrieved have no legal evidence of such contract, bargain, agreement, or secret understanding, or of the payment of the excess, he may, by bill in equity, compel such purchaser to make discovery thereof; and if in such case the complainant shall ask for relief, the court in which the bill is pending may proceed to final decree between the parties to the same; but every such suit either in law or equity shall be commenced within six years next after the sale of such land by the United States.

SEC. 2377. In no case shall more than three sections of public lands be entered at private entry in any one township by scrip issued to any State under the act approved July two, eighteen hundred and sixty-two, for the establishment of an agricultural college therein.

SEC. 2378. There is granted, for purposes of internal improvement, to each new State hereafter admitted into the Union, upon such admission, so much public land as, including the quantity that was granted to such State before its admission and while under a territorial government, will make five hundred thousand acres.

SEC. 2379. The selections of lands, granted in the preceding section, shall be made within the limits of each State so admitted into the Union, in such manner as the legislatures thereof, respectively, may direct; and such lands shall be located in parcels conformably to sectional divisions and subdivisions of not less than three hundred and twenty acres in any one location, on any public land not reserved from sale by

Agreement and acts intended to prevent bids, penalty.

31 March, 1830, c. 48, s. 4, v. 4, p. 392.

Fackler vs. Ford, 24 How., 331.

Agreements to pay premium to purchasers at public sales.

31 March, 1830, c. 48, s. 5, v. 4, p. 392.

Fackler vs. Ford, 24 How., 331.

Recovery of premiums paid to purchasers at public sales.

31 March, 1830, c. 48, s. 5, v. 4, p. 392.

Discovery of agreements to pay premium by bill in equity.

31 March, 1830, c. 48, s. 5, v. 4, p. 392.

Limitation of entries by agricultural-college scrip.

27 July, 1868, c. 256, v. 15, p. 227.

Grant to new States.

4 Sept., 1841, c. 16, s. 8, v. 5, p. 455.

Poley vs. Harrison, 15 How., 433.

Selections and locations of lands granted in last section.

4 Sept., 1841, c. 16, s. 8, v. 5, p. 455.

law of Congress or by proclamation of the President. The locations may be made at any time after the public lands in any such new State have been surveyed according to law.

CHAPTER EIGHT.

RESERVATION AND SALE OF TOWN-SITES ON THE PUBLIC LANDS.

Sec.
2380. Town-sites to be reserved.
2381. Reservations to be surveyed into lots.
2382. Town or city sites in public lands.
2383. When towns established upon unsurveyed lands, extension limits, how adjusted.
2384. When transcript-maps of town are not filed in twelve months, proceedings by Secretary of Interior.
2385. Where size of lots or town-plats vary from general rule.
2386. Title to lots subject to mineral rights.

Sec.
2387. Entry of town authorities in trust for occupants.
2388. Entry under preceding section, when to be made.
2389. Entry in proportion to number of inhabitants.
2390. Authorities of Salt Lake City, rights of, as to entry.
2391. Certain acts of trustees to be void.
2392. No title acquired to gold mines, &c., or to mining-claim, &c.
2393. Military or other reservations, &c.
2394. Inhabitants of towns on public lands, rights of, to enter.

Town-sites to be reserved.

3 March, 1863, c. 80, s. 1, v. 12, p. 754.

Reservations to be surveyed into lots.

3 March, 1863, c. 80, s. 2, v. 12, p. 754.

SEC. 2380. The President is authorized to reserve from the public lands, whether surveyed or unsurveyed, town-sites on the shores of harbors, at the junction of rivers, important portages, or any natural or prospective centers of population.

SEC. 2381. When, in the opinion of the President, the public interests require it, it shall be the duty of the Secretary of the Interior to cause any of such reservations, or part thereof, to be surveyed into urban or suburban lots of suitable size, and to fix by appraisement of disinterested persons their cash value, and to offer the same for sale at public outcry to the highest bidder, and thence afterward to be held subject to sale at private entry according to such regulations as the Secretary of the Interior may prescribe; but no lot shall be disposed of at public sale or private entry for less than the appraised value thereof. And all such sales shall be conducted by the register and receiver of the land-office in the district in which the reservations may be situated, in accordance with the instructions of the Commissioner of the General Land-Office.

Town or city sites in public lands.

1 July, 1864, c. 205, s. 2, v. 13, p. 343.

SEC. 2382. In any case in which parties have already founded, or may hereafter desire to found, a city or town on the public lands, it may be lawful for them to cause to be filed with the recorder for the county in which the same is situated, a plat thereof, for not exceeding six hundred and forty acres, describing its exterior boundaries according to the lines of the public surveys, where such surveys have been executed; also giving the name of such city or town, and exhibiting the streets, squares, blocks, lots, and alleys, the size of the same, with measurements and area of each municipal subdivision, the lots in which shall each not exceed four thousand two hundred square feet, with a statement of the extent and general character of the improvements; such map and statement to be verified under oath by the party acting for and in behalf of the persons proposing to establish such city or town; and within one month after such filing there shall be transmitted to the General Land-Office a verified transcript of such map and statement, accompanied by the testimony of two witnesses that such city or town has been established in good faith, and when the premises are within the limits of an organized land-district, a similar map and statement shall be filed with the register and receiver, and at any time after the filing of such map, statement, and testimony in the General Land-Office it may be lawful for the President to cause the lots embraced within the limits of such city or town to be offered at public sale to the highest bidder, subject to

a minimum of ten dollars for each lot; and such lots as may not be disposed of at public sale shall thereafter be liable to private entry at such minimum, or at such reasonable increase or diminution thereafter as the Secretary of the Interior may order from time to time, after at least three months' notice, in view of the increase or decrease in the value of the municipal property. But any actual settler upon any one lot, as above provided, and upon any additional lot in which he may have substantial improvements shall be entitled to prove up and purchase the same as a pre-emption, at such minimum, at any time before the day fixed for the public sale.

SEC. 2383. When such cities or towns are established upon unsurveyed lands, it may be lawful, after the extension thereto of the public surveys, to adjust the extension limits of the premises according to those lines, where it can be done without interference with rights which may be vested by sale; and patents for all lots so disposed of at public or private sale shall issue as in ordinary cases.

SEC. 2384. If within twelve months from the establishment of a city or town on the public domain, the parties interested refuse or fail to file in the General Land-Office a transcript map, with the statement and testimony called for by the provisions of section twenty-three hundred and eighty-two, it may be lawful for the Secretary of the Interior to cause a survey and plat to be made of such city or town, and thereafter the lots in the same shall be disposed of as required by such provisions, with this exception, that they shall each be at an increase of fifty per centum on the minimum of ten dollars per lot.

SEC. 2385. In the case of any city or town, in which the lots may be variant as to size from the limitation fixed in section twenty-three hundred and eighty-two, and in which the lots and buildings, as municipal improvements, cover an area greater than six hundred and forty acres, such variance as to size of lots or excess in area shall prove no bar to such city or town claim under the provisions of that section; but the minimum price of each lot in such city or town, which may contain a greater number of square feet than the maximum named in that section, shall be increased to such reasonable amount as the Secretary of the Interior may by rule establish.

SEC. 2386. Where mineral veins are possessed, which possession is recognized by local authority, and to the extent so possessed and recognized, the title to town-lots to be acquired shall be subject to such recognized possession and the necessary use thereof; but nothing contained in this section shall be so construed as to recognize any color of title in possessors for mining purposes as against the United States.

SEC. 2387. Whenever any portion of the public lands have been or may be settled upon and occupied as a town-site, not subject to entry under the agricultural pre-emption laws, it is lawful, in case such town be incorporated, for the corporate authorities thereof, and, if not incorporated, for the judge of the county court for the county in which such town is situated, to enter at the proper land-office, and at the minimum price, the land so settled and occupied in trust for the several use and benefit of the occupants thereof, according to their respective interests; the execution of which trust, as to the disposal of the lots in such town, and the proceeds of the sales thereof, to be conducted under such regulations as may be prescribed by the legislative authority of the State or Territory in which the same may be situated.

SEC. 2388. The entry of the land provided for in the preceding section shall be made, or a declaratory statement of the purpose of the inhabitants to enter it as a town-site shall be filed with the register of the proper land-office, prior to the commencement of the public sale of the body of land in which it is included, and the entry or declaratory statement shall include only such land as is actually occupied by the town, and the title to which is in the United States; but in any Territory in which a land-office may not have been established, such declaratory statements may be filed with the surveyor-general of the surveying-dis-

When towns established upon unsurveyed lands, extension limits, how adjusted.

1 July, 1864, c. 205, s. 3, v. 13, p. 344.

When transcript maps of town are not filed in twelve months, proceedings by Secretary of Interior.

1 July, 1864, c. 205, s. 4, v. 13, p. 344.

Where size of lots or town plat vary from general rule.

3 March, 1865, c. 107, s. 2, v. 13, p. 530.

Title to lots subject to mineral rights.

3 March, 1865, c. 107, s. 2, v. 13, p. 530.

Entry of town authorities in trust for occupants.

2 March, 1867, c. 177, v. 14, p. 541.

Entry under preceding section, when to be made.

2 March, 1867, c. 177, v. 14, p. 541.

Entry in proportion to number of inhabitants.

2 March, 1867, c. 177, v. 14, p. 541.

Authorities of Salt Lake City, rights of, as to entry.

1 July, 1870, c. 193, v. 16, p. 183.

Certain acts of trustees to be void.

2 March, 1867, c. 177, v. 14, p. 541.

No title acquired to gold-mines, &c., or to mining-claim, &c.

2 March, 1867, c. 177, v. 14, p. 541.

Military or other reservations, &c.

2 March, 1867, c. 177, v. 14, p. 541.

Inhabitants of towns on public lands, right of, to enter.

8 June, 1868, c. 53, v. 15, p. 67.

tract in which the lands are situated; who shall transmit the same to the General Land-Office.

SEC. 2389. If upon surveyed lands, the entry shall in its exterior limit be made in conformity to the legal subdivisions of the public lands authorized by law; and where the inhabitants are in number one hundred, and less than two hundred, shall embrace not exceeding three hundred and twenty acres; and in cases where the inhabitants of such town are more than two hundred, and less than one thousand, shall embrace not exceeding six hundred and forty acres; and where the number of inhabitants is one thousand and over one thousand, shall embrace not exceeding twelve hundred and eighty acres; but for each additional one thousand inhabitants, not exceeding five thousand in all, a further grant of three hundred and twenty acres shall be allowed.

SEC. 2390. The words "not exceeding five thousand in all," in the preceding section, shall not apply to Salt Lake City, in the Territory of Utah; but such section shall be so construed in its application to that city that lands may be entered for the full number of inhabitants contained therein, not exceeding fifteen thousand; and as that city covers school-section number thirty-six, in township number one north, of range number one west, the same may be embraced in such entry, and indemnity shall be given therefor when a grant is made by Congress of sections sixteen and thirty-six, in the Territory of Utah, for school purposes.

SEC. 2391. Any act of the trustees not made in conformity to the regulations alluded to in section twenty-three hundred and eighty-seven shall be void.

SEC. 2392. No title shall be acquired, under the foregoing provisions of this chapter, to any mine of gold, silver, cinnabar, or copper; or to any valid mining-claim or possession held under existing laws.

2 March, 1867, c. 177, v. 14, p. 541. 8 June, 1868, c. 53, v. 15, p. 67.

SEC. 2393. The provisions of this chapter shall not apply to military or other reservations heretofore made by the United States, nor to reservations for light-houses, custom-houses, mints, or such other public purposes as the interests of the United States may require, whether held under reservations through the Land-Office by title derived from the Crown of Spain, or otherwise.

SEC. 2394. The inhabitants of any town located on the public lands may avail themselves, if the town authorities choose to do so, of the provisions of sections twenty-three hundred and eighty-seven, twenty-three hundred and eighty-eight, and twenty-three hundred and eighty-nine; and in addition to the minimum price of the lands embracing any town-site so entered, there shall be paid by the parties availing themselves of such provisions all costs of surveying and platting any such town-site, and expenses incident thereto incurred by the United States, before any patent issues therefor; but nothing contained in the sections herein cited shall prevent the issuance of patents to persons who have made or may hereafter make entries, and elect to proceed under other laws relative to town-sites in this chapter set forth.

CHAPTER NINE.

SURVEY OF THE PUBLIC LANDS.

Sec.

2395. Rules of survey.

2396. Boundaries and contents of public lands, how ascertained.

2397. Lines of division of half quarter-sections, how run.

Sec.

2398. Contracts for surveys of public lands, when binding.

2399. What instructions to be deemed part of contract.

2400. Prices of surveys, how established.

| Sec. | Sec. |
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| 2401. When survey may be had by settlers in township. | 2407. Surveys on rivers in certain cases. |
| 2402. Deposit for expenses of surveys deemed an appropriation, &c. | 2408. Lines of surveys in Nevada. |
| 2403. Deposits made by settlers for public surveys to go in part payment of lands. | 2409. Geodetic method of survey in Oregon and California. |
| 2404. Augmented rates for surveys of lands covered with forests, &c., in Oregon. | 2410. Rectangular mode of survey, when may be departed from. |
| 2405. Ibid. for California and Washington. | 2411. Compensation for surveying by the day in Oregon and California. |
| 2406. Geological surveys, extension of public surveys, expenses of subdividing. | 2412. Penalty for interrupting surveys. |
| | 2413. Protection of surveyor by marshal of district. |

SEC. 2395. The public lands shall be divided by north and south lines run according to the true meridian, and by others crossing them at right angles, so as to form townships of six miles square, unless where the line of an Indian reservation, or of tracts of land heretofore surveyed or patented, or the course of navigable rivers, may render this impracticable; and in that case this rule must be departed from no further than such particular circumstances require.

Rules of survey.

18 May, 1796, c.
29, s. 2, v. 1, p. 465.
10 May, 1800, c.
55, s. 3, v. 2, p. 73.

Second. The corners of the townships must be marked with progressive numbers from the beginning; each distance of a mile between such corners must be also distinctly marked with marks different from those of the corners.

Third. The township shall be subdivided into sections, containing, as nearly as may be, six hundred and forty acres each, by running through the same, each way, parallel lines at the end of every two miles; and by marking a corner on each of such lines, at the end of every mile. The sections shall be numbered respectively, beginning with the number one in the northeast section and proceeding west and east alternately through the township with progressive numbers till the thirty-six be completed.

Fourth. The deputy surveyors, respectively, shall cause to be marked on a tree near each corner established in the manner described, and within the section, the number of such section, and over it the number of the township within which such section may be; and the deputy surveyors shall carefully note, in their respective field-books, the names of the corner-trees marked and the numbers so made.

Fifth. Where the exterior lines of the townships which may be subdivided into sections or half-sections exceed, or do not extend six miles, the excess or deficiency shall be specially noted, and added to or deducted from the western and northern ranges of sections or half-sections in such township, according as the error may be in running the lines from east to west, or from north to south; the sections and half-sections bounded on the northern and western lines of such townships shall be sold as containing only the quantity expressed in the returns and plats respectively, and all others as containing the complete legal quantity.

Sixth. All lines shall be plainly marked upon trees, and measured with chains, containing two perches of sixteen and one-half feet each, subdivided into twenty-five equal links; and the chain shall be adjusted to a standard to be kept for that purpose.

Seventh. Every surveyor shall note in his field-book the true situations of all mines, salt licks, salt springs, and mill-seats which come to his knowledge; all water-courses over which the line he runs may pass; and also the quality of the lands.

Eighth. These field-books shall be returned to the surveyor-general, who shall cause therefrom a description of the whole lands surveyed to be made out and transmitted to the officers who may superintend the sales. He shall also cause a fair plat to be made of the townships and fractional parts of townships contained in the lands, describing the subdivisions thereof, and the marks of the corners. This plat shall be recorded in books to be kept for that purpose; and a copy thereof shall

be kept open at the surveyor-general's office for public information, and other copies shall be sent to the places of the sale, and to the General Land-Office.

Boundaries and contents of public lands, how ascertained.

11 Feb., 1805, c. 14, s. 2, v. 2, p. 313.

Bates vs. Illinois Central R. R., 1 Bl., 208; Railroad Com'm'rs vs. Schurmeir, 7 Wall., 272.

SEC. 2396. The boundaries and contents of the several sections, half-sections, and quarter-sections of the public lands shall be ascertained in conformity with the following principles:

First. All the corners marked in the surveys, returned by the surveyor-general, shall be established as the proper corners of sections, or subdivisions of sections, which they were intended to designate; and the corners of half and quarter sections, not marked on the surveys, shall be placed as nearly as possible equidistant from those two corners which stand on the same line.

Second. The boundary-lines, actually run and marked in the surveys returned by the surveyor-general, shall be established as the proper boundary-lines of the sections, or subdivisions, for which they were intended, and the length of such lines, as returned, shall be held and considered as the true length thereof. And the boundary-lines which have not been actually run and marked shall be ascertained, by running straight lines from the established corners to the opposite corresponding corners; but in those portions of the fractional townships where no such opposite corresponding corners have been or can be fixed, the boundary-lines shall be ascertained by running from the established corners due north and south or east and west lines, as the case may be, to the water-course, Indian boundary-line, or other external boundary of such fractional township.

Third. Each section or subdivision of section, the contents whereof have been returned by the surveyor-general, shall be held and considered as containing the exact quantity expressed in such return; and the half-sections and quarter-sections, the contents whereof shall not have been thus returned, shall be held and considered as containing the one-half or the one-fourth part, respectively, of the returned contents of the section of which they may make part.

Lines of division of half quarter-sections, how run.

5 April, 1832, c. 65, v. 4, p. 503.

24 April, 1820, c. 51, s. 1, v. 3, p. 566.

SEC. 2397. In every case of the division of a quarter-section the line for the division thereof shall run north and south, and the corners and contents of half quarter-sections which may thereafter be sold, shall be ascertained in the manner and on the principles directed and prescribed by the section preceding, and fractional sections containing one hundred and sixty acres or upwards shall in like manner as nearly as practicable be subdivided into half quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Interior, and in every case of a division of a half quarter-section, the line for the division thereof shall run east and west, and the corners and contents of quarter quarter-sections, which may thereafter be sold, shall be ascertained as nearly as may be, in the manner, and on the principles, directed and prescribed by the section preceding; and fractional sections containing fewer or more than one hundred and sixty acres shall in like manner, as nearly as may be practicable, be subdivided into quarter quarter-sections, under such rules and regulations as may be prescribed by the Secretary of the Interior.

Contracts for survey of public lands when binding.

30 May, 1862, c. 86, s. 1, v. 12, p. 409.

SEC. 2398. Contracts for the survey of the public lands shall not become binding upon the United States until approved by the Commissioner of the General Land-Office, except in such cases as the Commissioner may otherwise specially order.

Magwire vs. Tyler, 1 Bl., 201.

What instructions to be deemed part of contract.

30 May, 1862, c. 86, s. 2, v. 12, p. 409.

SEC. 2399. The printed manual of instructions relating to the public surveys, prepared at the General Land-Office, and bearing date February twenty-second, eighteen hundred and fifty-five, the instructions of the Commissioner of the General Land-Office, and the special instructions of the surveyor-general, when not in conflict with such printed manual, or the instructions of the Commissioner, shall be taken and deemed to be a part of every contract for surveying the public lands.

SEC. 2400. The Commissioner of the General Land-Office has power, and it shall be his duty, to fix the prices per mile for public surveys, which shall in no case exceed the maximum established by law; and, under instructions to be prepared by the Commissioner, an accurate account shall be kept by each surveyor-general of the cost of surveying and platting private land-claims, to be reported to the General Land-Office, with the map of such claim, and patents shall not issue for any such private claim until the cost of survey and platting has been paid into the Treasury by the claimant.

Prices of surveys, how established.

30 May, 1862, c. 86, s. 3, v. 12, p. 409.

SEC. 2401. When the settlers in any township, not mineral or reserved by Government, desire a survey made of the same, under the authority of the surveyor-general, and file an application therefor in writing, and deposit in a proper United States depository, to the credit of the United States, a sum sufficient to pay for such survey, together with all expenses incident thereto, without cost or claim for indemnity on the United States, it may be lawful for the surveyor-general, under such instructions as may be given him by the Commissioner of the General Land-Office, and in accordance with law, to survey such township and make return thereof to the general and proper local land-office, provided the township so proposed to be surveyed is within the range of the regular progress of the public surveys embraced by existing standard lines or bases for the township and subdivisional surveys.

When survey may be had by settlers in township.

30 May, 1862, c. 86, s. 10, v. 12, p. 410.

SEC. 2402. The deposit of money in a proper United States depository, under the provisions of the preceding section, shall be deemed an appropriation of the sums so deposited for the objects contemplated by that section, and the Secretary of the Treasury is authorized to cause the sums so deposited to be placed to the credit of the proper appropriations for the surveying-service; but any excesses in such sums over and above the actual cost of the surveys, comprising all expenses incident thereto, for which they were severally deposited, shall be repaid to the depositors respectively.

Deposit for expenses of surveys deemed an appropriation, &c.

1 July, 1864, Res. No. 60, v. 13, p. 414.

SEC. 2403. Where settlers make deposits in accordance with the provisions of section twenty-four hundred and seven, the amount so deposited shall go in part payment for their lands situated in the townships, the surveying of which is paid for out of such deposits.

Deposits made by settlers for public surveys to go in part payment of lands.

3 March, 1871, c. 127, v. 16, p. 581.

SEC. 2404. The Commissioner of the General Land-Office may authorize, in his discretion, public lands in Oregon, densely covered with forests or thick undergrowth, to be surveyed at augmented rates, not exceeding eighteen dollars per mile for standard parallels, fifteen dollars for township, and twelve dollars for section lines.

Augmented rates for surveys of lands covered with forests, &c., in Oregon.

15 July, 1870, c. 292, s. 1, v. 16, pp. 304, 305.

SEC. 2405. The Commissioner of the General Land-Office, in his discretion, may hereafter authorize public lands in California and in Washington Territory, densely covered with forest or thick undergrowth, to be surveyed at augmented rates, not exceeding eighteen dollars per linear mile for standard parallels, sixteen dollars for township, and fourteen dollars for section lines.

Ibid. for California and Washington.

10 June, 1872, c. 415, s. 1, v. 17, p. 358.

SEC. 2406. There shall be no further geological survey by the Government, unless hereafter authorized by law. The public surveys shall extend over all mineral lands; and all subdividing of surveyed lands into lots less than one hundred and sixty acres may be done by county and local surveyors at the expense of claimants; but nothing in this section contained shall require the survey of waste or useless lands.

Geological surveys, extension of public surveys, expenses of subdividing.

21 July, 1852, c. 66, s. 1, v. 10, pp. 15, 21. 9 July, 1870, c. 235, s. 16, v. 16, p. 218.

SEC. 2407. Whenever, in the opinion of the President, a departure from the ordinary method of surveying land on any river, lake, bayou, or water-course would promote the public interest, he may direct the surveyor-general in whose district such land is situated, and where the change is intended to be made, to cause the lands thus situated to be

Surveys on rivers in certain cases.

24 May, 1824, c. 141, v. 4, p. 34.

Lines of surveys
in Nevada.

4 July, 1866, c.
166, s. 5, v. 14, p.
86.

Geodetic method
of survey in Ore-
gon and California.

27 Sept., 1850, c.
76, s. 3, v. 9, p. 496.
3 March, 1853, c.
145, s. 4, v. 10, p.
245.

Rectangular
mode of survey,
when may be de-
parted from.

3 March, 1853, c.
145, s. 4, v. 10, p.
245.

Compensation
for surveying by
the day in Oregon
and California.

3 March, 1853, c.
145, s. 8, v. 10, p.
247.

Penalty for in-
terrupting sur-
veys.

29 May, 1830, c.
163, s. 1, v. 4, p. 417.

Protection of
surveyor by mar-
shal of district.

29 May, 1830, c.
163, s. 2, v. 4, p. 417.

surveyed in tracts of two acres in width, fronting on any river, bayou, lake, or water-course, and running back the depth of forty acres; which tracts of land so surveyed shall be offered for sale entire, instead of in half quarter-sections, and in the usual manner and on the same terms in all respects as the other public lands of the United States.

SEC. 2408. In extending the surveys of the public lands in the State of Nevada, the Secretary of the Interior may vary the lines of the subdivisions from a rectangular form, to suit the circumstances of the country.

SEC. 2409. The Secretary of the Interior, if he deems it advisable, is authorized to continue the surveys in Oregon and California, to be made after what is known as the geodetic method, under such regulations and upon such terms as have been or may hereafter be prescribed by the Commissioner of the General Land-Office; but none other than township-lines shall be run where the land is unfit for cultivation; nor shall any deputy surveyor charge for any line except such as may be actually run and marked, or for any line not necessary to be run.

SEC. 2410. Whenever, in the opinion of the Secretary of the Interior, a departure from the rectangular mode of surveying and subdividing the public lands in California would promote the public interests, he may direct such change to be made in the mode of surveying and designating such lands as he deems proper, with reference to the existence of mountains, mineral deposits, and the advantages derived from timber and water privileges; but such lands shall not be surveyed into less than one hundred and sixty acres, or subdivided into less than forty acres.

SEC. 2411. Whenever the public surveys, or any portion of them, in the States of Oregon and California, are so required to be made as to render it expedient to make compensation for the surveying thereof by the day instead of by the mile, it shall be lawful for the Commissioner of the General Land-Office, under the direction of the Secretary of the Interior, to make such fair and reasonable allowance as, in his judgment, may be necessary to insure the accurate and faithful execution of the work.

SEC. 2412. Every person who in any manner, by threats or force, interrupts, hinders, or prevents the surveying of the public lands, or of any private land-claim which has been or may be confirmed by the United States, by the persons authorized to survey the same, in conformity with the instructions of the Commissioner of the General Land-Office, shall be fined not less than fifty dollars nor more than three thousand dollars, and be imprisoned not less than one nor more than three years.

SEC. 2413. Whenever the President is satisfied that forcible opposition has been offered, or is likely to be offered, to any surveyor or deputy surveyor in the discharge of his duties in surveying the public lands, it may be lawful for the President to order the marshal of the State or district, by himself or deputy, to attend such surveyor or deputy surveyor with sufficient force to protect such officer in the execution of his duty, and to remove force should any be offered.

CHAPTER TEN.

BOUNTY-LANDS.

Sec.

2414. Military bounty-land warrants and locations assignable.

2415. Warrants located at \$1.25; excess paid in cash.

2416. Claims for bounty-lands in virtue of certain acts named, &c.

Sec.

2417. Same subject.

2418. Bounty-lands for soldiers in certain wars.

2419. Certain classes of persons in the Mexican war, their widows, &c., entitled to forty acres.

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| <p>Sec. 2420. Militia and volunteers in service since 1812. 2421. Persons entitled under preceding sections. 2422. Period of captivity added to actual service. 2423. Warrant and patent, to issue when. 2424. Widows of persons entitled. 2425. Additional bounty-lands, &c. 2426. Classes under last section specified. 2427. What classes of persons entitled under section 2425, without regard to length of service. 2428. Widows and children of persons entitled under section 2425. 2429. Subsequent marriage of widow. 2430. Minors under section 2428. 2431. Proof of service. 2432. Former evidence of right to bounty-land to be received in certain cases. 2433. Allowance of time of service for distance from home to place of muster or discharge. 2434. Indians included. 2435. Former evidence of right to a pension to be received in certain cases, on application for bounty-land.</p> | <p>Sec. 2436. Sales, mortgages, letters of attorney, &c., made before issue of warrant to be void. 2437. Warrants to be located free of expense by Commissioner of Land-Office, &c. 2438. Deserters not entitled to bounty-land. 2439. Lost warrants, provisions for. 2440. Discharges, omissions, and loss of, provided for. 2441. New warrant issued in lieu of lost warrant. 2442. Regulations by Secretary of Interior. 2443. Mode of issuing patents to the heirs of persons entitled to bounty-lands. 2444. Death of claimant after establishing right, and before issuing of warrant. 2445. When proofs may be filed by legal representatives. 2446. Relocation of military bounty-land warrants in cases of error.</p> |
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SEC. 2414. All warrants for military bounty-lands which have been or may hereafter be issued under any law of the United States, and all valid locations of the same which have been or may hereafter be made, are declared to be assignable by deed or instrument of writing, made and executed according to such form and pursuant to such regulations as may be prescribed by the Commissioner of the General Land-Office, so as to vest the assignee with all the rights of the original owner of the warrant or location.

SEC. 2415. The warrants which have been or may hereafter be issued in pursuance of law may be located according to the legal subdivisions of the public lands in one body upon any lands of the United States subject to private entry at the time of such location at the minimum price. When such warrant is located on lands which are subject to entry at a greater minimum than one dollar and twenty-five cents per acre, the locator shall pay to the United States in cash the difference between the value of such warrants at one dollar and twenty-five cents per acre and the tract of land located on. But where such tract is rated at one dollar and twenty-five cents per acre, and does not exceed the area specified in the warrant, it must be taken in full satisfaction thereof.

SEC. 2416. In all cases of warrants for bounty-lands, issued by virtue of an act approved July twenty-seven, one thousand eight hundred and forty-two, and of two acts approved January twenty-seven, one thousand eight hundred and thirty-five, therein and thereby revised, and of two acts to the same intent, respectively, approved June twenty-six, eighteen hundred and forty-eight, and February eight, eighteen hundred and fifty-four, for military services in the revolutionary war, or in the war of eighteen hundred and twelve with Great Britain, which remained unsatisfied on the second day of July, eighteen hundred and sixty-four, it is lawful for the person in whose name such warrant issued, his heirs or legal representatives, to enter in quarter sections, at the proper local land-office in any of the States or Territories, the quantity of the public lands subject to private entry which he is entitled to under such warrant.

SEC. 2417. All warrants for bounty-lands referred to in the preceding section may be located at any time, in conformity with the general laws in force at the time of such location.

SEC. 2418. Each of the surviving, or the widow or minor children of deceased commissioned and non-commissioned officers, musicians, or privates, whether of regulars, volunteers, rangers, or militia, who per-

Military bounty-land warrants and locations assignable.

22 March, 1852, c. 19, s. 1, v. 10, p. 3.
3 June, 1858, c. 84, s. 2, v. 11, p. 309.

Warrants located at \$1.25; excess paid in cash.

22 March, 1852, c. 19, s. 1, v. 10, p. 3.

Claims for bounty-lands in virtue of certain acts named, &c.

2 July, 1864, c. 226, s. 1, v. 13, p. 378.

Same subject.

2 July, 1864, c. 226, s. 2, v. 13, p. 379.

Bounty-lands for soldiers in certain wars.

28 Sept., 1850, c. 85, s. 1, v. 9, p. 520.
11 Feb., 1847, c. 8, s. 9, v. 9, pp. 125, 126.

formed military service in any regiment, company, or detachment, in the service of the United States, in the war with Great Britain, declared on the eighteenth day of June, eighteen hundred and twelve, or in any of the Indian wars since seventeen hundred and ninety, and prior to the third of March, eighteen hundred and fifty, and each of the commissioned officers who was engaged in the military service of the United States in the war with Mexico, shall be entitled to lands as follows: Those who engaged to serve twelve months or during the war, and actually served nine months, shall receive one hundred and sixty acres, and those who engaged to serve six months, and actually served four months, shall receive eighty acres, and those who engaged to serve for any or an indefinite period, and actually served one month, shall receive forty acres; but wherever any officer or soldier was honorably discharged in consequence of disability contracted in the service, before the expiration of his period of service, he shall receive the amount to which he would have been entitled if he had served the full period for which he had engaged to serve. All the persons enumerated in this section who enlisted in the regular army, or were mustered in any volunteer company for a period of not less than twelve months, and who served in the war with Mexico and received an honorable discharge, or who were killed or died of wounds received or sickness incurred in the course of such service, or were discharged before the expiration of the term of service in consequence of wounds received or sickness incurred in the course of such service, shall be entitled to receive a certificate or warrant for one hundred and sixty acres of land: or at option Treasury scrip for one hundred dollars bearing interest at six per cent. per annum, payable semi-annually, at the pleasure of the Government. In the event of the death of any one of the persons mentioned in this section during service, or after his discharge, and before the issuing of a certificate or warrant, the warrant or scrip shall be issued in favor of his family or relatives; first, to the widow and his children; second, his father; third, his mother; fourth, his brothers and sisters.

Certain classes of persons in the Mexican war, their widows, &c., entitled to forty acres.

Ibid., p. 126.

Militia and volunteers in service since 1812.

22 March, 1852, c. 19, s. 4, v. 10, p. 4.

Persons not entitled under preceding sections.

28 Sept., 1850, c. 85, s. 1, v. 9, p. 520.

Period of captivity added to actual service.

28 Sept., 1850, c. 85, s. 2, v. 9, p. 520.

Warrant and patent to issue, when.

28 Sept., 1850, c. 85, s. 3, v. 9, p. 520.

SEC. 2419. The persons enumerated in the preceding section received into service after the commencement of the war with Mexico, for less than twelve months, and who served such term, or were honorably discharged are entitled to receive a certificate or warrant for forty acres, or scrip for twenty-five dollars if preferred, and in the event of the death of such person during service, or after honorable discharge before the eleventh of February, eighteen hundred and forty-seven, the warrant or scrip shall issue to the wife, child, or children, if there be any, and if none, to the father, and if no father, to the mother of such soldier.

SEC. 2420. Where the militia, or volunteers, or State troops of any State or Territory, subsequent to the eighteenth day of June, eighteen hundred and twelve, and prior to March twenty-second, eighteen hundred and fifty-two, were called into service, the officers and soldiers thereof shall be entitled to all the benefits of section two thousand four hundred and eighteen upon proof of length of service as therein required.

SEC. 2421. No person shall take any benefit under the provisions of the three preceding sections, if he has received, or is entitled to receive, any military land-bounty under any act of Congress passed prior to the twenty-second March, eighteen hundred and fifty-two.

SEC. 2422. The period during which any officer or soldier remained in captivity with the enemy shall be estimated and added to the period of his actual service, and the person so retained in captivity shall receive land under the provisions of sections twenty-four hundred and eighteen and twenty-four hundred and twenty, in the same manner that he would be entitled in case he had entered the service for the whole term made up by the addition of the time of his captivity, and had served during such term.

SEC. 2423. Every person for whom provision is made by sections twenty-four hundred and eighteen and twenty-four hundred and twenty shall receive a warrant from the Department of the Interior for the

quantity of land to which he is entitled; and, upon the return of such warrant, with evidence of the location thereof having been legally made to the General Land-Office, a patent shall be issued therefor.

SEC. 2424. In the event of the death of any person, for whom provision is made by sections twenty-four hundred and eighteen and twenty-four hundred and twenty, and who did not receive bounty-land for his services, a like warrant shall issue in favor of his widow, who shall be entitled to one hundred and sixty acres of land in case her husband was killed in battle; nor shall a subsequent marriage impair the right of any widow to such warrant, if she be a widow at the time of making her application.

SEC. 2425. Each of the surviving persons specified in the classes enumerated in the following section, who has served for a period of not less than fourteen days, in any of the wars in which the United States have been engaged since the year seventeen hundred and ninety, and prior to the third day of March, eighteen hundred and fifty-five, shall be entitled to receive a warrant from the Department of the Interior, for one hundred and sixty acres of land; and, where any person so entitled has, prior to the third day of March, eighteen hundred and fifty-five, received a warrant for any number of acres less than one hundred and sixty, he shall be allowed a warrant for such quantity of land only as will make, in the whole, with what he may have received prior to that date, one hundred and sixty acres.

SEC. 2426. The classes of persons embraced as beneficiaries under the preceding section, are as follows, namely:

First. Commissioned and non-commissioned officers, musicians, and privates, whether of the regulars, volunteers, rangers, or militia, who were regularly mustered into the service of the United States.

Second. Commissioned and non-commissioned officers, seamen, ordinary seamen, flotilla-men, marines, clerks, and landsmen in the Navy.

Third. Militia, volunteers, and State troops of any State or Territory, called into military service, and regularly mustered therein, and whose services have been paid by the United States.

Fourth. Wagon-masters and teamsters who have been employed under the direction of competent authority, in time of war, in the transportation of military stores and supplies.

Fifth. Officers and soldiers of the revolutionary war, and marines, seamen, and other persons in the naval service of the United States during that war.

Sixth. Chaplains who served with the Army.

Seventh. Volunteers who served with the armed forces of the United States in any of the wars mentioned, subject to military orders, whether regularly mustered into the service of the United States or not.

SEC. 2427. The following class of persons are included as beneficiaries under section twenty-four hundred and twenty-five, without regard to the length of service rendered.

First. Any of the classes of persons mentioned in section twenty-four hundred and twenty-six who have been actually engaged in any battle in any of the wars in which this country has been engaged since seventeen hundred and ninety, and prior to March third, eighteen hundred and fifty-five.

Second. Those volunteers who served at the invasion of Plattsburgh, in September, eighteen hundred and fourteen.

Third. The volunteers who served at the battle of King's Mountain, in the revolutionary war.

Fourth. The volunteers who served at the battle of Nickojack against the confederate savages of the South.

Fifth. The volunteers who served at the attack on Lewistown, in Delaware, by the British fleet, in the war of eighteen hundred and twelve.

SEC. 2428. In the event of the death of any person who would be entitled to a warrant, as provided in section twenty-four hundred and twenty-five, leaving a widow, or, if no widow, a minor child, such widow

Widows of persons entitled.

28 Sept., 1850, c. 85, s. 3, v. 9, p. 520.

Additional bounty-lands, &c.

3 March, 1855, c. 207, ss. 1, 3, v. 10, pp. 701, 702.

Classes under last section specified.

3 March, 1855, c. 207, ss. 1, 8, 10, v. 10, p. 701.

14 May, 1856, c. 26, ss. 4, 5, v. 11, pp. 8, 9.

What classes of persons entitled under section 2425, without regard to length of service.

3 March, 1855, c. 207, ss. 3, 9, 11, v. 10, p. 702.

Widows and children, of persons entitled under section 2425.

3 March, 1855, c. 207, s. 2, v. 10, p. 702.

Subsequent marriage of widow.

3 March, 1855, c. 207, s. 2, v. 10, p. 702.

Minors under section 2428.

3 March, 1855, c. 207, s. 2, v. 10, p. 702.

Proof of service.

3 March, 1855, c. 207, s. 3, v. 10, p. 702.

14 May, 1856, c. 26, s. 3, v. 11, p. 8.

Former evidence of right to bounty-land to be received in certain cases.

14 May, 1856, c. 26, s. 1, v. 11, p. 8.

Allowance of time of service for distance from home to place of muster or discharge.

14 May, 1856, c. 26, s. 7, v. 11, p. 9.

22 March, 1852, c. 19, s. 5, v. 10, p. 4.

Indians included.

3 March, 1855, c. 207, s. 7, v. 10, p. 702.

Former evidence of right to a pension to be received in certain cases on application for bounty-land.

14 May, 1856, c. 26, s. 2, v. 11, p. 8.

or such minor child shall receive a warrant for the same quantity of land that the decedent would be entitled to receive, if living on the third day of March, eighteen hundred and fifty-five.

SEC. 2429. A subsequent marriage shall not impair the right of any widow, under the preceding section, if she be a widow at the time of her application.

SEC. 2430. Persons within the age of twenty-one years on the third day of March, eighteen hundred and fifty-five, shall be considered minors within the intent of section twenty-four hundred and twenty-eight.

SEC. 2431. Where no record evidence of the service for which a warrant is claimed exists, parol evidence may be admitted to prove the service performed, under such regulations as the Commissioner of Pensions may prescribe.

SEC. 2432. Where certificate or a warrant for bounty-land for any less quantity than one hundred and sixty acres has been issued to any officer or soldier, or to the widow or minor child of any officer or soldier, the evidence upon which such certificate or warrant was issued shall be received to establish the service of such officer or soldier in the application of himself, or of his widow or minor child, for a warrant for so much land as may be required to make up the full sum of one hundred and sixty acres, to which he may be entitled under the preceding section, on proof of the identity of such officer or soldier, or, in case of his death, of the marriage and identity of his widow, or, in case of her death, of the identity of his minor child. But if, upon a review of such evidence, the Commissioner of Pensions is not satisfied that the former warrant was properly granted, he may require additional evidence, as well of the term as of the fact of service.

SEC. 2433. When any company, battalion, or regiment, in an organized form, marched more than twenty miles to the place where they were mustered into the service of the United States, or were discharged more than twenty miles from the place where such company, battalion, or regiment was organized, in all such cases, in computing the length of service of the officers and soldiers of any such company, battalion, or regiment, there shall be allowed one day for every twenty miles from the place where the company, battalion, or regiment was organized to the place where the same was mustered into the service of the United States, and one day for every twenty miles from the place where such company, battalion, or regiment was discharged, to the place where it was organized, and from whence it marched to enter the service, provided that such march was in obedience to the command or direction of the President, or some general officer of the United States, commanding an army or department, or the chief executive officer of the State or Territory by which such company, battalion, or regiment was called into service.

SEC. 2434. The provisions of all the bounty-land laws shall be extended to Indians, in the same manner and to the same extent as to white persons.

SEC. 2435. Where a pension has been granted to any officer or soldier, the evidence upon which such pension was granted shall be received to establish the service of such officer or soldier in his application for bounty-land; and upon proof of his identity as such pensioner, a warrant may be issued to him for the quantity of land to which he is entitled; and in case of the death of such pensioned officer or soldier, his widow shall be entitled to a warrant for the same quantity of land to which her husband would have been entitled, if living, upon proof that she is such widow; and in case of the death of such officer or soldier, leaving a minor child and no widow, or where the widow may have deceased before the issuing of any warrant, such minor child shall be entitled to a warrant for the same quantity of land as the father would have been entitled to receive if living, upon proof of the decease of father and mother. But if, upon a review of such evidence, the Commissioner

of Pensions is not satisfied that the pension was properly granted, he may require additional evidence, as well of the term as of the fact of service.

SEC. 2436. All sales, mortgages, letters of attorney, or other instruments of writing, going to affect the title or claim to any warrant issued, or to be issued, or any land granted, or to be granted, under the preceding provisions of this chapter, made or executed prior to the issue of such warrant, shall be null and void to all intents and purposes whatsoever; nor shall such warrant, or the land obtained thereby, be in anywise affected by, or charged with, or subject to, the payment of any debt or claim incurred by any officer or soldier, prior to the issuing of the patent.

SEC. 2437. It shall be the duty of the Commissioner of the General Land-Office, under such regulations as may be prescribed by the Secretary of the Interior, to cause to be located, free of expense, any warrant which the holder may transmit to the General Land-Office for that purpose, in such State or land-district as the holder or warrantee may designate, and upon good farming-land, so far as the same can be ascertained from the maps, plats, and field-notes of the surveyor, or from any other information in the possession of the local office, and, upon the location being made, the Secretary shall cause a patent to be transmitted to such warrantee or holder.

SEC. 2438. No person who has been in the military service of the United States shall, in any case, receive a bounty-land warrant if it appears by the muster-rolls of his regiment or corps that he deserted or was dishonorably discharged from service.

SEC. 2439. When a soldier of the Regular Army, who has obtained a military land-warrant, loses the same, or such warrant is destroyed by accident, he shall, upon proof thereof to the satisfaction of the Secretary of the Interior, be entitled to a patent in like manner as if the warrant was produced.

SEC. 2440. In all cases of discharge from the military service of the United States of any soldier of the Regular Army, when it appears to the satisfaction of the Secretary of War that a certificate of faithful services has been omitted by the neglect of the discharging officer, by misconstruction of the law, or by any other neglect or casualty, such omission shall not prevent the issuing of the warrant and patent as in other cases. And when it is proved that any soldier of the Regular Army has lost his discharge and certificate of faithful service, the Secretary of War shall cause such papers to be furnished such soldier as will entitle him to his land-warrant and patent, provided such measure is justified by the time of his enlistment, the period of service, and the report of some officer of the corps to which he was attached.

SEC. 2441. Whenever it appears that any certificate or warrant, issued in pursuance of any law granting bounty-land, has been lost or destroyed, whether the same has been sold and assigned by the warrantee or not, the Secretary of the Interior is required to cause a new certificate or warrant of like tenor to be issued in lieu thereof; which new certificate or warrant may be assigned, located, and patented in like manner as other certificates or warrants for bounty-land are now authorized by law to be assigned, located, and patented; and in all cases where warrants have been, or may be, re-issued, the original warrant, in whose hands it may be, shall be deemed and held to be null and void, and the assignment thereof, if any there be, fraudulent; and no patent shall ever issue for any land located therewith, unless such presumption of fraud in the assignment be removed by due proof that the same was executed by the warrantee in good faith and for a valuable consideration.

SEC. 2442. The Secretary of the Interior is required to prescribe such regulations for carrying the preceding section into effect as he may deem necessary and proper in order to protect the Government against imposition and fraud by persons claiming the benefit thereof; and all

Sales, mortgages, letters of attorney, &c., made before issue of warrant to be void.

28 Sept., 1850, c. 85, s. 4, v. 9, p. 521.

Warrants to be located free of expense by Commissioner of Land-Office, &c.

28 Sept., 1850, c. 85, s. 4, v. 9, p. 521.

Deserters not entitled to bounty-land.

28 Sept., 1850, c. 85, s. 1, v. 9, p. 520.

Lost warrants, provisions for.

27 April, 1816, c. 127, s. 1, v. 3, p. 317.

Discharges, omissions, and loss of, provided for.

27 April, 1816, c. 127, s. 2, v. 3, p. 317.

New warrant issued in lieu of lost warrant.

23 June, 1860, c. 203, s. 1, v. 12, p. 90.

Regulations by Secretary of Interior.

23 June, 1860, c. 203, s. 2, v. 12, p. 91.

Mode of issuing patents to the heirs of persons entitled to bounty-lands.

3 Mar., 1843, Res. No. 7, v. 5, p. 650.

Death of claimant after establishing right and before issuing of warrant.

3 June, 1858, c. 84, s. 1, v. 11, p. 308.

When proofs may be filed by legal representatives.

3 March, 1869, c. 138, v. 15, p. 336.

Relocation of military bounty-land warrants in cases of error.

3 March, 1853, c. 147, s. 1, v. 10, p. 256.

laws and parts of laws for the punishment of frauds against the United States are made applicable to frauds under that section.

SEC. 2443. In all cases where an officer or soldier of the revolutionary war, or a soldier of the war of eighteen hundred and twelve, was entitled to bounty-land, has died before obtaining a patent for the land, and where application is made by a part only of the heirs of such deceased officer or soldier for such bounty-land, it shall be the duty of the Secretary of the Interior to issue the patent in the name of the heirs of such deceased officer or soldier, without specifying each; and the patent so issued in the name of the heirs, generally, shall inure to the benefit of the whole, in such portions as they are severally entitled to by the laws of descent in the State or Territory where the officer or soldier belonged at the time of his death.

SEC. 2444. When proof has been or hereafter is filed in the Pension-Office, during the life-time of a claimant, establishing, to the satisfaction of that office, his right to a warrant for military services, and such warrant has not been, or may not be, issued until after the death of the claimant, and all such warrants as have been heretofore issued subsequent to the death of the claimant, the title to such warrants shall vest in his widow, if there be one, and if there be no widow, then in the heirs or legatees of the claimant; and all military bounty-land warrants issued pursuant to law shall be treated as personal chattels, and may be conveyed by assignment of such widow, heirs, or legatees, or by the legal representatives of the deceased claimant, for the use of such heirs or legatees only.

SEC. 2445. The legal representatives of a deceased claimant for a bounty-land warrant, whose claim was filed prior to his death, may file the proofs necessary to perfect such claim.

SEC. 2446. Where an actual settler on the public lands has sought, or hereafter attempts, to locate the land settled on and improved by him, with a military bounty-land warrant, and where, from any cause, an error has occurred in making such location, he is authorized to relinquish the land so erroneously located, and to locate such warrant upon the land so settled upon and improved by him, if the same then be vacant, and if not, upon any other vacant land, on making proof of those facts to the satisfaction of the land-officers, according to such rules and regulations as may be prescribed by the Commissioner of the General Land-Office, and subject to his final adjudication.

CHAPTER ELEVEN.

MISCELLANEOUS PROVISIONS RELATING TO THE PUBLIC LANDS.

| Sec. | Sec. |
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| 2447. Patents to issue for claims heretofore confirmed. | 2456. Patents surrendered and new ones issued in certain cases. |
| 2448. Patents issued to persons who had died before issue, effect of. | 2457. Extent of foregoing provisions. |
| 2449. Fee-simple to pass in all grants of land to States and Territories. | 2458. Live-oak and red-cedar lands. |
| 2450. Cases of suspended entries of public lands, and suspended pre-emption land-claims. | 2459. Selection of live-oak and red-cedar tracts. |
| 2451. Adjudications under above, how approved. | 2460. Protection of live-oak and red-cedar timber. |
| 2452. Report of adjudications under preceding sections. | 2461. Cutting or destruction of live-oak or red-cedar, penalty. |
| 2453. Decisions to be arranged into classes. | 2462. Vessels employed in carrying away live-oak and red-cedar, forfeiture of. |
| 2454. Patents to issue for lands in the first class, and lands in second class to revert to the United States. | 2463. Clearance of vessels laden with live-oak, prosecution of depredators. |
| 2455. Commissioner to order into market lands of second class. | 2464. Growth of timber on public lands. |
| | 2465. Mode of application for benefit of preceding section. |

| Sec. | Sec. |
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| 2466. Certificate or patent to issue after ten years. | 2478. Power of Commissioner of Land-Office to enforce this Title. |
| 2467. Effect of an abandonment or failure to cultivate. | 2479. Grant of swamp and overflowed lands to certain States to aid in construction of levees, &c. |
| 2468. Land in cultivation for timber not liable to be taken for debt. | 2480. Secretary of the Interior to make lists of such lands, for transmission to the governors of the States. |
| 2469. Copies of records, &c., to be certified. | 2481. Legal subdivisions mostly wet and unfit for cultivation. |
| 2470. Exemplifications valid without names of officers signing and countersigning. | 2482. Indemnity to States where lands have been sold by United States. |
| 2471. The false making, altering, &c., of any instrument in writing, &c., concerning lands, &c., in California, penalty. | 2483. Patents to issue for swamp-lands to purchasers and locators, prior to issuing of patents to States, &c. |
| 2472. Falsely dating any evidence of title under Mexican authority, &c., to lands in California, penalty. | 2484. Selection of swamp and overflowed lands confirmed. |
| 2473. Presenting false or counterfeited evidences of title, &c., to lands in California, and prosecuting suits thereon, penalty. | 2485. Certain lands selected by California confirmed to that State. |
| 2474. Public park established near the head-waters of the Yellowstone river. | 2486. Where selections are on lands already surveyed. |
| 2475. Secretary of the Interior to have exclusive control of the park; removal of trespassers. | 2487. Where selections are upon lands surveyed only by State authority. |
| 2476. Navigable rivers within public lands to be public highways. | 2488. Swamp and overflowed lands to be certified to State within one year, in certain cases. |
| 2477. Right of way for highways over public lands. | 2489. List of lands selected to be sent to General Land-Office. |
| | 2490. Act of 1850, c. 84, v. 9, p. 519, extended to Minnesota and Oregon. |

SEC. 2447. In case of any claim to land in any State or Territory which has heretofore been confirmed by law, and in which no provision is made by the confirmatory statute for the issue of a patent, it may be lawful, where surveys for the land have been or may hereafter be made, to issue patents for the claims so confirmed, upon the presentation to the Commissioner of the General Land-Office of plats of survey thereof, duly approved by the surveyor-general of any State or Territory, if the same be found correct by the Commissioner. But such patents shall only operate as a relinquishment of title on the part of the United States, and shall in no manner interfere with any valid adverse right to the same land, nor be construed to preclude a legal investigation and decision by the proper judicial tribunal between adverse claimants to the same land.

SEC. 2448. Where patents for public lands have been or may be issued, in pursuance of any law of the United States, to a person who had died, or who hereafter dies, before the date of such patent, the title to the land designated therein shall inure to and become vested in the heirs, devisees, or assignees of such deceased patentee as if the patent had issued to the deceased person during life.

SEC. 2449. Where lands have been or may hereafter be granted by any law of Congress to any one of the several States and Territories, and where such law does not convey the fee-simple title of the lands, or require patents to be issued therefor, the list of such lands which have been or may hereafter be certified by the Commissioner of the General Land-Office, under the seal of his office, either as originals or copies of the originals or records shall be regarded as conveying the fee-simple of all the lands embraced in such lists that are of the character contemplated by such act of Congress, and intended to be granted thereby; but where lands embraced in such lists are not of the character embraced by such acts of Congress, and are not intended to be granted thereby, the lists, so far as these lands are concerned, shall be perfectly null and void, and no right, title, claim, or interest shall be conveyed thereby.

Patents to issue for claims heretofore confirmed.

22 Dec., 1854, c. 10, v. 10, p. 599.

Patents issued to persons who had died before issue, effect of.

20 May, 1836, c. 76, v. 5, p. 31.

Fee-simple to pass in all grants of land to States and Territories.

3 Aug., 1854, c. 201, v. 10, p. 346.

Cases of "suspended entries of public lands" and "suspended pre-emption land-claims."

26 June, 1856, c. 47, v. 11, p. 22.

3 Aug., 1846, c. 78, s. 1, v. 9, p. 51. Adjudications under above; how approved.

3 Aug., 1846, c. 78, s. 1, v. 9, p. 51.

Report of adjudications under preceding sections.

3 Aug., 1846, c. 78, s. 2, v. 9, p. 51.

Decisions to be arranged into classes.

3 Aug., 1846, c. 78, s. 3, v. 9, p. 51.

Patents to issue for lands in the first class, and lands in second class to revert to the United States.

3 Aug., 1846, c. 78, s. 4, v. 9, p. 51.

Commissioner to order into market lands of second class.

3 Aug., 1846, c. 78, s. 5, v. 9, p. 51.

Patents surrendered and new ones issued in certain cases.

3 March, 1853, c. 152, s. 2, v. 10, p. 258.

Extent of foregoing provisions.

26 June, 1856, c. 47, v. 11, p. 22.

Live-oak and red-cedar lands.

1 March, 1817, c. 22, s. 1, v. 3, p. 347.

15 May, 1820, c. 136, v. 3, p. 607.

3 March, 1827, c. 94, s. 3, v. 4, p. 242.

SEC. 2450. The Commissioner of the General Land-Office is authorized to decide upon principles of equity and justice, as recognized in courts of equity, and in accordance with regulations to be settled by the Secretary of the Treasury, the Attorney-General, and the Commissioner, conjointly, consistently with such principles, all cases of suspended entries of public lands and of suspended pre-emption land-claims, and to adjudge in what cases patents shall issue upon the same.

3 March, 1853, c. 152, s. 1, v. 10, p. 258.

SEC. 2451. Every such adjudication shall be approved by the Secretary of the Treasury and the Attorney-General, acting as a board; and shall operate only to divest the United States of the title of the lands embraced thereby, without prejudice to the rights of conflicting claimants.

SEC. 2452. The Commissioner is directed to report to Congress at the first session after any such adjudications have been made a list of the same under the classes prescribed by law, with a statement of the principles upon which each class was determined

SEC. 2453. The Commissioner shall arrange his decisions into two classes; the first class to embrace all such cases of equity as may be finally confirmed by the board, and the second class to embrace all such cases as the board reject and decide to be invalid.

SEC. 2454. For all lands covered by claims which are placed in the first class, patents shall issue to the claimants; and all lands embraced by claims placed in the second class shall ipso facto revert to, and become part of, the public domain.

SEC. 2455. It may be lawful for the Commissioner of the General Land-Office to order into market, after due notice, without the formality and expense of a proclamation of the President, all lands of the second class, though heretofore unproclaimed and unoffered, and such other isolated or disconnected tracts or parcels of unoffered lands which, in his judgment, it would be proper to expose to sale in like manner. But public notice of at least thirty days shall be given by the land-officers of the district in which such lands may be situated, pursuant to the directions of the Commissioner.

SEC. 2456. Where patents have been already issued on entries which are confirmed by the officers who are constituted the board of adjudication, the Commissioner of the General Land-Office, upon the canceling of the outstanding patent, is authorized to issue a new patent, on such confirmation, to the person who made the entry, his heirs or assigns.

SEC. 2457. The preceding provisions from section twenty-four hundred and fifty to section twenty-four hundred and fifty-six, inclusive, shall be applicable to all cases of suspended entries and locations, which have arisen in the General Land-Office since the twenty-sixth day of June, eighteen hundred and fifty-six, as well as to all cases of a similar kind which may hereafter occur, embracing as well locations under bounty-land warrants as ordinary entries or sales, including homestead entries and pre-emption locations or cases; where the law has been substantially complied with, and the error or informality arose from ignorance, accident, or mistake which is satisfactorily explained; and where the rights of no other claimant or pre-emptor are prejudiced, or where there is no adverse claim.

SEC. 2458. The Secretary of the Navy is authorized, under the direction of the President, to cause such vacant and unappropriated lands of the United States as produce the live-oak and red-cedar timbers to be explored, and selection to be made of such tracts or portions thereof, where the principal growth is of either of such timbers, as in his judgment may be necessary to furnish for the Navy a sufficient supply of the same.

SEC. 2459. The President is authorized to appoint surveyors of public lands, who shall perform the duties prescribed in the preceding section, and report to him the tracts by them selected, with the boundaries ascertained and accurately designated by actual survey or water-courses; and the tracts of land thus selected with the approbation of the President shall be reserved, unless otherwise directed by law, from any future sale of the public lands, and be appropriated to the sole purpose of supplying timber for the Navy of the United States; but nothing in this section contained shall be construed to prejudice the prior rights of any person claiming lands, which may be reserved in the manner herein provided.

Selection of live-oak and red-cedar tracts.

1 March, 1817, c. 22, s. 1, v. 3, p. 347.

SEC. 2460. The President is authorized to employ so much of the land and naval forces of the United States as may be necessary effectually to prevent the felling, cutting down, or other destruction of the timber of the United States in Florida, and to prevent the transportation or carrying away any such timber as may be already felled or cut down; and to take such other and further measures as may be deemed advisable for the preservation of the timber of the United States in Florida.

Protection of live-oak and red-cedar timber.

23 Feb., 1822, c. 9, v. 3, p. 651.

SEC. 2461. If any person shall cut, or cause or procure to be cut, or aid, assist, or be employed in cutting, or shall wantonly destroy, or cause or procure to be wantonly destroyed, or aid, assist, or be employed in wantonly destroying any live-oak or red-cedar trees, or other timber standing, growing, or being on any lands of the United States, which, in pursuance of any law passed, or hereafter to be passed, have been reserved or purchased for the use of the United States, for supplying or furnishing therefrom timber for the Navy of the United States; or if any person shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing from any such lands which have been reserved or purchased, any live-oak or red-cedar trees, or other timber, unless duly authorized so to do, by order, in writing, of a competent officer, and for the use of the Navy of the United States; or if any person shall cut, or cause or procure to be cut, or aid, or assist, or be employed in cutting any live-oak or red-cedar trees, or other timber on, or shall remove, or cause or procure to be removed, or aid, or assist, or be employed in removing any live-oak or red-cedar trees or other timber, from any other lands of the United States, acquired, or hereafter to be acquired, with intent to export, dispose of, use, or employ the same in any manner whatsoever, other than for the use of the Navy of the United States; every such person shall pay a fine not less than triple the value of the trees or timber so cut, destroyed, or removed, and shall be imprisoned not exceeding twelve months. [See § 4751.]

Cutting or destruction of live-oak or red-cedar, penalty.

2 March, 1831, c. 66, s. 1, v. 4, p. 472.

SEC. 2462. If the master, owner, or consignee of any vessel shall knowingly take on board any timber cut on lands which have been reserved or purchased as in the preceding section prescribed, without proper authority, and for the use of the Navy of the United States; or shall take on board any live-oak or red-cedar timber cut on any other lands of the United States, with intent to transport the same to any port or place within the United States, or to export the same to any foreign country, the vessel on board of which the same shall be taken, transported, or seized, shall, with her tackle, apparel, and furniture, be wholly forfeited to the United States, and the captain or master of such vessel wherein the same was exported to any foreign country against the provisions of this section shall forfeit and pay to the United States a sum not exceeding one thousand dollars. [See § 4751.]

Vessels employed in carrying away live-oak and red-cedar, forfeiture of.

2 March, 1831, c. 66, s. 2, v. 4, p. 472.

SEC. 2463. It shall be the duty of all collectors of the customs within the States of Alabama, Mississippi, Louisiana, and Florida, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, to ascertain satisfactorily that such timber was cut from private lands, or, if from public ones, by consent of the Navy Department. And it is also made the duty of all officers of the customs, and of the land officers within those States, to cause prosecutions to be seasonably instituted against all persons known to be guilty of depredations on, or injuries to, the live oak growing on the public lands. [See §§ 4205, 4751.]

Clearance of vessels laden with live-oak; prosecution of depredators.

2 March, 1833, c. 67, s. 3, v. 4, p. 647.

Growth of timber on public lands.

3 March, 1873, c. 277, s. 1, v. 17, pp. 605, 606.

Mode of application for benefit of preceding section.

3 March, 1873, c. 277, s. 2, v. 17, p. 606.

Certificate or patent to issue after ten years.

Ibid.

Effect of an abandonment or failure to cultivate.

Ibid., s. 3.

Land in cultivation for timber not liable to be taken for debt.

Ibid., s. 5.

Copies of records, &c., to be certified.

4 July, 1836, c. 352, s. 7, v. 5, p. 111.

Exemplifications valid without names of officers signing and countersigning.

3 March, 1843, c. 95, s. 1, v. 5, p. 627.

The false making, altering, &c., of any instrument in writing, &c., concerning lands, &c., in California, penalty.

18 May, 1858, c. 40, s. 1, v. 11, p. 290.

SEC. 2464. Every person who plants, protects, and keeps in a healthy growing condition for ten years forty acres of timber, the trees thereon not being more than twelve feet apart each way, on any quarter-section of any of the public lands, shall be entitled to a patent for the whole of such quarter-section at the expiration of the ten years, on making proof of such fact by not less than two credible witnesses: *Provided*, That only one quarter in any section shall be thus granted.

SEC. 2465. Every person applying for the benefit of the preceding section shall, upon application to the register of the land-office in which he is about to make such entry, make affidavit before the register or receiver that such entry is made for the cultivation of timber, and upon filing his affidavit with the register and receiver, and on payment of ten dollars, he shall thereupon be permitted to enter the quantity of land specified.

SEC. 2466. No certificate shall be given or patent issue therefor until the expiration of at least ten years from the date of such entry; and if at the expiration of such time, or at any time within three years thereafter, the person making such entry, or, if he be dead, his heirs or legal representatives, shall prove by two credible witnesses that he has planted and for not less than ten years has cultivated and protected such quantity and character of timber, he shall receive the patent for such quarter-section of land.

SEC. 2467. If at any time after the filing of such affidavit, and prior to the issuing of the patent for the land, it is proved, after due notice to the party making such entry and claiming to cultivate such timber, to the satisfaction of the register of the land-office, that such person has abandoned or failed to cultivate, protect, and keep in good condition such timber, then, and in that event, the land shall revert to the United States.

SEC. 2468. No land acquired under the provisions of the four preceding sections shall, in any event, become liable to the satisfaction of any debt or debts contracted prior to the issuing of a patent therefor.

SEC. 2469. The Commissioner of the General Land-Office shall cause to be prepared, and shall certify, under the seal of the office, such copies of records, books, and papers on file in his office, as may be applied for, to be used in evidence in courts of justice. [See § 891.]

SEC. 2470. Literal exemplifications of any records which have been or may be granted in virtue of the preceding section shall be deemed of the same validity in all proceedings, whether at law or in equity, wherein such exemplifications are adduced in evidence, as if the names of the officers signing and countersigning the same had been fully inserted in such record.

SEC. 2471. Every person who falsely makes, alters, forges, or counterfeits, or causes or procures to be falsely made, altered, forged, or counterfeited; or willingly aids and assists in the false making, altering, forging, or counterfeiting any petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, or any title-paper, or evidence of right, title, or claim to lands, mines, or minerals in California, or any instrument of writing whatever in relation to lands or mines or minerals in the State of California, for the purpose of setting up or establishing against the United States any claim, right, or title to lands, mines, or minerals within the State of California, or for the purpose of enabling any person to set up or establish any such claim; and every person, who, for such purpose, utters or publishes as true and genuine any such false, forged, altered, or counterfeited petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, title-paper, evidence of right, title, or claim to lands or mines or minerals in the State of California, or any instrument of writing whatever in relation to lands or mines or minerals in the State of California, shall

be punishable by imprisonment at hard labor not less than three years and not more than ten years, and by a fine of not more than ten thousand dollars. [See §§ 5411, 5412.]

SEC. 2472. Every person who makes, or causes or procures to be made, or willingly aids and assists in making any falsely dated petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, or any title-paper, or written evidence of right, title, or claim, under Mexican authority, to any lands, mines, or minerals in the State of California, or any instrument of writing in relation to lands or mines or minerals in the State of California, having a false date, or falsely purporting to be made by any Mexican officer or authority prior to the seventh day of July, eighteen hundred and forty-six, for the purpose of setting up or establishing any claim against the United States to lands or mines or minerals within the State of California, or of enabling any person to set up or establish any such claim; and every person who signs his name as governor, secretary, or other public officer acting under Mexican authority, to any instrument of writing falsely purporting to be a grant, concession, or denouncement under Mexican authority, and during its existence in California, of lands, mines, or minerals, or falsely purporting to be an informe, report, record, confirmation, or other proceeding on an application for a grant, concession, or denouncement under Mexican authority, during its existence in California, of lands, mines, or minerals, shall be punishable as prescribed in the preceding section. [See §§ 5411, 5412.]

SEC. 2473. Every person who, for the purpose of setting up or establishing any claim against the United States to lands, mines, or minerals within the State of California, presents, or causes or procures to be presented, before any court, judge, commission, or commissioner, or other officer of the United States, any false, forged, altered, or counterfeited petition, certificate, order, report, decree, concession, denouncement, deed, patent, diseño, map, expediente or part of an expediente, title-paper, or written evidence of right, title, or claim to lands, minerals, or mines in the State of California, knowing the same to be false, forged, altered, or counterfeited, or any falsely dated petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, title-paper, or written evidence of right, title, or claim to lands, mines, or minerals in California, knowing the same to be falsely dated; and every person who prosecutes in any court of the United States, by appeal or otherwise, any claim against the United States for lands, mines, or minerals in California, which claim is founded upon, or evidenced by, any petition, certificate, order, report, decree, concession, denouncement, deed, patent, confirmation, diseño, map, expediente or part of an expediente, title-paper, or written evidence of right, title, or claim, which has been forged, altered, counterfeited, or falsely dated, knowing the same to be forged, altered, counterfeited, or falsely dated, shall be punishable as prescribed in section twenty-four hundred and seventy-one. [See §§ 5411, 5412.]

SEC. 2474. The tract of land in the Territories of Montana and Wyoming, lying near the head-waters of the Yellowstone River, and described as follows, to wit, commencing at the junction of Gardiner's River with the Yellowstone River, and running east to the meridian passing ten miles to the eastward of the most eastern point of Yellowstone Lake; thence south along said meridian to the parallel of latitude passing ten miles south of the most southern point of Yellowstone Lake; thence west along said parallel to the meridian passing fifteen miles west of the most western point of Madison Lake; thence north along said meridian to the latitude of the junction of the Yellowstone and Gardiner's Rivers; thence east to the place of beginning, is reserved and withdrawn from settlement, occupancy, or sale under the laws of the United States, and dedicated and set apart as a public park or pleasuring-ground for the benefit and enjoyment of the people; and all persons who locate, or settle upon, or occupy any part of the land thus set

Falsely dating any evidence of title under Mexican authority, &c., to lands in California, penalty.

18 May, 1858, c. 40, s. 2, v. 11, p. 291.

Presenting false or counterfeited evidences of title, &c., to lands in California, and prosecuting suits thereon, penalty.

18 May, 1858, c. 40, s. 3, v. 11, p. 291.

Public park established near the head-waters of the Yellowstone River.

1 March, 1872, c. 24, s. 1, v. 17, p. 32.

Secretary of the Interior to have exclusive control of the park; removal of trespassers.

Ibid., s. 2, p. 33.

Navigable rivers within public lands to be public highways.

18 May, 1796, c. 29, s. 9, v. 1, p. 468.

3 March, 1803, c. 27, s. 17, v. 2, p. 235.

Right of way for highways over public lands.

26 July, 1866, c. 262, s. 8, v. 14, p. 253.

Power of Commissioner of Land-Office to enforce this Title.

Grant of swamp and overflowed lands to certain States to aid in construction of levees, &c.

28 Sept., 1850, c. 84, ss. 1, 4, v. 9, p. 520.

12 March, 1860, c. 5, s. 1, v. 12, p. 3.

Secretary of the Interior to make lists of such lands, for transmission to the governors of the States.

28 Sept., 1850, c. 84, s. 2, v. 9, p. 519.

Legal subdivisions mostly wet and unfit for cultivation.

Ibid., s. 3, p. 519.

apart as a public park, except as provided in the following section, shall be considered trespassers and removed therefrom.

SEC. 2475. Such public park shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be, as soon as practicable, to make and publish such regulations as he may deem necessary or proper for the care and management of the same. Such regulations shall provide for the preservation, from injury or spoliation, of all timber, mineral deposits, natural curiosities, or wonders, within the park, and their retention in their natural condition. The Secretary may, in his discretion, grant leases for building purposes for terms not exceeding ten years, of small parcels of ground, at such places in the park as may require the erection of buildings for the accommodation of visitors; all of the proceeds of such leases, and all other revenues that may be derived from any source connected with the park, to be expended under his direction in the management of the same, and the construction of roads and bridle-paths therein. He shall provide against the wanton destruction of the fish and game found within the park, and against their capture or destruction for the purposes of merchandise or profit. He shall also cause all persons trespassing upon the same to be removed therefrom, and generally is authorized to take all such measures as may be necessary or proper to fully carry out the objects and purposes of this section.

SEC. 2476. All navigable rivers, within the territory occupied by the public lands, shall remain and be deemed public highways; and, in all cases where the opposite banks of any streams not navigable belong to different persons, the stream and the bed thereof shall become common to both.

SEC. 2477. The right of way for the construction of highways over public lands, not reserved for public uses, is hereby granted.

SEC. 2478. The Commissioner of the General Land-Office, under the direction of the Secretary of the Interior, is authorized to enforce and carry into execution, by appropriate regulations, every part of the provisions of this Title not otherwise specially provided for.

SEC. 2479. To enable the several States (but not including the States of Kansas, Nebraska, and Nevada) to construct the necessary levees and drains, to reclaim the swamp and overflowed lands therein—the whole of the swamp and overflowed lands, made unfit thereby for cultivation, and remaining unsold on or after the twenty-eighth day of September, A. D. eighteen hundred and fifty, are granted and belong to the several States respectively, in which said lands are situated: *Provided, however*, That said grant of swamp and overflowed lands, as to the State of California, Minnesota, and Oregon, is subject to the limitations, restrictions and conditions hereinafter named and specified, as applicable to said three last-named States respectively.

SEC. 2480. It shall be the duty of the Secretary of the Interior, to make accurate lists and plats of all such lands, and transmit the same to the governors of the several States in which such lands may lie, and at the request of the governor of any State in which said swamp and overflowed lands may be, to cause patents to be issued to said State therefor, conveying to said State the fee-simple of said land.

The proceeds of said lands, whether from sale or by direct appropriation in kind, shall be applied exclusively, as far as necessary, to the reclaiming said lands, by means of levees and drains.

SEC. 2481. In making out lists and plats of the lands aforesaid all legal subdivisions, the greater part whereof is wet and unfit for cultivation, shall be included in said lists and plats, but when the greater part of a subdivision is not of that character, the whole of it shall be excluded therefrom.

SEC. 2482. Upon proof by the authorized agent of the State, before the Commissioner of the General Land-Office, that any of the lands, purchased by any person from the United States, prior to March 2d, 1855, were "swamp-lands," within the true intent and meaning of the act entitled "An act to enable the State of Arkansas and other States to reclaim the swamp-lands within their limits," approved September twenty-eight, eighteen hundred and fifty, the purchase-money shall be paid over to the State wherein said land is situate; and when the lands have been located by warrant or scrip, the said State shall be authorized to locate a like quantity of any of the public lands subject to entry, at one dollar and twenty-five cents per acre, or less, and patents shall issue therefor. The decision of the Commissioner of the General Land-Office shall be first approved by the Secretary of the Interior.

SEC. 2483. The President of the United States shall cause patents to be issued to the purchaser or purchasers, locator or locators, who made entries of the public lands claimed as swamp lands, either with cash or land-warrants, or scrip, or under any homestead or pre-emption laws prior to the issue of patents to the State or States: *Provided*, That in all cases where any State through its constituted authorities, may have sold or disposed of any tract or tracts of land prior to the entry sale or location of the same under the pre-emption or other laws of the United States, no patent shall be issued by the President for such tract or tracts of land, until such State through its constituted authorities, shall release its claim thereto in such form as shall be prescribed by the Secretary of the Interior. In all cases where such State did not within ninety days from the second day of March, 1855, the date of an act entitled, "An act for the relief of purchasers and locators of swamp and overflowed lands" through its constituted authorities, return to the General Land-Office of the United States, a list of all the lands sold as aforesaid, together with the dates of such sales and the names of the purchasers, the President shall issue patents to persons who made such entries of the public lands so claimed as swamp-land.

SEC. 2484. All lands selected and reported to the General Land Office as swamp and overflowed land by the several States entitled to the provisions of said act of Sept. 28, 1850, prior to March third, A. D. eighteen hundred and fifty-seven, are confirmed to said States respectively so far as the same remained vacant and unappropriated and not interfered with by an actual settlement under any law of the United States.

SEC. 2485. All selections of any portion of the public domain, to which no homestead, pre-emption or other right had been acquired by any settler under the laws of the United States, and not being mineral-land, nor reserved for naval, military or Indian purposes nor held or claimed under any valid Mexican or Spanish grant, and not included within the limits of any city, town or village or of the county of San Francisco, made prior to the twenty-third day of July, one thousand eight hundred and sixty-six, and theretofore sold to bona-fide purchasers by the State of California are confirmed to the State of California: *Provided, however*, That said State shall not receive any greater quantity of land for school or improvement purposes than she is entitled to by law.

SEC. 2486. When selections named in the foregoing section have been made upon lands already surveyed by authority of the United States, the authorities of said States, where the same has not been already done, shall notify the register of the land-office, for the district in which the land is situated, which notice shall be regarded as the date of the State selection; and the said registers of the several land-offices, after investigation and decision, shall, under the instruction of the Commissioner of the General Land-Office, forward all such selections to the General Land-Office, and the Commissioner of the General Land-Office shall certify the same over to the State in the usual manner.

Indemnity to States where lands have been sold by United States.

2 March, 1855, c. 147, s. 2, v. 10, pp. 634, 635.

Patents to issue for swamp-lands to purchasers and locators, prior to issuing of patents to States, &c.

2 March, 1855, c. 147, s. 1, v. 10, p. 634.

Selection of swamp and overflowed lands confirmed.

3 March, 1857, c. 117, v. 11, p. 251.

Certain lands selected by California confirmed to that State.

23 July, 1866, c. 219, s. 1, v. 14, p. 218.

Where selections are on lands already surveyed.

Ibid., s. 2, p. 219.

Where selections are upon land surveyed only by State authority.

Ibid., s. 3, p. 219.

SEC. 2487. When the State of California has made such selections from the lands not surveyed by the authority of the United States, but which selections have been surveyed by the authority of said State, and the land sold to purchasers in good faith, under the laws of the State, such selections, from said twenty-third of July, eighteen hundred and sixty-six, when marked off and designated in the field, shall have the same force and effect as the pre-emption rights of a settler upon unsurveyed public lands; and if upon a survey of such lands by the United States, the lines of the two surveys shall be found not to agree, the selection shall be so changed as to include those legal subdivisions which nearest conform to the identical land included in the State survey and selection. Upon filing with the register of the proper United States land-office of the township plat, in which any such selection of unsurveyed land is located, the holder of the State title shall be allowed the same time to present and prove up his purchase and claim as is allowed pre-emptors under existing laws—and if found in accordance with the law the land embraced therein shall be certified over to the State by the Commissioner of the General Land-Office.

Swamp and overflowed lands to be certified to State within one year, in certain cases.

Ibid., s. 4, p. 219.

SEC. 2488. It shall be the duty of the Commissioner of the General Land-Office, to certify over to the State of California as swamp and overflowed lands, all the lands represented as such upon the approved township surveys and plats, whether made before or after the 23d day of July, 1866, under the authority of the United States.

The surveyor-general of the United States for California, shall under the direction of the Commissioner of the General Land-Office, examine the segregation maps and surveys of the swamp and overflowed lands, made by said State; and where he shall find them to conform to the system of surveys adopted by the United States, he shall construct and approve township plats accordingly, and forward to the General Land-Office for approval.

In segregating large bodies of land, notoriously and obviously swamp and overflowed, it shall not be necessary to subdivide the same, but to run the exterior lines of such body of land.

In case such State surveys are found not to be in accordance with the system of United States surveys, and in such other townships as no survey has been made by the United States, the Commissioner shall direct the surveyor-general, to make segregation surveys, upon application to the surveyor-general, by the governor of said State, within one year of such application, of all the swamp and overflowed land in such townships, and to report the same to the General Land-Office, representing and describing what land was swamp and overflowed, under the grant, according to the best evidence he can obtain.

If the authorities of said State, shall claim as swamp and overflowed, any land not represented as such upon the map or in the returns of the surveyors, the character of such land at the date of the grant September twenty-eight, eighteen hundred and fifty, and the right to the same shall be determined by testimony, to be taken before the surveyor-general, who shall decide the same, subject to the approval of the Commissioner of the General Land-Office.

List of lands selected to be sent to General Land-Office.

Ibid., s. 5, p. 220.

SEC. 2489. It shall be the duty of the Commissioner of the General Land-Office, to require the officers of the local land-offices in said State (in case the same has not already been done) and the surveyor-general immediately to forward lists of all selections made by the State hereinbefore specified and lists and maps of all swamp and overflowed lands, claimed by said State or surveyed as provided in the ten preceding sections, for final disposition and determination, which final disposition shall be made by the Commissioner of the General Land-Office without delay.

SEC. 2490. The provisions of the act of Congress entitled "An act to enable the State of Arkansas and other States to redeem" the swamp lands within their limits, approved September 28, A. D. 1850, extend to the States of Minnesota and Oregon: *Provided*, That the grant shall not include any lands which the Government of the United States may have sold or disposed of under any law, enacted prior to March 12, 1860, prior to the confirmation of title to be made under the authority of said act—and the selections to be made from lands already surveyed in each of the States last named, under the authority of the act aforesaid, shall have been made within two years from the adjournment of the legislature of each State, at its next session after the 12th day of March, A. D. 1860—and as to all lands surveyed or to be surveyed, thereafter, within two years from such adjournment, at the next session after notice by the Secretary of the Interior to the governor of the State, that the surveys have been completed and confirmed.

Act of 1850, c. 84, v. 9, p. 519, extended to Minnesota and Oregon.

12 March, 1860, c. 5, ss. 1, 2, v. 12, p. 3.

TITLE XXXIII.

DUTIES UPON IMPORTS.

| Sec. | | Sec. | |
|-------|---|-------|--|
| 2491. | Prohibition upon importation of obscene articles. | H. | Silks and silk goods. |
| 2492. | Mode of proceeding. | I. | Spices. |
| 2493. | Importation of neat cattle. | J. | Tobacco. |
| 2494. | When permitted. | K. | Wool. |
| 2495. | Penalty. | L. | Wool and woolen goods. |
| 2496. | Prohibition upon importation of simulated watch-movements. | M. | Sundries. |
| 2497. | Upon importation in foreign vessels. | 2505. | Free list. |
| 2498. | Limitation upon the foregoing. | 2506. | Fish-oil and fish the produce of the fisheries of Canada, Prince Edward's Island, and Newfoundland, when free. |
| 2499. | Rate for articles resembling enumerated articles; and for articles manufactured from two or more materials. | 2507. | Special exemption as to merchandise sunk and abandoned. |
| 2500. | For re-imported goods. | 2508. | As to lumber from St. John River. |
| 2501. | For goods produced east of the Cape of Good Hope, when imported from west of that cape. | 2509. | As to lumber from St. Croix River. |
| 2502. | For merchandise imported in foreign vessels. | 2510. | As to machinery for manufacture of beet-root sugar. |
| 2503. | Schedules of special rates of duty. | 2511. | As to machinery imported for repair. |
| 2504. | A. Cotton and cotton goods. | 2512. | Certain paintings, statuary, &c., to be admitted free of duty. |
| | B. Earthen and earthenware. | 2513. | Importation of materials for construction, &c., of vessels. |
| | C. Hemp, jute, and flax goods. | 2514. | Importation of articles intended for the repair of vessels. |
| | D. Liquors. | 2515. | Peltries and other goods of Indians, when to be admitted free. |
| | E. Metals. | 2516. | Duty on articles not enumerated, raw or manufactured. |
| | F. Provisions. | | |
| | G. Sugars. | | |

Prohibition upon importation of obscene articles.

2 March, 1857, c. 63, v. 11, p. 168.

3 March, 1873, c. 258, ss. 1, 3, v. 17, pp. 598, 599.

U. S. vs. One Case Stereoscopic Slides, Sprague, 467.

SEC. 2491. All persons are prohibited from importing into the United States, from any foreign country, any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever, for the prevention of conception, or for causing unlawful abortion. No invoice or package whatever, or any part of one, in which any such articles are contained shall be admitted to entry; and all invoices and packages whereof any such articles shall compose a part are liable to be proceeded against, seized, and forfeited by due course of law. All such prohibited articles in the course of importation shall be detained by the officer of customs, and proceedings taken against the same as prescribed in the following section: *Provided*, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this section. [See § 1735.]

Mode of proceeding.

3 March, 1873, c. 258, s. 5, v. 17, p. 599.

SEC. 2492. Any judge of any district or circuit court of the United States, within the proper district, before whom complaint in writing of any violation of the preceding section is made, to the satisfaction of such judge, and founded on knowledge or belief, and, if upon belief, setting forth the grounds of such belief, and supported by oath or affirmation of the complainant, may issue, conformably to the Constitution, a warrant directed to the marshal, or any deputy marshal, in the proper district, directing him to search for, seize, and take possession of any such article or thing hereinbefore mentioned, and to make due and immediate return thereof, to the end that the same may be condemned and destroyed by proceedings, which shall be conducted in the same manner as other proceedings in case of municipal seizure, and with the same right of appeal or writ of error.

SEC. 2493. The importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited: *Provided*, That the operation of this section shall be suspended as to any foreign country or countries, or any parts of such country or countries, whenever the Secretary of the Treasury shall officially determine, and give public notice thereof, that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States; and the Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make all necessary orders and regulations to carry this law into effect, or to suspend the same as therein provided, and to send copies thereof to the proper officers in the United States, and to such officers or agents of the United States in foreign countries as he shall judge necessary.

Importation of
neat cattle.

6 March, 1866, c.
12, s. 1, v. 14, p. 3.

SEC. 2494. The President of the United States, whenever in his judgment the importation of neat cattle and the hides of neat cattle may be made without danger of the introduction or spread of contagious or infectious disease among the cattle of the United States, may, by proclamation, declare the provisions of the preceding section to be inoperative, and the same shall be afterward inoperative and of no effect from and after thirty days from the date of said proclamation.

When permitted.

Ibid., s. 2, p. 4.

SEC. 2495. Any person convicted of a willful violation of any of the provisions of the two preceding sections, shall be fined not exceeding five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

Penalty.

Ibid., s. 2, p. 4.

SEC. 2496. No watches, watch-cases, watch-movements, or parts of watch-movements, of foreign manufacture, which shall copy or simulate the name or trade-mark of any domestic manufacturer, shall be admitted to entry at the custom-houses of the United States, unless such domestic manufacturer is the importer of the same. And in order to aid the officers of the customs in enforcing this prohibition, any domestic manufacturer of watches who has adopted trade-marks may require his name and residence and a description of his trade-marks to be recorded in books which shall be kept for that purpose in the Department of the Treasury, under such regulations as the Secretary of the Treasury shall prescribe, and may furnish to the Department fac-similes of such trade-marks; and thereupon the Secretary of the Treasury shall cause one or more copies of the same to be transmitted to each collector or other proper officer of the customs.

Prohibition upon
importation of simulated watch-
movements.

3 March, 1871, c.
125, v. 16, p. 580.

SEC. 2497. No goods, wares, or merchandise, unless in cases provided for by treaty, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture; or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation. All goods, wares, or merchandise imported contrary to this section, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares or merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned, in like manner, and under the same regulations, restrictions, and provisions, as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

Upon importation in foreign vessels.

1 March, 1817, c.
31, ss. 1, 2, v. 3, p.
351.

The Merritt, 17
Wall., 582.

SEC. 2498. The preceding section shall not apply to vessels, or goods, wares, or merchandise, imported in vessels of a foreign nation which does not maintain a similar regulation against vessels of the United States.

Limitation upon
the foregoing.

1 March, 1817, c.
31, s. 1, v. 3, p. 351.

SEC. 2499. There shall be levied, collected, and paid, on each and every non-enumerated article which bears a similitude, either in material, quality, texture, or the use to which it may be applied, to any article enumerated in this Title, as chargeable with duty, the same rate of

Rate for articles
resembling enumerated articles,
and for articles
manufactured

from two or more materials.

30 Aug., 1842, c. 270, s. 20, v. 5, p. 565.

Stewart vs. Maxwell, 16 How., 150; *Ross vs. Peaslee*, 2 Curt. C. C., 499; *Morlot vs. Lawrence*, 1 Blatch., 608; *Lottimer vs. Lawrence*, 1 Blatch., 613; *Field vs. Schell*, 5 Blatch., 1; *Gamble vs. Mason*, 7 Am. Law Reg., 178.

For re-imported goods.

28 July, 1866, c. 298, s. 12, v. 14, p. 330.

For goods produced east of the Cape of Good Hope, when imported from west of that cape.

6 June, 1872, c. 315, s. 3, v. 17, p. 232.

Hodden vs. The Collector, 5 Wall., 107; *Sturgis vs. The Collector*, 12 Wall., 19; *Campbell vs. Barney*, 5 Blatch., 221; *Williams vs. Barney*, 5 Blatch., 219.

For merchandise imported in foreign vessels.

30 June, 1864, c. 171, s. 17, v. 13, p. 215.

Schedule of special rates of duty.

6 June, 1872, c. 315, s. 2, v. 17, p. 231.

U. S. vs. Vowell, 5 Cr., 368; *Arnold vs. U. S.*, 9 Cr., 104; *Brig Concord*, 9 Cr., 387; Two hundred Chests of Tea, 9 Wh., 430; *Barlow vs. U. S.*, 7 Pet., 404; *U. S. vs. One hundred and twelve Casks of Sugar*, 8 Pet., 277; *Elliott vs. Swartwout*, 10 Pet., 137; *Meredith vs. U. S.*, 13 Pet., 493; *Curtis vs. Martin*, 3 How., 106; *De Forest vs. Lawrence*, 13 How., 274; *Maitland vs. Lawrence*, 16 How., 251; *U. S. vs. Clarke*, 5 Mas., 30; *U. S. vs. Breed*, 1 Sumn., 159; *Bacon vs. Bancroft*,

duty which is levied and charged on the enumerated article which it most resembles in any of the particulars before mentioned; and if any non-enumerated article equally resembles two or more enumerated articles, on which different rates of duty are chargeable, there shall be levied, collected, and paid, on such non-enumerated article, the same rate of duty as is chargeable on the article which it resembles paying the highest duty; and on all articles manufactured from two or more materials, the duty shall be assessed at the highest rates at which any of its component parts may be chargeable.

SEC. 2500. Upon the re-importation of articles once exported, of the growth, product, or manufacture of the United States, upon which no internal tax has been assessed or paid, or upon which such tax has been paid and refunded by allowance or drawback, there shall be levied, collected, and paid a duty equal to the tax imposed by the internal-revenue laws upon such articles.

SEC. 2501. There shall be levied, collected, and paid on all goods, wares, and merchandise of the growth or produce of the countries east of the Cape of Good Hope, (except wool, raw cotton, and raw silk, as reeled from the cocoon, or not further advanced than tram, thrown, or organzine,) when imported from places west of the Cape of Good Hope, a duty of ten per centum ad valorem in addition to the duties imposed on any such article when imported directly from the place or places of their growth or production.

SEC. 2502. A discriminating duty of ten per centum ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, and merchandise which shall be imported in vessels not of the United States; but this discriminating duty shall not apply to goods, wares, and merchandise which shall be imported in vessels not of the United States, entitled, by treaty or any act of Congress, to be entered in the ports of the United States on payment of the same duties as shall then be paid on goods, wares, and merchandise imported in vessels of the United States.

SEC. 2503. There shall be levied, collected, and paid upon all articles mentioned in the schedules contained in the next section, imported from foreign countries, the rates of duty which are by the schedules respectively prescribed: *Provided*, That on the goods, wares, and merchandise in this section enumerated and provided for, imported from foreign countries, there shall be levied, collected, and paid only ninety per centum of the several duties and rates of duty imposed by the said schedules upon said articles severally, that is to say:

On all manufactures of cotton of which cotton is the component part of chief value.

On all wools, hair of the alpaca, goat, and other animals, and all manufactures wholly or in part of wool or hair of the alpaca and other like animals, except umbrellas, parasols, and sun-shades covered with silk or alpaca.

On all iron and steel, and on all manufactures of iron and steel, of which such metals or either of them shall be the component part of chief value, excepting cotton-machinery.

On all metals not herein otherwise provided for, and on all manufactures of metals of which either of them is the component part of chief value, excepting percussion-caps, watches, jewelry, and other articles of ornament: *Provided*, That all wire rope and wire strand or chain made of iron wire, either bright, coppered, galvanized, or coated with other metals, shall pay the same rate of duty that is now levied on the iron wire of which said rope or strand or chain is made; and all wire rope, and wire strand or chain made of steel wire, either bright, coppered,

galvanized, or coated with other metals, shall pay the same rate of duty that is now levied on the steel wire of which said rope or strand or chain is made.

On all paper, and manufactures of paper, excepting unsized printing-paper, books and other printed matter, and excepting sized or glued paper suitable only for printing-paper.

On all manufactures of India rubber, gutta-percha, or straw, and on oil-cloths of all descriptions.

On glass and glass ware, and on unwrought pipe-clay, fine clay, and fullers' earth.

On all leather not otherwise herein provided for, and on all manufactures of skins, bone, ivory, horn, and leather, except gloves and mittens, and of which either of said articles is the component part of chief value; and on liquorice-paste or liquorice-juice.

1 Story, 341; The Gertrude, 3 Story, 71; U. S. vs. Dodge, 1 Dedy, 124; Cog-gill vs. Lawrence, 1 Blatch., 602; U. S. vs. Lutz, 2 Blatch., 383; Roosevelt vs. Maxwell, 3 Blatch., 391; Wilkinson vs. Greeley, 1 Curt. C. C. 439.

SCHEDULE A.—COTTON AND COTTON GOODS.

Cotton and cotton goods.

SEC. 2504. On all manufactures of cotton (except jeans, denims, drillings, bed-tickings, gingham, plaids, cottonades, pantaloons stuff, and goods of like description) not bleached, colored, stained, painted, or printed, and not exceeding one hundred threads to the square inch, counting the warp and filling, and exceeding in weight five ounces per square yard, five cents per square yard; if bleached, five cents and a half per square yard; if colored, stained, painted, or printed, five cents and a half per square yard, and in addition thereto, ten per centum ad valorem.

On finer and lighter goods of like description, not exceeding two hundred threads to the square inch, counting the warp and filling, unbleached, five cents per square yard; if bleached, five and a half cents per square yard; if colored, stained, painted, or printed, five and a half cents per square yard, and, in addition thereto, twenty per centum ad valorem.

On goods of like description, exceeding two hundred threads to the square inch, counting the warp and filling, unbleached, five cents per square yard; if bleached, five and a half cents per square yard; if colored, stained, painted, or printed, five and a half cents per square yard, and, in addition thereto, twenty per centum ad valorem.

On cotton jeans, denims, drillings, bed-tickings, gingham, plaids, cottonades, pantaloons stuffs, and goods of like description, or for similar use, if unbleached, and not exceeding one hundred threads to the square inch, counting the warp and filling, and exceeding five ounces to the square yard, six cents per square yard; if bleached, six cents and a half per square yard; if colored, stained, painted, or printed, six cents and a half per square yard, and, in addition thereto, ten per centum ad valorem;

On finer, or lighter goods of like description, not exceeding two hundred threads to the square inch, counting the warp and filling, if unbleached, six cents per square yard; if bleached, six and a half cents per square yard; if colored, stained, painted, or printed, six and a half cents per square yard, and, in addition thereto, fifteen per centum ad valorem;

On goods of lighter description, exceeding two hundred threads to the square inch, counting the warp and filling, if unbleached, seven cents per square yard; if bleached, seven and a half cents per square yard; if colored, stained, painted, or printed, seven and a half cents per square yard, and, in addition thereto, fifteen per centum ad valorem: *Provided*, That upon all plain woven cotton goods, not included in the foregoing schedule, unbleached, valued at over sixteen cents per square yard; bleached, valued at over twenty cents per square yard; colored, valued at over twenty-five cents per square yard, and cotton jeans, denims and drillings, unbleached, valued at over twenty cents per square yard, and all other cotton goods of every description, the value of which shall exceed twenty-five cents per square yard, there shall be levied, collected,

3 March, 1865, c. 80, s. 1, v. 13, p. 491.

and paid a duty of thirty-five per centum ad valorem: *And provided further*, That no cotton goods having more than two hundred threads to the square inch, counting the warp and filling, shall be admitted to a less rate of duty than is provided for goods which are of that number of threads.

14 July, 1870, c.
255, s. 21, v. 16, p.
262.

Cotton thread, yarn, warps, or warp-yarn, not wound upon spools, whether single or advanced beyond the condition of single by twisting two or more single yarns together, whether on beams or in bundles, skeins, or cops, or in any other form, valued at not exceeding forty cents per pound: ten cents per pound; valued at over forty cents per pound and not exceeding sixty cents per pound: twenty cents per pound; valued at over sixty cents per pound and not exceeding eighty cents per pound: thirty cents per pound; valued at over eighty cents per pound: forty cents per pound; and, in addition to such rates of duty, twenty per centum ad valorem.

3 March, 1865, c.
80, s. 1, v. 13, p. 491.

Spool-thread of cotton: six cents per dozen spools, containing on each spool not exceeding one hundred yards of thread, and, in addition thereto, thirty per centum ad valorem; exceeding one hundred yards, for every additional hundred yards of thread on each spool or fractional part thereof, in excess of one hundred yards: six cents per dozen, and thirty-five per centum ad valorem.

Cotton cords, gimps, and galloons and cotton laces colored: thirty-five per centum ad valorem.

30 June, 1864, c.
171, s. 6, v. 13, p.
208.

Cotton-shirts and drawers, woven or made on frames, and on all cotton hosiery: thirty-five per centum ad valorem.

Cotton-velvet: thirty-five per centum ad valorem.

Cotton braids, insertings, lace, trimming, or bobbinet, and all other manufactures of cotton, not otherwise provided for: thirty-five per centum ad valorem.

SCHEDULE B.—EARTHS AND EARTHEN WARES.

30 June, 1864, c.
171, s. 9, v. 13, p.
210.

Brown earthen ware and common stone ware, gas-retorts, stone ware not ornamented: twenty-five per centum ad valorem.

China, porcelain, and Parian ware, gilded, ornamented, or decorated in any manner: fifty per centum ad valorem.

China, porcelain, and Parian ware, plain white, and not decorated in any manner: forty-five per centum ad valorem; on all other earthen, stone, or crockery ware, white, glazed, edged, printed, painted, dipped, or cream-colored, composed of earthy or mineral substances, and not otherwise provided for: forty per centum ad valorem.

Stone ware above the capacity of ten gallons: twenty per centum ad valorem.

Slates, slate-pencils, slate chimney-pieces, mantels, slabs for tables, and all other manufactures of slate: forty per centum ad valorem. Roofing-slates: thirty-five per centum ad valorem.

Unwrought clay, pipe-clay, fire-clay: five dollars per ton.

Kaoline: five dollars per ton.

On fullers' earth: three dollars per ton.

Red and French chalk: twenty per centum ad valorem.

Chalk of all descriptions, not otherwise provided for: twenty-five per centum ad valorem.

Whiting and Paris-white: one cent per pound.

Whiting ground in oil: two cents per pound.

Paris white ground in oil: one cent and a half per pound.

All plain and mould and press glass not cut, engraved, or painted: thirty-five per centum ad valorem.

All articles of glass, cut, engraved, painted, colored, printed, stained, silvered, or gilded, not including plate-glass silvered, or looking-glass plates: forty per centum ad valorem.

All unpolished cylinder, crown, and common window-glass, not exceeding ten by fifteen inches square: one cent and a half per pound;

above that and not exceeding sixteen by twenty-four inches square: two cents per pound; above that and exceeding twenty-four by thirty inches square: two cents and a half per pound; all above that: three cents per pound.

Cylinder and crown glass, polished, not exceeding ten by fifteen inches square: two and one-half cents per square foot; above that, and not exceeding sixteen by twenty-four inches square: four cents per square foot; above that, and not exceeding twenty-four by thirty inches square: six cents per square foot; above that, and not exceeding twenty-four by sixty inches: twenty cents per square foot; all above that: forty cents per square foot.

30 June, 1864, c.
171, s. 9, v. 13, p.
210.

Fluted, rolled, or rough plate-glass, not including crown, cylinder, or common window-glass, not exceeding ten by fifteen inches square: seventy-five cents per one hundred square feet; above that, and not exceeding sixteen by twenty-four inches square: one cent per square foot; above that, and not exceeding twenty-four by thirty inches square: one cent and a half per square foot; all above that: two cents per square foot. And all fluted, rolled, or rough plate-glass, weighing over one hundred pounds per one hundred square feet, shall pay an additional duty on the excess at the same rates herein imposed.

Cast polished plate-glass, unsilvered, not exceeding ten by fifteen inches square: three cents per square foot; above that, and not exceeding sixteen by twenty-four inches square: five cents per square foot; above that, and not exceeding twenty-four by thirty inches square: eight cents per square foot; above that, and not exceeding twenty-four by sixty inches square: twenty-five cents per square foot; all above that: fifty cents per square foot.

Cast polished plate-glass, silvered, or looking-glass plates not exceeding ten by fifteen inches square: four cents per square foot; above that, and not exceeding sixteen by twenty-four inches square: six cents per square foot; above that, and not exceeding twenty-four by thirty inches square: ten cents per square foot; above that, and not exceeding twenty-four by sixty inches square: thirty-five cents per square foot; all above that: sixty cents per square foot. But no looking-glass plates or plate-glass, silvered, when framed, shall pay a less rate of duty than that imposed upon similar glass of like description not framed, but shall be liable to pay in addition thereto thirty per centum ad valorem upon such frames.

Glass bottles or jars filled with articles not otherwise provided for: thirty per centum ad valorem.

Porcelain and Bohemian glass, glass crystals for watches, glass pebbles for spectacles, not rough; paintings on glass or glasses, and all manufactures of glass, or of which glass shall be a component material, not otherwise provided for, and all glass bottles or jars filled with sweetmeats or preserves, not otherwise provided for: forty per centum ad valorem.

SCHEDULE C.—HEMP, JUTE, AND FLAX GOODS.

Flax-straw: five dollars per ton.

Flax not hackled or dressed: twenty dollars per ton.

Flax hackled, known as "dressed line:" forty dollars per ton.

14 July, 1870, c.
255, s. 21, v. 16, p.
262.

Hemp, Manila, and other like substitutes for hemp, not otherwise provided for: twenty-five dollars per ton.

Tow of flax or hemp: ten dollars per ton.

Jute, sunn, and Sisal grass, and other vegetable substances not enumerated, used for cordage: fifteen dollars per ton.

Brown and bleached linens, ducks, canvas, paddings, cot bottoms, diapers, crash, huckabacks, handkerchiefs, lawns, or other manufactures of flax, jute, or hemp, or of which flax, jute, or hemp shall be the component material of chief value, not otherwise provided for; valued at thirty cents or less per square yard: thirty-five per centum ad valorem;

30 June, 1864, c.
171, s. 7, v. 13, p.
209.

valued at above thirty cents per square yard: forty per centum ad valorem; flax or linen yarns for carpets, not exceeding number eight Lea, and valued at twenty-four cents or less per pound: thirty per centum ad valorem; flax or linen yarns valued at above twenty-four cents per pound: thirty-five per centum ad valorem; flax or linen thread, twine and pack-thread, and all other manufactures of flax, or of which flax shall be the component material of chief value, not otherwise provided for: forty per centum ad valorem.

Thread lace and insertings: thirty per centum ad valorem.

6 June, 1872, c.
315, s. 4, v. 17, p.
232.

On all burlaps, and like manufactures of flax, jute, or hemp, or of which flax, jute, or hemp shall be the component material of chief value, excepting such as may be suitable for bagging for cotton: thirty per centum ad valorem.

Oil-cloth foundations or floor-cloth canvas, made of flax, jute, or hemp, or of which flax, jute, or hemp shall be the component material of chief value: forty per centum ad valorem; gunny-cloth, not bagging, valued at ten cents or less per square yard, three cents per pound; over ten cents per square yard, four cents per pound.

On bagging for cotton, or other manufactures, not otherwise herein provided for, suitable to the uses for which cotton bagging is applied, composed in whole or in part of hemp, jute, flax, gunny-bags, gunny-cloth, or other material, and valued at seven cents or less per square yard, two cents per pound; valued at over seven cents per square yard, three cents per pound.

Bags, cotton bags, and bagging, and all other like manufactures, not herein otherwise provided for, (except bagging for cotton,) composed wholly or in part of flax, hemp, jute, gunny-cloth, gunny-bags, or other material: forty per centum ad valorem.

30 June, 1864, c.
171, s. 7, v. 13, p. 209.

Tarred cables or cordage: three cents per pound.

Untarred Manila cordage: two and a half cents per pound.

All other untarred cordage: three and a half cents per pound.

Hemp yarn: five cents per pound.

Seines: six and a half cents per pound.

Sail-duck or canvas for sails: thirty per centum ad valorem.

Russia and other sheetings of flax or hemp, brown and white: thirty-five per centum ad valorem.

All other manufactures of hemp, or of which hemp shall be the component material of chief value, not otherwise provided for: thirty per centum ad valorem.

Grass-cloth: thirty per centum ad valorem.

Jute yarns: twenty-five per centum ad valorem.

All other manufactures of jute or Sisal-grass, not otherwise provided for: thirty per centum ad valorem.

SCHEDULE D.—LIQUORS.

14 July, 1870, c.
255, s. 21, v. 16, p.
262.

Bensuran vs. Murphy, 17 Int. Rev.
Rec., 84.

Wines imported in casks, containing not more than twenty-two per centum of alcohol, and valued at not exceeding forty cents per gallon: twenty-five cents per gallon; valued at over forty cents, and not over one dollar per gallon: sixty cents per gallon; valued at over one dollar per gallon: one dollar per gallon, and, in addition thereto, twenty-five per centum ad valorem.

Wines of all kinds, imported in bottles, and not otherwise provided for: the same rate per gallon as wines imported in casks. But all bottles containing one quart or less than one quart, and more than one pint, shall be held to contain one quart, and all bottles containing one pint or less shall be held to contain one pint, and shall pay in addition three cents for each bottle.

Champagne and all other sparkling wines, in bottles, containing each not more than one quart and more than one pint: six dollars per dozen bottles; containing not more than one pint each, and more than one-half pint: three dollars per dozen bottles; containing one-half pint each, or

less: one dollar and fifty cents per dozen bottles; and in bottles containing more than one quart each, shall pay, in addition to six dollars per dozen bottles, at the rate of two dollars per gallon on the quantity in excess of one quart per bottle. But any liquors containing more than twenty-two per centum of alcohol, which shall be entered under the name of wine, shall be forfeited to the United States. And wines, brandy, and other spirituous liquors imported in bottles shall be packed in packages containing not less than one dozen bottles in each package; and all such bottles shall pay an additional duty of three cents for each bottle. No allowance shall be made for breakage unless such breakage is actually ascertained by count, and certified by a custom-house appraiser.

Brandy and on other spirits manufactured or distilled from grain or other materials, and not otherwise provided for: two dollars per proof-gallon. Each and every gauge or wine-gallon of measurement shall be counted as at least one proof-gallon; and the standard for determining the proof of brandy and other spirits, and of wine or liquors of any kind imported, shall be the same as that which is defined in the laws relating to internal revenue. But any brandy or other spirituous liquors imported in casks of less capacity than fourteen gallons shall be forfeited to the United States.

On all compounds or preparations of which distilled spirits is a component part of chief value, there shall be levied a duty not less than that imposed upon distilled spirits.

Cordials, liqueurs, arrack, absinthe, kirschwasser, ratafia, and other similar spirituous beverages, or bitters containing spirits, and not otherwise provided for: two dollars per proof-gallon.

No lower rate or amount of duty shall be levied, collected, and paid, on brandy, spirits, and other spirituous beverages, than that fixed by law for the description of first proof, but it shall be increased in proportion for any greater strength than the strength of first proof; and no brandy, spirits, or other spirituous beverages under first proof shall pay a less rate of duty than fifty per centum ad valorem; and all imitations of brandy, or spirits, or of wines imported by any names whatever, shall be subject to the highest rate of duty provided for the genuine articles respectively intended to be represented, and in no case less than one dollar per gallon.

Ale, porter, and beer, in bottles: thirty-five cents per gallon; otherwise than in bottles: twenty cents per gallon.

Vermuth: the same duty as on wines of the same cost.

28 July, 1866, c. 298, s. 1, v. 14, p. 328.

14 July, 1870, c. 255, s. 21, v. 16, p. 262.

30 June, 1864, c. 171, s. 2, v. 13, p. 202.

U. S. vs. Seventy-eight Casks of White Wine, 9 Int. Rev. Rec., 105.

30 June, 1864, c. 171, s. 2, v. 13, p. 202.

6 June, 1872, c. 315, s. 4, v. 17, p. 232.

SCHEDULE E.—METALS.

Iron in pigs: seven dollars per ton.

Bar-iron, rolled or hammered, comprising flats not less than one inch or more than six inches wide, nor less than three-eighths of an inch or more than two inches thick; rounds not less than three-fourths of an inch nor more than two inches in diameter; and squares not less than three-fourths of an inch nor more than two inches square: one cent per pound. Bar-iron, rolled or hammered, comprising flats less than three-eighths of an inch or more than two inches thick, or less than one inch or more than six inches wide; rounds less than three-fourths of an inch or more than two inches in diameter; and squares less than three-fourths of an inch or more than two inches square: one cent and one-half per pound. But all iron in slabs, blooms, loops, or other forms, less finished than iron in bars, and more advanced than pig-iron, except castings, shall be rated as iron in bars, and pay a duty accordingly; and none of the above iron shall pay a less rate of duty than thirty-five per centum ad valorem.

Mosaic iron, made from sand ore by one process: fifteen dollars per ton.

Iron bars for railroads or inclined planes: seventy cents per one hundred pounds.

14 July, 1870, c. 255, s. 21, v. 16, p. 262.

30 June, 1864, c. 171, s. 3, v. 13, p. 203.

6 June, 1872, c. 315, s. 4, v. 17, p. 232.

3 March, 1865, c. 80, s. 2, v. 13, p. 492.

30 June, 1864, c.
171, s. 3, v. 13, p. 203.

Boiler or other plate-iron not less than three-sixteenths of an inch in thickness: one cent and a half per pound.

Boiler and other plate-iron, not otherwise provided for: twenty-five dollars per ton.

Iron wire, bright, coppered, or tinned, drawn and finished, not more than one-fourth of an inch in diameter, not less than number sixteen, wire-gauge: two dollars per one hundred pounds, and in addition thereto fifteen per centum ad valorem; over number sixteen and not over number twenty-five, wire-gauge: three dollars and fifty cents per one hundred pounds, and in addition thereto fifteen per centum ad valorem; over or finer than number twenty-five, wire-gauge, four dollars per one hundred pounds, and, in addition thereto, fifteen per centum ad valorem. But wire covered with cotton, silk, or other material shall pay five cents per pound in addition to the foregoing rates.

14 July, 1870, c.
255, s. 21, v. 16, p.
262.

Round iron in coils, three-sixteenths of an inch or less in diameter, whether coated with metal or not so coated, and all descriptions of iron wire, and wire of which iron is a component part, not otherwise specifically enumerated and provided for, shall pay the same duty as iron wire, bright, coppered, or tinned.

25 March, 1867
Res. No. 11, v. 15
p. 22.

Wire spiral furniture springs, manufactured of iron wire: two cents per pound and fifteen per centum ad valorem.

30 June, 1864, c.
171, s. 3, v. 13, p. 203.

Smooth or polished sheet-iron, by whatever name designated: three cents per pound.

Sheet-iron, common or black, not thinner than number twenty, wire-gauge: one cent and one-fourth of one cent per pound; thinner than number twenty and not thinner than number twenty-five, wire-gauge: one cent and one-half per pound; thinner than number twenty-five, wire-gauge: one cent and three-fourths of one cent per pound.

All band, hoop, and scroll iron from one-half to six inches in width, not thinner than one-eighth of an inch: one and one-fourth cents per pound.

All band, hoop, and scroll iron from one-half to six inches wide, under one-eighth of an inch in thickness, and not thinner than number twenty, wire-gauge: one and one-half cents per pound.

All band, hoop, and scroll iron thinner than number twenty, wire-gauge: one and three fourth cents per pound.

Slit rods: one cent and one-half per pound.

All other descriptions of rolled or hammered iron not otherwise provided for: one cent and one-fourth per pound.

All handsaws not over twenty-four inches in length: seventy-five cents per dozen, and in addition thereto thirty per centum ad valorem; over twenty-four inches in length: one dollar per dozen, and in addition thereto thirty per centum ad valorem.

All back-saws not over ten inches in length: seventy-five cents per dozen, and in addition thereto thirty per centum ad valorem; over ten inches in length: one dollar per dozen, and in addition thereto thirty per centum ad valorem.

Files, file-blanks, rasps, and floats of all descriptions, not exceeding ten inches in length: ten cents per pound, and in addition thereto thirty per centum ad valorem; exceeding ten inches in length: six cents per pound, and in addition thereto thirty per centum ad valorem.

Penknives, jack-knives, and pocket-knives of all kinds: fifty per centum ad valorem.

14 July, 1870, c.
255, s. 21, v. 16, p.
264.

Sword-blades: thirty-five per centum ad valorem.

Swords: forty-five per centum ad valorem.

30 June, 1864, c.
171, s. 3, v. 13, p. 203.

Needles for knitting or sewing machines: one dollar per thousand, and in addition thereto thirty-five per centum ad valorem.

Iron squares marked on one side: three cents per pound, and in addition thereto thirty per centum ad valorem; all other squares of iron or steel: six cents per pound, and thirty per centum ad valorem.

All manufactures of steel, or of which steel shall be a component part, not otherwise provided for: forty-five per centum ad valorem. But all

articles of steel partially manufactured, or of which steel shall be a component part, not otherwise provided for, shall pay the same rate of duty as if wholly manufactured.

Steel railway-bars: one and one-quarter cents per pound.

Railway-bars made in part of steel: one cent per pound. And metal converted, cast, or made from iron by the Bessemer or pneumatic process, of whatever form or description, shall be classed as steel. 14 July, 1870, c. 255, s. 21, v. 16, p. 262.

Locomotive-iron, or parts thereof: three cents per pound.

Mill-irons and mill-cranks of wrought iron, and wrought iron for ships, steam-engines, and locomotives, or parts thereof, weighing each twenty-five pounds or more: two cents per pound. 30 June, 1864, c. 171, s. 3, v. 13, p. 203.

Anvils and iron cables, or cable-chains, or parts thereof: two cents and a half per pound: *Provided*, That no chains made of wire or rods of a diameter less than one-half of one inch, shall be considered a chain-cable.

Chains, trace-chains, halter-chains, and fence-chains, made of wire or rods, not less than one-fourth of one inch in diameter: two cents and a half per pound; less than one-fourth of one inch in diameter, and not under number nine, wire-gauge: three cents per pound; under number nine, wire-gauge: thirty-five per centum ad valorem.

Anchor, or parts thereof: two cents and one-fourth per pound.

Blacksmiths' hammers and sledges, axles, or parts thereof, and malleable iron in castings, not otherwise provided for: two cents and a half per pound.

Wrought-iron railroad-chairs, and wrought-iron nuts and washers, ready punched: two cents per pound.

Bed-screws and wrought-iron hinges: two cents and a half per pound.

Wrought board-nails, spikes, rivets, and bolts: two and one-half cents per pound.

Steam, gas, and water tubes and flues of wrought iron: three and a half cents per pound. 3 March, 1865, c. 80, s. 2, v. 13, p. 492.

Cut nails and spikes: one and a half cents per pound.

Horseshoe-nails: five cents per pound.

Cut tacks, brads, or sprigs, not exceeding sixteen ounces to the thousand: two and one-half cents per thousand; exceeding sixteen ounces to the thousand: three cents per pound. 30 June, 1864, c. 171, s. 3, v. 13, p. 203.

Screws, commonly called wood-screws, two inches or over in length: eight cents per pound; less than two inches in length: eleven cents per pound.

Screws of any other metal than iron, and all other screws of iron, except wood-screws: thirty-five per centum ad valorem.

Vessels of cast iron, not otherwise provided for, and on anvil-irons, saddle-irons, tailors' and hatters' irons, stoves and stove-plates, of cast iron: one and one-half cents per pound.

Cast-iron steam, gas, and water pipe: one and one-half cents per pound.

Cast-iron butts and hinges: two and a half cents per pound.

Hollow ware, glazed or tinned: three and one-half cents per pound.

Cast scrap-iron of every description: six dollars per ton.

Wrought scrap-iron of every description: eight dollars per ton. But nothing shall be deemed scrap-iron except waste or refuse iron that has been in actual use, and is fit only to be remanufactured. 14 July, 1870, c. 255, s. 21, v. 16, p. 262.

All other castings of iron, not otherwise provided for: thirty per centum ad valorem. 30 June, 1864, c. 171, s. 3, v. 13, p. 203.

Taggers' iron: thirty per centum ad valorem.

Steel, in ingots, bars, coils, sheets, and steel wire, not less than one-fourth of one inch in diameter, valued at seven cents per pound or less: two cents and one-fourth per pound; valued at above seven cents and not above eleven cents per pound: three cents per pound; valued at above eleven cents per pound: three cents and a half per pound, and ten per centum ad valorem. Ibid., s. 11. Ibid., s. 3.

Steel wire less than one-fourth of an inch in diameter and not less than number sixteen, wire-gauge: two and one-half cents per pound, and in addition thereto twenty per centum ad valorem; less or finer than number sixteen, wire-gauge: three cents per pound, and in addition thereto twenty per centum ad valorem.

14 July, 1870, c. 255, s. 21, v. 16, p. 262. Steel, commercially known as crinoline, corset, and hat steel wire: nine cents per pound and ten per centum ad valorem.

30 June, 1864, c. 171, s. 3, v. 13, p. 203. Steel, in any form, not otherwise provided for: thirty per centum ad valorem: *Provided*, That no allowance or reduction of duties for partial loss or damage shall be hereafter made in consequence of rust of iron or steel or upon the manufactures of iron or steel, except on polished Russia sheet iron.

Cross-cut saws: ten cents per lineal foot.

On mill, pit, and drag saws, not over nine inches wide: twelve and a half cents per lineal foot; over nine inches wide: twenty cents per lineal foot.

Lead in sheets, pipes, or shot: two and three-quarters cents per pound.

Lead ore: one and a half cents per pound.

Lead in pigs and bars: two cents per pound.

Old scrap-lead, fit only to be remanufactured: one and one-half cents per pound.

Zinc, spelter, or tutenague, manufactured in blocks or pigs: one and one-half cents per pound.

Zinc, spelter, tutenague in sheets: two and one-quarter cents per pound.

6 June, 1872, c. 315, s. 4, v. 17, p. 232. Tin in plates or sheets, terne and taggers' tin: fifteen per centum ad valorem.

Iron and tin plates galvanized or coated with any metal by electric batteries: two cents per pound.

Iron and tin plates galvanized or coated with any metal otherwise than by electric batteries: two and one-half cents per pound.

24 Feb., 1869, c. 45, v. 5, p. 274. Copper imported in the form of ores: three cents on each pound of fine copper contained therein.

Regulus of copper, and on all black or coarse copper: four cents on each pound of fine copper contained therein.

Old copper, fit only for remanufacture: four cents per pound.

Copper in plates, bars, ingots, pigs, and in other forms not manufactured or here enumerated: five cents per pound.

Copper in rolled plates called braziers' copper, sheets, rods, pipes, and copper bottoms, and all manufactures of copper, or of which copper shall be a component of chief value, not otherwise provided for: forty-five per centum ad valorem.

Sheathing or yellow metal not wholly of copper, nor wholly nor in part of iron, ungalvanized, in sheets forty-eight inches long and fourteen inches wide, and weighing from fourteen to thirty-four ounces per square foot: three cents per pound.

14 July, 1870, c. 255, s. 21, v. 16, p. 262. Nickel: thirty cents per pound. Nickel oxide and alloy of nickel with copper: twenty cents per pound.

14 July, 1862, c. 163, s. 5, v. 12, p. 546. Gold-leaf: one dollar and fifty cents per package of five hundred leaves; silver-leaf: seventy-five cents per package of five hundred leaves.

2 March, 1861, c. 68, s. 22, v. 12, p. 191. Argentine, alabatta, or German silver, nmanufactured: thirty-five per centum ad valorem.

Brass in bars or pigs, and old brass, fit only to be remanufactured: fifteen per centum ad valorem.

Dutch and bronze metal in leaf: ten per centum ad valorem.

30 June, 1864, c. 171, s. 11, v. 15, p. 211. Articles not otherwise provided for, made of gold, silver, German silver, or platina, or of which either of these metals shall be a component part: forty per centum ad valorem.

Silver-plated metal, in sheets or other form: thirty-five per centum ad valorem. 2 March, 1861, c. 68, s. 22, v. 12, p. 190.

14 July, 1862, c. 163, s. 13, v. 12, p. 555.

Manufactures, articles, vessels, and wares not otherwise provided for, of brass, iron, lead, pewter, and tin or other metal, (except gold, silver, platina, copper, and steel,) or of which either of these metals shall be the component material of chief value: thirty-five per centum ad valorem. 2 March, 1861, c. 68, s. 22, v. 12, p. 190.
14 July, 1862, c. 163, s. 13, v. 12, p. 555. 2 March, 1861, c. 68, s. 20, v. 12, p. 189.

Metals, unmanufactured, not otherwise provided for: twenty per centum ad valorem. 2 March, 1861, c. 68, s. 10, v. 12, p. 183.

SCHEDULE F.—PROVISIONS.

Beef and pork: one cent per pound.

2 March, 1861, c. 68, s. 12, v. 12, p. 183.

Hams and bacon: two cents per pound.

Cheese: four cents per pound.

Wheat: twenty cents per bushel.

Butter: four cents per pound.

Lard: two cents per pound.

Rye and barley: fifteen cents per bushel.

Indian corn or maize: ten cents per bushel.

Oats: ten cents per bushel.

Fish: Mackerel, two dollars per barrel; herrings, pickled or salted, one dollar per barrel; pickled salmon, three dollars per barrel; all other fish pickled, in barrels, one dollar and fifty cents per barrel; all other foreign-caught fish imported otherwise than in barrels or half-barrels, or whether fresh, smoked, or dried, salted, or pickled, not otherwise provided for, fifty cents per one hundred pounds.

Salmon, preserved: thirty per centum ad valorem.

2 March, 1861, c. 68, s. 22, v. 12, p. 190.
30 June, 1864, c. 171, s. 12, v. 12, p. 213.

Auchovies and sardines, preserved in oil or otherwise: fifty per centum ad valorem.

Fish preserved in oil, except anchovies and sardines: thirty per centum ad valorem. 2 March, 1861, c. 68, s. 22, v. 12, p. 190.

Corn-meal: ten per centum ad valorem.

Ibid., s. 19.

Oat-meal: one-half cent per pound.

2 March, 1861, c. 68, s. 19, v. 12, p. 187.
2 March, 1861, c. 68, s. 19, v. 12, p. 190.

Rye-flour: ten per centum ad valorem.

Rice: cleaned, two and a half cents per pound; on uncleaned, two cents per pound. 30 June, 1864, c. 171, s. 13, v. 13, p. 213.

On paddy: one cent and one-half per pound.

Capers, pickles, and sauces of all kinds, not otherwise provided for: thirty-five per centum ad valorem. 2 March, 1861, c. 68, s. 22, v. 12, p. 190.

14 July, 1862, c. 163, s. 13, v. 12, p. 555.

Catsup: forty per centum ad valorem.

14 July, 1862, c.

163, s. 6, v. 12, p. 549. 14 July, 1862, c. 163, s. 13, v. 12, p. 555.

Preserved or condensed milk: twenty per centum ad valorem.

6 June, 1872, c. 315, s. 4, v. 17, p. 232.
Ibid., s. 1.

Potatoes: fifteen cents per bushel.

Vegetables, not otherwise provided for: ten per centum ad valorem. 2 March, 1861, c. 68, s. 19, v. 12, p. 187.

Prepared vegetables, meats, fish, poultry, and game, sealed or unsealed, in cans or otherwise: thirty-five per centum ad valorem. Ibid., s. 22.

14 July, 1862, c. 163, s. 13, v. 12, p. 555.

Vinegar: ten cents per gallon.

30 June, 1864, c. 171, s. 11, v. 13, p. 211.

SCHEDULE G.—SUGARS.

22 Dec., 1870, c. 6,
v. 16, p. 397.

Sugar not above number seven, Dutch standard in color: one and three-quarters cents per pound.

Sugar above number seven, and not above number ten, Dutch standard in color: two cents per pound.

Sugar above number ten, and not above number thirteen, Dutch standard in color: two and one-quarter cents per pound.

Sugar above number thirteen, and not above number sixteen, Dutch standard in color: two and three-quarters cents per pound.

Sugar above number sixteen, and not above number twenty, Dutch standard in color: three and one-quarter cents per pound.

30 June, 1864, c.
171, s. 1, v. 13, p.
202.

Sugar above number twenty, Dutch standard in color, and on all refined loaf, lump, crushed, powdered, and granulated sugar: four cents per pound. But sirup of sugar, sirup of sugar-cane juice, melado, concentrated melado, or concentrated molasses, entered under the name of molasses, shall be forfeited to the United States.

Sugar-candy, not colored: ten cents per pound.

All other confectionery, not otherwise provided for, made wholly or in part of sugar, and on sugars after being refined, when tintured, colored, or in any way adulterated, valued at thirty cents per pound or less: fifteen cents per pound.

Confectionery valued above thirty cents per pound, or when sold by the box, package, or otherwise than by the pound: fifty per centum ad valorem.

14 July, 1870, c.
255, s. 21, v. 16, p.
262.

Molasses: five cents per gallon.

Tank-bottoms, sirup of sugar-cane juice, melado, concentrated melado, and concentrated molasses: one and one-half cents per pound.

SCHEDULE H.—SILKS AND SILK GOODS.

30 June, 1864, c.
171, s. 8, v. 13, p. 210.

Silk in the gum not more advanced than singles, tram, and thrown or organzine: thirty-five per centum ad valorem.

3 March, 1865, c.
80, s. 2, v. 13, p. 492.

Spun silk for filling in skeins or cops: thirty-five per centum ad valorem.

30 June, 1864, c.
171, s. 8, v. 13, p.
210.

Floss-silks: thirty-five per centum ad valorem.

Sewing-silk in the gum or purified: forty per centum ad valorem.

Silk twist, twist composed of mohair and silk: forty per centum ad valorem.

Dress and piece silks, ribbons, and silk-velvets, or velvets of which silk is the component material of chief value: sixty per centum ad valorem.

3 March, 1865, c.
80, s. 3, v. 13, p. 493.

Silk vestings, pongees, shawls, scarfs, mantillas, pelerines, handkerchiefs, veils, laces, shirts, drawers, bonnets, hats, caps, turbans, chemisettes, hose, mitts, aprons, stockings, gloves, suspenders, watch-chains, webbing, braids, fringes, galloons, tassels, cords, and trimmings, and ready-made clothing of silk, or of which silk is a component material of chief value: sixty per centum ad valorem.

14 July, 1870, c.
255, s. 21, v. 16, p.
262.

Buttons and ornaments for dresses and outside garments made of silk, or of which silk is the component material of chief value, and containing no wool, worsted, or goats' hair: fifty per centum ad valorem.

30 June, 1864, c.
171, s. 8, v. 13, p. 210.

Manufactures of silk, or of which silk is the component material of chief value, not otherwise provided for: fifty per centum ad valorem.

SCHEDULE I.—SPICES.

14 July, 1870, c.
255, s. 21, v. 16, p.
262.

Pimento and black, white, and red or cayenne pepper: five cents per pound.

Ground pimento and ground pepper of all kinds: ten cents per pound.

Cinnamon: twenty cents per pound.

Mace: twenty-five cents per pound.

Nutmegs: twenty cents per pound.
 Cloves: five cents per pound.
 Clove-stems: three cents per pound.
 Cassia and cassia vera: ten cents per pound.
 Cassia buds and ground cassia: twenty cents per pound.
 All other spices: twenty cents per pound; ground or prepared: thirty cents per pound.
 Ginger, ground: three cents per pound.
 Ginger, preserved or pickled: thirty-five per centum ad valorem.
 Essence of ginger: thirty-five per centum ad valorem.

6 June, 1872, c.
 315, s. 1, v. 17, p.
 230.

SCHEDULE J.—TOBACCO.

Cigars, cigarettes, and cheroots of all kinds: two dollars and fifty cents per pound, and, in addition thereto, twenty-five per centum ad valorem. But paper cigars and cigarettes, including wrappers, shall be subject to the same duties as are herein imposed upon cigars.

28 July, 1866, c.
 296, s. 1, v. 14, p.
 328.

Tobacco in leaf, unmanufactured and not stemmed: thirty-five cents per pound.

30 June, 1864, c.
 171, s. 2, v. 13, p. 202.

Tobacco-stems: fifteen cents per pound.

3 March, 1865, c.
 80, s. 3, v. 13, p. 493.

Tobacco manufactured, of all descriptions, and stemmed tobacco not otherwise provided for: fifty cents per pound.

30 June, 1864, c.
 171, s. 2, v. 13, p. 202.

Snuff and snuff-flour, manufactured of tobacco, ground, dry, or damp, and pickled, scented, or otherwise, of all descriptions: fifty cents per pound.

30 June, 1864, c.
 171, s. 2, v. 13, p. 202.

Unmanufactured tobacco, not otherwise provided for: thirty per centum ad valorem.

SCHEDULE K.—WOOD.

Timber, hewn or sawed; timber used in building wharves, and spars: twenty per centum ad valorem.

6 June, 1872, c.
 315, s. 1, v. 17, p.
 230.

Timber, squared or sided, not otherwise provided for: one cent per cubic foot.

Sawed boards, plank, deals, and other lumber of hemlock, white-wood, sycamore, and bass-wood: one dollar per thousand feet, board-measure.

All other varieties of sawed lumber: two dollars per thousand feet, board-measure. But when lumber of any sort is planed or finished, in addition to the rates herein provided, there shall be levied and paid, for each side so planed or finished, fifty cents per thousand feet; and if planed on one side and tongued and grooved, one dollar per thousand feet; and if planed on two sides and tongued and grooved, one dollar and fifty cents per thousand feet.

Hubs for wheels, posts, last-blocks, wagon-blocks, oar-blocks, gun-blocks, heading-blocks, and all like blocks or sticks, rough-hewn or sawed only: twenty per centum ad valorem.

Staves for pipes, hogsheads, and other casks: ten per centum ad valorem.

Staves not otherwise provided for: twenty per centum ad valorem.

Pickets and palings: twenty per centum ad valorem.

Laths: fifteen cents per thousand pieces.

Shingles: thirty-five cents per thousand.

Pine clapboards: two dollars per thousand.

Spruce clapboards: one dollar and fifty cents per thousand.

House or cabinet furniture, in pieces or rough, and not finished: thirty per centum ad valorem.

Cabinet wares and house furniture, finished: thirty-five per centum ad valorem.

Casks and barrels, empty, sugar-box shoofs, and packing-boxes of wood, not otherwise provided for: thirty per centum ad valorem.

6 June, 1872, c.
 315, s. 1, v. 17, p.
 230.

Manufactures of cedar-wood, granadilla, ebony, mahogany, rose-wood,

2 March, 1861, c. 68, s. 22, v. 12, p. 190. and satin-wood: thirty-five per centum ad valorem; manufactures of wood, or of which wood is the chief component part, not otherwise provided for: thirty-five per centum ad valorem.

14 July, 1862, c. 163, s. 13, v. 12, p. 555. Wood unmanufactured, not otherwise provided for: twenty per centum ad valorem.

2 March, 1861, c. 68, s. 20, v. 12, p. 189.

SCHEDULE L.—WOOL AND WOOLEN GOODS.

2 March, 1867, c. 197, s. 1, v. 14, p. 559. All wools, hair of the alpaca, goat, and other like animals, shall be divided, for the purpose of fixing the duties to be charged thereon, into the three following classes:

CLASS 1.—CLOTHING-WOOL.

22 March, 1867, Res. No. 8, v. 15, p. 21. That is to say, merino, mestiza, metz or metis wools, or other wools of merino blood, immediate or remote; down clothing-wools, and wools of like character with any of the preceding, including such as have been heretofore usually imported into the United States from Buenos Ayres, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain, Canada, and elsewhere, and also including all wools not hereinafter described or designated in classes two and three.

CLASS 2.—COMBING-WOOLS.

14 July, 1870, c. 255, s. 21, v. 16, p. 262. That is to say, Leicester, Cotswold, Lincolnshire, down combing-wools, Canada long wools, or other like combing-wools of English blood, and usually known by the terms herein used; and also all hair of the alpaca, goat, and other like animals.

CLASS 3.—CARPET-WOOLS AND OTHER SIMILAR WOOLS.

Such as Donskoi, native South American, Cordova, Valparaiso, native Smyrna, and including all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Egypt, Syria, and elsewhere. The duty upon wool of the first class which shall be imported washed, shall be twice the amount of the duty to which it would be subjected, if imported unwashed.

2 March, 1867, c. 197, s. 1, v. 14, p. 559. And the duty upon wool of all classes which shall be imported scoured shall be three times the duty to which it would be subject if imported unwashed. And the duty upon wool of the sheep, or hair of the alpaca, goat, and other like animals, which shall be imported in any other than the ordinary condition as now and heretofore practiced, or which shall be changed in its character or condition, for the purpose of evading the duty, or which shall be reduced in value by the admixture of dirt, or any other foreign substance, shall be twice the duty to which it would be otherwise subject.

Ibid. Wools of the first class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be thirty-two cents or less per pound: ten cents per pound, and, in addition thereto, eleven per centum ad valorem. Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed thirty-two cents per pound: twelve cents per pound, and, in addition thereto, ten per centum ad valorem.

2 March, 1867, c. 197, s. 1, v. 14, p. 559. Wools of the second class, and all hair of the alpaca, goat, and other like animals, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall be thirty-two cents or less per pound: ten cents per pound, and, in addition thereto, eleven per centum ad valorem.

Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed thirty-two cents per pound: twelve cents per pound, and, in addition thereto, ten per centum ad valorem.

Wools of the third class, the value whereof at the last port or place whence exported into the United States, excluding charges in such port, shall be twelve cents or less per pound: three cents per pound.

Wools of the same class, the value whereof at the last port or place whence exported to the United States, excluding charges in such port, shall exceed twelve cents per pound: six cents per pound.

Wools on the skin: the same rates as other wools, the quantity and value to be ascertained under such rules as the Secretary of the Treasury may prescribe. 14 July, 1870, c. 255, s. 21, v. 16, p. 262.

Sheep-skins and Angora goat skins, raw or unmanufactured, imported with the wool on, washed or unwashed: thirty per centum ad valorem on the skins alone.

Woolen rags, shoddy, mungo, waste, and flocks: twelve cents per pound. 2 March, 1867, c. 197, s. 1, v. 14, p. 559.

Woolen cloths, woolen shawls, and all manufactures of wool of every description, made wholly or in part of wool, not herein otherwise provided for: fifty cents per pound, and, in addition thereto, thirty-five per centum ad valorem. 2 March, 1867, c. 197, s. 1 v. 14, p. 559.

Flannels, blankets, hats of wool, knit goods, balmorals, woolen and worsted yarns, and all manufactures of every description composed wholly or in part of worsted, the hair of the alpaca, goat, or other like animals, except such as are composed in part of wool, not otherwise provided for, valued at not exceeding forty cents per pound: twenty cents per pound; valued at above forty cents per pound and not exceeding sixty cents per pound: thirty cents per pound; valued at above sixty cents per pound and not exceeding eighty cents per pound: forty cents per pound; valued at above eighty cents per pound: fifty cents per pound; and, in addition thereto, upon all the above-named articles: thirty-five per centum ad valorem. 2 March, 1867, c. 197, s. 2, v. 14, p. 561.

Endless belts or felts for paper or printing machines: twenty cents per pound and thirty-five per centum ad valorem.

Bunting: twenty cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Women's and children's dress-goods and real or imitation Italian cloths, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other like animals, valued at not exceeding twenty cents per square yard: six cents per square yard, and, in addition thereto, thirty-five per centum ad valorem; valued at above twenty cents per square yard: eight cents per square yard, and, in addition thereto, forty per centum ad valorem. But on all goods weighing four ounces and over per square yard, the duty shall be fifty cents per pound, and, in addition thereto, thirty-five per centum ad valorem.

Clothing ready made, and wearing apparel of every description, and balmoral skirts and skirting, and goods of similar description, or used for like purposes, composed wholly or in part of wool, worsted, the hair of the alpaca, goat, or other like animals, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, except knit goods: fifty cents per pound, and, in addition thereto, forty per centum ad valorem.

Webbings, beltings, bindings, braids, galloons, fringes, gimps, cords, cords and tassels, dress-trimmings, head-nets, buttons, or barrel buttons, or buttons of other forms for tassels or ornaments, wrought by hand or braided by machinery, made of wool, worsted, or mohair, or of which wool, worsted, or mohair is a component material: fifty cents per pound, and, in addition thereto, fifty per centum ad valorem. 2 March, 1867, c. 197, s. 2, v. 14, p. 561.

Aubusson and Axminster carpets, and carpets woven whole for rooms: fifty per centum ad valorem. 29 March, 1867, Res. No. 19, v. 15, p. 24.

Saxony, Wilton, and Tornay velvet carpets, wrought by the Jacquard machine: seventy cents per square yard, and, in addition thereto, thirty-five per centum ad valorem. 2 March, 1867, c. 197, s. 2, v. 14, p. 561.

Brussels carpets, wrought by the Jacquard machine: forty-four cents

per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Patent velvet and tapestry velvet carpets, printed on the warp or otherwise: forty cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Tapestry Brussels carpets printed on the warp or otherwise: twenty-eight cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Treble ingrain, three-ply, and worsted chain Venetian carpets: seventeen cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Yarn Venetian and two-ply ingrain carpets: twelve cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Druggets and bookings, printed, colored, or otherwise: twenty-five cents per square yard, and, in addition thereto, thirty-five per centum ad valorem.

Hemp or jute carpeting: eight cents per square yard.

Carpets and carpetings of wool, flax, or cotton, or parts of either, or other material not otherwise herein specified: forty per centum ad valorem. And mats, rugs, screens, covers, hassocks, bedsides, and other portions of carpets or carpetings shall be subjected to the rate of duty herein imposed on carpets or carpeting of like character or description, and the duty on all other mats, (not exclusively of vegetable material,) screens, hassocks, and rugs, shall be forty-five per centum ad valorem.

2 March, 1867, c.
197, s. 2, v. 14, p.
561.

Oil-cloths for floors, stamped, painted, or printed, valued at fifty cents or less per square yard, thirty-five per centum ad valorem; valued at over fifty cents per square yard, and on all other oil-cloth, (except silk oil-cloth,) and on water-proof cloth, not otherwise provided for, forty-five per centum ad valorem.

Oil-silk cloth: sixty per centum ad valorem.

SCHEDULE M.—SUNDRIES.

2 March, 1861, c.
68, ss. 9, 15, 19, 20,
21, 22, v. 12, pp.
182, 186, 187, 189,
190.

5 Aug., 1861, c.
45, ss. 1, 2, v. 12, p.
292.

14 July, 1862, c.
163, ss. 5, 6, 7, 8, 13,
v. 12, pp. 546, 549,
550, 555.

3 March, 1863, c.
77, s. 7, v. 12, p. 742.

30 June, 1864, c.
171, ss. 10, 11, 12, 13,
v. 13, pp. 211, 213,
214.

14 July, 1870, c.
255, s. 21, v. 16, p.
262.

6 June, 1872, c.
315, ss. 1, 4, v. 17,
pp. 230, 232.

Acetates.—Of ammonia, twenty-five cents per pound; baryta, twenty-five cents per pound; copper, ten cents per pound; iron, twenty-five cents per pound; lead, brown, five cents per pound; white, ten cents per pound; lime, twenty-five per centum ad valorem; magnesia, fifty cents per pound; potassa, twenty-five cents per pound; soda, twenty-five cents per pound; strontia, twenty-five cents per pound; zinc, twenty-five cents per pound.

Acids.—Acetic, acetous, and pyroligneous of specific gravity of 1.047, or less, five cents per pound; acetic, acetous, and pyroligneous of specific gravity over 1.047, thirty cents per pound; benzoic, ten per centum ad valorem; carbolic, liquid, ten per centum ad valorem; chromic, fifteen per centum ad valorem; citric, ten cents per pound; gallic, one dollar per pound; nitric, ten per centum ad valorem; sulphuric, fuming, (Nordhausen,) one cent per pound; tannic, one dollar per pound; tartaric, fifteen cents per pound; and all other acids of every description used for medicinal purposes, or in the fine arts, not otherwise provided for, ten per centum ad valorem.

Acorn, and dandelion root, raw or prepared, and all other articles used or intended to be used as coffee or a substitute for coffee, not otherwise provided for: three cents per pound.

Alabaster and spar ornaments: thirty per centum ad valorem.

Albata, unmanufactured: thirty-five per centum ad valorem.

Almonds: six cents per pound; shelled: ten cents per pound.

Alum, patent alum, alum substitute, sulphate of alumina, and aluminous cake: sixty cents per one hundred pounds.

Ammonia.—Ammonia, and sulphate and carbonate of ammonia: twenty per centum ad valorem; sal ammonia and muriate of ammonia: ten per centum ad valorem.

Animals, live: twenty per centum ad valorem.

Antimony, crude, and regulus of: ten per centum ad valorem.

Argols, (other than crude:) six cents per pound.

Asbestos, manufactured: twenty-five per centum ad valorem.

Arrowroot: thirty per centum ad valorem.

Asphaltum: twenty-five per centum ad valorem.

Assafœtida: twenty per centum ad valorem.

Balsams, used for medicinal purposes, not otherwise provided for: thirty per centum ad valorem.

Barley, pearl or hulled: one cent per pound.

Barytes, and sulphate of: one-half cent per pound; nitrate of: twenty per centum ad valorem.

Baskets, and all other articles composed of grass, osier, palm-leaf, whalebone, or willow, not otherwise provided for: thirty-five per centum ad valorem; composed of straw: thirty-five per centum ad valorem.

Bay-rum or bay-water, whether distilled or compounded: one dollar per gallon of first proof, and in proportion for any greater strength than first proof.

All beads and bead ornaments, except amber: fifty per centum ad valorem.

Bees-wax: twenty per centum ad valorem.

Benzoates: thirty per centum ad valorem.

Billiard-chalk: fifty per centum ad valorem.

Black of bone, or ivory drop black: twenty-five per centum ad valorem.

Blacking of all descriptions: thirty per centum ad valorem.

Bladders, manufactures of: thirty per centum ad valorem.

Manufactures of bones, horn, ivory, or vegetable ivory: thirty-five per centum ad valorem.

Bonnets, hats, and hoods, for men, women, and children, composed of chip, grass, palm-leaf, willow, or any other vegetable substance, hair, whalebone, or other material, not otherwise provided for: forty per centum ad valorem; composed of straw: forty per centum ad valorem.

Books, periodicals, pamphlets, blank-books, bound or unbound, and all printed matter, engravings, bound or unbound, illustrated books and papers, and maps and charts: twenty-five per centum ad valorem.

Borax, refined: ten cents per pound.

Bouillons or cannetille, and metal threads, filé or gespinst: twenty-five per centum ad valorem.

Brick, fire-brick, and roofing and paving-tile, not otherwise provided for: twenty per centum ad valorem.

Brimstone, in rolls, or refined: ten dollars per ton.

Bristles: fifteen cents per pound.

Britannia ware: thirty-five per centum ad valorem.

Bronze liquor: ten per centum ad valorem.

Bronze powder: twenty per centum ad valorem.

Brooms of all kinds: thirty-five per centum ad valorem.

Brushes of all kinds: forty per centum ad valorem.

Bulbous roots, not otherwise provided for: thirty per centum ad valorem.

Burning-fluid: fifty cents per gallon.

Burr-stones, manufactured or bound up into millstones: twenty per centum ad valorem.

Buttons and button-molds, not otherwise provided for: thirty per centum ad valorem.

Calomel: thirty per centum ad valorem.

Camphor, refined: five cents per pound.

Candles and tapers, stearine and adamantine: five cents per pound; spermaceti, paraffine, and wax candles and tapers, pure or mixed: eight cents per pound; all other candles and tapers: two and one-half cents per pound.

Canes, and sticks for walking, finished or unfinished: thirty-five per centum ad valorem.

Card-cases, pocket-books, shell-boxes, souvenirs, and all similar articles of whatever material composed: thirty-five per centum ad valorem.

Carriages and parts of carriages: thirty-five per centum ad valorem.

Castor beans or seeds, per bushel of fifty pounds: sixty cents.

Chicory-root, ground or unground: one cent per pound.

Chicory-root, burnt or prepared: five cents per pound.

Chloroform: one dollar per pound.

Chocolate: five cents per pound.

Chronometers, box or ship's, and parts thereof: ten per centum ad valorem.

Clocks, and parts of clocks: thirty-five per centum ad valorem.

Clothing, ready-made, and wearing-apparel of every description, of whatever material composed, except wool, silk, and linen, made up or manufactured wholly or in part by the tailor, seamstress, or manufacturer, not otherwise provided for, caps, gloves, leggins, mitts, socks, stockings, wove shirts and drawers, and all similar articles made on frames, of whatever material composed, except silk and linen, worn by men, women, or children, and not otherwise provided for, articles worn by men, women, or children, of whatever material composed, except silk and linen, made up, or made wholly or in part by hand, not otherwise provided for: thirty-five per centum ad valorem.

Coach and harness furniture of all kinds, saddlery, coach and harness hardware, silver plated, brass, brass plated or covered, common tinued, burnished or japanned, not otherwise provided for: thirty-five per centum ad valorem.

Slack coal or culm, such as will pass through a half-inch screen: forty cents per ton of twenty-eight bushels, eighty pounds to the bushel; bituminous coal, and shale: seventy-five cents per ton of twenty-eight bushels, eighty pounds to the bushel.

Cobalt, oxide of: twenty per centum ad valorem.

Cocoa, prepared or manufactured: two cents per pound.

Coke: twenty-five per centum ad valorem.

Collodion and ethers of all kinds, not otherwise provided for, and etherial preparations or extracts, fluid: one dollar per pound.

Coloring for brandy: fifty per centum ad valorem.

Combs of all kinds: thirty-five per centum ad valorem.

Comfits, sweetmeats, or fruits preserved in sugar, brandy, or molasses, not otherwise provided for: thirty-five per centum ad valorem.

Compositions of glass or paste, when set: thirty per centum ad valorem; when not set: ten per centum ad valorem.

Composition tops for tables, or other articles of furniture: thirty-five per centum ad valorem.

Copperas, green vitriol, or sulphate of iron: one-half of one cent per pound.

Coral, cut or manufactured: thirty per centum ad valorem.

Corks and cork-bark, manufactured: thirty per centum ad valorem.

Corsets, or manufactured cloth, woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for corsets, when valued at six dollars per dozen or less: two dollars per dozen; when valued over six dollars per dozen: thirty-five per centum ad valorem.

Court-plaster: thirty-five per centum ad valorem.

Crayons of all kinds: thirty per centum ad valorem.

Cream tartar: ten cents per pound.

Cutlery of all kinds: thirty-five per centum ad valorem.

Currants, Zante, or other: one cent per pound.

Dates and prunes: one cent per pound.

Dolls: thirty-five per centum ad valorem.

Dried pulp: twenty per centum ad valorem.

Drugs, medicinal and other, crude, not otherwise provided for: twenty per centum ad valorem.

Embroidery.—Manufactures of cotton, linen or silk, if embroidered or tamboured, in the loom or otherwise, by machinery or with the needle, or other process, not otherwise provided for: thirty-five per centum ad valorem; articles embroidered with gold and silver or other metal: thirty-five per centum ad valorem.

Emery-grains: two cents per pound; emery-ore: six dollars per ton.

Emery, manufactured, ground, or pulverized, one cent per pound.

Encaustic tiles: thirty-five per centum ad valorem.

Epaulets, galloons, laces, knots, stars, tassels, tresses, and wings of gold, silver, or other metal: thirty-five per centum ad valorem.

Essences, extracts, toilet-waters, cosmetics, hair-oils, pomades, hair-dressings, hair-restoratives, hair-dyes, tooth-washes, dentifrice, tooth-pastes, aromatic cachous, or other perfumeries or cosmetics, by whatsoever name or names known, used or applied as perfumes or applications to the hair, mouth, or skin: fifty per centum ad valorem; cologne-water and other perfumery, of which alcohol forms the principal ingredient: three dollars per gallon, and fifty per centum ad valorem; rum essence or oil, and bay-rum essence or oil: fifty cents per ounce.

Eyelets of every description: six cents per thousand.

Fans and fire-screens of every description, except common palm-leaf fans, of whatever material composed: thirty-five per centum ad valorem.

Feathers: ostrich, vulture, cock, and other ornamental, crude or not dressed, colored or manufactured: twenty-five per centum ad valorem; when dressed, colored, or manufactured: fifty per centum ad valorem. Artificial and ornamental feathers and flowers, or parts thereof, of whatever material composed, not otherwise provided for: fifty per centum ad valorem.

Feather-beds: twenty per centum ad valorem.

Feldspar: twenty per centum ad valorem.

Figs: two and one-half cents per pound.

Filberts and walnuts, of all kinds: three cents per pound.

Finishing-powder: twenty per centum ad valorem.

Fire-crackers: one dollar per box of forty packs, not exceeding eighty to each pack, and in the same proportion for any greater or less number.

Fire-crackers, not otherwise provided for: thirty per centum ad valorem.

Fish-skins: twenty per centum ad valorem.

Fruit ethers, essences or oils of apple, pear, peach, apricot, strawberry, and raspberry, made of fusel-oil or of fruit, or imitations thereof: two dollars and fifty cents per pound.

Fruits.—Oranges, lemons, pine-apples, and grapes: twenty per centum ad valorem; limes, bananas, plantains, shaddocks, mangoes, ten per centum ad valorem. But no allowance shall be made for loss by decay on the voyage, unless the loss shall exceed twenty-five per centum of the quantity, and the allowance then made shall be only for the amount of loss in excess of twenty-five per centum of the whole quantity. Green, ripe, or dried, not otherwise provided for: ten per centum ad valorem; preserved in their own juice, and fruit-juice: twenty-five per centum ad valorem.

Fulminates, fulminating-powders, and all articles used for like purposes, not otherwise provided for: thirty per centum ad valorem.

Fur, articles made of: Caps, hats, muffs, and tippets of fur, and all other manufactures of fur, or of which fur shall be a component material: thirty-five per centum ad valorem.

Fusel-oil, or amylic alcohol: two dollars per gallon.

Gelatine, and all similar preparations, not otherwise provided for: thirty-five per centum ad valorem.

Glass plates or disks, unwrought, for optical instruments: ten per centum ad valorem.

Gloves, kid or other leather, of all descriptions, for men's, women's, or children's wear: fifty per centum ad valorem.

Glue: twenty per centum ad valorem.

Glycerine: thirty per centum ad valorem.

Grease, all not specified: ten per centum ad valorem.

Grindstones, rough or unfinished: one dollar and fifty cents per ton; finished: two dollars per ton.

Gum substitute, or burnt starch: ten per centum ad valorem.

Gunpowder and all explosive substances used for mining, blasting, artillery, or sporting purposes, when valued at twenty cents or less per pound: six cents per pound, and, in addition thereto, twenty per centum ad valorem; valued above twenty cents per pound: ten cents per pound, and, in addition thereto, twenty per centum ad valorem.

Gutta-percha, manufactured: forty per centum ad valorem.

Hair.—Bracelets, braids, chains, curls, or ringlets, composed of hair, or of which hair is a component material: thirty-five per centum ad valorem; curled hair, except hair of hogs, used for beds or mattresses: thirty per centum ad valorem; hair of hogs: one cent per pound; human hair, raw, uncleaned, and not drawn: twenty per centum ad valorem; when cleaned or drawn, but not manufactured: thirty per centum ad valorem; when manufactured: forty per centum ad valorem; hair of all kinds, cleaned, but unmanufactured, not otherwise provided for: ten per centum ad valorem.

Hair-cloth known as "crinoline-cloth," and all other manufactures of hair, not otherwise provided for: thirty per centum ad valorem; of the description known as "hair-seating," eighteen inches wide or over: forty cents per square yard; less than eighteen inches wide: thirty cents per square yard.

Hair-pencils: thirty-five per centum ad valorem.

Hair-pins, made of iron wire: fifty per centum ad valorem.

Hat-bodies of cotton: thirty-five per centum ad valorem.

Hats, &c., materials for.—Braids, plaits, flats, laces, trimmings, tissues, willow sheets and squares, used for making or ornamenting hats, bonnets, and hoods, composed of straw, chip, grass, palm-leaf, willow, or any other vegetable substance, or of hair, whalebone, or other material, not otherwise provided for: thirty per centum ad valorem.

Hatters' furs not on the skin, and dressed furs on the skin: twenty per centum ad valorem.

Hatters' plush, composed of silk and cotton, but of which cotton is the component material of chief value: twenty-five per centum ad valorem.

Hempseed and rapeseed, and other oil-seeds of like character other than linseed or flaxseed: one-half cent per pound.

Hoffman's anodyne and spirits of nitric ether: fifty cents per pound.

Honey: twenty cents per gallon.

Hops: five cents per pound.

India rubber and silk, manufactures of, or manufactures of India rubber and silk and other materials: fifty per centum ad valorem.

India rubber, articles composed of.—Braces, suspenders, webbing, or other fabrics, composed wholly or in part of India rubber, not otherwise provided for: thirty-five per centum ad valorem.

Articles composed wholly of India rubber, not otherwise provided for: twenty-five per centum ad valorem.

India rubber boots and shoes: thirty per centum ad valorem.

Ink, printers' ink, and ink-powders: thirty-five per centum ad valorem.

Insulators for use exclusively in telegraphy, except those made of glass: twenty-five per centum ad valorem.

Iodine, salts of: fifteen per centum ad valorem; resublimed: seventy-five cents per pound.

Ivory or bone dice, draughts, chess-men, chess-balls, and bagatelle-balls: fifty per centum ad valorem.

Japanned ware of all kinds, not otherwise provided for: forty per centum ad valorem.

Jellies of all kinds: fifty per centum ad valorem.

Jet, manufactures and imitations of: thirty-five per centum ad valorem.

Lead, nitrate of: three cents per pound.

Leather.—Bend or belting-leather, and Spanish or other sole-leather: fifteen per centum ad valorem; calf-skins, tanned, or tanned and dressed: twenty-five per centum ad valorem; upper-leather of all other kinds, and skins dressed and finished of all kinds, not otherwise provided for: twenty per centum ad valorem; skins for morocco, tanned, but unfinished: ten per centum ad valorem; manufactures and articles of leather, or of which leather shall be a component part, not otherwise provided for: thirty-five per centum ad valorem.

Leather and skins, japanned, patent or enameled: thirty-five per centum ad valorem.

All leather and skins, tanned, not otherwise provided for: twenty-five per centum ad valorem.

Lemon and lime-juice: ten per centum ad valorem.

Licorice-paste, or licorice in rolls: ten cents per pound.

Licorice-juice: five cents per pound.

Lime: ten per centum ad valorem.

Linseed or flaxseed: twenty cents per bushel of fifty-six pounds weight. But no drawback shall be allowed on oil-cake made from imported seed.

Magnesia, carbonate: six cents per pound; calcined, twelve cents per pound.

Malt: twenty per centum ad valorem.

Marble.—Marble, white statuary, brocatella, sienna, and verd-antique, in block, rough or squared: one dollar per cubic foot, and, in addition thereto, twenty-five per centum ad valorem; veined marble and marble of all other descriptions, not otherwise provided for, in block, rough or squared: fifty cents per cubic foot, and, in addition thereto, twenty per centum ad valorem; sawed, dressed, or polished marble, marble slabs, and marble paving-tiles: thirty per centum ad valorem, and, in addition, twenty-five cents per superficial square foot not exceeding two inches in thickness. If more than two inches in thickness, ten cents per foot, in addition to the above rate, for each inch or fractional part thereof in excess of two inches in thickness, but if exceeding six inches in thickness, such marble shall be subject to the duty imposed upon marble blocks. All manufactures of marble not otherwise provided for: fifty per centum ad valorem.

Mats of cocoa-nut: thirty per centum ad valorem.

Matting, China, and other floor-matting, and mats made of flags, jute, or grass: thirty per centum ad valorem. Cocoa or coir: twenty-five per centum ad valorem.

Medicinal preparations not otherwise provided for: forty per centum ad valorem.

Mercurial preparations not otherwise provided for: twenty per centum ad valorem.

Mineral and bituminous substances in a crude state not otherwise provided for: twenty per centum ad valorem.

Mineral kermes: ten per centum ad valorem.

Mineral or medicinal waters, artificial, for each bottle or jug containing not more than one quart: three cents, and, in addition thereto, twenty-five per centum ad valorem; containing more than one quart: three cents for each additional quart, or fractional part thereof, and, in addition thereto, twenty-five per centum ad valorem. Otherwise than in bottles, thirty per centum ad valorem.

Morphia, and all salts of morphia: one dollar per ounce.

Music, printed with lines, bound or unbound: twenty per centum ad valorem.

Musical instruments of all kinds: thirty per centum ad valorem.

Muskets, rifles, and other fire-arms: thirty-five per centum ad valorem.

Mustard, ground, in bulk: ten cents per pound; when inclosed in glass or tin: fourteen cents per pound.

Needles, sewing, darning, knitting, and all other descriptions not otherwise provided for: twenty-five per centum ad valorem.

Nuts of all kinds, not otherwise provided for: two cents per pound.

Oils.—Illuminating, and naphtha, benzine, and benzole, refined or produced from the distillation of coal, asphaltum, shale, peat, petroleum or rock-oil, or other bituminous substances used for like purposes: forty cents per gallon; coal-oil, crude: fifteen cents per gallon; crude petroleum or rock-oil: twenty cents per gallon; croton: one dollar per pound; olive, in flasks or bottles, and salad: one dollar per gallon; castor: one dollar per gallon; cloves: two dollars per pound; cognac or œnanthic ether: four dollars per ounce; linseed or flaxseed: thirty cents per gallon, seven pounds and a half of weight to be estimated as a gallon; hempseed and rapeseed: twenty-three cents per gallon; neat's-foot, and all animal, whale, seal, and fish oils: twenty per centum ad valorem; cottonseed: thirty cents per gallon; benne: thirty cents per gallon.

Oils, essential or essence.—Bay-leaves: seventeen dollars and fifty cents per pound; cubebs: one dollar per pound; lemons: fifty cents per pound; orange: fifty cents per pound; all other essential oils, not otherwise provided for: fifty per centum ad valorem.

Oils, fixed or expressed.—Bay or laurel: twenty cents per pound; olive, not salad: twenty-five cents per gallon; mustard, not salad: twenty-five cents per gallon; oils expressed, not otherwise provided for: twenty per centum ad valorem.

Opium: one dollar per pound; prepared for smoking, and all other preparations of opium not otherwise provided for: six dollars per pound. But opium prepared for smoking, and other preparations of opium, deposited in bonded warehouse, shall not be removed therefrom for exportation without payment of duties, and such duties shall not be refunded.

Osier or willow, prepared for basket-makers' use: thirty per centum ad valorem.

Paintings and statuary, not otherwise provided for: ten per centum ad valorem. But the term "statuary," as used in the laws now in force imposing duties on foreign importations, shall be understood to include professional productions of a statuary or of a sculptor only.

Paints and dyes.—Aniline dyes and colors, by whatever name known: fifty cents per pound, and thirty-five per centum ad valorem.

Blanc-fixe, enameled white, satin-white, lime-white, and all combinations of barytes with acids or water: three cents per pound; carmine lake, dry or liquid: thirty-five per centum ad valorem.

French green, Paris green, mineral green, mineral blue, and Prussian blue, dry or moist: thirty per centum ad valorem.

Indian red: twenty-five per centum ad valorem.

Indigo, extract of: ten per centum ad valorem; carmined: twenty per centum ad valorem.

Iron liquor: ten per centum ad valorem.

Lamp-black: twenty per centum ad valorem.

Lastings, mohair cloth, silk twist, or other manufactures of cloth woven or made in patterns of such size, shape, and form, or cut in such manner as to be fit for buttons exclusively, not combined with India rubber: ten per centum ad valorem.

Lead, white or red, and litharge, dry or ground in oil: three cents per pound.

Logwood, and other dye-woods, extracts and decoctions of: ten per centum ad valorem.

Ochers and ochery earths, not otherwise provided for, when dry: fifty cents per one hundred pounds; when ground in oil: one dollar and fifty cents per one hundred pounds; Spanish brown: twenty-five per centum ad valorem.

Sumac: ten per centum ad valorem.

Ultramarine: six cents per pound.

Umber: fifty cents per one hundred pounds.

Vandyke brown: twenty per centum ad valorem.

Water-colors: thirty-five per centum ad valorem.

Wood lake, Venetian red, vermilion, chrome-yellow, rose-pink, Dutch pink, and paints and painters' colors, (except white and red lead and oxide of zinc,) dry or ground in oil, and moist water-colors used in the manufacture of paper-hangings and colored papers and cards, not otherwise provided for: twenty-five per centum ad valorem.

Zinc, oxide of, dry or ground in oil: one and three-fourths cents per pound.

Paper.—Sized or glued, suitable only for printing paper: twenty-five per centum ad valorem; printing, unsized, used for books and newspapers exclusively: twenty per centum ad valorem; manufactures of, or of which paper is a component material, not otherwise provided for: thirty-five per centum ad valorem; sheathing paper: ten per centum ad valorem.

Paper boxes, and all other fancy boxes: thirty-five per centum ad valorem.

Paper envelopes: thirty-five per centum ad valorem.

Paper-hangings and paper for screens or fire-boards; paper, antiquarian, demy, drawing, elephant, foolscap, imperial letter, and all other paper not otherwise provided for: thirty-five per centum ad valorem.

Papier-maché, manufactures, articles, and wares of: thirty-five per centum ad valorem.

Paraffine: ten cents per pound.

Parchment: thirty per centum ad valorem.

Patent size: twenty per centum ad valorem.

Paving-stones not otherwise provided for: ten per centum ad valorem.

Pea-nuts or ground beans: one cent per pound; shelled, one and a half cents per pound.

Pencils of wood, filled with lead or other materials: fifty cents per gross, and, in addition thereto, thirty per centum ad valorem.

Pencils, lead, not in wood: one dollar per gross.

Pens, metallic: ten cents per gross, and, in addition thereto, twenty-five per centum ad valorem.

Pen-tips and pen-holders, or parts thereof: thirty-five per centum ad valorem.

Percussion-caps: forty per centum ad valorem.

Philosophical apparatus and instruments: forty per centum ad valorem: *Provided*, That any philosophical apparatus and instruments imported for the use of any society incorporated for religious purposes, are subject to a duty of fifteen per centum ad valorem.

Pins, solid-head or other: thirty-five per centum ad valorem.

Pipe-cases, pipe-stems, tips, mouth-pieces, and metallic mountings for pipes, and all other parts of pipes or pipe-fixtures, and all smokers' articles: seventy-five per centum ad valorem.

Pipes and pipe-bowls.—Meerschanm, wood, porcelain, lava, and all other tobacco-smoking pipes and pipe-bowls, not otherwise provided for: one dollar and fifty cents per gross, and, in addition thereto, seventy-five per centum ad valorem; pipes, clay, common or white: thirty-five per centum ad valorem.

Pitch: twenty per centum ad valorem.

Plants.—Fruit, shade, lawn, and ornamental trees, shrubs, plants, and flower-seeds, not otherwise provided for; garden seeds, and all other seeds for agricultural and horticultural purposes, not otherwise provided for: twenty per centum ad valorem.

Plaster of Paris, when ground or calcined: twenty per centum ad valorem.

Plated and gilt ware of all kinds: thirty-five per centum ad valorem.

Plates, engraved, of steel: twenty-five per centum ad valorem; of wood or other material: twenty-five per centum ad valorem.

Playing-cards, costing not over twenty-five cents per pack: twenty-

five cents per pack; costing over twenty-five cents per pack: thirty-five cents per pack.

Plums: two and one-half cents per pound.

Polishing-powders of all descriptions, Frankfort black, and Berlin, Chinese, fig, and wash blue: twenty-five per centum ad valorem.

Potash.—Bichromate of: three cents per pound; chlorate and chromate of: three cents per pound; hydriodate, iodate, iodide: seventy-five cents per pound; acetate: twenty-five cents per pound; prussiate, yellow: five cents per pound; prussiate, red: ten cents per pound.

Precious stones and jewelry.—Diamonds, cameos, mosaics, gems, pearls, rubies, and other precious stones, when not set: ten per centum ad valorem; when set in gold, silver, or other metal, or on imitations thereof, and all other jewelry: twenty-five per centum ad valorem; watch-jewels: ten per centum ad valorem.

Proprietary medicines: Pills, powders, tinctures, troches or lozenges, sirups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, spirits, oils, or other medicinal preparations or compositions, recommended to the public as proprietary medicines, or prepared according to some private formula or secret art as remedies or specifics for any disease or diseases or affection whatever affecting the human or animal body: fifty per centum ad valorem.

Putty: one dollar and fifty cents per one hundred pounds.

Quicksilver: fifteen per centum ad valorem.

Quinine, salts of, other than sulphate of: forty-five per centum ad valorem; sulphate of: twenty per centum ad valorem.

Rags of whatever material, not otherwise provided for: ten per centum ad valorem.

Raisins: two and one-half cents per pound.

Rattans and reeds, manufactured or partially manufactured: twenty-five per centum ad valorem.

Red precipitate: twenty per centum ad valorem.

Resins, gum, not otherwise provided for, and rosin: twenty per centum ad valorem.

Rochelle salts: five cents per pound.

Roman cement: twenty per centum ad valorem.

Saleratus and bicarbonate of soda: one and one-half cents per pound.

Sal-soda and soda-ash: one-fourth of one cent per pound.

Salt.—In bags, sacks, barrels, or other packages: twelve cents per one hundred pounds; in bulk: eight cents per one hundred pounds.

Saltpeter.—Crude: one cent per pound; refined and partially refined: two cents per pound.

Salts.—Epsom: one cent per pound; glauber: one-half of one cent per pound; preparations of, not otherwise provided for: twenty per centum ad valorem.

Santonine: three dollars per pound.

Scagliola tops, for tables or other articles of furniture: thirty-five per centum ad valorem.

Sealing-wax: thirty-five per centum ad valorem.

Shaddock: ten per centum ad valorem.

Shells, manufactures of: thirty-five per centum ad valorem.

Side-arms of every description, not otherwise provided for: thirty-five per centum ad valorem.

Skates costing twenty cents or less per pair: eight cents per pair; costing over twenty cents per pair: thirty-five per centum ad valorem.

Smalts: twenty per centum ad valorem.

Soap, fancy, perfumed, honey, transparent, and all descriptions of toilet and shaving soaps: ten cents per pound, and, in addition thereto, twenty-five per centum ad valorem; soap not otherwise provided for: one cent per pound, and, in addition thereto, thirty per centum ad valorem.

Soda.—Caustic: one and one-half cents per pound; hyposulphate of, and all carbonates of, by whatever name designated, not otherwise pro-

vided for: twenty per centum ad valorem; silicate of, or other alkaline silicates: one-half cent per pound.

Sponges: twenty per centum ad valorem.

Sporting-gun wads of all descriptions: thirty-five per centum ad valorem.

Starch, made of potatoes or corn: one cent per pound, and twenty per centum ad valorem; made of rice, or any other material: three cents per pound, and twenty per centum ad valorem.

Staves for pipes, hogsheads, or other casks: ten per centum ad valorem; other staves: twenty per centum ad valorem.

Stereotype plates: twenty-five per centum ad valorem.

Stones: freestone, granite, sandstone, and all building or monumental stone, except marble: one dollar and fifty cents per ton.

Strings: all strings of whip-gut or cat-gut, other than strings for musical instruments, thirty per centum ad valorem.

Strychnia: one dollar per ounce.

Strychnine, salts of, not otherwise provided for: one dollar and fifty cents per ounce.

Sulphur, flour of: twenty dollars per ton and fifteen per centum ad valorem.

Tallow: one cent per pound.

Tannin: two dollars per pound.

Tar: twenty per centum ad valorem.

Tartar-emetic: fifteen cents per pound.

Teeth, manufactured: twenty per centum ad valorem.

Tin, oxide, muriatic and salts of tin and tin-foil: thirty per centum ad valorem.

Toys, wooden and other, for children: fifty per centum ad valorem.

Twine or pack-thread, not otherwise provided for: thirty-five per centum ad valorem.

Turpentine, spirits of: thirty cents per gallon.

Types, new: twenty-five per centum ad valorem.

Type-metal: twenty-five per centum ad valorem.

Umbrella and parasol ribs and stretchers, frames, tips, runners, handles, or other parts thereof, when made in whole or chief part of iron, steel, or any other metal: forty-five per centum ad valorem; umbrellas, parasols, and sun-shades, when covered with silk or alpaca: sixty per centum ad valorem; all other umbrellas: forty-five per centum ad valorem.

Umbrellas, parasols, and sun-shades, frames and sticks for, finished or unfinished, not otherwise provided for: thirty-five per centum ad valorem.

Varnish valued at one dollar and fifty cents or less per gallon: fifty cents per gallon, and twenty per centum ad valorem; valued at above one dollar and fifty cents per gallon: fifty cents per gallon, and twenty-five per centum ad valorem.

Veilum: thirty per centum ad valorem.

Velvet, when printed or painted: thirty-five per centum ad valorem.

Vitriol, white, or sulphate of zinc: twenty per centum ad valorem; blue vitriol: four cents per pound.

Waste, all not otherwise provided for: twenty per centum ad valorem.

Watches, watch-cases, watch-movements, parts of watches, and watch materials: twenty-five per centum ad valorem.

Webbing, composed of cotton, flax, or any other materials, not otherwise provided for: thirty-five per centum ad valorem.

THE FREE LIST.

SEC. 2505. The importation of the following articles shall be exempt from duty:

Acids: arsenious, crude; boracic; nitric, not chemically pure; muriatic; oxalic; picric and nitro-picric; succinic; sulphuric. But car-

Free list.

2 March, 1861, c.
68, s. 23, v. 12, p.
193.
3 Feb., 1868, c. 5,
v. 15, p. 34.

14 July, 1870, c. 255, s. 22, v. 16, p. 265. boys containing acids shall be subject to the same duty as if empty. And all acids of every description used for chemical and manufacturing purposes, not otherwise provided for.

1 May, 1872, c. 131, v. 17, p. 59. Aconite, root, leaf, and bark.

6 June, 1872, c. 315, s. 5, v. 17, p. 233. Agaric.

Agates, unmanufactured.

Albumen and lactarine.

Alcornoque.

Alkanet root.

Alkekeugi.

Almond-shells.

Aloes.

Aluminium.

Amber beads.

Ambergris.

Amber gum.

American manufactures of casks, barrels, or carboys, and other vessels, and grain-bags, [the manufacture of the United States,] if exported containing American produce, and declaration be made of intent to return the same empty, under such regulations as shall be prescribed by the Secretary of the Treasury.

Ammonia, crude.

Angelica root.

Aniline oil, crude.

Animals brought into the United States temporarily and for a period not exceeding six months, for the purpose of exhibition or competition for prizes offered by any agricultural or racing association. But a bond shall be first given, in accordance with the regulations to be prescribed by the Secretary of the Treasury, with the condition that the full duty to which such animals would otherwise be liable shall be paid in case of their sale in the United States, or if not re-exported within six months.

Animals, alive, specially imported for breeding purposes from beyond the seas, shall be admitted free, upon proof thereof satisfactory to the Secretary of the Treasury, and under such regulations as he may prescribe. And teams of animals, including their harness and tackle, actually owned by persons immigrating to the United States with their families from foreign countries, and in actual use for the purposes of such immigration, shall also be admitted free of duty, under such regulations as the Secretary of the Treasury may prescribe.

Annatto, roncou, rocou, or orleans, and all extracts of.

Annatto seed.

Antimony, ore, and crude sulphuret of.

Aqua-fortis.

Argal-dust.

Argols, crude.

Arsenic.

Arsenate of aniline.

Articles, the growth, produce, and manufacture of the United States, when returned in the same condition as exported. But proof of the identity of such articles shall be made under regulations to be prescribed by the Secretary of the Treasury; and if such articles were subject to internal tax at the time of exportation, such tax shall be proved to have been paid before exportation and not refunded.

Articles imported for the use of the United States: *Provided*, That the price of the same did not include the duty.

Asbestos, not manufactured.

Balm of Gilead.

Balsams: copaiva, fir or Canada, Peru, and tolu.

Bamboo-reeds, no further manufactured than cut into suitable lengths for walking-sticks or canes, or for sticks for umbrellas, parasols, or sun-shades.

Bamboos, unmanufactured.

Barrels, of American manufacture, exported filled with domestic petroleum and returned empty, under such regulations as the Secretary of the Treasury may prescribe, and without requiring the filing of a declaration at time of export of intent to return the same empty.

Barilla.

Barks: Quilla, Peruvian, Lima, calisaya, and all cinchona barks, canella alba, pomegranate, croton, cascarilla, and all other barks not otherwise provided for.

Beans, vanilla, or vanilla plants.

Bed feathers and downs.

Belladonna, root and leaf.

Bells, broken, and bell-metal, broken, and fit only to be remanufactured.

Bells, old, and bell-metal.

Berries, nuts, and vegetables for dyeing, or used for composing dyes, not otherwise provided for.

Bezoar stones.

Birds, stuffed.

Birds, singing and other, and land and water fowls.

Bismuth.

Bitter apples, colocynth, coloquintida.

Black salts.

Black tares.

Bladders, crude, and all integuments of animals not otherwise provided for.

Bologna sausages.

Bolting-cloths.

Bones, crude and not manufactured; burned; calcined; ground; or steamed.

Bone-dust and bone-ash for manufacture of phosphates and fertilizers.

Books which shall have been printed and manufactured more than twenty years at the date of importation.

Books, maps, and charts imported by authority for the use of the United States or for the use of the Library of Congress. But the duty shall not have been included in the contract or price paid.

Books, maps, and charts, specially imported, not more than two copies in any one invoice, in good faith for the use of any society incorporated or established for philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use, or by the order, of any college, academy, school, or seminary of learning in the United States.

Books, professional, of persons arriving in the United States.

Books, household effects, or libraries, or parts of libraries, in use of persons or families from foreign countries, if used abroad by them not less than one year, and not intended for any other person or persons, nor for sale.

Borate of lime.

Borax, crude.

Brazil paste.

Brazil pebbles for spectacles, and pebbles for spectacles, rough.

Brazil-wood, braziletto, and all other dye-woods, in sticks.

Breccia, in blocks or slabs.

Brime.

Brimstone, crude.

Bromine.

Buchu-leaves.

Bullion, gold and silver.

Burgundy pitch.

Burr-stone in blocks, rough or unmanufactured, and not bound up into millstones.

Cabinets of coins, medals, and all other collections of antiquities.

Cadmium.

Calamine.

Camphor, crude.

Cantharides.
Carnelian, unmanufactured.
Castor, or castoreum.
Catechu or cutch.
Cat-gut strings, or gut-cord, for musical instruments.
Cat-gut or whip-gut, unmanufactured.
Chalk and cliff-stone, unmanufactured.
Chamomile-flowers.
Charcoal.
China-root.
Chloride of lime.
Cinchona-root.
Citrate of lime.
Coal, anthracite.
Coal-stores of American vessels; but none shall be unloaded.
Cobalt, ore of.
Cocculus indicus.
Cochineal.
Cocoa, or cacao, crude, and fiber, leaves, and shells of.
Coffee.
Coins, gold, silver, and copper.
Coir and coir-yarn.
Colcothar, dry, or oxide of iron.
Collections of antiquity, specially imported, and not for sale.
Colt's foot, (crude drng.)
Columbo root.
Conium cicuta, or hemlock, seed and leaf.
Contrayerva root.
Copper, old, taken from the bottom of American vessels, compelled by marine disaster to repair in foreign ports.
Copper, when imported for the United States Mint.
Coral, marine, unmanufactured.
Cork-wood, or cork-bark, unmanufactured.
Cotton.
Cowage down.
Cow or kine pox, or vaccine virus.
Cubebs.
Cudbear.
Curling-stones or quoits.
Curry and curry-powders.
Cuttle fish bone.
Cyanite, or kyanite.
Diamonds, rough or uncut, including glaziers' diamonds.
Diamond-dust or bort.
Divi-divi.
Dragon's blood.
Dried and prepared flowers.
Dried blood.
Dried bugs.
Dyeing or tanning: articles in a crude state, used in dyeing or tanning, not otherwise provided for.
Eggs.
Elecampane-root.
Ergot.
Esparto, or Spanish grass, and other grasses, and pulp of, for the manufacture of paper.
Fans, common palm-leaf.
Farina.
Fashion-plates engraved on steel or on wood, colored or plain.
Felt, adhesive, for sheathing vessels.
Fibrin, in all forms.
Fire-wood.

Fish, fresh, for immediate consumption.
 Fish for bait.
 Flint, flints, and ground flint-stones.
 Flowers, leaves, plants, roots, barks, and seeds, for medicinal purposes, in a crude state, not otherwise provided for.
Foliæ digitalis.
 Fossils.
 Fruit-plants tropical and semi-tropical, for the purpose of propagation or cultivation.
 Fur-skins of all kinds not dressed in any manner.
 Galanga or galangal.
 Garancine.
 Gentian-root.
 Ginger-root.
 Ginseng-root.
 Glass, broken in pieces, and old glass which cannot be cut for use, and fit only to be remanufactured.
 Goat-skins, raw.
 Goldbeaters' molds and goldbeaters' skins.
 Gold size.
 Grease, for use as soap-stock only, not otherwise provided for.
 Guano, and other animal manures.
 Gums.—Arabic, Jeddo, Senegal, Barbary, East India, Cape Australian, gum benzoin or benjamin, gum copal, sandarac, dammar, gamboge, cowrie, mastic, shellac, tragacanth, olebanum, guiac, myrrb, bdellium, garbanum, and all gums not otherwise provided for.
 Gunny-bags and gunny-cloth, old or refuse, fit only for remanufacture.
 Gut and worm-gut, manufactured or unmanufactured, for whip and other cord.
 Guts, salted.
 Gutta-percha, crude.
 Hair, all horse, cattle, cleaned or uncleaned, drawn or undrawn, but unmanufactured.
 Hair of hogs, curled, for beds and mattresses, and not fit for bristles.
 Hellebore-root.
 Hemlock-bark.
 Hide-cuttings, raw, with or without the hair on, for glue-stock.
 Hide-rope.
 Hides.—Raw or uncured, whether dry, salted, or pickled, and skins, except sheep-skins with the wool on, Angora-goat skins, raw, without the wool, unmanufactured, asses' skins, raw, unmanufactured.
 Houes and whetstones.
 Hoofs, horns, and horn-tips.
 Horn-strips.
 Hop-roots for cultivation.
 Hyoscyamus, or henbane-leaf.
 Ice.
 India rubber, erude, and milk of.
 Indian hemp, (crude drug.)
 Indigo.
 India or Malacca joints, not further manufactured than cut into suitable lengths for the manufactures into which they are intended to be converted.
 Iodine, crude.
 Ipecac.
 Iridium.
 Iris, orris root.
 Isinglass, or fish-glue.
 Istle, or Tampico fiber.
 Ivory and vegetable ivory, unmanufactured.
 Jalap.
 Jet, unmanufactured.
 Joss-stick, or joss-light.

- Juniper and laurel berries.
- Junk, old.
- Jute-butts.
- Kelp.
- Kryolite.
- Lac, dye, crude, seed, button, stick, and shell.
- Lac spirits.
- Lac sulphur.
- Lava, unmanufactured.
- Leather, old scrap.
- Leaves, all, not otherwise provided for.
- Leeches.
- Licorice-root.
- Life-boats and life-saving apparatus, specially imported by societies incorporated or established to encourage the saving of human life.
- Lithographic stones, not engraved.
- Litmus and all licheus, prepared or not prepared.
- Loadstones.
- Logs, and round unmanufactured timber not otherwise provided for, and ship-timber.
- Macaroni and vermicelli.
- Madder and munjeet, or Indian madder, ground or prepared, and all extracts of.
- Magnets.
- Manganese, oxide and ore of.
- Manna.
- Manuscripts.
- Marrow, crude.
- Marsh-mallows.
- Matico-leaf.
- Medals, of gold, silver, or copper.
- Meerschaum, crude or raw.
- Mica and mica waste.
- Mineral waters, all, not artificial.
- Models of inventions and other improvements in the arts. But no article or articles shall be deemed a model, or improvement, which can be fitted for use.
- Moss, Iceland, and other mosses, crude.
- Moss, sea-weed, and all other vegetable substances used for beds and mattresses.
- Murexide, (a dye.)
- Musk and civet, crude, in natural pod.
- Mustard-seed, brown and white.
- Nitrate of soda, or cubic niter.
- Nut-galls.
- Nuts, cocoa and Brazil or cream.
- Nux vomica.
- Oak-bark.
- Oakum.
- Oil-cake.
- Oil, essential, fixed or expressed, viz: Almonds; amber, crude and rectified; ambergris; anise, or anise-seed; anthos, or rosemary; bergamot; cajeput; caraway; cassia; cedrat; chamomile; cinnamon; citronella, or lemon-grass; civet; fennel; jasmine, or jessamine; juglandium; juniper; lavender; mace; ottar of roses; poppy; sesame, or sesamum-seed, or bene; thyme, red, or origanum; thyme, white; valerian.
- Oil, spermaceti, whale, and other fish, of American fisheries; and all other articles the produce of such fisheries.
- Olives, green or prepared.
- Orange and lemon peel, not preserved, candied, or otherwise prepared.
- Orange buds and flowers.

Orchil, or archil, in the weed or liquid.
 Ores of gold and silver.
 Orpiment.
 Osmium.
 Oxidizing-paste.
 Palladium.
 Palm and cocoa-nut oil.
 Palm-leaf, unmanufactured.
 Palm-nuts and palm-nut kernels.
 Paper-stock, crude, of every description, including all grasses, fibers, rags other than wool, waste, shavings, clippings, old paper, rope-ends, waste rope, waste bagging, gunny-bags and gunny-cloth, old or refuse, to be used in making and fit only to be converted into paper, and unfit for any other manufacture, and cotton-waste, whether for paper-stock or other purposes.
 Pearl, mother of.
 Pellitory-root.
 Persis, or extract of archil, and cudbear.
 Personal and household effects, not merchandise, of citizens of the United States dying abroad.
 Peruvian bark.
 Pewter and britannia metal, old, and fit only to be remanufactured.
 Phanglein.
 Philosophical and scientific apparatus, instruments, and preparations, statuary, casts of marble, bronze, alabaster, or plaster of Paris, paintings, drawings, and etchings, specially imported in good faith for the use of any society or institution incorporated or established for philosophical, educational, scientific, or literary purposes, or encouragement of the fine arts, and not intended for sale.
 Phosphates, crude or native, for fertilizing purposes.
 Plants, trees, shrubs, roots, seed-cane, and seeds imported by the Department of Agriculture, or the United States Botanical Garden.
 Plaster of Paris, or sulphate of lime, unground.
 Platina, unmanufactured.
 Platinum vases or retorts for chemical uses, or parts thereof.
 Plumbago.
 Polishing-stones.
 Polypodium.
 Potassa, muriate of.
 Pulu.
 Pumice and pumice-stones.
 Quassia-wood.
 Quick-grass root.
 Quills, prepared or unprepared.
 Rags, of cotton, linen, jute, and hemp, and paper-waste, or waste or clippings of any kind fit only for the manufacture of paper, including waste rope and waste bagging.
 Railroad-ties, of wood.
 Rattans and reeds, unmanufactured.
 Regalia and gems, and statues and specimens of sculpture, where specially imported, in good faith, for the use of any society incorporated or established for philosophical, literary, or religious purposes, or for the encouragement of the fine arts, or for the use or by the order of any college, academy, school, or seminary of learning in the United States.
 Rennets, raw or prepared.
 Resins, crude, not otherwise provided for.
 Rhubarb.
 Root-flour.
 Rose-leaves.
 Rottenstone.
 Saffron and safflower, and extract of.
 Saffron-cake.

Sago, sago crude, and sago-flour.
 Saint John's beans.
 Salacine.
 Salep, or saloup.
 Sandal-wood.
 Sarsaparilla, crude.
 Sassafras bark and root.
 Sauerkraut.
 Sausage-skins.
 Scammony, or resin of scammony.
 Sea-weed, not otherwise provided for.
 Seeds: cardamom, caraway, coriander, fenugreek, fennel, cummin, and other seeds, not otherwise provided for.
 Seeds: anise, anise star, canary, chia, sesamum, sugar-cane, and seeds of forest-trees.
 Senna, in leaves.
 Shark-skins.
 Shells of every description, not manufactured.
 Shingle-bolts and stave-bolts, and "heading-bolts" shall be held and construed to be included under the term "stave-bolts."
 Shrimps, or other shell-fish.
 Silk, raw, or as reeled from the cocoon, not being doubled, twisted, or advanced in manufacture any way, and silk cocoons and silk waste.
 Silk-worm eggs.
 Skeletons, and other preparations of anatomy.
 Skins, dried, salted, or pickled, ten per centum ad valorem.
 Snails.
 Soap-stocks.
 Sparterre for making or ornamenting hats.
 Specimens of natural history, botany, and mineralogy, when imported for cabinets as objects of taste or science, and not for sale.
 Spunk.
 Squills, or silla.
 Staves-acre, crude.
 Storax, or styrax.
 Straw, unmanufactured.
 Strontia, oxide of, or protoxide of strontium.
 Substances expressly used for manure.
 Sugar of milk.
 Sweepings of silver or gold.
 Talc.
 Tamarinds.
 Tapioca, cassava, or cassada.
 Tea.
 Tea-plants.
 Teasels.
 Teeth, unmanufactured.
 Terra-alba, aluminous.
 Terra japonica.
 Tica, crude.
 Tin, in pigs, bars, or blocks, and grain-tin.
 Tonquin, Tonqua, or Tonka beans.
 Tortoise and other shells, unmanufactured.
 Tripoli.
 Turmeric.
 Turtles.
 Types, old, and fit only to be remanufactured.
 Umbrella-sticks, crude, to wit, all partridge, hair-wood, pimento, orange, myrtle, and other sticks and canes in the rough, or no further manufactured than cut into lengths suitable for umbrella, parasol, or sun-shade sticks or walking-canes.
 Uranium, oxide of.

Venice turpentine.

Verdigris, or subacetate of copper.

Wafers.

Wax, bay or myrtle, Brazilian and Chinese.

Wearing apparel in actual use, and other personal effects, (not merchandise,) professional books, implements, instruments, and tools of trade, occupation, or employment of persons arriving in the United States. But this exemption shall not be construed to include machinery, or other articles imported for use in any manufacturing establishment, or for sale.

Whalebone, unmanufactured.

Woad, weld or pastel.

Wood-ashes, and lye of, and beet-root ashes.

Woods, poplar, or other woods for the manufacture of paper.

Woods, namely, cedar, lignum-vitæ, lance-wood, ebony, box, granadilla, mahogany, rose-wood, satin-wood, and all cabinet woods, unmanufactured.

Works of art: paintings, statuary, fountains, and other works of art, the production of American artists. But the fact of such production must be verified by the certificate of any consul or minister of the United States indorsed upon the written declaration of the artist.

Works of art: paintings, statuary, fountains, and other works of art, imported expressly for presentation to national institutions or to any State, or to any municipal corporation.

Worm-seed, Levant.

Xylonite, or Xylotile.

Yams.

Yeast-cakes.

Zaffer.

SEC. 2506. Whenever the President of the United States shall receive satisfactory evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the legislature of Prince Edward's Island have passed laws on their part to give full effect to the provisions of the treaty between the United States and Great Britain signed at the city of Washington on the eighth day of May, eighteen hundred and seventy-one, as contained in articles eighteenth to twenty-fifth, inclusive, and article thirtieth of said treaty, he is hereby authorized to issue his proclamation declaring that he has such evidence, and thereupon, from the date of such proclamation, and so long as the said articles eighteenth to twenty-fifth inclusive, and article thirtieth of said treaty, shall remain in force, according to the terms and conditions of article thirty-third of said treaty, all fish-oil and fish of all kinds, (except fish of the inland lakes and of the rivers falling into them, and except fish preserved in oil,) being the produce of the fisheries of the Dominion of Canada or of Prince Edward's Island, shall be admitted into the United States free of duty, and whenever the colony of Newfoundland shall give its consent to the application of the stipulations and provisions of the said articles eighteenth to twenty-fifth of said treaty, inclusive, to that colony, and the legislature thereof and the Imperial Parliament shall pass the necessary laws for that purpose, the above-enumerated articles, being the produce of the fisheries of the colony of Newfoundland, shall be admitted into the United States free of duty, from and after the date of a proclamation by the President of the United States, declaring that he has satisfactory evidence that the said colony of Newfoundland has consented, in a due and proper manner, to have the provisions of the said articles eighteenth to twenty-fifth, inclusive, of the said treaty extended to it, and to allow the United States the full benefits of all the stipulations therein contained, and shall be so admitted free of duty, so long as the said articles eighteenth to twenty-fifth, inclusive, and article thirtieth, of said treaty, shall remain in force, according to the terms and conditions of article thirty-third of said treaty; but the provisions of this section shall not apply to any articles of merchandise mentioned

Fish oil and fish the produce of the fisheries of Canada, Prince Edward's Island, and Newfoundland, when free.

1 March, 1873, c. 213, s. 1, v. 17, p. 482.

Special exemption as to merchandise sunk and abandoned.

3 March, 1843, c. 72, v. 5, p. 609.

As to lumber from Saint John River.

16 March, 1866, c. 18, v. 14, p. 9.

As to lumber from Saint Croix River.

1 June, 1866, c. 105, s. 1, v. 14, p. 56.

As to machinery for manufacture of beet-root sugar.

2 March, 1867, Res. 47, s. 2, v. 14, p. 571.

As to machinery imported for repair.

19 Feb., 1869, c. 35, v. 15, p. 271.

Certain paintings, statuary, &c., to be admitted free of duty.

5 March, 1872, c. 29, v. 17, p. 35.

Importation of materials for construction, &c., of vessels.

6 June, 1872, c. 315, s. 10, v. 17, p. 238.

therein which were held in bond by the customs officers of the United States on the first day of July, eighteen hundred and seventy-three.

SEC. 2507. Whenever any vessel laden with merchandise in whole or in part subject to duty has been sunk in any river, harbor, bay, or waters subject to the jurisdiction of the United States, and within its limits, for the period of two years, and is abandoned by the owner thereof, any person who may raise such vessel shall be permitted to bring any merchandise recovered therefrom into the port nearest to the place where such vessel was so raised, free from the payment of any duty thereupon, and without being obliged to enter the same at the custom-house; but under such regulations as the Secretary of the Treasury may prescribe.

SEC. 2508. The produce of the forests of the State of Maine upon the Saint John River and its tributaries, owned by American citizens, and sawed or hewed in the Province of New Brunswick by American citizens, the same being unmanufactured in whole or in part, which is now admitted into the ports of United States free of duty, shall continue to be so admitted under such regulations as the Secretary of the Treasury shall, from time to time, prescribe.

SEC. 2509. The produce of the forests of the State of Maine upon the Saint Croix River and its tributaries, owned by American citizens, and sawed in the Province of New Brunswick by American citizens, the same being unmanufactured in whole or in part, and having paid the same taxes as other American lumber on that river, shall be admitted into the ports of the United States free of duty, under such regulations as the Secretary of the Treasury shall, from time to time, prescribe.

SEC. 2510. Machinery for the manufacture of beet-sugar, and imported for that purpose solely, shall be exempted from duty.

SEC. 2511. Machinery for repair may be imported into the United States without payment of duty, under bond, to be given in double the appraised value thereof, to be withdrawn and exported after said machinery shall have been repaired; and the Secretary of the Treasury is authorized and directed to prescribe such rules and regulations as may be necessary to protect the revenue against fraud, and secure the identity and character of all such importations when again withdrawn and exported, restricting and limiting the export and withdrawal to the same port of entry where imported, and also limiting all bonds to a period of time of not more than six months from the date of the importation.

SEC. 2512. All paintings, statuary, and photographic pictures imported into the United States for exhibition by any association duly authorized under the laws of the United States or any State for the promotion and encouragement of science, art, or industry, and not intended for sale, shall be admitted free of duty, under such regulations as the Secretary of the Treasury shall prescribe. But bonds shall be given for the payment to the United States of such duties as are now imposed by law upon any and all of such articles as shall not be re-exported within six months after such importation.

SEC. 2513. All lumber, timber, hemp, manila, and iron and steel rods, bars, spikes, nails, and bolts, and copper and composition metal which may be necessary for the construction and equipment of vessels built in the United States for the purpose of being employed in the foreign trade, including the trade between the Atlantic and Pacific ports of the United States, and finished after the sixth day of June, eighteen hundred and seventy-two, may be imported in bond, under such regulations as the Secretary of the Treasury may prescribe; and, upon proof that such materials have been used for such purpose, no duties shall be paid thereon. But vessels receiving the benefit of this section shall not be allowed to engage in the coastwise trade of the United States more than two months in any one year, except upon the payment to the United States of the duties on which a rebate is herein allowed.

SEC. 2514. All articles of foreign production needed for the repair of American vessels engaged exclusively in foreign trade may be withdrawn from bonded warehouses free of duty, under such regulations as the Secretary of Treasury may prescribe.

Importation of articles intended for the repair of vessels.

6 June, 1872, c. 315, s. 10, v. 17, p. 238.

SEC. 2515. That no duty shall be levied or collected on the importation of peltries brought into the Territories of the United States, nor on the proper goods and effects, of whatever nature, of Indians passing or repassing the boundary-line aforesaid, unless the same be goods in bales or other large packages unusual among Indians, which shall not be considered as goods belonging to Indians, nor be entitled to the exemption from duty aforesaid.

Peltries and other goods of Indians, when to be admitted free.

2 March, 1799, c. 22, s. 105, v. 1, p. 702.

SEC. 2516. There shall be levied, collected, and paid on the importation of all raw or unmanufactured articles, not herein enumerated or provided for, a duty of ten per centum ad valorem; and on all articles manufactured in whole or in part, not herein enumerated or provided for, a duty of twenty per centum ad valorem.

Duty on articles not enumerated, raw or manufactured.

2 March, 1861, c. 68, s. 24, v. 12, p. 196.

TITLE XXXIV. COLLECTION OF DUTIES UPON IMPORTS.

CHAPTER ONE.

COLLECTION-DISTRICTS, PORTS, AND OFFICERS.

| Sec. | Sec. |
|---|--|
| 2517. Districts in Maine. | 2567. Officers in Mississippi. |
| 2518. Officers in Maine. | 2568. Districts in Louisiana. |
| 2519. Collectors may agree upon division of districts. | 2569. Officers in Louisiana. |
| 2520. Unloading vessels entered at Wiscasset. | 2570. Vessels bound to ports of delivery must make entry at New Orleans. |
| 2521. Entering and clearing vessels at Calais. | 2571. Vessels bound for Bayon Saint John. |
| 2522. District in New Hampshire. | 2572. Vessels bound for Lakeport. |
| 2523. Officers in New Hampshire. | 2573. Vessels departing from Lakeport. |
| 2524. Merchandise for Kittery or Berwick, where may be entered. | 2574. Vessels bound for Ponchartrain. |
| 2525. District of Vermont. | 2575. Vessels departing from Ponchartrain. |
| 2526. Officers in Vermont. | 2576. Collector at New Orleans may appoint additional inspectors. |
| 2527. Districts in Massachusetts. | 2577. Collector at New Orleans may appoint head gaugers. |
| 2528. Ports of Sippican and Mattapoisset. | 2578. Districts in Texas. |
| 2529. Officers in Massachusetts. | 2579. Officers in Texas. |
| 2530. Employés in appraiser's office at Boston. | 2580. Additional inspectors. |
| 2531. Districts in Rhode Island. | 2581. Transshipment of goods transported in bond to Brownsville. |
| 2532. Officers in Rhode Island. | 2582. Districts in California. |
| 2533. Districts in Connecticut. | 2583. Officers in California. |
| 2534. Officers in Connecticut. | 2584. Vessels going to or from Vallejo. |
| 2535. Districts in New York. | 2585. Vessels going to or from Eureka or Wilmington. |
| 2536. Officers in New York. | 2586. Districts in Oregon and Washington Territory. |
| 2537. Entry of merchandise for Greenport. | 2587. Officers in Oregon and Washington. |
| 2538. Examiners at New York. | 2588. Manifests of vessels bound for Portland. |
| 2539. Employés in appraiser's office at New York. | 2589. Manifests of vessels clearing from Portland. |
| 2540. Entry of merchandise for Cold Spring, Long Island. | 2590. Vessels having merchandise for both Astoria and Portland. |
| 2541. Districts in New Jersey. | 2591. District of Alaska. |
| 2542. Officers in New Jersey. | 2592. Officer in Alaska. |
| 2543. Districts in Pennsylvania. | 2593. District of Montana and Idaho. |
| 2544. Officers in Pennsylvania. | 2594. Officers in Montana and Idaho. |
| 2545. Employés in appraiser's office at Philadelphia. | 2595. Districts in Minnesota. |
| 2546. District of Delaware. | 2596. Officers in Minnesota. |
| 2547. Officers in Delaware. | 2597. District in Wisconsin. |
| 2548. Districts in Maryland. | 2598. Officers in Wisconsin. |
| 2549. Officers in Maryland. | 2599. Districts in Michigan. |
| 2550. District of Columbia. | 2600. Officers in Michigan. |
| 2551. Officers in District of Columbia. | 2601. District of Indiana and Illinois. |
| 2552. Districts in Virginia. | 2602. Officers in Indiana and Illinois. |
| 2553. Officers in Virginia. | 2603. Districts in Ohio. |
| 2554. Clearance at Richmond of vessel loaded in Petersburg. | 2604. Officers in Ohio. |
| 2555. Districts in North Carolina. | 2605. Additional inspectors for certain districts. |
| 2556. Officers in North Carolina. | 2606. Weighers, gaugers, measurers, and inspectors. |
| 2557. Districts in South Carolina. | 2607. Weighers, gaugers, measurers, &c., at San Diego. |
| 2558. Officers in South Carolina. | 2608. General appraisers. |
| 2559. Districts in Georgia. | 2609. Merchants employed as appraisers. |
| 2560. Officers in Georgia. | 2610. Merchant refusing to serve as appraiser. |
| 2561. Collectors of Savannah and Brunswick may grant permits, &c. | 2611. Oath of special examiners of drugs. |
| 2562. Districts in Florida. | 2612. Instructions to prevent importation of adulterated drugs. |
| 2563. Officers in Florida. | |
| 2564. District in Alabama. | |
| 2565. Officers in Alabama. | |
| 2566. Districts in Mississippi. | |

SEC. 2517. There shall be in the State of Maine fourteen collection-districts, as follows : [See § 253.]

First. The district of Aroostook ; to comprise the county of Aroostook as bounded on the twenty-second day of February, eighteen hundred and sixty-nine ; in which Houlton shall be the only port of entry.

Second. The district of Passamaquoddy ; in which Eastport shall be a port of entry and delivery, and the towns of Calais, Pembroke, and Robbinston ports of delivery.

3 March, 1803, c. 26, s. 4, v. 2, p. 229. 5 Feb., 1833, c. 16, v. 4, p. 611. v. 5, p. 609.

Third. The district of Machias ; in which Machias shall be the port of entry.

Fourth. The district of Frenchman's Bay ; in which Ellsworth shall be the port of entry, and Union River the port of delivery.

Fifth. The district of Castine ; in which Castine shall be the port of entry, and Blue Hill, Deer Island, and Bucksport ports of delivery.

22, s. 2, v. 1, p. 627. 13 April, 1866, c. 44, s. 3, v. 14, p. 33. 5 June, 1868, c. 50, v. 15, p. 63.

Sixth. The district of Bangor ; to comprise the counties of Penobscot and Piscataquis, and the town of Frankfort, in the county of Waldo, as they were bounded on the third day of March, eighteen hundred and forty-seven ; in which Bangor shall be the port of entry and delivery, and Frankfort and Hampden ports of delivery.

Seventh. The district of Belfast ; to comprise all the ports and harbors on the western shore of the Penobscot Bay and River from the town of Frankfort, as bounded on the third day of March, eighteen hundred and forty-seven, to and including the town of Camden, as bounded on the twentieth day of April, eighteen hundred and eighteen, and the towns of Vinalhaven, North Haven, and Islesborough, as bounded on the third day of March, eighteen hundred and forty-nine ; in which Belfast shall be the port of entry, and Prospect, Vinalhaven, North Haven, and Camden ports of delivery.

Eighth. The district of Waldoborough ; to comprise all the waters and shores from the town of Camden, as bounded on the twentieth day of April, eighteen hundred and eighteen, to the middle of Damariscotta River ; in which Waldoborough shall be the port of entry, and Bristol, Nobleborough, Warren, Thomaston, Cushing, and Saint George ports of delivery.

Ninth. The district of Wiscasset ; in which Wiscasset shall be the port of entry, and Booth Bay and Alna ports of delivery.

22, s. 2, v. 1, p. 627. 5 June, 1868, c. 50, v. 15, p. 63.

Tenth. The district of Bath ; in which Bath shall be the port of entry, and Hallowell, Pittston, Georgetown, Brunswick, and Bowdoinham ports of delivery.

Eleventh. The district of Portland and Falmouth ; in which Portland shall be the port of entry, and North Yarmouth, Brunswick, Freeport, and Harpswell ports of delivery.

Twelfth. The district of Saco ; in which Scarborough shall be a port of delivery.

22, s. 2, v. 1, p. 627. 15 Dec., 1807, c. 3, v. 2, p. 451.

Thirteenth. The district of Kennebuuk ; to comprise the towns of Wells and Arundel as they were bounded on the tenth day of May, eighteen hundred, and all the shores and waters thereof ; in which Kennebunk shall be the port of entry, and Wells and Cape Porpoise ports of delivery.

Fourteenth. The district of York ; in which York shall be the port of entry.

Districts in Maine.

Aroostook.

22 Feb., 1869, c. 42, s. 1, v. 15, p. 273. Passamaquoddy.

2 March, 1799, c. 22, s. 2, v. 1, p. 627. 3 March, 1843, c. 71,

Machias.

2 March, 1799, c. 22, s. 2, v. 1, p. 627.

Frenchman's Bay.

Ibid.

30 June, 1834, c. 135, s. 11, v. 4, p. 716.

Castine.

2 March, 1799, c.

22, s. 2, v. 1, p. 63.

Bangor.

2 March, 1799, c. 22, s. 2, v. 1, p. 628.

3 March, 1847, c. 60, ss. 1, 2, 3, v. 9, p. 183.

Belfast.

20 April, 1818, c. 110, s. 2, v. 3, p. 465.

2 March, 1831, c.

76, s. 5, v. 4, p. 476.

3 March, 1849, c.

125, v. 9, p. 412.

5 June, 1868, c.

50, v. 15, p. 63.

Waldoborough.

2 March, 1799, c.

22, s. 2, v. 1, p. 627.

20 April, 1818, c.

110, s. 2, v. 3, p. 465.

5 June, 1868, c.

50, v. 15, p. 63.

Wiscasset.

2 March, 1799, c.

22, s. 2, v. 1, p. 627.

Bath.

2 March, 1799, c.

22, s. 2, v. 1, p. 627.

3 March, 1825, c. 96, s. 2, v. 4, p. 127.

Portland and

Falmouth.

2 March, 1799, c.

22, s. 2, v. 1, p. 627.

Saco.

2 March, 1799, c.

22, s. 2, v. 1, p. 451.

Kennebunk.

10 May, 1800, c.

49, s. 1, v. 2, p. 68.

York.

2 March, 1799, c.

22, s. 2, v. 1, p. 627.

Officers in Maine.

Aroostook.

22 Feb., 1869, c.
42, s. 1, v. 15, p. 273.

Passamaquoddy.

3 March, 1803, c.
26, s. 4, v. 2, p. 229.
7 May, 1822, c.
107, s. 5, v. 3, p. 694.

Machias.

2 March, 1799, c.
22, s. 2, v. 1, p. 629.
Frenchman's
Bay.

Ibid. 30 June, 1834, c. 135, s. 11, v. 4, p. 716.

Castine.

2 March, 1799, c.
22, s. 2, v. 1, p. 628.
Bangor.

3 March, 1847, c.
60, ss. 2, 3, v. 9, p. 183.

Belfast.

20 April, 1818, c.
113, s. 2, v. 3, p. 465.

Waldoborough.

2 March, 1799, c.
22, s. 2, v. 1, p. 629.
Wiscasset.

2 March, 1799, c.
22, s. 2, v. 1, p. 628.
Bath.

2 March, 1799, c. 22, s. 2, v. 1, p. 628.

Portland and
Falmouth.

2 March, 1799, c.
22, s. 2, v. 1, p. 628.

Saco.

2 March, 1799, c.
22, s. 2, v. 1, p. 628.

Kennebunk.

10 May, 1800, c.
49, s. 1, v. 2, p. 68.
York.

2 March, 1799, c.
22, s. 2, v. 1, p. 628.

Collectors may
agree upon division
of districts.

2 March, 1799, c.
22, s. 2, v. 1, p. 629.

Unlading vessels
entered at Wiscas-
set.

10 May, 1800, c.
49, s. 2, v. 2, p. 68.

SEC. 2518. There shall be in the collection-districts in the State of Maine the following officers:

First. In the district of Aroostook, a collector, who shall reside at Houlton.

Second. In the district of Passamaquoddy, a collector, who shall reside at Eastport, a deputy collector to reside at the port of Calais, and at Eastport a surveyor, to be called the surveyor of Eastport and the district of Passamaquoddy.

30 March, 1871, c. 7, v. 17, p. 3. 25 July, 1866, c. 255, v. 14, p. 251.

Third. In the district of Machias, a collector, who shall reside at Machias.

Fourth. In the district of Frenchman's Bay, a collector, who shall reside at Ellsworth.

Fifth. In the district of Castine, a collector, who shall reside at Castine.

Sixth. In the district of Bangor, a collector and a deputy collector, who shall reside at Frankfort.

Seventh. In the district of Belfast, a collector, who shall reside at Belfast.

Eighth. In the district of Waldoborough, a collector, who shall reside at Waldoborough.

Ninth. In the district of Wiscasset, a collector, who shall reside at Wiscasset.

Tenth. In the district of Bath, a collector, who shall reside at Bath.

Eleventh. In the district of Portland and Falmouth, a collector, who shall reside at Portland, not exceeding three deputy collectors, a surveyor, an appraiser, and an assistant appraiser.

9 April, 1864, c. 54, v. 13, p. 46.

Twelfth. In the district of Saco, a collector, who may reside at Saco or Biddeford.

15 Dec., 1807, c. 3, v. 2, p. 451.

Thirteenth. In the district of Kennebunk, a collector, who shall reside at Kennebunk.

Fourteenth. In the district of York, a collector, who shall reside at York.

SEC. 2519. The collectors of the several districts within the State of Maine, for which no boundaries are prescribed by the preceding section, shall, from time to time, agree upon a divisional line between their respective districts, and transmit the same to the Comptroller of the Treasury; and such districts so agreed upon shall include all the waters, shores, and islands within the same, and all the lands adjoining to the provinces of New Brunswick and Quebec, within the State of Maine. In case of disagreement between any of the collectors concerning such divisional line, the President shall determine the same.

SEC. 2520. Vessels owned in whole or in part in the towns of Edgecomb and Newcastle in Maine, having entered in due form of law at the port of Wiscasset, and taken on board an officer, shall be permitted to unlade in the parts of those towns which adjoin Sheepscut River.

SEC. 2521. The Secretary of the Treasury may authorize, under such regulations as he shall deem necessary, the deputy collector of customs at the port of Calais in Maine to enter and clear vessels, and to perform such other official acts as the Secretary shall think advisable.

Entering and clearing vessels at Calais.

25 July, 1866, c. 255, v. 14, p. 251.

SEC. 2522. There shall be in the State of New Hampshire one collection-district, as follows:

District in New Hampshire.

The district of Portsmouth; to comprise the State of New Hampshire and the towns of Kittery and Berwick, in Maine, in which Portsmouth shall be the port of entry, and Newcastle, Dover, Exeter, Kittery, and Berwick, ports of delivery.

Portsmouth.

2 March, 1799, c.

22, s. 1, v. 1, p. 627.

25 Feb., 1801, c.

7, s. 3, v. 2, p. 102.

Officers in New Hampshire.

SEC. 2523. There shall be in the district of Portsmouth a collector and a surveyor, who shall reside at Portsmouth.

2 March, 1799, c. 22, s. 1, v. 1, p. 627.

SEC. 2524. Merchandise destined for either of the towns of Kittery or Berwick, in Maine, may be, at the option of the master of the vessel, entered and permit for the delivery thereof obtained, either in the district of Portsmouth, in the State of New Hampshire, or in the district of York, in the State of Maine.

Merchandise destined for Kittery or Berwick may be entered at Portsmouth or York.

25 Feb., 1801, c. 7, s. 3, v. 2, p. 102.

SEC. 2525. There shall be in the State of Vermont one collection-district, as follows:

District of Vermont.

The district of Vermont; to comprise all such waters and shores of Lake Champlain, and the rivers connected therewith, as lie within the State of Vermont, and to extend along the northern boundary-line of the State, adjoining the Dominion of Canada; in which Burlington shall be the port of entry, and the President may, if he deems it expedient, establish not exceeding two places as ports of delivery only.

2 March, 1799, c.

22, s. 6, v. 1, p. 631.

2 March, 1811, c.

31, s. 4, v. 2, p. 656.

SEC. 2526. There shall be in the district of Vermont a collector, who shall reside at Burlington, and, at the discretion of the President, two surveyors for such ports of delivery as shall be designated by him.

Officers in Vermont.

2 March, 1799, c.

22, s. 6, v. 1, pp. 631, 632.

SEC. 2527. There shall be in the State of Massachusetts eleven collection-districts, as follows:

Districts in Massachusetts.

First. The district of Newburyport; to comprise all the waters and shores from the State of New Hampshire to and including the town of Ipswich; in which Newburyport shall be the port of entry, and Amesbury, Salisbury, Haverhill, Newbury, and Ipswich ports of delivery.

Newburyport.

2 March, 1799, c.

22, s. 2, v. 1, p. 627.

15 June, 1844, c.

51, s. 1, v. 5, p. 664.

Gloucester.

Second. The district of Gloucester; to comprise all the waters and shores in the towns of Gloucester and Manchester, as bounded on the second day of March, seventeen hundred and ninety-nine, and the town of Essex as bounded on the seventh day of August, eighteen hundred and forty-eight; in which Gloucester shall be the port of entry, and Manchester a port of delivery.

2 March, 1799, c.

22, s. 2, v. 1, p. 627.

7 Aug., 1848, c.

144, v. 9, p. 275.

Third. The district of Salem and Beverly; to comprise all the waters and shores within the towns of Beverly, Salem, and Danvers, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Salem shall be the port of entry, and Danvers a port of delivery.

Salem and Beverly.

2 March, 1799, c.

22, s. 2, v. 1, p. 627.

Fourth. The district of Marblehead; to comprise all the waters and shores within the towns of Marblehead and Lynn, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Marblehead shall be the port of entry, and Lynn the port of delivery.

Marblehead.

2 March, 1799, c.

22, s. 2, v. 1, p. 627.

Fifth. The district of Boston and Charlestown; to comprise all the waters and shores within the counties of Middlesex, Suffolk, and Norfolk, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Boston shall be the port of entry, and Medford, Cohasset, Hingham, Weymouth, Cambridge, Roxbury, and Dorchester ports of delivery. And the town of Chelsea shall be attached to and made a part of the port of entry and collection-district of Boston and Charlestown.

Boston and Charlestown.

2 March, 1799, c.

22, s. 2, v. 1, p. 627.

11 Jan., 1805, c.

6, v. 2, p. 310.

22 Jan., 1806, c.

4, s. 3, v. 2, p. 349.

30 June, 1834, c.

135, s. 4, v. 4, p. 715. 28 Sept., 1850, c. 79, s. 13, v. 9, p. 511.

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| Plymouth. | Sixth. The district of Plymouth; to comprise all the waters and shores within the county of Plymouth, except the towns of Wareham and Rochester, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Plymouth shall be the port of entry, and Scituate, Duxbury, Kingston, and Marshfield ports of delivery. |
| 2 March, 1799, c. 22, s. 2, v. 1, p. 627. | |
| 2 March, 1827, c. 58, v. 4, p. 237. | |
| Barnstable. | Seventh. The district of Barnstable; to comprise all the waters and shores within the county of Barnstable, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Barnstable shall be the port of entry, and Sandwich, Falmouth, Harwich, Wellfleet, Provincetown, and Chatham, ports of delivery. |
| 2 March, 1799, c. 22, s. 2, v. 1, p. 627. | |
| Nantucket. | Eighth. The district of Nantucket; to comprise the waters and shores of the island of Nantucket; in which Nantucket shall be the port of entry. |
| Ibid. | Ninth. The district of Edgartown; to comprise all the waters and shores within the county of Duke's County, as bounded on the second day of March, seventeen hundred and ninety; in which Edgartown shall be the port of entry. |
| Edgartown. | |
| Ibid. | Tenth. The district of New Bedford; to comprise all the waters and shores within the towns of New Bedford, Dartmouth, Westport, Rochester, and Wareham, together with all the islands within the county of Bristol, as bounded on the second day of March, seventeen hundred and ninety-nine; in which New Bedford shall be the port of entry, and Westport, Rochester, and Wareham ports of delivery. |
| New Bedford. | |
| Ibid. | Eleventh. The district of Fall River; to comprise all the waters and shores on Taunton River, and in the town of Rehoboth, as bounded on the second day of March, seventeen hundred and ninety-nine, and all that part of the town of Tiverton, in Rhode Island, north of the south line of the farm of William Siade, and of the farm of the heirs of Boylston Brayton, as bounded on the ninth day of August, eighteen hundred and forty-two, to Wattnpper Pond, and by that pond to the south line of the State of Massachusetts, and the waters and shores adjoining thereto; in which Fall River shall be the port of entry and delivery, and Swansea, Somerset, Freetown, Berkley, and Taunton ports of delivery. |
| Fall River. | |
| 2 March, 1799, c. 22, s. 2, v. 1, p. 627. | |
| 2 March, 1833, c. 74, ss. 1, 2, v. 4, p. 651. | |
| 9 Aug., 1842, c. 126, v. 5, p. 504. | |
| Ports of Sippican and Mattapoisett. | SEC. 2528. Sippican and Mattapoisett Harbors, within the township of Rochester, in Massachusetts, shall be known as ports under those names within the collection-district of New Bedford, and the respective inhabitants are authorized to describe, as the law requires, their vessels as belonging to those places respectively instead of Rochester. |
| 27 May, 1840, c. 27, v. 5, p. 381. | |
| Officers in Massachusetts. | SEC. 2529. There shall be in the collection-districts in the State of Massachusetts the following officers: |
| Newburyport. | First. In the district of Newburyport, a collector and a surveyor, who shall reside at Newburyport. |
| 2 March, 1799, c. 22, s. 2, v. 1, p. 628. | |
| Gloucester. | Second. In the district of Gloucester, a collector and a surveyor, who shall reside at Gloucester. |
| 2 March, 1799, c. 22, s. 2, v. 1, p. 628. | |
| Salem and Beverly. | Third. In the district of Salem and Beverly, a collector and a surveyor, who shall reside at Salem. |
| 2 March, 1799, c. 22, s. 2, v. 1, p. 628. | |
| Marblehead. | Fourth. In the district of Marblehead, a collector, who shall reside at Marblehead. |
| 2 March, 1799, c. 22, s. 2, v. 1, p. 628. | |
| Boston and Charlestown. | Fifth. In the district of Boston and Charlestown, a collector, a naval officer, a surveyor, who shall reside at Boston, two appraisers, and two assistant appraisers, a special examiner of drugs, medicines, and chemicals; and the Secretary of the Treasury may appoint an inspector of customs for the port of Chelsea. |
| 2 March, 1799, c. 22, s. 2, v. 1, p. 628. | |
| 1 March, 1823, c. 21, s. 16, v. 3, p. 735. | |
| 28 May, 1830, c. 147, s. 2, v. 4, p. 409. | |
| 1850, c. 79, s. 13, v. 9, p. 511. | 26 June, 1848, c. 70, s. 5, v. 9, p. 238. 28 Sept., |
| Plymouth. | Sixth. In the district of Plymouth, a collector, who shall reside at Plymouth. |
| 2 March, 1799, c. 22, s. 2, v. 1, p. 628. | |
| Barnstable. | Seventh. In the district of Barnstable, a collector, who shall reside at Barnstable. |
| Ibid. | |

Eighth. In the district of Nantucket, a collector, who shall reside at Nantucket.

Ninth. In the district of Edgartown, a collector, who shall reside at Edgartown.

Tenth. In the district of New Bedford, a collector, who shall reside at New Bedford.

Eleventh. In the district of Fall River, a collector, who shall reside at Fall River.

Nantucket.

Ibid.

Edgartown.

Ibid.

New Bedford.

Ibid.

Fall River.

2 March, 1833, c. 74, ss. 1, 2, v. 4, p. 651.

SEC. 2530. The clerks and other persons employed in the appraiser's office at the port of Boston shall be appointed by the principal appraiser, and their number and compensation shall be fixed by the Secretary of the Treasury.

Employés in appraiser's office at Boston.

SEC. 2531. There shall be in the State of Rhode Island three collection-districts, as follows:

28 May, 1830, c. 107, s. 6, v. 4, p. 411.
District in Rhode Island.

First. The district of Newport; to comprise all the waters and shores from the east line of the town of Westerly, as bounded on the third day of August, eighteen hundred and forty-two, along the sea-coast, and northward, up the Narragansett Bay, as far as the southerly boundary of Kent County on the twenty-ninth day of July, eighteen hundred and fifty, including the several towns, harbors, and landing-places at Charleston, South Kingston, and North Kingstown, and also the towns, harbors, and landing-places of Tiverton and Little Compton, as bounded on the second day of March, seventeen hundred and ninety-nine, and all the towns, harbors, and landing-places of the islands of Rhode Island, Jamestown, Prudence, New Shoreham, and every other island within the State, southward of a line running nearly a northeast course from the south end of Warwick Neck to the south end of Rumstick Point at high-water mark; in which Newport shall be the port of entry, and North Kingstown and Tiverton ports of delivery.

Newport.

2 March, 1799, c. 22, s. 3, v. 1, p. 629.
25 Feb., 1801, c. 7, s. 1, v. 2, p. 101.
3 Aug., 1842, c. 120, s. 2, v. 5, p. 499.
29 July, 1850, c. 29, v. 9, p. 442.
3 March, 1803, c. 26, s. 2, v. 2, p. 228.

Second. The district of Bristol and Warren; to comprise the towns of Bristol, Warren, and Barrington, and all the waters and shores around the same, within a line beginning at the middle of the bay, between Mount Hope and Common Fence Point, running southwesterly through the middle of Bristol Ferry, and continuing such course until it strikes a point of equal distance from Rhode Island to Prudence Island, from thence northwardly on a straight line to the westernmost part of Nahant Point, and from thence to the western shore of Bullock's Point; in which Bristol and Warren shall be the port of entry, and Barrington a port of delivery.

Bristol and Warren.

25 Feb., 1801, c. 7, s. 1, v. 2, p. 101.
17 April, 1822, c. 25, v. 3, p. 662.

Third. The district of Providence; to comprise all the waters and shores northward of a line running nearly a northeast course from the south end of Warwick Neck to the south end of Rumstick Point at high-water mark, and so much of the waters of the Narragansett Bay, and the shores, in the State of Rhode Island and Providence Plantations, as are within the county of Kent, including the port of East Greenwich, and that part of Warwick lying upon Greenwich Bay; in which Providence shall be the port of entry, and Patuxet and East Greenwich ports of delivery.

Providence.

2 March, 1799, c. 22, s. 3, v. 1, p. 629.
29 July, 1850, c. 29, v. 9, p. 442.

SEC. 2532. There shall be in the collection-districts in the State of Rhode Island the following officers:

Officers in Rhode Island.

First. In the district of Newport, a collector, who shall reside at Newport.

Newport.

2 March, 1799, c. 22, s. 2, v. 1, p. 630.

Second. In the district of Bristol and Warren, a collector, who shall reside at Bristol.

Bristol and Warren.

25 Feb., 1801, c. 7, s. 1, v. 2, p. 102.

Third. In the district of Providence, a collector and an appraiser, who shall reside at Providence.

Providence.

2 March, 1799, c. 22, s. 2, v. 1, p. 630. 14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.

Districts in Connecticut.**Stonington.**

2 March, 1799, c. 22, s. 3, v. 1, p. 630.
 3 Aug., 1842, c. 120, ss. 1, 3, v. 5, p. 499.

New London.

2 March, 1799, c. 22, s. 4, v. 1, p. 630.
 10 May, 1800, c. 49, s. 3, v. 2, p. 68.

Middletown.

2 March, 1799, c. 22, s. 4, v. 1, p. 630.

New Haven.

2 March, 1799, c. 22, s. 4, v. 1, p. 630.

Fairfield.**Ibid.****Officers in Connecticut.****Stonington.**

3 Aug., 1842, c. 120, s. 3, v. 5, p. 500.

New London.

2 March, 1799, c. 22, s. 4, v. 1, p. 630.

Middletown.**Ibid.****New Haven.****Ibid.****Fairfield.****Ibid.**

4 June, 1842, c. 38, v. 5, p. 489.

Districts in New York.**Sag Harbor.**

2 March, 1799, v. 1, p. 631.

26 Jan., 1848, c. 5, v. 9, p. 209.

City of New York.

2 March, 1799, c. 22, s. 5, v. 1, p. 630.

7 May, 1822, c. 107, s. 1, v. 3, p. 693.

3 March, 1825, c. 96, s. 1, v. 4, p. 127.

2 March, 1827, c. 58, v. 4, p. 237.

26 Jan., 1848, c. 5, v. 9, p. 209.

3 Aug., 1852, c. 115, s. 3, v. 10, p. 144.

21 Feb., 1863, c. 52, v. 12, p. 658.

SEC. 2533. There shall be in the State of Connecticut five collection-districts, as follows:

First. The district of Stonington; to comprise all the waters and shores from the west line of Mystic River, including the villages of Portersville and Noank, in the town of Groton, to the east line of Pawcatuck River, including the town of Westerly, in Rhode Island, as bounded on the third day of August, eighteen hundred and forty-two; in which Stonington shall be the port of entry, and Pawcatuck River, in the town of Westerly, a port of delivery.

Second. The district of New London; to comprise all the waters and shores from the west line of Mystic River to and including the town of Lyme, as bounded on the tenth day of May, eighteen hundred; in which New London shall be the port of entry, and Norwich, Groton, and Lyme ports of delivery.

Third. The district of Middletown; to comprise the waters and shores of the towns of Saybrook, Killingsworth, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East Hartford, Windsor, and East Windsor, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Middletown shall be the port of entry, and Saybrook, Killingsworth, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East Hartford, Windsor, and East Windsor, ports of delivery.

Fourth. The district of New Haven; to comprise the waters and shores from the west line of the district of Middletown westerly to Housatonic River; in which New Haven shall be the port of entry, and Guilford, Branford, Milford, and Derby ports of delivery.

Fifth. The district of Fairfield; to comprise all the waters and shores in the State of Connecticut west of the district of New Haven; in which Fairfield shall be the port of entry, and Norwalk, Stratford, Stamford, and Greenwich ports of delivery.

SEC. 2534. There shall be in the collection-districts of the State of Connecticut the following officers:

First. In the district of Stonington, a collector, who shall reside at Stonington.

Second. In the district of New London, a collector, who shall reside at New London.

Third. In the district of Middletown, a collector, who shall reside at Middletown.

Fourth. In the district of New Haven, a collector, who shall reside at New Haven.

Fifth. In the district of Fairfield, a collector, who may reside at Fairfield or Bridgeport.

SEC. 2535. There shall be in the State of New York ten collection-districts, as follows:

First. The district of Sag Harbor; to comprise all the waters and shores within the two points of land called Oyster Pond Point and Montauk Point; in which Sag Harbor shall be the port of entry, and Greenport a port of delivery.

Second. The district of the city of New York; to comprise all the waters and shores of the State of New York, and of the counties of Hudson and Bergen in the State of New Jersey, not included in other districts; in which New York shall be the port of entry, and New Windsor, Newburgh, Poughkeepsie, Esopus, Kinderhook, Albany, Hudson, Troy, Rhinebeck Landing, Cold Spring, and Port Jefferson ports of delivery; and Jersey City a port of entry and delivery with an assistant collector to act under the collector at New York.

26 Jan., 1848, c. 5, v. 9, p. 209. 3 Aug., 1852, c. 115, s. 3, v. 10, p. 144. 21 Feb., 1863, c. 52, v. 12, p. 658. 2 March, 1867, c. 178, s. 1, v. 14, p. 542.

Third. The district of Champlain; to comprise all the waters and shores of Lake Champlain and the rivers connected therewith within the State of New York, and to extend westwardly along the northern boundary-line of the State to the river Saint Lawrence; in which Plattsburgh shall be the port of entry, and Whitehall and Fort Covington ports of delivery.

Fourth. The district of Oswegatchie; to comprise all the waters and shores of the river Saint Lawrence within the State of New York from the western boundary of the district of Champlain to the western boundary of the county of Saint Lawrence as bounded on the second day of March, eighteen hundred and eleven; in which Ogdensburgh shall be the port of entry.

Fifth. The district of Cape Vincent; to comprise all the waters and shores of the river Saint Lawrence from the western boundary of the county of Saint Lawrence as bounded on the second day of March, eighteen hundred and eleven, and all the waters and shores of Lake Ontario, and the rivers and waters connected therewith, within the jurisdiction of the United States, and within the State of New York, to the western extremity of Hungry Bay; in which Cape Vincent shall be the port of entry.

Sixth. The district of Oswego; to comprise all the waters and shores of Lake Ontario, and the rivers and waters connected therewith, within the jurisdiction of the United States, and within the State of New York, from the western extremity of Hungry Bay to the western extremity of Sodus Bay, including all the rivers and waters emptying into that bay; in which Oswego shall be the port of entry.

Seventh. The district of Genesee; to comprise all the waters and shores of Lake Ontario, and the rivers and waters connected therewith, within the jurisdiction of the United States, and within the State of New York, from the western extremity of Sodus Bay, but excluding all the rivers and waters emptying into that bay, to the eastern extremity of Oak Orchard Creek; in which the river Genesee shall be the port of entry.

Eighth. The district of Niagara; to comprise all the waters and shores of Lake Ontario and the river Niagara, and the rivers connected therewith, within the jurisdiction of the United States, and within the State of New York, from the eastern extremity of Oak Orchard Creek to the channel of Tonawanda Creek; in which Suspension Bridge shall be the port of entry.

Ninth. The district of Buffalo Creek; to comprise all the waters and shores of Lake Erie or the river Niagara, within the State of New York, from Tonawanda Creek to the eastern shore of Cattaraugus Creek; in which Buffalo shall be the port of entry.

Tenth. The district of Dunkirk; to comprise the waters and shores of the counties of Cattaraugus and Chautauqua, as bounded on the twenty-seventh day of July, eighteen hundred and fifty-four, and the harbors, rivers, and waters on the southern shore of Lake Erie, within the State of New York, west of and including Cattaraugus Creek and the shores on each side of that creek, and west along the shore and territory bordering on Lake Erie to the Pennsylvania State line, and the islands in the lake contiguous thereto; in which Dunkirk shall be the port of entry; and Barcelona, Silver Creek, and Cattaraugus Creek, ports of delivery.

SEC. 2536. There shall be in the collection-districts of the State of New York the following officers:

First. In the district of Sag Harbor, a collector, who shall reside at Sag Harbor; and a surveyor, who shall reside at Greenport.

Second. In the district of New York, a collector, an assistant collector, a naval officer, a surveyor, one appraiser, and ten assistant apprais-

Champlain.

2 March, 1799, c. 252, s. 5, v. 1, p. 630.
3 June, 1864, c. 109, v. 13, p. 119.
13 July, 1866, c. 180, v. 14, p. 94.
Oswegatchie.

2 March, 1811, c. 31, s. 2, v. 2, p. 655.

Cape Vincent.

3 March, 1803, c. 26, s. 3, v. 2, p. 229.
2 March, 1811, c. 33, s. 3, v. 2, p. 657.
18 April, 1818, c. 76, v. 3, p. 433.
3 March, 1863, c. 87, s. 2, v. 12, p. 761.

Oswego.

2 March, 1799, c. 22, s. 5, v. 1, p. 630.
3 March, 1805, c. 34, s. 1, v. 2, p. 336.
2 March, 1811, c. 31, s. 1, v. 2, p. 655.
3 March, 1863, c. 87, s. 2, v. 12, p. 761.

Genesee.

3 March, 1805, c. 34, s. 1, v. 2, p. 336.

Niagara.

2 March, 1799, c. 22, s. 5, v. 1, p. 630.
3 March, 1805, c. 34, s. 1, v. 2, p. 336.
3 March, 1863, c. 87, s. 2, v. 12, p. 761.
Buffalo Creek.

3 March, 1805, c. 34, s. 2, v. 2, p. 336.
2 March, 1811, c. 87, s. 2, v. 12, p. 761.

Dunkirk.

27 July, 1854, c. 105, s. 1, v. 10, p. 310.

Officers in New York.

Sag Harbor.

2 March, 1799, c. 22, s. 5, v. 1, p. 631. 26 Jan., 1848, c. 5, v. 9, p. 210.
City of New York.
2 March, 1799, c. 22, s. 5, v. 1, p. 631.

21 Feb., 1863, c. 52, v. 12, p. 658.

3 March, 1863, c. 79, s. 16, v. 12, p. 753.

2 March, 1867, c. 178, s. 1, v. 14, p. 542.

27 July, 1866, c. 284, ss. 1, 2, v. 14, p. 302.

Champlain.

2 March, 1799, c. 22, s. 5, v. 1, p. 631.

3 June, 1864, c. 109, v. 13, p. 119.

13 July, 1866, c. 180, v. 14, p. 94.

Oswegatchie.

2 March, 1811, c. 31, s. 2, v. 2, p. 655.

Cape Vincent.

18 Apr., 1818, c. 75, v. 3, p. 433.

Oswego.

2 March, 1799, c. 22, s. 5, v. 1, p. 631.

Genesee.

3 March, 1805, c. 34, s. 1, v. 2, p. 336.

Niagara.

2 March, 1799, c. 22, s. 5, v. 1, p. 631.

Buffalo Creek.

3 March, 1805, c. 34, s. 2, v. 2, p. 336.

Dunkirk.

27 July, 1854, c. 105, v. 10, pp. 310, 311.

Entry of merchandise intended for Greenport.

26 Jan., 1848, c. 5, v. 9, p. 210.

Examiners at New York.

27 July, 1866, c. 284, s. 4, v. 14, p. 303.

Employés in appraiser's office at New York.

Ibid.

Entry of merchandise intended for Cold Spring.

26 Jan., 1848, c. 5, v. 9, p. 210.

31 Aug., 1852, c. 115, s. 3, v. 10, p. 144.

Districts in New Jersey.

Newark.

2 March, 1799, c. 22, s. 7, v. 1, p. 632.

30 June, 1834, c. 135, s. 9, v. 4, p. 716.

22 Feb., 1869, c. 42, s. 3, v. 15, p. 273.

ers, who shall reside at the port of New York; one assistant collector, who shall reside at Jersey City, and shall have power to enter and clear vessels in like manner as the collector at New York is authorized by law to do, and shall act in conformity to such instructions as he shall from time to time receive from the collector of New York; a surveyor, to act also as collector, who shall reside at Albany. [See § 4340.]

Third. In the district of Champlain, a collector, who shall reside at Plattsburgh; a deputy collector, who shall reside at Rouse's Point; a deputy collector, who shall reside at Whitehall; and the President may appoint not exceeding two surveyors, who shall reside at such places as he may deem proper.

Fourth. In the district of Oswegatchie, a collector, who shall reside at Ogdensburgh.

Fifth. In the district of Cape Vincent, a collector, who shall reside at Cape Vincent.

Sixth. In the district of Oswego, a collector, who shall reside at Oswego.

Seventh. In the district of Genesee, a collector, who shall reside on the Genesee River.

Eighth. In the district of Niagara, a collector, who shall reside at Suspension Bridge.

3 March, 1863, c. 87, s. 2, v. 12, p. 761.

Ninth. In the district of Buffalo Creek, a collector, who shall reside at Buffalo; and an appraiser.

14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.

Tenth. In the district of Dunkirk, a collector, who shall reside at Dunkirk; and for each of the ports of Barcelona, Silver Creek, and Cattaraugus Creek, a deputy collector.

SEC. 2537. All cargoes chargeable with duties intended for delivery at the port of Greenport, in the State of New York, shall be entered and the duties paid at the port of Sag Harbor, before permission shall be granted to discharge the same at Greenport.

SEC. 2538. The Secretary of the Treasury may, on the nomination of the appraiser, appoint such number of examiners at the port of New York as the Secretary may in writing determine to be necessary, to aid each of the assistant appraisers in the examination, inspection, and appraisal of merchandise.

SEC. 2539. The Secretary of the Treasury shall also appoint, on the nomination of the appraiser at the port of New York, the clerks, verifiers, samplers, openers, packers, and messengers employed in the appraiser's office, or in any of the departments thereof, and shall limit and fix their number.

SEC. 2540. All merchandise chargeable with duties intended for delivery at the port of Cold Spring, on the north side of Long Island, in the State of New York, or at the port of Port Jefferson, in that State, shall be entered and the duties paid at the port of New York, before permission shall be granted to discharge the same at Cold Spring or Port Jefferson.

SEC. 2541. There shall be in the State of New Jersey six collection-districts, as follows:

First. The district of Newark; to comprise all the waters and shores of that part of the State of New Jersey lying north and east of Elizabeth and Staten Island, extending eastward as far as the mouth of the Kill Van Kull, where it empties into the bay of New York; including all the waters and shores of Newark Bay and the rivers and bays tribu-

tary thereto, the northern shore of the strait or passage known as Kill Van Kull, and all that part of the western shore of the strait or passage known as Staten Island Sound, or Arthur Kill, which lies north of the northern boundary-line of the town of Rahway, as bounded on the twenty-second day of February, eighteen hundred and sixty-nine; in which Newark shall be the port of entry, and Elizabeth a port of delivery.

Second. The district of Perth Amboy; to comprise all the waters and shores within the State of New Jersey from the northern boundary-line of the town of Rahway, as bounded on the twenty-second day of February, eighteen hundred and sixty-nine, to Barnegat Inlet; in which Perth Amboy shall be the port of entry, and New Brunswick and Midletown Point ports of delivery.

Third. The district of Little Egg Harbor; to comprise all the waters and shores from Barnegat Inlet to Brigantine Inlet, including both; in which Tuckerton shall be the port of entry.

Fourth. The district of Great Egg Harbor; to comprise all the waters and shores of the river of Great Egg Harbor, and along the sea-coast from Brigantine Inlet to Cape May.

Fifth. The district of Bridgeton; to comprise the waters and shores of the Delaware Bay and River within the State of New Jersey, from Cape May to and including the county of Gloucester, as bounded on the second day of March, seventeen hundred and ninety-nine, except the port of Camden; in which Bridgeton shall be the port of entry, and Salem and Port Elizabeth, on Maurice River, ports of delivery.

Sixth. The district of Burlington; to comprise all the waters and shores of the Delaware River within the State of New Jersey northward of the northern boundary of the county of Gloucester, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Burlington shall be the port of entry, and Lambertou the port of delivery.

SEC. 2542. There shall be in the collection-districts of the State of New Jersey the following officers:

First. In the district of Newark, a collector, who shall reside at Newark.

30 June, 1834, c. 135, s. 10, v. 4, p. 716.

Secoud. In the district of Perth Amboy, a collector, who shall reside at Perth Amboy.

Third. In the district of Little Egg Harbor, a collector, who shall reside at Tuckerton.

2 March, 1799, c. 22, s. 7, v. 1, p. 632.

Fourth. In the district of Great Egg Harbor, a collector, who shall reside at such place within the district as may be designated by the Secretary of the Treasury.

22, s. 7, v. 1, p. 632. 21 April, 1806, c. 45, s. 1, v. 2, p. 399.

Fifth. In the district of Bridgeton, a collector, who shall reside at Bridgeton.

Sixth. In the district of Burlington, a collector, who shall reside at Lambertou.

31 March, 1830, c. 50, v. 4, p. 392.

SEC. 2543. There shall be in the State of Pennsylvania three collection-districts, as follows:

First. The district of Philadelphia; to comprise all the waters and shores of the Delaware River, and the rivers and waters connected therewith, within the State of Pennsylvania, and the port of Camden, in New Jersey; in which Philadelphia shall be the port of entry, and Camden and Chester ports of delivery.

30 June, 1834, c. 135, s. 5, v. 4, p. 715. 20 Feb., 1865, c. 42, s. 1, v. 13, p. 431. 28 Feb., 1867, c. 103, s. 1, v. 14, p. 417. 29 March, 1867, c. 16, v. 15, p. 10. 25 June, 1868, c. 75, v. 15, p. 78.

Perth Amboy.

2 March, 1799, c.

22, s. 7, v. 1, p. 632.

30 June, 1834, c.

135, s. 9, v. 4, p. 716.

22 Feb., 1869, c.

42, s. 3, v. 15, p. 273.

Little Egg Harbor.

2 March, 1799, c.

22, s. 7, v. 1, p. 632.

Great Egg Harbor.

Ibid.

Bridgeton.

Ibid.

28 Feb., 1867, c.

103, s. 1, v. 14, p.

417.

Burlington.

2 March, 1799, c.

22, s. 7, v. 1, p. 632.

Officers in New Jersey.

Newark.

Perth Amboy.

2 March, 1799, c.

22, s. 7, v. 1, p. 632.

Little Egg Harbor.

2 March, 1799, c.

22, s. 7, v. 1, p. 632.

Great Egg Harbor.

Bridgeton.

2 March, 1799, c.

22, s. 7, v. 1, p. 632.

Burlington.

Ibid.

Districts in Pennsylvania.

Philadelphia.

2 March, 1799, c.

22, s. 8, v. 1, p. 632.

17 April, 1822, c.

24, v. 3, p. 662.

- Erie.** Second. The district of Erie; to comprise all the waters and shores of Lake Erie, and the rivers and waters connected therewith, within the jurisdiction of the United States and within the State of Pennsylvania; in which Erie shall be the port of entry.
- 2 March, 1799, c. 22, s. 8, v. 1, p. 632.
21 April, 1864, c. 65, v. 13, p. 54.
- Pittsburgh.** Third. The district of Pittsburgh; to comprise all the waters and shores of the Ohio River and the rivers and waters connected therewith, within the State of Pennsylvania; in which Pittsburgh shall be the port of entry.
- 2 April, 1872, c. 80, v. 17, p. 47.
- Officers in Pennsylvania.** SEC. 2544. There shall be in the collection-districts of the State of Pennsylvania the following officers:
- Philadelphia.** First. In the district of Philadelphia, a collector, a naval officer, a surveyor, two appraisers, and two assistant appraisers, who shall reside at the port of Philadelphia; a special examiner of drugs, medicines, and chemicals; an assistant collector, who shall reside at Camden, and shall have power to enter and clear vessels in like manner as the collector of Philadelphia, but shall act in conformity to such instructions and regulations as he shall from time to time receive from the collector of Philadelphia; and an inspector, who shall reside at Chester, and have the powers of a deputy collector. [See § 4341.]
- 2 March, 1799, c. 22, s. 8, v. 1, p. 632.
1 March, 1823, c. 21, s. 16, v. 3, p. 735.
28 May, 1830, c. 147, s. 2, v. 4, p. 409.
28 Feb., 1867, c. 103, s. 1, v. 14, p. 417.
26 June, 1848, c. 70, s. 5, v. 9, p. 238. 3 March, 1873, c. 225, v. 17, p. 485.
- Erie.** Second. In the district of Erie, a collector, who shall reside at Erie.
- 2 March, 1799, c. 22, s. 8, v. 1, p. 632. 21 April, 1864, c. 65, v. 13, p. 54.
- Pittsburgh.** Third. In the district of Pittsburgh, a surveyor, and an appraiser.
- 3 March, 1831, c. 87, ss. 1, 5, v. 4, pp. 480, 481. 14 July, 1870, v. 16, p. 271.
- Employés in appraiser's office at Philadelphia.** SEC. 2545. The clerks and other persons employed in the appraiser's office at the port of Philadelphia shall be appointed by the principal appraiser, and their number and compensation shall be fixed by the Secretary of the Treasury.
- 28 May, 1830, c. 147, s. 6, v. 4, p. 411.
- District of Delaware.** SEC. 2546. There shall be in the State of Delaware one collection-district, as follows:
- 2 March, 1799, c. 22, s. 9, v. 1, p. 633.
2 March, 1831, c. 76, s. 3, v. 4, p. 476.
- Officers in Delaware.** SEC. 2547. There shall be in the collection-district of Delaware a collector, who shall reside at Wilmington.
- 2 March, 1799, c. 22, s. 9, v. 1, p. 633.
- Districts in Maryland.** SEC. 2548. There shall be in the State of Maryland three collection-districts, as follows:
- Eastern district.** First. The Eastern district; to comprise all the waters and shores on the east side of Chesapeake Bay, from the north line of the State of Virginia to the south side of Great Choptank River; in which Crisfield shall be the port of entry, and Salisbury a port of delivery.
- 2 March, 1799, c. 22, s. 10, v. 1, p. 634.
15 June, 1844, c. 51, s. 1, v. 5, p. 664. 25 Feb., 1867, c. 81, s. 2, v. 14, p. 410.
- Baltimore.** Second. The district of Baltimore; to comprise all the waters and shores on the east side of Chesapeake Bay north of and including the south side of Great Choptank River, and all the waters and shores on the west side of Chesapeake Bay, north of the mouth of Magothy River; in which Baltimore shall be the port of entry, and Cambridge, Easton, and Havre de Grace ports of delivery.
- 2 March, 1799, c. 22, s. 10, v. 1, p. 633.
3 March, 1803, c. 26, s. 2, v. 2, p. 228.
7 May, 1822, c. 107, s. 2, v. 3, p. 693.
15 June, 1844, c. 51, s. 1, v. 5, p. 664. 25 Feb., 1867, c. 81, s. 2, v. 14, p. 410.
- Annapolis.** Third. The district of Annapolis; to comprise all the waters and shores on the east side of Chesapeake Bay south of the mouth of Magothy River to Point Lookout, and all the waters and shores of the Potomac River within the State of Maryland from Point Lookout to and including Pomonkey Creek; in which Annapolis shall be the port of entry, and Benedict, Lower Marlborough, Town Creek, Silvey's Landing, Cedar Point, Llewellynburgh, Nottingham, and Saint Mary's ports of delivery.
- 2 March, 1799, c. 22, s. 10, v. 1, pp. 633, 634.
25 April, 1808, c. 61, s. 2, v. 2, p. 497.
7 May, 1822, c. 107, s. 2, v. 3, p. 693.
15 June, 1844, c. 51, s. 1, v. 5, p. 664.

SEC. 2549. There shall be in the collection-districts in the State of Maryland the following officers:

First. In the eastern district, a collector, who shall reside at Crisfield.

Second. In the district of Baltimore, a collector, a naval officer, a surveyor, two appraisers, and a special examiner of drugs, medicines, and chemicals, who shall reside at the port of Baltimore; and the Secretary of the Treasury may appoint a deputy collector, who shall reside at Chesapeake City. [See § 4343.]

Third. In the district of Annapolis, a collector, who shall reside at Annapolis; a surveyor who shall reside at Town Creek, a surveyor who shall reside at Saint Mary's, and a surveyor who shall reside at Llewellynburgh.

61, s. 2, v. 2, p. 497. 7 May, 1822, c. 107, s. 2, v. 3, p. 693. 15 June, 1844, c. 51, s. 1, v. 5, p. 664.

SEC. 2550. There shall be in the District of Columbia one collection-district, as follows:

The district of Georgetown; to comprise all the waters and shores of the Potomac River within the State of Maryland and the District of Columbia from Pomonkey Creek to the head of the navigable waters of that river; in which Georgetown shall be the port of entry.

SEC. 2551. There shall be in the district of Georgetown a collector.

SEC. 2552. There shall be in the State of Virginia seven collection-districts, as follows:

First. The district of Cherrystone; to comprise all the waters and shores of the sea-coast of the State of Maryland from the south line of the State of Delaware to the north line of the State of Virginia, and the waters, shores, bays, harbors, and inlets within the counties of Northampton and Accomac in Virginia, as bounded on the second day of March, seventeen hundred and ninety-nine; in which Cherrystone shall be the port of entry, and Snow Hill, and Folly Landing, ports of delivery.

Second. The district of Alexandria; to comprise all the waters and shores of the Potomac River within the State of Virginia from the head of the navigable waters of that river to Boyd's Hole; in which Alexandria shall be the port of entry, and Potomac a port of delivery.

Third. The district of Tappahannock; to comprise all the waters and shores of the Potomac River within the State of Virginia from Boyd's Hole to Smith's Point at the mouth of that river, and on the western shore of the Chesapeake Bay between Smith's Point and the point forming the south shore of the mouth of the Rappahannock River, and the Rappahannock River to its highest tide-water; in which Tappahannock shall be the port of entry, and Urbana, Port Royal, Fredericksburgh, and Yeocomico ports of delivery.

Fourth. The district of Yorktown; to comprise all the waters and shores from the point forming the south shore of the mouth of Rappahannock River to the point forming the south shore of the mouth of York River, and from the mouth of York River to West Point, and from West Point to the highest navigable waters of the Pamunkey and Mattaponi Rivers; in which Yorktown shall be the port of entry, and West Point, East River, and Cumberland ports of delivery.

Fifth. The district of Norfolk and Portsmouth; to comprise all the waters and shores within the State of Virginia southward of the district of Yorktown, not included in the districts of Petersburg and Richmond; in which Norfolk and Portsmouth shall be the sole port of entry, and Suffolk, Smithfield, and Hampton ports of delivery.

Officers in Maryland.

Eastern district.

25 Feb., 1867, c. 81, s. 2, v. 14, p. 410.

Baltimore.

2 March, 1799, c. 22, s. 10, v. 1, p. 633.

1 March, 1823, c.

21, s. 16, v. 3, p. 735.

26 June, 1848, c.

127, s. 2, v. 9, p. 414.

Annapolis.

2 March, 1799, c.

22, s. 10, v. 1, pp.

633, 634.

25 April, 1808, c.

22, s. 10, v. 1, p. 664.

15 June, 1844, c. 51, v. 5, p. 664.

District of Columbia.

Georgetown.

2 March, 1799, c.

22, s. 10, v. 1, p. 634.

1 May, 1802, c. 45,

s. 9, v. 2, p. 182.

Officers in District of Columbia.

Ibid.

Districts in Virginia.

Cherrystone.

2 March, 1799, c.

22, s. 11, v. 1, p. 635.

15 June, 1844, c.

51, s. 1, v. 5, p. 664.

11 July, 1862, c.

150, v. 12, p. 527.

25 Feb., 1867, c.

81, s. 2, v. 14, p. 410.

Alexandria.

2 March, 1799, c.

22, s. 11, v. 1, p. 634.

19 April, 1871, c.

17, s. 1, v. 17, p. 4.

Tappahannock.

2 March, 1799, c.

22, s. 11, v. 1, p. 634.

2 March, 1811, c.

33, s. 8, v. 2, p. 658.

7 May, 1822, c.

107, s. 2, v. 3, p. 693.

19 April, 1871, c. 17,

ss. 1, 3, v. 17, pp. 4, 5.

Yorktown.

2 March, 1799, c.

22, s. 11, v. 1, p. 634.

Norfolk and Portsmouth.

Ibid.

7 May, 1822, c.

107, s. 2, v. 3, p. 693.

15 June, 1844, c. 51, s. 1, v. 5, p. 664.

Petersburgh.

2 March, 1799, c.
22, s. 11, v. 1, p. 634.
10 May, 1800, c.
49, s. 4, v. 2, p. 68.

Richmond.

2 March, 1799, c.
22, s. 11, v. 1, p. 634.
10 May, 1800, c.
49, s. 4, v. 2, p. 68.

Officers in Virginia.Cherrystone.

2 March, 1799, c.
22, s. 11, v. 1, p. 635.
15 June, 1844, c.
51, s. 1, v. 5, p. 664.
11 July, 1862, c.
150, v. 12, p. 537.

Alexandria.

2 March, 1799, c.
22, s. 11, v. 1, p. 635.
19 April, 1871, c.
17, s. 2, v. 17, p. 4.

Tappahannock.

2 March, 1799, c.
22, s. 11, p. 635.
2 March, 1811, c.
33, s. 8, v. 2, p. 68.

Yorktown.

2 March, 1799, c.
22, s. 11, v. 1, p. 635.
Norfolk and Portsmouth.

2 March, 1799, c.
22, s. 11, v. 1, p. 634.
14 July, 1870, c.

Petersburgh.

2 March, 1799, c.
22, s. 11, v. 1, p. 634.

Richmond.Ibid.

Clearance at
Richmond of ves-
sel loaded at
Petersburgh.

26 May, 1824, c.
161, v. 4, p. 44.

Districts in North Carolina.Albemarle.

25 Feb., 1867, c.
82, s. 1, v. 14, p. 411.
27 July, 1868, c.
257, v. 15, p. 227.

Pamlico.

25 Feb., 1867, c.
82, s. 1, v. 14, p. 411.

Sixth. The district of Petersburg; to comprise all the waters and shores of the James River, from the junction of the Chickahominy River on the north side, and from Hood's on the south side, to the junction of the James and Appomattox Rivers, and the Chickahominy and Appomattox Rivers to their highest tide-waters; in which the port of entry shall extend from Petersburg to City Point.

Seventh. The district of Richmond; to comprise all the waters and shores of the James River from the junction of the James and Appomattox Rivers to the highest tide-waters of the James River; in which the port of entry shall extend from Richmond and Manchester to Bermuda Hundred.

SEC. 2553. There shall be in the collection-districts in the State of Virginia the following officers:

First. In the district of Cherrystone a collector, who shall reside at Cherrystone; and the Secretary of the Treasury may appoint a deputy collector who shall reside on Chincoteague Island, in Virginia, and shall exercise such powers as the Secretary of the Treasury may prescribe in pursuance of law; and the President, if he deems it necessary, may appoint a surveyor, who shall reside at Folly Landing.

Second. In the district of Alexandria a collector and a surveyor, who shall reside at Alexandria, and a deputy collector who shall reside at Potomac, and perform such duties as may be imposed upon him in pursuance of law by the Secretary of the Treasury.

Third. In the district of Tappahannock, a collector, who shall reside at Tappahannock, a surveyor who shall reside at Urbana, a surveyor who shall reside at Port Royal, a surveyor who shall reside at Fredericksburgh, and a surveyor who shall reside at or near the mouth of the Rappahannock River, at such place as the President shall designate.

Fourth. In the district of Yorktown, a collector, who shall reside at Yorktown, and a surveyor, who shall reside at West Point.

Fifth. In the district of Norfolk and Portsmouth, a collector, a surveyor, and an appraiser, who shall reside at Norfolk, and a surveyor who shall reside at Suffolk, and a surveyor who shall reside at Smithfield.

255, ss. 35, 36, v. 16, p. 271.

Sixth. In the district of Petersburg, a collector and a surveyor, who shall reside at Petersburg.

10 May, 1800, c. 49, s. 4, v. 2, p. 68.

Seventh. In the district of Richmond, a collector and a surveyor, who shall reside at Richmond, and a surveyor who shall reside at Bermuda Hundred.

SEC. 2554. Any vessel owned by or consigned to any person in the collection-district of Richmond, and which shall be loaded, in whole or in part, in the district of Petersburg, by such owner or consignee, may be cleared by the collector of the district of Richmond, on application of the owner, consignee, or captain of such vessel.

28 May, 1830, c. 152, v. 4, p. 14.

SEC. 2555. There shall be in the State of North Carolina four collection-districts, as follows:

First. The district of Albemarle; to comprise Albemarle, Currituck, and Croatan Sounds, and all the waters and shores adjacent to and flowing into those sounds, south of the southern boundary-line of the State of Virginia, together with that part of Pamlico Sound north of and including Loggerhead Inlet, and all the waters and shores appertaining thereto; in which Edenton shall be the port of entry.

Second. The district of Pamlico; to comprise Pamlico Sound, and all the waters and shores adjacent to and flowing into that sound, not included in the district of Albemarle, and including the south line of Neuse River to the northern entrance of Core Sound; in which Newburn shall be the port of entry.

Third. The district of Beaufort; to comprise all the waters and shores south of the district of Pamlico, and north of and including New River and inlet; in which Beaufort shall be the port of entry; but the Secretary of the Treasury may, if he deems it necessary, change the port of entry to Morehead City.

Beaufort.

25 Feb., 1867, c. 82, ss. 1, 2, v. 14, p. 411.

Fourth. The district of Wilmington; to comprise all the waters and shores south of the district of Beaufort to the southern boundary of the State of North Carolina; in which Wilmington shall be the port of entry.

Wilmington.

25 Feb., 1867, c. 82, s. 1, v. 14, p. 411.

SEC. 2556. There shall be in the collection-districts in the State of North Carolina the following officers:

Officers in North Carolina.

First. In the district of Albemarle, a collector, to reside at the port of entry.

Albemarle.

Second. In the district of Pamlico, a collector, to reside at the port of entry.

Ibid.
Pamlico.

Third. In the district of Beaufort, a collector, to reside at the port of entry.

Ibid.
Beaufort.

Fourth. In the district of Wilmington, a collector, to reside at the port of entry. (See § 4342.)

Ibid.
Wilmington.

SEC. 2557. There shall be in the State of South Carolina three collection-districts, as follows:

Ibid.
Districts in South Carolina.

First. The district of Georgetown; to comprise all the waters and shores from the southern boundary of the State of North Carolina to the point of Cape Romain; in which Georgetown shall be the port of entry.

Georgetown.

2 March, 1799, c. 22, s. 13, v. 1, p. 636.

Second. The district of Charleston; to comprise all the waters and shores from Cape Romain to Combahee River, inclusive, in which Charleston shall be the port of entry.

Charleston.

Ibid.

Third. The district of Beaufort; to comprise all the waters and shores from Combahee River to the Back River in Georgia; in which Beaufort shall be the port of entry.

Beaufort.

Ibid.

SEC. 2558. There shall be in the collection-districts in the State of South Carolina the following officers:

Officers in South Carolina.

First. In the district of Georgetown, a collector.

Georgetown.

2 March, 1799, c. 22, s. 13, v. 1, p. 636.

Second. In the district of Charleston, a collector, a naval officer, a surveyor, who shall reside at Charleston, two appraisers, and a special examiner of drugs, medicines, and chemicals.

Charleston.

Ibid.

21, s. 16, v. 3, p. 735. 26 June, 1848, c. 70, s. 5, v. 9, p. 238.

Beaufort.

Third. In the district of Beaufort, a collector.

2 March, 1799, c. 22, s. 13, v. 1, p. 636.

SEC. 2559. There shall be in the State of Georgia three collection-districts, as follows:

Districts in Georgia.

First. The district of Savannah; to comprise the Savannah River and all the waters and shores from that river to and including the south point of Sapelo Island, in which Savannah shall be the port of entry, and Augusta, Sunbury, and Hardwicke ports of delivery.

Savannah.

2 March, 1799, c. 22, s. 14, v. 1, p. 636.
15 June, 1844, c. 51, s. 1, v. 5, p. 664. 2 March, 1857, c. 62, v. 11, p. 168.

Second. The district of Brunswick; to comprise all the waters and shores from the south point of Sapelo Island to and including the south point of Jekyll Island; in which Brunswick shall be the port of entry, and Frederica and Darien ports of delivery.

Brunswick.

2 March, 1799, c. 22, s. 14, v. 1, p. 636.
21 April, 1806, c. 116, s. 1, v. 12, p. 432.

Third. The district of Saint Mary's; to comprise all the waters and shores from the south point of Jekyll Island to and including Saint Mary's; in which Saint Mary's shall be the port of entry.

Saint Mary's.

2 March, 1799, c. 22, s. 14, v. 1, p. 636.

SEC. 2560. There shall be in the collection-districts in the State of Georgia the following officers:

Officers in Georgia.

First. In the district of Savannah, a collector, a naval officer, a surveyor, and two appraisers, who shall reside at the port of Savannah.

Savannah.

2 March, 1799, c. 22, s. 14, v. 1, p. 636.

1 March, 1823, c. 21, s. 16, v. 3, p. 735.
15 June, 1844, c. 51, s. 1, v. 5, p. 664.
Brunswick.

2 March, 1799, c. 22, s. 14, v. 1, p. 636.
21 April, 1806, c. 45, s. 2, v. 2, p. 399.
Saint Mary's.

2 March, 1799, c. 22, s. 14, v. 1, p. 637.

Collectors of Savannah and Brunswick may grant permits, &c.

2 March, 1799, c. 22, s. 14, v. 1, p. 637.
Districts in Florida.

Fernandina.

3 March, 1857, c. 105, v. 11, p. 200.

Saint John's.

2 March, 1831, c. 76, s. 4, v. 4, p. 476.
3 August, 1854, c. 202, s. 1, v. 10, p. 346.

Saint Augustine.

7 May, 1822, c. 62, s. 2, v. 3, p. 684.

21 January, 1829, c. 10, s. 2, v. 4, p. 331. 2 March, 1831, c. 76, s. 4, v. 4, p. 476.

Key West.

7 May, 1822, c. 62, s. 3, v. 3, p. 684.
13 July, 1832, c. 201, s. 2, v. 4, p. 577.

Saint Mark's.

21 Jan., 1829, c. 10, s. 1, v. 4, p. 331.
13 July, 1832, c. 201, s. 2, v. 4, p. 577.

Apalachicola.

7 May, 1822, c. 62, s. 4, v. 3, p. 684.

21 January, 1829, c. 10, s. 1, v. 4, p. 331.

Pensacola.

7 May, 1822, c. 62, s. 5, v. 3, p. 684.

President may appoint ports of delivery in Florida.

7 May, 1822, c. 62, ss. 6, 7, v. 3, p. 684. 26 May, 1824, c. 158, s. 2, v. 4, p. 43.
Officers in Florida.

Fernandina.

3 March, 1857, c. 105, v. 11, p. 200.

Saint John's.

2 March, 1831, c. 76, s. 4, v. 4, p. 476.

3 Aug., 1854, c. 202, s. 1, v. 10, p. 346.

surveyor, who shall reside at Augusta; and the President, if he deems it necessary, may appoint a surveyor who shall reside at Sunbury, and a surveyor who shall reside at Hardwicke.

2 March, 1867, c. 62, v. 11, p. 168.

Second. In the district of Brunswick, a collector, who shall reside at Brunswick; a deputy collector, who shall reside at Darien; and a surveyor, who shall reside at such place in the district as may be designated by the Secretary of the Treasury.

9 March, 1818, c. 14, v. 3, p. 408. 20 June, 1862, c. 116, s. 1, v. 12, p. 432.

Third. In the district of Saint Mary's, a collector, who shall reside at Saint Mary's.

SEC. 2561. The collectors of the districts of Savannah and Brunswick, in the State of Georgia, are each authorized to grant permits to unload at any port within their districts, respectively, and to appoint and put on board any vessel for which such a permit is granted one or more inspectors, as may be necessary for the security of the revenue.

SEC. 2562. There shall be in the State of Florida seven collection-districts, as follows:

First. The district of Fernandina; to comprise all the waters and shores in the county of Nassau as bounded on the third day of March, eighteen hundred and fifty-seven; in which Fernandina shall be the port of entry.

Second. The district of Saint John's; to comprise all the waters and shores from the southern boundary of the county of Nassau, as bounded on the third day of March, eighteen hundred and fifty-seven, to the south side of the Saint John's River; in which such place, on the Saint John's River, as the President may direct, shall be the port of entry, and Pilatka a port of delivery.

Third. The district of Saint Augustine; to comprise all the waters and shores from the south side of Saint John's River to and including Indian River; in which Saint Augustine shall be the port of entry.

Fourth. The district of Key West; to comprise all the waters and shores from Indian River to and including Tampa Bay, and of the islands opposite and nearest thereto; in which Key West shall be the port of entry.

Fifth. The district of Saint Mark's; to comprise all the waters and shores from Tampa Bay to and including Oklokonee Bay; in which Cedar Keys shall be the port of entry, and Saint Mark's, Bayport, and Magnolia, ports of delivery.

3 August, 1854, c. 202, s. 1, v. 10, p. 346. 8 Feb., 1871, c. 39, v. 16, p. 407.

Sixth. The district of Apalachicola; to comprise all the waters and shores from Oklokonee Bay to Cape San Blas; in which such place as the President may designate shall be the port of entry.

Seventh. The district of Pensacola; to comprise all the waters and shores of the State of Florida west of Cape San Blas; in which Pensacola shall be the port of entry; and the President may establish such ports of delivery in the districts of Florida as he may deem expedient; and for each port of delivery so established he shall appoint a surveyor, to reside at the port for which he is appointed.

SEC. 2563. There shall be in the collection-districts in the State of Florida the following officers:

First. In the district of Fernandina, a collector.

Second. In the district of Saint John's, a collector, who shall reside at such place as the President may designate as a port of entry, and a surveyor who shall reside at Pilatka.

Third. In the district of Saint Augustine, a collector, who shall reside at Saint Augustine.

Fourth. In the district of Key West, a collector, who shall reside at Key West.

Fifth. In the district of Saint Mark's, a collector, who shall reside at Cedar Keys, and a surveyor who shall reside at Bayport.

Sixth. In the district of Apalachicola, a collector, who shall reside at the port of entry.

Seventh. In the district of Pensacola, a collector, who shall reside at Pensacola.

SEC. 2564. There shall be in the State of Alabama one collection-district, as follows:

The district of Mobile, to comprise all the waters and shores of the river Mobile, and of the other rivers, creeks, inlets, and bays emptying into the Gulf of Mexico, within the State; in which Mobile shall be the port of entry, and Selma, in the State of Alabama, shall be a port of delivery.

SEC. 2565. There shall be in the collection-district of Alabama a collector and an appraiser, who shall reside at the port of Mobile, and a surveyor who shall reside at Selma.

24 Feb., 1804, c. 13, s. 11, v. 2, p. 254. 14 July, 1870, c. 255, ss. 35, March, 1857, c. 102, v. 11, p. 199. 27 Jan., 1858, c. 3, v. 11, p. 260.

SEC. 2566. There shall be in the State of Mississippi three collection-districts, as follows:

First. The district of Pearl River; to comprise all the waters and shores of the Gulf of Mexico and of Lake Borgne, within the State; in which Shieldsborough shall be the port of entry, and Pearlinton and Ship Island ports of delivery.

Second. The district of Natchez; to comprise all the waters and shores of the Mississippi River within the State of Mississippi south of the range-line between townships thirteen and fourteen; in which Natchez shall be the port of entry, and Grand Gulf a port of delivery.

Third. The district of Vicksburgh; to comprise all the waters and shores of the Mississippi River within the State of Mississippi north of the range-line between townships thirteen and fourteen; in which Vicksburgh shall be the port of entry.

SEC. 2567. There shall be in the collection-districts in the State of Mississippi the following officers:

First. In the district of Pearl River, a collector, who shall reside at the port of Shieldsborough; and a deputy collector, who shall reside at Ship Island, and shall be authorized to perform the duties of a collector.

Second. In the district of Natchez, a collector, who shall reside at Natchez.

Third. In the district of Vicksburgh, a collector.

SEC. 2568. There shall be in the State of Louisiana two collection-districts, as follows:

First. The district of New Orleans; to comprise all the waters and shores of the State of Louisiana east of and including the northern portion of the Atchafalaya River down to a point due west from the northern boundary of the town of Plaquemine, in the parish of Iberville, and east of the Bayou Lafourche, and all the waters and shores of the Mississippi River, and of the rivers which empty into it, or any of its

Saint Augustine.
7 May, 1822, c. 62,
s. 2-7, v. 3, p. 684.
Key West.

7 May, 1822, c.
ss. 2, 3, v. 4, p. 577.
Saint Mark's.

3 Aug., 1854, c.
c. 39, v. 16, p. 407.
Apalachicola.

7 May, 1822, c. 62,
ss. 4, 7, v. 3, p. 684.
Pensacola.

7 May, 1822, c. 62,
ss. 5, 7, v. 3, p. 684.
District in Ala-
bama.

Mobile.
24 Feb., 1804, c.
13, s. 11, v. 2, p. 254.
22 July, 1813, c.
18, v. 3, p. 35.
3 March, 1857, c.
102, v. 11, p. 199.

Officers in Ala-
bama.
Mobile.

36, v. 16, p. 271.

Districts in Mis-
sissippi.

Pearl River.
2 March, 1821, c.
16, v. 3, p. 617.
15 June, 1844, c.
51, s. 2, v. 5, p. 664.

9 May, 1848, c. 40, v. 9, p. 220.
Natchez.
30 June, 1834, c.
135, s. 1, v. 4, p. 715.
7 July, 1858, c.
175, v. 5, p. 287.

Vicksburgh.
7 July, 1838, c.
175, v. 5, p. 287.
7 July, 1838, c.
169, s. 8, v. 5, p. 267.
Officers in Mis-
sissippi.

Pearl River.
2 March, 1821, c.
16, v. 3, p. 617.
9 May, 1848, c. 40, v. 9, p. 220.

Natchez.
30 June, 1834, c.
135, s. 1, v. 4, p. 715.
Vicksburgh.

7 July, 1838, c. 169, s. 8, v. 5, p. 267.

Districts in Lou-
isiana.

New Orleans.
2 March, 1799, c.
22, s. 17, v. 1, p. 639.
24 Feb., 1804, c.
13, s. 4, v. 2, p. 252.
2 March, 1811, c.
33, s. 7, v. 2, p. 658.

30 June, 1834, c. 135, s. 1, v. 4, p. 715.
 15 June, 1844, c. 51, s. 3, v. 5, p. 664.
 25 Feb., 1873, c. 198, v. 17, p. 475.
 26 April, 1816, c. 81, s. 1, v. 3, p. 302.
 2 March, 1831, c. 76, s. 1, v. 4, p. 475.
 2 March, 1831, c. 87, s. 1, v. 4, p. 480.
 28 Sept., 1850, c. 79, ss. 11, 14, v. 9, pp. 510, 511.
 31 Aug., 1852, c. 115, s. 2, v. 10, p. 144.
 2 Feb., 1854, c. 9, v. 10, p. 266.
 2 Aug., 1854, c. 189, s. 1, v. 10, p. 333.
 2 Aug., 1854, c. 191, v. 10, p. 334.
 2 Aug., 1854, c. 192, s. 2, v. 10, p. 334.
 3 Aug., 1854, c. 198, v. 10, p. 345.
 3 Aug., 1854, c. 202, s. 2, v. 10, p. 346.
 11 March, 1864, c. 28, v. 13, p. 22.
 1 July, 1864, c. 202, v. 13, p. 342.
 7 July, 1870, c. 211, v. 16, p. 190.
 11 July, 1870, c. 244, v. 16, p. 229.
 14 July, 1870, c. 268, v. 16, p. 278.
 1 March, 1872, c. 25, v. 17, p. 33.
 3 March, 1873, c. 251, v. 17, p. 584.

The Teche.

2 March, 1811, c. 33, s. 7, v. 2, p. 658.
 31 March, 1830, c. 49, v. 4, p. 392.
 25 Feb., 1873, c. 198, ss. 1, 2, v. 17, pp. 475, 476.

Officers in Louisiana.

New Orleans.

27 Feb., 1804, c. 13, s. 4, v. 2, p. 252.
 1 March, 1872, c. 25, v. 17, p. 33.
 1 March, 1823, c. 21, s. 16, v. 3, p. 735.
 26 June, 1848, c. 70, s. 5, v. 9, p. 238.
 28 Sept., 1850, c. 79, s. 21, v. 9, p. 512.

branches, except the waters and shores within the State of Mississippi, and except the west bank of the Mississippi River between the towns of Plaquemine, in the parish of Iberville, and Donaldsonville, in the parish of Ascension; in which New Orleans shall be the port of entry, to include the parish of Orleans, and that portion of the parish of Jefferson lying between the Mississippi River and Lake Pontchartrain, and between the upper line of the parish of Orleans, left bank, and a line running parallel thereto, commencing at the Mississippi River, at the upper line of the city of Carrollton, and extending to Lake Pontchartrain; and the ports of delivery shall be as follows:

Bayou Saint John.

Pontchartrain, on Lake Pontchartrain.

Pittsburgh, in Pennsylvania.

Wheeling, in West Virginia.

Cincinnati, in Ohio.

Louisville, in Kentucky.

Saint Louis, in Missouri.

Nashville, in Tennessee.

Memphis, in Tennessee.

Evansville, in Indiana.

New Albany, in Indiana.

Burlington, in Iowa.

Galena, in Illinois.

Alton, in Illinois.

Quincy, in Illinois.

Lakeport, to include the lake terminus of the new canal.

Madison, in Indiana.

Paducah, in Kentucky.

Jeffersonville, in Indiana.

Cairo, in Illinois.

Keokuk, in Iowa.

Dubuque, in Iowa.

Parkersburgh, in West Virginia.

Leavenworth, in Kansas.

Omaha, in Nebraska.

Kansas City, in Missouri.

Saint Joseph, in Missouri.

Shreveport.

La Crosse, in Wisconsin.

Second. The district of the Teche; to comprise all the waters and shores of that part of the State of Louisiana commencing at the town of Plaquemine, in the parish of Iberville; thence down the western bank of the Mississippi River to the town of Donaldsonville, in the parish of Ascension; thence down the Bayou Lafourche and along its eastern bank to the sea; thence westerly along the coast to the mouth of the Sabine River; thence up the Sabine River and along its eastern bank to a point due west from the town of Plaquemine; and thence to the place of beginning; in which Brashear, in the parish of Saint Mary, shall be the port of entry.

SEC. 2569. There shall be in the collection-districts in the State of Louisiana the following officers:

First. In the district of New Orleans, a collector, a naval officer, a surveyor, two appraisers, and one assistant appraiser, and a special examiner of drugs, medicines, and chemicals, who shall reside at the port of New Orleans; a deputy collector, who shall reside at Shreveport, in the State of Louisiana; and for each of the other ports of delivery named in the preceding section, a surveyor, who shall reside at such port, and shall, in addition to the customary duties devolving upon such officer, perform the duties specially prescribed by law with respect to merchandise imported into that particular port. And for each of the

ports of Cincinnati, Louisville, Evansville, Saint Louis, and Memphis, there shall be appointed an appraiser, who shall reside at such port.

of delivery. 2 March, 1811, c. 33, s. 7, v. 2, p. 658. 14 July, 1870, c. 225, ss. 35, 36, v. 16, p. 271.

Citations of preceding section for surveyors for ports

Second. In the district of Teche, a collector, who shall reside at Bra-shear.

The Teche.

25 Feb., 1873, c. 198, ss. 1, 2, v. 17, pp. 475, 476.

Vessels bound to ports of delivery must make entry at New Orleans.

24 Feb., 1804, c. 13, s. 7, v. 2, p. 253.

SEC. 2570. The master of every vessel, bound to a port of delivery only, other than the port of Bayou Saint John, in the district of New Orleans, shall first come to at the port of New Orleans with his vessel, and there make report and entry, in writing, and pay, or secure to be paid, all legal duties, port-fees, and charges, in manner provided by law, before such vessel shall proceed to her port of delivery; and any vessel, bound to the port of Bayou Saint John, may first proceed to that port, and afterward make report and entry at the port of New Orleans, within the time by law limited; and the master of every vessel, arriving from a foreign port, or having goods on board of which the duties have not been paid or secured, and bound to any port within the district of New Orleans, other than New Orleans or Bayou Saint John, shall take an inspector on board at New Orleans before proceeding to such port. If any master of a vessel shall proceed to such port of delivery, contrary to the directions of this section, he shall be liable to a penalty of five hundred dollars.

SEC. 2571. All vessels bound to the port of Bayou Saint John shall, after proceeding thereto, and making report and entry at the port of New Orleans, within the time limited by law, be permitted to unlade their cargoes at the town of the Bayou Saint John, or at the basin of the canal of Carondelet, adjoining the city of New Orleans, under the rules and regulations prescribed by law.

Vessels bound to port of Bayou Saint John.

26 April, 1816, c. 81, s. 1, v. 3, p. 302.

SEC. 2572. All vessels bound to the port of Lakeport shall, after proceeding thereto and making report and entry at the port of New Orleans, within the time limited by law, be permitted to unlade their cargoes at that port, under the regulations prescribed by law.

Vessels bound to port of Lakeport.

2 Aug., 1854, c. 189, s. 1, v. 10, p. 334.

SEC. 2573. All vessels about to depart from the port of Lakeport to foreign ports shall be permitted to clear with their cargoes at the custom-house, in the city of New Orleans, and depart under the same rules, regulations, and restrictions, and in every respect in the same manner as vessels clearing for foreign ports from the city of New Orleans by the way of the Mississippi River.

Vessels departing from port of Lakeport.

2 Aug., 1854, c. 189, s. 2, v. 10, p. 334.

SEC. 2574. All vessels bound to the port of Pontchartrain shall, after proceeding thereto, and making report and entry at the port of New Orleans, within the time limited by law, be permitted to unlade their cargoes at the port of Pontchartrain under the regulations prescribed by law.

Vessels bound to port of Pontchartrain.

2 March, 1831, c. 76, s. 1, v. 4, pp. 475, 476.

SEC. 2575. All vessels about to depart for foreign ports from the town of Bayou Saint John, or basin of the canal de Carondelet, or the port of Pontchartrain, shall be permitted to clear with their cargoes at the custom-house in the city of New Orleans, and depart under the same regulations as vessels clearing for foreign places from the city of New Orleans by the way of the Mississippi River.

Vessels departing from port of Pontchartrain, &c.

2 March, 1831, c. 76, s. 2, v. 4, p. 476.

SEC. 2576. The collector for the district of New Orleans may, when the public service requires, with the approval of the Secretary of the Treasury, appoint, in addition to the inspectors otherwise authorized by law, temporary inspectors, not exceeding twenty in number. But this section shall not be deemed to authorize the whole number of inspectors employed at the port of New Orleans to be at any time greater than the actual number of vessels from foreign ports, having cargoes to be discharged, then lying in the port.

Collector at New Orleans may appoint additional inspectors.

3 Mar., 1845, Res. No. 15, v. 5, p. 801. 28 Sept., 1850, c. 79, s. 20, v. 9, p. 512.

SEC. 2577. The collector of the customs at the port of New Orleans may appoint, with the approbation of the Secretary of the Treasury, three head gangers for the port.

Collector at New Orleans may appoint head gangers. 31 Aug., 1852, c. 103, s. 6, v. 10, p. 98.

Districts in Texas.

Galveston.

31 Dec., 1845, c. 2, ss. 1, 2, 3, v. 9, p. 2.

3 March, 1847, c. 57, s. 4, v. 9, p. 183.

Saluria.

3 March, 1847, c. 57, ss. 1, 2, 3, v. 9, p. 182.

3 March, 1849, c. 122, s. 1, v. 9, p. 409.

28 July, 1866, c. 293, s. 3, v. 14, p. 308.

5 June, 1868, c. 50, v. 15, p. 63.

Corpus Christi.

28 July, 1866, c. 293, s. 2, v. 14, p. 308.

17 April, 1872, c. 103, v. 17, p. 53.

Brazos de Santiago.

3 March, 1849, c. 122, s. 1, v. 9, p. 409.

17, p. 53.

Paso del Norte.

2 Aug., 1854, c. 193, ss. 1, 2, v. 10, p. 335.

3 March, 1855, c. 175, s. 13, v. 10, p. 671.

3 March, 1857, c. 107, s. 10, v. 11, p. 221.

Officers in Texas.

Galveston.

31 Dec., 1845, c. 2, ss. 1, 2, 3, v. 9, p. 2.

3 March, 1847, c. 57, s. 4, v. 9, pp. 182, 183.

14 July, 1870, c. 269, v. 16, p. 278.

Saluria.

28 July, 1866, c. 293, s. 3, v. 14, p. 308.

3 March 1847, c. 57, ss. 1, 2, 3, v. 9, p. 182.

Corpus Christi.

28 July, 1866, c. 293, s. 2, v. 14, p. 308.

Brazos de Santiago.

3 March, 1849, c. 122, s. 1, v. 9, p. 409.

Paso del Norte.

2 Aug., 1854, c. 193, s. 2, v. 10, p. 335.

Additional inspectors.

30 Aug., 1852, c. 96, s. 3, v. 10, p. 38.

SEC. 2578. There shall be in the State of Texas five collection-districts, as follows:

First. The district of Galveston; to comprise all the waters and shores of the State north and east of the counties of Matagorda and Wharton as bounded on the third day of March, eighteen hundred and forty-seven; in which Galveston shall be the port of entry, and Sabine, Velasco, and Houston ports of delivery.

14 July, 1870, c. 269, v. 16, p. 278.

Second. The district of Saluria; to comprise all the waters and shores of the State from and including the counties of Matagorda and Wharton as bounded on the third day of March, eighteen hundred and forty-seven, to the county of Refugio as bounded on the twenty-eighth day of July, eighteen hundred and forty-seven; in which Indianola shall be the port of entry, and Matagorda, Copano, Lavaca, and San Antonio, ports of delivery. [See § 3004.]

Third. The district of Corpus Christi; to comprise all the waters and shores within the counties of Nueces, Zapata, Duval, Encinazo, Webb, La Salle, McMullen, Live Oak, Bee, Refugio, and San Patricio, as bounded on the twenty-eighth day of July, eighteen hundred and sixty-six; in which Corpus Christi shall be the port of entry, and Aransas a port of delivery.

Fourth. The district of Brazos de Santiago; to comprise all the waters and shores of the State south of the district of Corpus Christi; in which Brownsville shall be the port of entry.

16 June, 1860, c. 134, ss. 1, 2, 3, v. 12, p. 39. 17 April, 1872, c. 103, v.

Fifth. The district of Paso del Norte; to comprise the county of El Paso, in Texas, and the Territory of New Mexico as bounded on the second day of August, eighteen hundred and fifty-four; in which El Paso shall be the port of entry. [See § 1928.]

3 March, 1857, c. 107, s. 10, v. 11, p. 221. 3

SEC. 2579. There shall be, in the collection-districts in the State of Texas, the following officers:

First. In the district of Galveston, a collector, who shall reside at Galveston; a deputy collector, who shall reside at Sabine, and shall exercise such powers as the Secretary of the Treasury may prescribe in pursuance of law; a surveyor, who shall reside at Velasco, and a surveyor who shall reside at Houston.

Second. In the district of Saluria, a collector, who shall reside at Indianola, a surveyor who shall reside at Matagorda, and a surveyor who shall reside at Lavaca, a surveyor, who shall reside at Copano.

Third. In the district of Corpus Christi, a collector, who shall reside at Corpus Christi.

Fourth. In the district of Brazos de Santiago, a collector, who shall reside at Brownsville; and a deputy collector, who shall reside at Brazos de Santiago, and shall have the power to enter and clear vessels.

16 June, 1860, c. 134, ss. 1, 2, 3, v. 12, pp. 39, 40.

Fifth. In the district of Paso del Norte, a collector, who shall reside at El Paso.

3 March, 1863, c. 88, s. 1, v. 12, p. 761.

SEC. 2580. The Secretary of the Treasury shall appoint inspectors of the customs to reside at San Antonio, Eagle Pass, the Presidio del Norte, and San Elizario, or at such other points as he may designate, not exceeding four in number, upon the routes by which goods entered and bonded and withdrawn from warehouse may, in pursuance of law,

be exported to Mexico; and such inspectors shall make a report semi-annually to the Secretary of the Treasury of all the trade that passes under inspection, stating the number of packages, description of goods, their value, and the names of the exporters. [See §§ 3003, 3004.]

SEC. 2581. All merchandise transported in bond to the port of Brownsville from any other port in the United States, by Brazos Harbor, may, on arrival in that harbor, be transshipped under such regulations, not inconsistent with law, as the Secretary of the Treasury may prescribe, in other vessels for transportation by the Rio Grande to Brownsville; and all merchandise imported into the district by Brazos Harbor, from any foreign country, may in like manner be transshipped to Brownsville as provided for goods, wares, and merchandise transshipped in bond. [See § 3002.]

SEC. 2582. There shall be in the State of California two collection-districts, as follows:

First. The district of San Diego; to comprise all the waters and shores of the counties of Santa Barbara, Los Angeles, San Bernardo, and San Diego; in which San Diego, on the Bay of San Diego, shall be the sole port of entry, and San Pedro and Santa Barbara ports of delivery.

Second. The district of San Francisco; to comprise all the waters and shores of the State north of the counties of Santa Barbara, Los Angeles, and San Bernardo; in which San Francisco shall be the port of entry, and Eureka and Vallejo ports of delivery.

p. 400. 28 Sept., 1850, c. 79, s. 1, v. 9, p. 508. 1 July, 1870, c. 190, s. 1, v. 16, p. 182. 3 March, 1871, c. 130, s. 1, v. 16, p. 583.

SEC. 2583. There shall be in the collection-districts of California the following officers:

First. In the district of San Diego, a collector, who shall reside at San Diego, and two inspectors, to be appointed by the collector, with the approval of the Secretary of the Treasury, for the ports of San Pedro and Santa Barbara.

Second. In the district of San Francisco, a collector, a naval officer, a surveyor, who shall reside at San Francisco, two appraisers, two assistant appraisers, and a special examiner of drugs, medicines, and chemicals; a deputy collector who shall reside at Eureka, a deputy collector who shall reside at Vallejo, an inspector at Monterey, an inspector at Sacramento, an inspector at Benicia, and an inspector at Stockton.

s. 1, v. 12, p. 411. 3 March, 1871, c. 130,

SEC. 2584. Any vessel of five hundred tons, or over, coming from or going to sea, may proceed directly to or from the port of Vallejo, and report through the deputy collector at that port to the collector of customs at San Francisco.

SEC. 2585. Any vessel of one hundred tons or over, coming from or going to sea, may proceed directly to or from either the port of Eureka or the port of Wilmington, and report through the deputy collector of such port to the collector of customs at San Francisco. [See § 2582.]

SEC. 2586. There shall be in the State of Oregon and Territory of Washington four collection-districts, as follows:

First. The southern district of Oregon, to comprise all the waters and shores of that part of the State of Oregon lying south and east of the north bank of the Siuslaw River; in which Coos Bay, in Coos County, shall be the port of entry, and Ellensburg, at the mouth of Rogue River, Port Orford, and Gardner, on the Umpqua River, ports of delivery.

Second. The district of Oregon; to comprise all the waters and shores lying north and east of the north bank of the Siuslaw River to the forty-sixth and a half degree of north latitude, and west of the coast range of mountains to the forty-eighth degree of north latitude, except that portion situated above the junction of the Willamette and Columbia Rivers and drained by those rivers and their tributary waters; in which Astoria shall be the port of entry.

Transshipment of goods transported in bond to Brownsville.

16 June, 1860, c. 134, s. 4, v. 12, p. 42.

Districts in California.

San Diego.

3 March, 1873, c. 253, ss. 1, 2, v. 17, pp. 585, 586.

San Francisco.

Ibid.

3 March, 1849, c. 112, ss. 1, 2, 3, v. 9, s. 1, v. 16, p. 182. 3

Officers in California.

San Diego.

3 March, 1873, c. 253, v. 17, pp. 585, 586.

San Francisco.

28 Sept., 1850, c. 79, ss. 1, 2, v. 9, p. 508.

18 Aug., 1856, c. 129, s. 17, v. 11, p. 92. 2 June, 1862, c. 92, ss. 1, 3, v. 16, p. 583.

Vessels going to or from Vallejo.

1 July, 1870, c. 190, s. 2, v. 16, p. 182.

Vessels going to or from Eureka or Wilmington.

3 March, 1871, c. 130, s. 2, v. 16, p. 583.

Districts in Oregon and Washington Territory.

Southern Oregon.

3 March, 1873, c. 264, ss. 1, 2, v. 17, p. 601.

Oregon.

14 Feb., 1851, c. 8, s. 1, v. 9, p. 567. 11 June, 1864, c. 122, v. 13, p. 125.

Willamette.

14 Feb., 1851, c. 8, s. 3, v. 9, p. 567.
14 June, 1870, c. 127, s. 1, v. 16, pp. 150, 151.

Third. The district of Willamette; to comprise all the waters and shores lying north and east of the north bank of Siuslaw River to the forty-sixth and a half degree of north latitude and west of the coast range of mountains to the forty-eighth degree of north latitude, above the junction of the Willamette and Columbia Rivers and drained by those rivers and their tributary waters; in which Portland shall be the port of entry.

Puget Sound.

14 Feb., 1851, c. 8, s. 1, v. 9, p. 567.
25 July, 1866, c. 252, v. 14, p. 250.

Officers in Oregon and Washington Territory.

Southern Oregon.

3 March, 1873, c. 264, ss. 1, 2, v. 17, p. 601.

Oregon.

14 Feb., 1851, c. 8, s. 1, v. 9, p. 567.
Willamette.

14 June, 1870, c. 127, s. 1, v. 16, p. 150.

Puget Sound.

14 Feb., 1851, c. 8, s. 1, v. 9, p. 567.

Manifests of vessels bound for Portland.

14 June, 1870, c. 127, s. 2, v. 16, p. 151.

Manifests of vessels clearing from Portland.

14 June, 1870, c. 127, s. 3, v. 16, p. 151.

Vessels having merchandise for both Astoria and Portland.

14 June, 1870, c. 127, s. 4, v. 16, p. 151.

District of Alaska.

27 July, 1868, c. 273, s. 2, v. 15, p. 240.

Fourth. The district of Puget Sound; to comprise all the waters and shores of the State of Oregon and Territory of Washington not included in the districts of the southern district of Oregon, Oregon, and Willamette; in which Port Townsend shall be the port of entry.

SEC. 2587. There shall be in the collection-districts in the State of Oregon and the Territory of Washington the following officers:

First. In the southern district of Oregon, a collector, who shall reside at Empire City, and three deputy collectors, who may be appointed by the collector, with the approval of the Secretary of the Treasury, and of whom one shall reside at Ellensburg, one at Port Orford, and one at Gardner.

Second. In the district of Oregon, a collector, who shall reside at Astoria.

Third. In the district of Willamette, a collector, and an appraiser who shall reside at Portland.

14 July, 1870, c. 55, s. 36, v. 16, p. 271.

Fourth. In the district of Puget Sound, a collector, who shall reside at Port Townsend.

25 July, 1866, c. 252, v. 14, p. 250.

SEC. 2588. The master of every vessel entering the Columbia River from the sea, and bound for Portland, in the district of Willamette, shall exhibit his papers to the collector of the port of Astoria, and deposit with him a sworn copy of the manifest of cargo. If the vessel is laden with domestic merchandise or merchandise in bond for Portland, the collector at Astoria shall permit her to proceed to her place of destination; but if she has dutiable merchandise on board not bonded, he shall cause a customs officer to proceed on board the vessel to Portland, who shall see that no goods are landed from such vessel before her arrival and entry at the latter port. The necessary expenses, including the per diem of such officer and the expense of his return to Astoria, shall be paid by the master of such vessel to the collector of customs at Portland, for the use of the United States, before permit shall be given to unload.

SEC. 2589. All vessels clearing from Portland, in the district of Willamette, and bound to sea, shall, on arrival at Astoria, in the district of Oregon, report to the collector; and the master of every vessel so reporting shall leave a copy of his manifest, including any additional cargo taken on board after leaving Portland, with the collector at Astoria, and thereupon shall be allowed to proceed to sea. The master or other person in charge or command of any vessel entering the Columbia River from the sea, or clearing from Portland and bound to sea as described in this section, who shall neglect to exhibit his papers, or to report to the collector, or to deposit his manifest, as herein required, shall be liable to a penalty of one hundred dollars.

SEC. 2590. When a vessel shall arrive at Astoria, in the district of Oregon, from sea, having merchandise on board for that place and also for Portland, in the district of Willamette, such vessel shall enter at Astoria and discharge such portion of her cargo as is destined for that place, whereupon the collector shall cause her hatches to be closed and sealed, and shall then permit her to proceed to Portland in charge of a customs officer.

SEC. 2591. There shall be in the Territory of Alaska one collection-district, as follows:

The district of Alaska; to comprise all the Territory of Alaska; in which Sitka shall be the port of entry.

SEC. 2592. There shall be in the collection-district of Alaska a collector, who shall reside at Sitka.

Officer in Alaska.

27 July, 1868, c. 273, s. 2, v. 15, p. 240.

SEC. 2593. There shall be in the Territories of Montana and Idaho one collection-district, as follows:

District of Montana and Idaho.

The district of Montana and Idaho; to comprise the Territories of Montana and Idaho, as bounded on the thirteenth day of April, eighteen hundred and sixty-six. The port of entry shall be designated by the Secretary of the Treasury.

13 April, 1866, c. 44, s. 2, v. 14, p. 33.

SEC. 2594. There shall be in the collection-district of Montana and Idaho a collector, who shall reside at the port of entry.

Officers in Montana and Idaho.

13 April, 1866, c. 44, s. 2, v. 14, p. 33.

SEC. 2595. There shall be in the State of Minnesota two collection-districts, as follows:

Districts in Minnesota.

First. The district of Minnesota; to comprise all the territory of the United States north of the States of Wisconsin and Iowa and east of the Territory of Montana, as bounded on the thirteenth day of April, eighteen hundred and sixty-six, except the waters and shores of Lake Superior and the rivers connected therewith; in which Pembina shall be the port of entry, and Saint Paul a port of delivery.

Minnesota.

28 Sept., 1850, c. 79, s. 8, v. 9, p. 510.
23 May, 1872, c. 199, s. 2, v. 17, p. 157.

Second. The district of Du Luth; to comprise all the waters and shores of Lake Superior and the rivers connected therewith, within the State of Minnesota; in which Du Luth shall be the port of entry.

Du Luth.

23 May, 1872, c. 199, s. 1, v. 17, p. 157.
Officers in Minnesota.

SEC. 2596. There shall be in the collection-districts of Minnesota the following officers:

Minnesota.

First. In the district of Minnesota, a collector, who shall reside at Pembina, and a deputy collector, who shall reside at Saint Paul.

28 Sept., 1850, c. 79, ss. 8, 9, v. 9, p. 510.

23 May, 1872, c. 199, s. 2, v. 17, p. 157.

Second. In the district of Du Luth, a collector, who shall reside at Du Luth.

Du Luth.

23 May, 1872, c. 199, s. 1, v. 17, p. 157.

SEC. 2597. There shall be in the State of Wisconsin one collection-district, as follows:

District in Wisconsin.

The district of Milwaukee; to comprise all the waters and shores of Lake Michigan within the State of Wisconsin; in which Milwaukee shall be the port of entry, and Kenosha, Racine, Sheboygan, Green Bay, and Depère, ports of delivery.

Milwaukee.

28 Sept., 1850, c. 79, s. 5, v. 9, pp. 509, 510.

17 June, 1864, c. 130, s. 4, v. 13, p. 134.

SEC. 2598. There shall be in the collection-districts of Wisconsin the following officers:

Officers in Wisconsin.

In the district of Milwaukee, a collector and an appraiser, who shall reside at Milwaukee, and a deputy collector at each of the ports of Kenosha, Racine, Sheboygan, Green Bay, and Depère.

Milwaukee.

28 Sept., 1850, c. 79, ss. 6, 7, v. 9, pp. 509, 510.

14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.

SEC. 2599. There shall be in the State of Michigan four collection-districts, as follows:

Districts in Michigan.

First. The district of Michigan; to comprise all the waters and shores of the State of Michigan lying west of the principal meridian and south of the latitudinal line dividing township number forty-three from township number forty-four north of the base-line of the State, except the territory bordering Green Bay, and including the island of Bois Blanc; in which Grand Haven shall be the port of entry, and Duncan City a port of delivery.

Michigan.

13 April, 1866, c. 44, s. 1, v. 14, p. 32.
25 June, 1868, c. 74, s. 1, v. 15, p. 78.

Second. The district of Huron; to comprise all the waters and shores of the Saint Clair River, and of the counties of Saint Clair, Lapeer, Tuscola, and Saginaw, as bounded on the thirteenth day of April, eighteen hundred and sixty-six, and of all the territory of the State of Michigan lying north of those counties and east of the principal meridian; in which Port Huron shall be the port of entry.

Huron.

13 April, 1866, c. 44, s. 1, v. 14, p. 32.
25 June, 1868, c. 74, s. 3, v. 15, p. 78.

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| <p>Detroit.</p> <p>2 March, 1799, c. 22, s. 17, v. 1, p. 637.</p> | <p>Third. The district of Detroit; to comprise all the waters and shores of Lake Erie and Lake Saint Clair, and the waters connected therewith, within the jurisdiction of the United States, from the Miami River to the mouth of the Saint Clair River; in which Detroit shall be the port of entry. And the President is authorized to establish within the district of Detroit two ports of delivery.</p> |
| <p>Superior.</p> <p>2 March, 1799, v. 1, p. 638.</p> <p>25 June, 1868, c. 74, s. 2, v. 15, p. 78.</p> <p>10 April, 1869, c. 28, v. 16, p. 47.</p> <p>3 March, 1863, c. 87, s. 4, v. 12, p. 761.</p> | <p>Fourth. The district of Superior; to comprise all the waters and shores of that part of the upper peninsula of the State of Michigan lying east of the principal meridian, all the islands in and bordering upon the Sainte Marie River, and all that part of the State of Michigan lying west of the principal meridian and north of the latitudinal line dividing township number forty-three, from township number forty-four north of the base-line of that State, including the territory in the State bordering Green Bay, together with all the islands, waters, and shores of Lake Superior, and the adjacent territory to the head waters of all the rivers and streams tributary thereto and within the States of Michigan and Wisconsin; in which Marquette shall be the port of entry, and Sault Sainte Marie and Mackinaw ports of delivery.</p> |
| <p>Officers in Michigan.</p> | <p>SEC. 2600. There shall be in the collection-districts of Michigan the following officers:</p> |
| <p>Michigan.</p> <p>13 April, 1866, c. 44, s. 1, v. 14, p. 32.</p> | <p>First. In the district of Michigan, a collector, who shall reside at Grand Haven.</p> |
| <p>Huron.</p> <p>13 April, 1866, c. 44, s. 1, v. 14, p. 32.</p> | <p>Second. In the district of Huron, a collector, who shall reside at Port Huron.</p> |
| <p>Detroit.</p> <p>2 March, 1799, c. 22, s. 17, v. 1, p. 638.</p> <p>14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.</p> | <p>Third. In the district of Detroit, a collector, and an appraiser, who shall reside at Detroit, and a surveyor at each of the two ports of delivery designated by the President.</p> |
| <p>Superior.</p> <p>10 April, 1869, c. 28, v. 16, p. 47.</p> <p>3 March, 1863, c. 87, s. 4, v. 12, p. 761.</p> | <p>Fourth. In the district of Superior, a collector, who shall reside at Marquette, a deputy collector, who shall reside at Sault Sainte Marie, and a deputy collector, who shall reside at Mackinaw.</p> |
| <p>District of Indiana and Illinois.</p> | <p>SEC. 2601. There shall be in the States of Indiana and Illinois one collection-district, as follows:</p> |
| <p>Chicago.</p> <p>16 July, 1846, c. 56, v. 9, p. 38.</p> <p>7 Aug., 1848, c. 145, v. 9, p. 275.</p> | <p>The district of Chicago; to comprise all the waters and shores of Lake Michigan within the States of Indiana and Illinois; in which Chicago shall be the port of entry, and Waukegan and Michigan City ports of delivery.</p> |
| <p>Officers in Indiana and Illinois.</p> | <p>SEC. 2602. There shall be in the collection-district of Indiana and Illinois the following officers:</p> |
| <p>Chicago.</p> <p>16 July, 1846, c. 56, s. 7, v. 9, p. 38.</p> <p>14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.</p> | <p>First. In the district of Chicago, a collector, and an appraiser, who shall reside at Chicago; a deputy collector, who shall reside at Waukegan; and a surveyor, who shall reside at Michigan City.</p> |
| <p>Districts in Ohio.</p> | <p>SEC. 2603. There shall be in the State of Ohio three collection-districts, as follows:</p> |
| <p>Miami.</p> <p>3 March, 1805, c. 34, s. 3, v. 2, p. 336.</p> <p>28 Sept., 1850, c. 79, s. 12, v. 9, p. 511.</p> | <p>First. The district of Miami; to comprise all the waters and shores of Lake Erie within the jurisdiction of the United States, from the western cape of Sandusky Bay to the western bank of the Miami River; in which Toledo shall be the port of entry. And the President is authorized to establish two ports of delivery in said district.</p> |
| <p>Sandusky.</p> <p>2 March, 1811, c. 33, s. 2, v. 2, p. 657.</p> <p>3 March, 1821, c. 48, v. 3, p. 642.</p> | <p>Second. The district of Sandusky; to comprise all the waters and shores of Lake Erie, within the jurisdiction of the United States, from the western bank of the Vermillion River to the western cape of Sandusky Bay; in which Sandusky shall be the port of entry.</p> |
| <p>Cuyahoga.</p> <p>2 March, 1799, c. 22, s. 17, v. 1, p. 638.</p> | <p>Third. The district of Cuyahoga; to comprise all the waters and shores of Lake Erie, within the jurisdiction of the United States, from</p> |

the western boundary of the State of Pennsylvania to the western bank of the Vermillion River. The President is authorized to designate such place as he shall deem expedient to be the port of entry; and Fairport and two other places which may be established by the President shall be ports of delivery.

SEC. 2604. There shall be in the collection-districts of Ohio the following officers:

First. In the district of Miami, a collector, who shall reside at Toledo.

3 March, 1805, c. 34, s. 3, v. 2, p. 336. 28 Sept., 1850, c.

Second. In the district of Sandusky, a collector, who shall reside at Sandusky.

33, s. 2, v. 2, p. 657. 16 Aug., 1842, c.

Third. In the district of Cuyahoga, a collector, who shall reside at Cleveland; and an appraiser at Cleveland.

22, s. 17, v. 1, p. 638. 3 March, 1805, c. 34, s. 4, v. 2, p. 336. 11 April, 425. 14 July, 1870, c. 255, ss. 35, 36, v. 16, p. 271.

SEC. 2605. The Secretary of the Treasury may appoint, whenever he deems it necessary, additional inspectors of the revenue for the districts named below, as follows: Passamaquoddy, four; Portland and Falmouth, eight; Boston and Charlestown, fourteen; Pembina, two; Chicago, eight; Superior, two; Sandusky, one; Cuyahoga, three; Erie, one; Dunkirk, one; Buffalo, six; Niagara, two; Genesee, two; Oswego, five; Oswegatchie, two; Champlain, four; Vermont, two.

SEC. 2606. At each of the ports of Providence, Norfolk, Portland in Maine, Buffalo, Chicago, Detroit, Cincinnati, Saint Louis, Evansville, Milwaukee, Louisville, Cleveland, San Francisco, Portland in Oregon, Memphis, and Mobile there shall be appointed such number of weighers, gaugers, measurers, and inspectors as may be necessary.

SEC. 2607. At the port of San Diego, in the district of San Diego, the Secretary of the Treasury shall have power to appoint such inspectors, weighers, gaugers, measurers, and other officers as may be necessary for the collection of the revenue at that port.

SEC. 2608. There shall be appointed by the President, by and with the advice and consent of the Senate, four appraisers of merchandise, who shall be employed in visiting such ports of entry in the United States, under the direction of the Secretary, as may be deemed useful by him for the security of the revenue, and shall at such ports afford such aid and assistance in the appraisement of merchandise thereat as may be deemed necessary by the Secretary of the Treasury to protect and insure uniformity in the collection of the revenue from customs.

SEC. 2609. Whenever an appraisement of imported merchandise is to be made at any port for which no appraiser is provided by law, the collector of the district shall appoint two respectable resident merchants, who shall be the appraisers of such merchandise. [See § 2946.]

SEC. 2610. Every merchant who, after being chosen by the collector as provided in the preceding section, and after due notice of such choice has been given to him in writing, declines or neglects to assist at such appraisement, shall be liable to a penalty not exceeding fifty dollars, and to the costs of prosecution therefor. [See § 2945.]

SEC. 2611. Special examiners of drugs, medicines, chemicals, and so forth, shall, before entering upon their duties, take and subscribe an oath faithfully and diligently to perform such duties, and to use their best endeavors to prevent and detect frauds upon the revenue of the United States; which oath shall be administered by the collector of the port or district where the examiner making it is employed. [See §§ 2933-2937.]

SEC. 2612. The Secretary of the Treasury shall give to the collectors of districts for which an examiner of drugs, medicines, and chemicals is not provided by law, such instructions as he may deem necessary to prevent the importation of adulterated and spurious drugs and medicines.

3 March, 1805, c. 34, s. 3, v. 2, p. 336. 11 April, 1818, c. 51, v. 3, p. 425. 3 March, 1825, c. 96, s. 1, v. 4, p. 127. Officers in Ohio.

Miami. 79, s. 12, v. 9, p. 511. Sandusky.

2 March, 1811, c. 179, v. 5, p. 507. Cuyahoga.

2 March, 1799, c. 1818, c. 51, v. 3, p.

Additional inspectors for certain districts.

27 June, 1864, c. 164, s. 7, v. 13, p. 198.

Weighers, gaugers, measurers, and inspectors.

14 July, 1870, c. 255, s. 36, v. 16, p. 271.

Weighers, gaugers, &c., at San Diego.

3 March, 1873, c. 253, v. 17, pp. 585, 586.

General appraisers.

3 March, 1851, c. 38, s. 3, v. 9, p. 630.

Gibbs vs. Washington, McAll., 430.

Merchants employed as appraisers.

1 March, 1823, c. 21, s. 16, v. 3, p. 735.

Merchant refusing to serve as appraiser.

1 March, 1823, c. 21, s. 19, v. 3, p. 736.

Oath of special examiners of drugs.

26 June, 1848, c. 70, s. 6, v. 9, p. 239.

Instructions to prevent importation of adulterated drugs.

26 June, 1848, c. 70, s. 5, v. 9, p. 238.

CHAPTER TWO.

QUALIFICATIONS, PAY, AND DUTIES OF OFFICERS.

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| <p>Sec. 2613. Term of office of collectors, naval officers, &c. 2614. Appraiser's oath of office. 2615. Assistant appraiser's oath. 2616. Oath of office of customs officer. 2617. Who may administer oath of office. 2618. Certification, &c., of oath. 2619. Bonds of collectors, naval officers, and surveyors. 2620. Bonds how approved and filed. 2621. Duties of collectors where naval officers and surveyors are appointed. 2622. Duties of collector where no naval officer is appointed. 2623. Duties of collector where a collector only is appointed. 2624. Employment of temporary surveyors. 2625. Performance of collector's duties in case of disability. 2626. Duties of naval officers. 2627. Duties of surveyors where collectors and naval officers are appointed. 2628. Duties of surveyor when surveyor only is appointed. 2629. Performance of surveyor's duties in case of disability. 2630. Deputy collectors. 2631. In case of sickness or absence collector or surveyor may authorize, &c. 2632. Deputies of naval officers and surveyors. 2633. When deputies may be clothed with powers of collectors. 2634. Limitation upon number and compensation of clerks and deputies. 2635. Table of fees to be kept posted up. 2636. Penalty for extortion by customs officers. 2637. Penalty for extortion by inspectors, weighers, gaugers, or measurers. 2638. Customs officers, &c., not to own vessels or engage in importations. 2639. Collectors, naval officers, and surveyors must keep and render accounts. 2640. Their duty in respect to accounts, penalty for omission. 2641. Accounts must include all emoluments as well as expenses. 2642. Services of occasional inspectors must be specified. 2643. List of clerks and account of expenditures for stationery, to be furnished. 2644. By collectors upon northern, &c., frontiers. 2645. Accounts to be rendered quarterly. 2646. Books to be furnished to customs officers. 2647. Quarterly account of collection of fines required. 2648. Blanks. 2649. Special agents to examine books, accounts, &c., of collectors. 2650. Classification and payment of agents. 2651. Regulations for special agents; limit of their number and pay. 2652. Customs officers to follow instructions and decisions of Secretary of Treasury. 2653. Subordinate offices in any district may be abolished.</p> | <p>Sec. 2654. Fees of collectors. 2655. Division of fees and expenses between collector and naval officer. 2656. Division of drawback-fees between collector, naval officer, and surveyor. 2657. Fees of surveyors, inspectors, and deputy inspectors. 2658. Fee for entry on northern, &c., frontier. 2659. Compensation of collectors for New York and other districts. 2660. Additional compensation in certain districts. 2661. Collector for Mobile. 2662. Collector for Pearl River. 2663. Collector for Saint Mary's and Key West. 2664. Collectors for Saint John's and Ferdinandina. 2665. Collector for the Teche. 2666. Collector for Natchez. 2667. Collector for Newark. 2668. Collector for Vicksburgh. 2669. Collector for Stonington. 2670. Collector for Puget Sound. 2671. Collector for Paso del Norte. 2672. Collector for San Francisco. 2673. Collector for Oregon. 2674. Collector for Wilmington. 2675. Collectors for Chicago and other districts. 2676. Collectors for Galveston and other districts. 2677. Collectors for Beaufort, South Carolina, and Pensacola. 2678. Collectors for Georgetown, District of Columbia, and other districts. 2679. Collector for eastern district of Maryland. 2680. Collectors for the districts in North Carolina. 2681. Collector for Alaska. 2682. Collector for Aroostook. 2683. Collector for Willamette. 2684. Collector for San Diego. 2685. Collector for southern district of Oregon. 2686. Division of commissions on death of collector. 2687. Apportionment of compensation for part of a year's service. 2688. Limit to compensation of collectors and surveyors acting as collectors. 2689. Compensation to be exclusive of expenses. 2690. Limit to compensation of collectors at Boston, and other specified ports. 2691. Limit to compensation of collectors at other ports. 2692. Powers of Secretary over incidental expenses. 2693. Accounts for services of clerks, must be verified. 2694. Assistant collector at New York. 2695. Assistant collector at Jersey City. 2696. Assistant collector at Camden. 2697. Deputy collectors at New York and other ports. 2698. Deputy collectors at Eureka and Vallejo.</p> |
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| Sec. | Sec. |
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| 2699. Deputy collector at Potomac. | 2723. Deputy surveyor at Savannah. |
| 2700. Deputy collector at Shreveport. | 2724. Principal appraisers at Savannah and Charleston. |
| 2701. Deputy collector at Saint Paul. | 2725. Merchant appraisers. |
| 2702. Deputy collectors southern district of Oregon. | 2726. General appraiser at New York. |
| 2703. Naval officers for San Francisco. | 2727. General appraisers. |
| 2704. Limit to compensation of naval officers. | 2728. Appraisers at Boston and other ports. |
| 2705. Deputy naval officers at New York and other ports. | 2729. Appraiser at New York. |
| 2706. Surveyors at Eastport and other ports. | 2730. Appraisers at Providence and other ports. |
| 2707. Surveyors at ports in district of New Orleans. | 2731. Assistant appraisers at New York. |
| 2708. Surveyors at Pittsburgh and other ports. | 2732. Assistant appraisers at Boston and other ports. |
| 2709. Surveyor at Velasco. | 2733. Inspectors. |
| 2710. Surveyor at Matagorda and Lavacca. | 2734. Inspectors at San Antonio and other ports. |
| 2711. Surveyors at Pacific City and Milwaukee. | 2735. Inspectors at Monterey and other ports. |
| 2712. Surveyor at Cairo. | 2736. Inspector at Chester. |
| 2713. Surveyor at Selma. | 2737. Power of Secretary to increase compensation of inspectors. |
| 2714. Surveyor at San Francisco. | 2738. Persons acting as inspectors. |
| 2715. Surveyor at Salem. | 2739. Weighers at Boston and other ports. |
| 2716. Surveyor at Michigan City. | 2740. Head gaugers at New Orleans. |
| 2717. Surveyor at Albany. | 2741. Gaugers at New York. |
| 2718. Surveyor at La Crosse. | 2742. Gaugers and measurers at Boston. |
| 2719. Limit of compensation of surveyors at Portland and other ports. | 2743. Special examiners of drugs. |
| 2720. Limit of compensation of surveyors generally. | 2744. Special examiner of drugs at San Francisco. |
| 2721. Deputy surveyors at San Francisco. | 2745. Examiners and subordinate officers at New York. |
| 2722. Deputy surveyors at New York and other ports. | 2746. Additional compensation to customs officers at San Francisco. |

SEC. 2613. Collectors of the customs, naval officers, and surveyors of the customs shall be appointed for the term of four years.

Term of office of collectors, naval officers, &c.

19 May, 1820, c. 102, s. 1, v. 3, p. 582.—U. S. *vs.* Eckford's Exrs., 1 How., 250.

SEC. 2614. The appraiser at New York, before he enters upon the duties of his office, shall take and subscribe an oath faithfully to direct and supervise the examination, inspection, and appraisement according to law, of such merchandise as the collector may direct pursuant to law, and to cause to be duly reported to the collector the true value thereof, as required by law. All other appraisers, and all resident merchants appointed according to law to act as appraisers, shall severally take and subscribe an oath diligently and faithfully to examine and inspect such merchandise as the collector may direct, and truly to report, to the best of their knowledge and belief, the true value thereof.

Appraiser's oath of office.

27 July, 1866, c. 284, s. 1, v. 14, p. 302.

1 March, 1823, c. 21, s. 16, v. 3, p. 735.
14 July, 1870, c. 255, ss. 34, 36, v. 16, p. 271.

SEC. 2615. Each of the assistant appraisers at the port of New York, before entering upon the duties of his office, shall take and subscribe an oath diligently and faithfully to examine and inspect such goods, wares, and merchandise as the appraiser may direct, and truly to report to him the true value thereof, according to law. Such report shall be subject to revision and correction by the appraiser, and when approved by him shall be transmitted to the collector, and shall be deemed an appraisement by the United States local appraiser of the district of such merchandise required by law. The assistant appraisers at Boston, Philadelphia, and San Francisco, shall take and subscribe an oath diligently and faithfully to examine and inspect such merchandise as the principal appraisers may direct, and truly to report to them the true value thereof, according to law.

Oath of assistant appraisers.

27 July, 1866, c. 284, s. 2, v. 14, p. 302.

28 May, 1830, c. 147, s. 2, v. 4, p. 409.
14 July, 1870, c. 255, ss. 34-36, v. 16, p. 271.

SEC. 2616. Every officer, clerk, or employé appointed under this Title shall, before entering upon his duties, take and subscribe an oath in addition to the oath of office prescribed by section seventeen hundred and fifty-six or section seventeen hundred and fifty-seven, Title "PROVISIONS APPLYING TO SEVERAL CLASSES OF OFFICERS," that he will

Oath of office of customs officers.

2 March, 1799, c. 22, s. 20, v. 1, p. 641.
3 March, 1817, c. 109, s. 7, v. 3, p. 397.

30 July, 1846, c. 74, s. 9, v. 9, p. 44.
 9 May, 1848, c. 40, v. 9, p. 220. 26 June, 1848, c. 70, s. 6, v. 9, p. 239.

Who may administer oath of office.

2 March, 1799, c. 22, s. 20, v. 1, p. 641.
 30 July, 1846, c. 74, s. 9, v. 9, p. 44.

26 June, 1848, c. 71, s. 6, v. 9, p. 239.

Certification, &c., of oath.

2 March, 1799, c. 22, s. 20, v. 1, pp. 641, 642.

Bonds of collectors, naval officers, and surveyors.

2 March, 1799, c. 23, s. 1, v. 1, p. 705.
 4 June, 1844, c. 39, v. 5, p. 661.

2 March, 1799, c. 23, s. 1, v. 1, p. 705.

U. S. vs. Eckford's Exrs., 1 How., 250; *Broome vs. U. S.*, 15 How., 143; *U. S. vs. Morgan*, 11 How., 154.

Ibid.

Ibid.

Ibid.

Ibid.
 10 May, 1800, c. 49, v. 2, p. 68.
 7 July, 1838, c. 169, s. 8, v. 5, p. 267.

2 March, 1799, c. 23, s. 1, v. 1, p. 705.
 30 June, 1834, c. 135, s. 10, v. 4, p. 716.
 7 May, 1822, c. 109, s. 2, v. 3, p. 693.

2 March, 1799, c. 23, s. 1, v. 1, p. 705.

7 May, 1822, c. 62, s. 8, v. 3, p. 684.
 12 January, 1829, c. 10, s. 1, v. 4, p. 331.
 p. 200.

2 March, 1799, c. 23, s. 1, v. 1, p. 705.

Ibid.

Ibid.

2 March, 1831, c. 87, ss. 1, 5, v. 4, pp. 480, 482.

2 March, 1867, c. 178, s. 1, v. 14, p. 542.

2 March, 1799, c. 23, s. 1, v. 1, p. 705.

Ibid.

[See § 8639.]

use his best endeavors to prevent and detect frauds against the laws of the United States imposing duties upon imports.

SEC. 2617. The oath of office required by law to be taken by a collector may be taken before any magistrate authorized to administer oaths within the district to which such collector belongs. The oath required to be taken by any other person appointed to any office under this Title shall be taken before the collector of his district. [See § 1758.]

SEC. 2618. The oath of office administered to any person appointed to any office under this Title shall be certified under the hand and seal of the person by whom the same shall have been administered, and shall, within three months thereafter, be transmitted to the Commissioner of Customs. In default of taking such oath, or of transmitting a certificate thereof, the person failing shall be liable to a penalty of two hundred dollars.

SEC. 2619. Every collector, naval officer, and surveyor, shall, before entering on the duties of his office, give a bond to the United States, with one or more sufficient sureties, for the true and faithful discharge of the duties thereof according to law, under penalty as follows:

First. The collectors of New York and Philadelphia, in the sum of sixty thousand dollars each.

Second. The collector of Boston and Charlestown, in the sum of forty thousand dollars.

Third. The collectors of Baltimore and Charleston, in the sum of thirty thousand dollars each.

Fourth. The collector of Norfolk and Portsmouth, in the sum of fifteen thousand dollars.

Fifth. The collectors of Portsmouth in New Hampshire, Salem and Beverly, Newport, Providence, Wilmington in Delaware, Annapolis, Georgetown in the District of Columbia, Richmond, Alexandria, Wilmington in North Carolina, New Berne, Edenton, and Vicksburgh, in ten thousand dollars each.

Sixth. The collectors of Newburyport, Gloucester, Marblehead, Plymouth, Nantucket, Portland and Falmouth, New London, New Haven, Fairfield, Perth Amboy, Newark, Yorktown, Tappahannock, Georgetown in South Carolina, Beaufort in South Carolina, and Savannah, in five thousand dollars each.

Seventh. The collectors of Middletown and Waldoborough, in four thousand dollars each.

Eighth. The collectors of the several districts in the State of Florida, in such sum as the President shall prescribe.

2 March, 1831, c. 76, s. 4, v. 4, p. 476. 3 March, 1857, c. 105, v. 11,

Ninth. All collectors not above mentioned, in two thousand dollars each.

Tenth. The naval officers at Boston, New York, Philadelphia, Baltimore, and Charleston, in ten thousand dollars each.

Eleventh. All naval officers not above mentioned, in two thousand dollars each.

Twelfth. The surveyors at Albany, Pittsburgh, Wheeling, Cincinnati, Louisville, Saint Louis, Nashville, and Natchez, in ten thousand dollars each.

Thirteenth. The surveyors of Boston, New York, Philadelphia, Baltimore, and Charleston, in five thousand dollars each.

Fourteenth. All surveyors not above mentioned, in one thousand dollars each.

SEC. 2620. All bonds required by law to be given by collectors, naval officers, surveyors, or other officers of the customs, shall be approved by the Commissioner of Customs, and shall be filed in his office.

Bonds, how approved and filed.

17 June, 1864, c. 130, s. 5, v. 13, p. 134.

SEC. 2621. At each of the ports to which there are appointed a collector, naval officer, and surveyor, it shall be the duty of the collector:

Duties of collector where naval officers and surveyors are appointed.

First. To receive all reports, manifests, and documents to be made or exhibited on the entry of any ship or vessel, according to the regulations of this Title.

2 March, 1799, c. 22, s. 21, v. 1, p. 642.

Stewart vs. U. S., 17 How., 116; U. S. vs. Wood, 2 Gall., 361.

Second. To record, in books to be kept for that purpose, all manifests.

Third. To receive the entries of all ships or vessels, and of the goods, wares, and merchandise imported in them.

Fourth. To estimate, together with the naval officer where there is one, or alone where there is none, the amount of the duties payable thereupon, indorsing such amount upon the respective entries.

Fifth. To receive all moneys paid for duties, and take all bonds for securing the payment thereof.

Sixth. To grant all permits for the unlading and delivery of goods.

Seventh. To employ, with the approval of the Secretary of the Treasury, proper persons as weighers, gaugers, measurers, and inspectors at the several ports within his district.

Eighth. To provide, with the like approval, at the public expense, store-houses for the safe-keeping of goods, and such scales, weights, and measures as may be necessary. [See §§ 337, 4299.]

SEC. 2622. At ports to which a collector and surveyor only are appointed, the collector shall solely execute all the duties in which the co-operation of the naval officer is requisite at the ports where a naval officer is appointed. And he shall act in like manner in case of the disability or death of the naval officer, until a successor is appointed, unless there is a deputy duly authorized under the hand and seal of the naval officer, who in that case shall continue to act until an appointment is made.

Duties of collector where no naval officer is appointed.

2 March, 1799, c. 22, s. 21, v. 1, p. 643.

SEC. 2623. At ports to which a collector only is appointed, the collector shall solely execute all the duties in which the co-operation of the naval officer is requisite, at ports where a naval officer is appointed, and he shall also, as far as may be, perform all the duties prescribed for surveyors at ports where surveyors are authorized.

Duties of collector where a collector only is appointed.

2 March, 1799, c. 22, s. 21, v. 1, p. 643.

SEC. 2624. At ports of delivery to which no surveyor is appointed, and at such ports only, the collector may, from time to time, when it is necessary, employ a proper person to perform the duties of a surveyor; who shall be entitled to the like compensation with an inspector during the time he is employed.

Employment of temporary surveyors.

2 March, 1799, c. 22, s. 21, v. 1, p. 643.

SEC. 2625. In case of the disability or death of a collector, the duties and authorities vested in him shall devolve on his deputy, if any there be at the time of such disability or death, for whose conduct the estate of such disabled or deceased collector shall be liable; and, if there be no deputy, they shall devolve upon the naval officer of the same district, if any there be; and if there be no naval officer, they shall devolve upon the surveyor of the port appointed for the residence of such disabled or deceased collector, if any there be; and if there be no such surveyor, they shall devolve upon the surveyor of the port nearest thereto and within the district.

Performance of collector's duties in case of disability.

2 March, 1799, c. 22, s. 22, v. 1, p. 644.

SEC. 2626. At ports to which there are appointed a collector, naval officer, and surveyor, it shall be the duty of the naval officer—

Duties of naval officers.

First. To receive copies of all manifests and entries.

2 March, 1799, c. 22, s. 21, v. 1, p. 642.

Second. To estimate, together with the collector, the duties on all merchandise subject to duty, and no duties shall be received without such estimates.

Third. To keep a separate record of such estimates.

Fourth. To countersign all permits, clearances, certificates, debentures, and other documents, to be granted by the collector.

Fifth. To examine the collector's abstracts of duties, and other ac-

[See § 3650.]

counts of receipts, bonds, and expenditures, and certify the same if found right.

Duties of surveyors where collectors and naval officers are appointed.

2 March, 1799, c. 22, s. 21, v. 1, p. 642.

[See § 3650.]

SEC. 2627. At ports to which there are appointed a collector, naval officer, and surveyor, it shall be the duty of the surveyor, who shall be in all cases subject to the direction of the collector—

First. To superintend and direct all inspectors, weighers, measurers, and gaugers within his port.

Second. To report once in every week to the collector the name or names of all inspectors, weighers, gaugers, or measurers who are absent from or neglect to do their duty.

Third. To visit or inspect the vessels which arrive in his port, and make a return in writing every morning to the collector of all vessels which have arrived from foreign ports during the preceding day; specifying the names and denominations of the vessels, the masters' names, from whence arrived, whether laden or in ballast, to what nation belonging, and, if American vessels, whether the masters thereof have or have not complied with the law, in having the required number of manifests of the cargo on board, agreeing in substance with the provisions of law.

Fourth. To put on board each of such vessels one or more inspectors immediately after their arrival in his port.

Fifth. To ascertain the proof, quantities, and kinds of distilled spirits imported, rating such spirits according to their respective degrees of proof, as defined by the laws imposing duties on spirits.

Sixth. To examine whether the goods imported in any vessel, and the deliveries thereof, agreeably to the inspector's returns, correspond with the permits for landing the same; and if any error or disagreement appears, to report the same to the collector, and to the naval officer, if any. [See §§ 2887-2890.]

Seventh. To superintend the lading for exportation of all goods entered for the benefit of any drawback, bounty, or allowance, and examine and report whether the kind, quantity, and quality of the goods, so laden on board any vessel for exportation, correspond with the entries and permits granted therefor.

Eighth. To examine, and, from time to time, and particularly on the first Mondays of January and July in each year, try the weights, measures, and other instruments used in ascertaining the duties on imports, with standards to be provided by each collector at the public expense for that purpose; and where disagreements or errors are discovered, to report the same to the collector; and to obey and execute such directions as he may receive for correcting the same, agreeably to the standards.

Duties of surveyor where a surveyor only is appointed.

2 March, 1799, c. 22, s. 21, v. 1, p. 643.

SEC. 2628. At ports to which surveyors only are appointed, the surveyor shall perform all the duties enjoined upon surveyors by the preceding section; and shall also receive and record the copies of all manifests transmitted to him by the collector; shall record all permits granted by the collector, distinguishing the gauge, weight, measure, and quality of goods specified therein; and shall take care that no goods be unladen or delivered from any ship or vessel without a proper permit for that purpose. [See §§ 4344-4346, 5314.]

Performance of surveyor's duties in case of disability.

2 March, 1799, c. 22, s. 22, v. 1, p. 644.

Deputy collectors.

2 March, 1799, c. 22, s. 22, v. 1, p. 644.

3 March, 1817, c. 109, s. 7, v. 3, p. 397.

SEC. 2629. In case of the disability or death of a surveyor, the collector of the district may authorize some fit person to perform his duties and exercise his powers; and the powers of the person so authorized shall continue until a successor is duly appointed, and ready to enter upon the execution of his office.

SEC. 2630. Every collector of the customs shall have authority, with the approval of the Secretary of the Treasury, to employ within his district such number of proper persons as deputy collectors of the customs as he shall deem necessary; and such deputies are declared to be officers of the customs. And in cases of occasional and necessary absence, or of sickness, any collector may exercise his powers and perform his duties by deputy, duly constituted under his hand and seal, and he shall

be answerable for the acts of such deputy in the execution of such trust.

U. S. vs. Barton, Gilp., 439; Schmaire vs. Maxwell, 3 Blatch., 408; Falleck vs. Barney, 5 Blatch., 38; Spring vs. Russell, Lowell, 258; Andrews vs. U. S., 2 Story, 203.

SEC. 2631. In case of the sickness or unavoidable absence of any collector or surveyor of customs from his office, he may, with the approval of the Secretary of the Treasury, authorize some officer or clerk under him to act in his place, and to discharge all the duties required by law of such collector or surveyor in his capacity as disbursing agent; and the official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases.

In case of sickness or absence, collectors and surveyors may authorize some officer or clerk to act.

3 March, 1873, c. 271, v. 17, p. 604.

SEC. 2632. Every naval officer and surveyor, in cases of occasional and necessary absence, or of sickness, and not otherwise, may respectively exercise and perform his functions, powers, and duties by deputy, duly constituted under their hands and seals respectively, for whom, in the execution of their trust, they shall respectively be answerable.

Deputies of naval officers and surveyors.

2 March, 1799, c. 22, s. 22, v. 1, p. 644.

U. S. vs. Barton, Gilp., 439; Merriam vs. Clinch, 6 Blatch., 5.

SEC. 2633. The Secretary of the Treasury is authorized, whenever in his opinion the public interest demands it, to clothe any deputy collector at a port other than the principal port of entry, with all the powers of his principal appertaining to official acts; and he may require such deputy to give bond to the United States, in such amount as the Secretary may prescribe, for the faithful discharge of his official duties.

When deputies may be clothed with powers of collectors.

18 July, 1866, c. 201, s. 29, v. 14, p. 185.

27 July, 1868, c. 273, s. 3, v. 15, p. 240.

SEC. 2634. The Secretary of the Treasury may, from time to time, except in cases otherwise provided, limit and fix the number and compensation of the clerks to be employed by any collector, naval officer, or surveyor, and may limit and fix the compensation of any deputy of any such collector, naval officer, or surveyor.

Limit upon number and compensation of clerks, and compensation of deputies.

7 May, 1822, c. 107, s. 15, v. 3, p. 695.

SEC. 2635. Every collector, naval officer, and surveyor shall cause to be affixed, and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees and duties demandable by law, and shall give a receipt for the fees received by him, specifying the particulars whenever required so to do; and for every failure so to do, he shall be liable to a penalty of one hundred dollars, recoverable to the use of the informer.

Table of fees to be kept posted up.

2 March, 1799, c. 22, s. 73, v. 1, p. 680.

SEC. 2636. Every officer of the customs who demands or receives any other or greater fee, compensation, or reward than is allowed by law, for performing any duty or service required from him by law, shall be liable to a penalty of two hundred dollars for each offense, recoverable to the use of the party aggrieved.

Penalty for extortion by customs officers.

2 March, 1799, c. 22, s. 73, v. 1, p. 680.

SEC. 2637. If any inspector, gauger, weigher, or measurer shall receive any gratuity, fee, or reward for any services performed by virtue of this Title, other than is by law allowed, or if any gauger, weigher, or measurer, employed as such by the public, in the districts of Portsmouth, Salem and Beverly, Boston and Charlestown, Providence, New York, Philadelphia, Baltimore, Norfolk and Portsmouth, or Charleston, shall gauge, weigh, or measure any article or articles, other than shall be directed by the proper officer, in order to ascertain the duties to be received, or the drawbacks to be allowed thereon, or shall make a return of the weight, gauge, or measure of any merchandise laden, or to be laden, on board any vessel for the benefit of drawback upon exportation, without having actually weighed, gauged, or measured the same, as the case may require, after such merchandise shall have been notified to the collector and entered for exportation, he shall be liable for the first offense to a penalty of fifty dollars, and for each subsequent offense to a penalty of two hundred dollars, and be discharged from the public service. And if any inspector or other officer of the customs shall certify the shipment of any merchandise entitled to drawback on exportation without having duly inspected and examined the same, after he shall

Penalty for extortion by inspectors, weighers, gaugers, or measurers.

2 March, 1799, c. 22, s. 73, v. 1, p. 680.

have received the permit for lading such merchandise, or if the amount of such drawback shall be estimated according to weight, gauge, or measure, until such merchandise shall be first weighed, gauged, or measured, as the case may require, he shall be subject to the like penalties, and be discharged from the public service. [See § 5444.]

Customs officers, &c., not to own vessels or engage in importation.

2 March, 1799, c. 22, s. 86, v. 1, p. 695.

SEC. 2638. No person employed under the authority of the United States, in the collection of duties on imports or tonnage, shall own, either in whole or in part, any vessel, or act as agent, attorney, or consignee for the owner or owners of any vessel, or of any cargo or lading on board the same; nor shall any such person import, or be concerned directly or indirectly in the importation of any merchandise for sale into the United States. Every person who violates this section shall be liable to a penalty of five hundred dollars. [See §§ 243, 1788, 1796.]

Collectors, naval officers, and surveyors must keep and render accounts.

2 March, 1799, c. 23, s. 2, v. 1, p. 708.

3 March, 1849, c. 108, s. 12, v. 9, p. 396.

SEC. 2639. Every collector, naval officer, and surveyor shall keep accurate accounts of all fees and official emoluments received by him, and of all expenditures, specifying expenditures for rent, fuel, stationery, and clerk-hire, and shall annually, within ten days after the thirtieth day of June, transmit the same, verified by oath, to the Commissioner of Customs, who shall annually lay an abstract of the same before Congress. Every collector, naval officer, or surveyor who omits or neglects to keep such account, or to transmit the same so verified, shall be liable to a penalty of not more than five hundred dollars. [See § 1780.]

Andrews vs. U. S., 2 Story, 203.

Their duty in respect to accounts, and the penalty for omission.

2 March, 1799, c. 22, s. 21, v. 1, p. 643.

SEC. 2640. Collectors, naval officers, and surveyors shall attend in person at the ports to which they are respectively appointed; and shall keep fair and true accounts and records of all their transactions, as officers of the customs, in such manner and form as may from time to time be directed by the Secretary of the Treasury; and shall at all times submit their books, papers, and accounts to the inspection of such persons as may be appointed for that purpose; and shall once in every month, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it shall be to make such settlement. And if any collector, naval officer, or surveyor shall omit to keep fair and true accounts, or shall refuse to submit forthwith his books, papers, and accounts to inspection as required by law, or if any collector shall omit or refuse to render his accounts for settlement, for a term exceeding three months after the same shall have been required by the proper officer, the delinquent officer shall be liable to a penalty of one thousand dollars, to be recovered with costs of suit.

Accounts must include all emoluments as well as expenses.

7 May, 1822, c. 107, s. 12, v. 3, p. 695.

Services of occasional inspectors must be specified.

2 March, 1799, c. 23, s. 2, v. 1, p. 707.

List of clerks and account of expenditures for stationery, &c., to be furnished.

7 May, 1822, c. 107, s. 13, v. 3, p. 695.

Accounts of collectors upon northern, &c., frontiers.

3 March, 1863, c. 87, s. 1, v. 12, p. 760.

SEC. 2641. Every collector, naval officer, and surveyor shall account to the Treasury for all his emoluments, and also for all the expenses incident to his office. Such accounts, as well of expenses as of emoluments, shall be rendered on oath, at such times and in such forms, and shall be supported by such proofs, as shall be prescribed by the Secretary of the Treasury.

SEC. 2642. The services performed by occasional inspectors shall be particularly detailed in the accounts to be transmitted to the Treasury, and certified by the naval officer or surveyor of the district, if there be any, as to the necessity for and performance of such services.

SEC. 2643. Every collector, naval officer, and surveyor shall, together with his accounts of the expenses incident to his office, render a list of the clerks employed by him, stating the rate of compensation allowed to each, and the duties which they severally perform; and also an account of the sums paid for stationery, official or contingent expenses, fuel, and office-rent, stating the purposes for which the premises rented are applied.

SEC. 2644. The collector of customs of each of the districts on the northern, northeastern, and northwestern frontiers shall render, with his accounts of the expenses incident to his office, a list of the clerks and other officers of the customs employed by him, stating the rate of compensation allowed to each, the duties they severally perform, and also an account of the sums paid for stationery, fuel, and all other office ex-

penses, including office-rent; for all of which expenses he shall submit an estimate each month in advance, and shall state the purposes for which any premises are used; and shall also render an accurate account of all fees and commissions collected by him.

SEC. 2645. All accounts for salary, compensation, and emoluments shall be rendered quarterly, at the end of each quarter of the fiscal year.

SEC. 2646. All blank-books, blanks, and stationery of every kind required by collectors and other officers of the customs shall, so soon as they can be prepared for delivery, by or under the direction of the Secretary of the Treasury, be furnished to them for the use of their respective offices, upon requisition made by them, and the expense of such books, blanks, and stationery shall be paid out of the appropriation for defraying the expenses of collecting the revenue from customs.

SEC. 2647. Every collector of customs, every naval officer, and every surveyor performing or having performed the duties of a collector, shall render a quarter-yearly account, under oath, to the Secretary of the Treasury, in such form as the Secretary shall prescribe, of all sums of money by each of them respectively received or collected for fines, penalties, or forfeitures, or for seizure of merchandise, or upon compromises made upon any seizure; or on account of suits instituted for frauds against the revenue laws; or for rent and storage of merchandise, which may be stored in the public store-houses, and for which a rent is paid beyond the rents paid by the collector or other such officer; or for custody of goods in bonded warehouses; and if from such accounting it shall appear that the money received in any one year by any collector, naval officer, or surveyor, on account and for rents and storage, and for fees and emoluments, shall in the aggregate exceed the sum of two thousand dollars, such excess shall be paid by the collector, naval officer, or surveyor, as the case may be, into the Treasury as public money.

SEC. 2648. Collectors and surveyors of the collection-districts on the northern, northeastern, and northwestern frontiers are authorized to keep on sale, at their several offices, blank manifests and clearances required for the business of their districts, and to charge the sum of ten cents, and no more, for each blank which shall be prepared and executed by them.

SEC. 2649. The Secretary of the Treasury may appoint special agents, not exceeding fifty-three in number, for the purpose of making the examinations of the books, papers, and accounts of collectors and other officers of the customs, and to be employed generally, under the direction of the Secretary, in the prevention and detection of frauds on the customs revenue; and the expense thereof shall be charged to the "appropriation to defray the expense of collecting the revenue from customs."

SEC. 2650. The special agents shall be divided into three classes:

First. The first class shall consist of nineteen agents, two of whom shall each receive, in addition to the expenses necessarily and actually incurred by him, a compensation of ten dollars per day, and seventeen of whom shall each receive, in addition to expenses necessarily and actually incurred by him, a compensation of eight dollars per day.

Second. The second class shall consist of sixteen agents, each of whom shall receive, in addition to expenses necessarily and actually incurred by him, a compensation of six dollars per day.

Third. The third class shall consist of eighteen agents, each of whom shall receive, in addition to expenses necessarily and actually incurred by him, a compensation of five dollars per day.

SEC. 2651. The Secretary of the Treasury may, from time to time, make such regulations not inconsistent with law, for the government of the special agents, as he deems expedient, and may rescind or alter regulations so made. But no special agent, in addition to those authorized by the two preceding sections, shall be appointed or employed upon any business relating to the customs revenue; nor shall any sum be paid to

Monthly estimate in advance.

Ibid.

Accounts to be rendered quarterly.

11 Feb., 1846, c. 7, s. 2, v. 9, p. 3.

Books to be furnished to customs officers.

28 July, 1866, c. 293, s. 5, v. 14, p. 309.

Quarterly account of collections of fines, &c., required.

3 March, 1841, c. 35, s. 5, v. 5, p. 432.

18 July, 1866, c. 201, s. 40, v. 14, p. 187.

3 March, 1857, c. 108, s. 8, v. 11, p. 229.

U. S. vs. Walker, 22 How., 299.

U. S. vs. McDonald, 5 Wall., 647.

[See § 2720.]

Blanks.

14 July, 1862, c. 169, s. 2, v. 12, p. 572.

Special agents to examine books, accounts, &c., of collectors, &c.

12 May, 1870, c. 102, s. 1, v. 16, p. 122.

Classification and payment of agents.

12 May, 1870, c. 102, s. 2, v. 16, p. 123.

Regulations for special agents, and limitations on their number and compensation.

12 May, 1870, c. 102, ss. 2, 3, v. 16, p. 123.

any agent authorized to be employed for mileage or any other expenses except such as are actually incurred in the discharge of his official duty.

Customs officers to follow instructions and decisions of Secretary of the Treasury.

30 Aug., 1842, c. 270, s. 24, v. 5, p. 566.

Tucker vs. Kane, Taney, 146.

Subordinate offices in any district may be abolished.

18 July, 1866, c. 201, s. 29, v. 14, p. 185.

Fees of collectors.

2 March, 1799, c. 23, s. 2, v. 1, p. 706.

17 June, 1864, c. 130, s. 3, v. 13, p. 134.

Ogden vs. Maxwell, 3 Blatch., 319.

Division of fees and expenses between collector and naval officer.

2 March, 1799, c. 23, s. 2, v. 1, p. 706.

Division of drawback fees between collector, naval officer, and surveyor.

2 March, 1799, c. 23, s. 2, v. 1, p. 706.

SEC. 2652. It shall be the duty of all officers of the customs to execute and carry into effect all instructions of the Secretary of the Treasury relative to the execution of the revenue laws; and in case any difficulty shall arise as to the true construction or meaning of any part of the revenue laws, the decision of the Secretary of the Treasury shall be conclusive and binding upon all officers of the customs.

[See §§ 240, 4702-4707, 5315.]

SEC. 2653. The Secretary of the Treasury is hereby authorized, whenever he shall think it advantageous to the public service, to abolish or suspend the office of naval officer, or any other subordinate office, in any collection-district of the United States, except in Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, Portland in Maine, and San Francisco, and to assign the duties of the office or any other subordinate office so abolished or suspended to a deputy collector or inspector of the customs; and so much of all fines, penalties, and forfeitures as would otherwise inure to either of such naval officers shall, after the discontinuance of their offices, respectively, be paid into the Treasury of the United States, and there credited to the fund for defraying the expenses of collecting the revenue from customs. [See § 253.]

SEC. 2654. There shall be allowed and paid for the use of the collectors the following fees:

First. To each collector for every entrance of any vessel of one hundred tons burden and upward, two dollars and a half.

Second. For every clearance of any vessel of one hundred tons burden and upward, two dollars and a half.

Third. For every entrance of any vessel under the burden of one hundred tons, one dollar and a half.

Fourth. For every clearance of any vessel under one hundred tons burden, one dollar and a half.

Fifth. For every post entry, two dollars.

Sixth. For every permit to land goods, twenty cents.

Seventh. For every bond taken officially, forty cents.

Eighth. For every permit to load goods for exportation, which are entitled to drawback, thirty cents.

Ninth. For every debenture or other official certificate, twenty cents.

Tenth. For every bill of health, twenty cents.

Eleventh. For every official document, registers excepted, required by any merchant, owner, or master of any vessel not elsewhere enumerated, twenty cents.

SEC. 2655. Where a naval officer is appointed to the same port, the fees allowed by the preceding section shall be equally divided between the collector and the naval officer; except the expense of fuel, office-rent, and necessary stationery for the collectors of Salem and Beverly, Boston and Charlestown, New York, Philadelphia, Charleston, Baltimore, Norfolk and Portsmouth, which shall be paid, three-fourths by the collectors, and the other fourth by the respective naval officers in those districts. And all fees shall, at the option of the collector, be either received by him or by the naval officer, the party receiving to account monthly with the other for his share thereof.

SEC. 2656. All fees arising on the exportation of any merchandise on which drawback is allowed, shall be equally shared among the collector, naval officer, and surveyor, where there are such officers at the port where the fees are paid, to be accounted for monthly, by the collector or naval officer who shall receive the same; where there is no naval officer, such fees shall be divided equally between the collector and the surveyor who may have been concerned in attending to such exportation; and the surveyors shall pay their proportion of the expenses of stationery and printing.

SEC. 2657. There shall be allowed to the surveyors or inspectors of the revenue for ports the sum of two cents and one-fourth for every certificate to accompany foreign distilled spirits, and three cents and three-fourths for every certificate to accompany wines, issued within their ports respectively; and to the deputies of the inspectors, the sum of three cents and three-fourths for every cask, or package, of foreign distilled spirits or wines, by them marked and returned to their respective principals; and for gauging wines whereon duties are payable according to the value thereof, nine cents for every cask actually gauged.

SEC. 2658. For every entry of goods at any custom-house on the northern, northeastern, and northwestern frontiers of the United States, a fee of fifty cents shall be charged by the collector, and accounted for to the Government.

SEC. 2659. There shall also be allowed to the several officers hereafter mentioned the following allowances and percentages, viz: To the collector for the district of Savannah, one per centum; to the collector for the district of Marblehead, two and one-half per centum; to the collector for the district of Wiscasset, two per centum; to the collectors for the districts of Baltimore and Philadelphia, three-eighths of one per centum; to the collector for the district of Charleston, three-quarters of one per centum; to the collector for the district of Providence, one and one-quarter per centum; to the collector for the district of Portland and Falmouth, three-quarters of one per centum; to the collector for the district of Salem and Beverly, five-eighths of one per centum; to the collectors for the districts of Middletown and Newburyport, three per centum; to the collectors for the districts of Saco and Saint Mary's, three per centum; to the collectors for the districts of Kennebunk, Newport, and New London, two and a half per centum; to the collectors for the districts of Bath, Bristol, New Haven, and Alexandria, two per centum; to the collector for the district of Portsmouth, New Hampshire, one and three-fourths per centum; to the collectors for the districts of Norfolk and Portsmouth, Petersburg and Richmond, one and three-fourths per centum; to the collector for the district of New Orleans, one per centum; to the collector for the district of Boston and Charlestown, one-fifth of one per centum; to the collector for the district of New York, one-sixth of one per centum; and to the collectors of all other districts for which no provision is otherwise made, three per centum, on all moneys by them respectively received on account of duties upon imports or tonnage.

SEC. 2660. In addition to the fees and allowances otherwise provided, the collector for the district of Passamaquoddy shall receive a salary of five hundred dollars a year; the collector for the district of Sag Harbor, four hundred dollars a year; the collectors for the districts of Annapolis, York, Waldoborough, Saco, Edgartown, Fairfield, Tappahannock, and Georgetown in South Carolina, two hundred and fifty dollars a year each; the collectors for the districts of Wiscasset and Yorktown, two hundred dollars a year each; the collectors for the districts of Fall River, Castine, Frenchman's Bay, and Burlington, New Jersey, one hundred and fifty dollars a year each; the collectors for the districts of Machias, Great Egg Harbor, Little Egg Harbor, Perth Amboy, and Bridgeton, two hundred and fifty dollars a year each.

SEC. 2661. The collector for the district of Mobile shall receive, in addition to his other fees and emoluments, a salary of two hundred and fifty dollars a year.

SEC. 2662. The collector for the district of Pearl River shall receive, in addition to the fees and other emoluments established by law, a salary of two hundred and fifty dollars a year.

SEC. 2663. The collectors for the districts of Saint Mary's and Key West shall, in addition to the fees and emoluments allowed by law, receive a salary of five hundred dollars a year, each, and three per

Fees of surveyors, inspectors, and deputy inspectors.

2 March, 1799, c. 23, s. 2, v. 1, p. 706.
26 April, 1810, c. 95, v. 3, p. 306.
17 June, 1864, c. 130, s. 3, v. 13, p. 134.

Fee for entry on northern, &c., frontiers.

14 July, 1862, c. 169, s. 4, v. 12, p. 572.

Compensation of collectors for New York and other districts.

2 March, 1799, c. 23, s. 2, v. 1, p. 706.
10 May, 1800, c. 54, s. 2, v. 2, p. 72.
27 March, 1804, c. 58, s. 2, v. 2, p. 301.
3 March, 1817, c. 49, s. 2, v. 3, p. 368.
7 May, 1822, c. 107, s. 7, v. 3, p. 694.

U. S. *vs.* Hetb., 3 Cr., 399.

Additional compensation of collectors in certain districts.

2 March, 1799, c. 23, s. 2, v. 1, p. 706.
27 March, 1804, c. 58, s. 1, v. 2, p. 300.
10 May, 1800, c. 54, s. 1, v. 2, p. 72.
15 Dec., 1807, c. 3, v. 2, p. 451.
7 May, 1822, c. 107, s. 8, v. 3, p. 694.
13 Feb., 1837, c. 13, v. 5, p. 146.

Collector for Mobile.

24 Feb., 1804, c. 13, s. 11, v. 2, p. 254.

Collector for Pearl River.

2 March, 1821, c. 16, v. 3, p. 617.

Collectors for Saint Mary's and Key West.

7 May, 1822, c. 62, s. 8, v. 3, p. 684.

Collectors for Saint John's and Fernandina.

2 March, 1831, c. 70, s. 4, v. 4, p. 476.

3 March, 1857, c. 105, v. 11, p. 200.

Collector for the Teche.

25 Feb., 1873, c. 198, s. 2, v. 17, p. 476.

Collector for Natchez.

30 June, 1834, c. 135, s. 1, v. 4, p. 715.

Collector for Newark.

30 June, 1834, c. 135, s. 10, v. 4, p. 716.

Collector for Vicksburgh.

7 July, 1838, c. 169, s. 8, v. 5, p. 267.

Collector for Stonington.

3 Aug., 1842, c. 120, s. 3, v. 5, p. 500.

Collector for Puget Sound.

14 Feb., 1851, c. 8, s. 2, v. 9, p. 567.

Collector for Paso del Norte.

2 Aug., 1854, c. 193, s. 2, v. 10, p. 335.

Collector for San Francisco.

2 June, 1862, c. 92, s. 2, v. 12, p. 411.

Collector for Oregon.

21 July, 1862, c. 68, s. 2, v. 10, p. 25.

Collector for Wilmington.

7 May, 1822, c. 107, s. 8, v. 3, p. 694.

Collectors for Chicago and other districts.

17 June, 1864, c. 130, s. 2, v. 13, p. 134.

13 April, 1866, c. 44, ss. 1, 2, v. 14, pp. 32, 33.

23 May, 1872, c. 199, s. 1, v. 17, p. 157.

centum commissions, and no more, on all moneys received and paid by them on account of duties on imports or tonnage.

SEC. 2664. The collectors for the districts of Saint John's and Fernandina shall receive, in addition to the fees and emoluments allowed by law, a salary of five hundred dollars a year, each, and three per centum commissions, and no more, on all moneys received and paid by them on account of duties on imports or tonnage.

SEC. 2665. The collector for the district of Teche shall receive a salary of one thousand dollars a year, which shall cover all expenses to the United States for house-rent and storage.

SEC. 2666. The collector for the district of Natchez shall receive a salary of five hundred dollars a year.

SEC. 2667. The collector for the district of Newark shall be allowed three per centum on all moneys received on account of duties on imports or tonnage; and shall receive, in addition to his other fees and emoluments allowed by law, the annual sum of two hundred and fifty dollars, subject, however, to the limitations provided by law.

SEC. 2668. The collector for the district of Vicksburgh shall receive a salary of five hundred dollars a year.

SEC. 2669. The collector for the district of Stonington shall receive, in addition to the other emoluments allowed by law, a salary of one hundred and fifty dollars a year.

SEC. 2670. The collector for the district of Puget Sound shall receive a salary of one thousand dollars a year, with additional maximum compensation of two thousand dollars a year, when the official emoluments and fees, provided by existing laws, amount to that sum.

SEC. 2671. The collector for the district of Paso del Norte shall receive a salary of not exceeding two thousand dollars a year, including in that sum the fees allowed by law. And the amount he shall collect in any one year for fees exceeding the sum of two thousand dollars shall be accounted for and paid into the Treasury of the United States.

SEC. 2672. The collector for the district of San Francisco shall receive a salary of six thousand dollars a year.

SEC. 2673. The collector for the district of Oregon shall receive a salary of three thousand dollars a year, and no more, to include the fees of his office.

SEC. 2674. The collector of the district of Wilmington, Delaware, shall receive, in addition to the fees and emoluments established by law, a salary of five hundred dollars a year.

SEC. 2675. The collectors for the districts of Chicago, Milwaukee, Superior, Detroit, Miami, Sandusky, Cuyahoga, Erie, Dunkirk, Buffalo Creek, Niagara, Genesee, Oswego, Cape Vincent, Oswegatchie, Champlain, Huron, Michigan, Montana and Idaho, Minnesota, Du Luth, and Vermont, shall receive a salary of one thousand dollars a year each, and, in addition thereto, the fees allowed by law, and a commission of three per centum on all moneys collected and accounted for by them respectively. But the aggregate compensation derived from salary, fees, and commissions shall not in any case exceed the sum of twenty-five hundred dollars per annum, subject to the provisions of section twenty-six hundred and eighty-seven. And whenever the aggregate of salary, fees, and commissions shall in any case exceed the sum of twenty-five hundred dollars, after deducting the necessary

expenses incident to the office, for and during the same period for which such compensation is allowed, the excess shall, in every such case, be paid into the Treasury of the United States.

SEC. 2676. The collectors for the districts of Galveston, Saluria, Corpus Christi, and Brazos de Santiago shall receive a salary of one thousand five hundred dollars a year each, in addition to the fees of office. But such compensation shall in no case exceed the sum of twenty-five hundred dollars per annum in the aggregate.

Collectors for Galveston and other districts.

28 July, 1866, c. 293, s. 1, v. 14, p. 308.

SEC. 2677. The collectors for the districts of Beaufort, in South Carolina, and Pensacola shall receive a salary of one thousand dollars a year each, in addition to the fees of office.

Collectors for Beaufort, S. C., and Pensacola.

28 July, 1866, c. 293, s. 1, v. 14, p. 308.

SEC. 2678. The collectors for the district of Georgetown in the District of Columbia, and for the districts of Cherrystone, Brunswick, Saint Augustine, Saint Mark's, and Apalachicola shall receive a salary of five hundred dollars a year each, in addition to the fees of office.

Collectors for Georgetown, D. C., and other districts.

28 July, 1866, c. 293, s. 1, v. 14, p. 308.

SEC. 2679. The collector for the eastern district of Maryland shall receive a salary of twelve hundred dollars a year.

Collector for eastern district of Maryland.

25 Feb., 1867, c. 81, s. 2, v. 14, p. 410.

SEC. 2680. The collectors for the districts of Albemarle, Pamlico, Beaufort, and Wilmington, in the State of North Carolina, shall receive a salary of one thousand dollars a year each, in addition to the fees of office. Such compensation, however, shall in no case exceed the sum of twenty-five hundred dollars a year in the aggregate.

Collectors for the districts in North Carolina.

25 Feb., 1867, c. 82, s. 1, v. 14, p. 411.

1 July, 1870, Res. No. 97, v. 16, p. 384.

SEC. 2681. The collector for the district of Alaska shall receive a salary of two thousand five hundred dollars a year in addition to the usual legal fees and emoluments of the office. But his entire compensation shall not exceed four thousand dollars a year, or a proportionate sum for a less period of time.

Collector for Alaska.

27 July, 1868, c. 273, s. 2, v. 15, p. 240.

SEC. 2682. The collector for the district of Aroostook shall receive a salary of one thousand dollars a year; and in addition thereto, the fees allowed by law and a commission of three per centum on all moneys collected and accounted for by him. But the aggregate maximum compensation of the collector shall not exceed fifteen hundred dollars, which shall be the entire compensation allowed.

Collector for Aroostook.

22 Feb., 1869, c. 42, s. 2, v. 15, p. 273.

SEC. 2683. The collector for the district of Willamette shall receive a salary of one thousand dollars a year, with the fees allowed by law, and a commission on all customs money collected and accounted for by him, such salary, fees, and commissions not to exceed three thousand dollars a year.

Collector for Willamette.

20 April, 1871, c. 24, v. 17, p. 16.

SEC. 2684. The collector for the district of San Diego shall receive a salary of three thousand dollars a year.

Collector for San Diego.

3 March, 1873, c. 253, s. 1, v. 17, p. 585.

SEC. 2685. The collector for the southern district of Oregon shall receive a salary of one thousand dollars a year, with the fees allowed by law, and a commission on all customs money collected and accounted for by him, such salary, fees, and commissions not to exceed the sum of two thousand five hundred dollars a year.

Collector for southern district of Oregon.

3 March, 1873, c. 264, s. 3, v. 17, p. 601.

SEC. 2686. Whenever a collector shall die or resign, the commissions to which he would have been entitled, on the receipt of all duties bonded by him, shall be equally divided between the collector resigning, or the legal representative of such deceased collector, and his successor in office, whose duty it shall be to collect the same; and for this purpose all the public or official books, papers, and accounts of the collector resigning or deceased shall be delivered over to such successor.

Division of commissions on death of collector.

2 March, 1799, c. 23, s. 4, v. 1, p. 709.

Bates vs. Drury, 4 Mas., 118.

SEC. 2687. Collectors and all other officers of the customs, serving for a less period than a year, shall not be paid for the entire year, but shall be allowed in no case a greater than a pro rata of the maximum

Apportionment of compensation for part of a year's service.

11 Feb., 1846, c. 7,
s. 1, v. 9, p. 3.
18 July, 1866, c.
201, s. 34, v. 14, p.
186.

compensation of such officers respectively for the time only which they actually serve as such collectors or officers, whether the same be under one or more appointments, or before or after confirmation. And no collector or other officer shall, in any case, receive for his services, either as fees, salary, fines, penalties, forfeitures, or otherwise, for the time he may be in service, beyond the maximum pro rata rate provided by law. And this section shall be applied and enforced in regard to all officers, agents, and employés of the United States whomsoever, as well those whose compensation is determined by a commission on disbursements, not to exceed an annual maximum, as those paid by salary or otherwise. [See § 2691.]

Limit to compensation of collectors, and surveyors acting as collectors.

3 March, 1841, c.
35, s. 5, v. 5, p. 432.

8 June, 1872, c. 347, v. 17, p. 336.—*Hoyt vs. U. S.*, 10 How., 109; *Stewart vs. U. S.*, 17 How., 116; *U. S. vs. Walker*, 22 How., 299; *U. S. vs. McDonald*, 5 Wall., 647; *U. S. vs. Collier*, 3 Blatch., 325; *Hooper vs. Fifty-one Casks of Brandy*, Dav., 370.

Compensation to be exclusive of expenses.

3 March, 1841, c.
35, s. 5, v. 5, p. 432.

Limit to compensation of collectors for Boston and other specified ports.

7 May, 1822, c.
107, s. 9, v. 3, p. 695.

3 March, 1841, c.
35, s. 5, v. 5, p. 432.

Hoyt vs. U. S., 10 How., 109; *U. S. vs. McDonald*, 5 Wall., 647.

Limit to compensation of collectors for other ports.

7 May, 1822, c.
107, ss. 10, 11, v. 3, p. 695.

U. S. vs. Walker, 22 How., 299; *U. S. vs. McDonald*, 5 Wall., 647; *U. S. vs. Pierce*, 2 Sum., 575; *Wentworth vs. U. S.*, 2 Story, 452.

Powers of Secretary over incidental expenses.

18 July, 1866, c.
201, s. 33, v. 14, p.
186.

Accounts for services of clerks must be verified.

7 May, 1822, c.
107, s. 16, v. 3, p. 696.

SEC. 2688. No collector, or surveyor performing the duties of collector, shall, on any pretense whatsoever, receive, hold, or retain for himself, in the aggregate, more than six thousand dollars per year, including all commissions for duties, and all fees for storage, or fees or emoluments, or any other commissions or salaries which are now allowed and limited by law. [See § 3657.]

SEC. 2689. The aggregate sums allowed in each year to the collectors, naval officers, and surveyors, shall be exclusive of the necessary expenses incident to their respective offices, in the same year, subject to the regulation of the Secretary of the Treasury.

SEC. 2690. Whenever the emoluments of any collector of either of the ports of Boston, Portland Maine, New York, Philadelphia, Baltimore, Charleston, Savannah, or New Orleans shall exceed six thousand dollars, or the emoluments of any naval officer of either of those ports shall exceed five thousand dollars, or the emoluments of any surveyor of either of said ports shall exceed four thousand five hundred dollars, in any one year, after deducting the necessary expenses incident to his office in the same year, the excess shall, in every such case, be paid into the Treasury, for the use of the United States.

SEC. 2691. Whenever the emoluments of any other collector shall exceed three thousand dollars, or the emoluments of any other naval officer shall exceed two thousand five hundred dollars, or the emoluments of any other surveyor shall exceed two thousand dollars, in any one year, after deducting therefrom the necessary expenses incident to his office in the same year, the excess shall, in every such case, be paid into the Treasury, for the use of the United States. But the provisions of this and the preceding section shall not extend to fines, penalties, or forfeitures, or the distribution thereof.

SEC. 2692. In all cases in which the fees and emoluments received by any collector or other principal officer of the customs are, in the opinion of the Secretary of the Treasury, insufficient to afford a reasonable compensation for the services of such officer, after payment out of the same of reasonable incidental expenses of the office, the Secretary may direct that so much of the incidental expenses as shall seem to him to be just shall be paid out of the appropriation for paying the expenses of collecting the revenue; and the Secretary shall have the same power in regard to incidental expenses which have heretofore been incurred, and which have not been settled and paid into the Treasury; and all fees paid into the Treasury by customs officers shall be placed to the credit of the fund for defraying the expenses of collecting the revenue from customs.

SEC. 2693. No account for the compensation for services of any clerk, or other person employed in any duties in relation to the collection of the revenue, shall be allowed, until such clerk or other person shall have certified, on oath, that the same services have been performed, that he has received the full sum therein charged to his own use and

benefit, and that he has not paid, deposited, or assigned, or contracted to pay, deposit, or assign, any part of such compensation to the use of any other person, or in any way, directly or indirectly, paid or given, or contracted to pay or give, any reward or compensation for his office or employment, or the emoluments thereof.

SEC. 2694. The assistant collector appointed at New York shall receive a salary of five thousand dollars a year, and shall perform such duties and exercise such powers now devolved on the collector as may be assigned to him by that officer; and all the official acts of such assistant, in pursuance of such assignment, shall be as valid in law as if performed by the collector himself. The collector shall be responsible for the official acts of such assistant, and no additional appropriation shall be made for the payment of his compensation.

Assistant collector at New York.

3 Mar., 1863, c. 79, s. 16, v. 12, p. 753.

SEC. 2695. The assistant collector at Jersey City, in New Jersey, shall receive a salary of two thousand dollars a year in full for all the services to be by him performed, and in lieu of commissions and fees.

Assistant collector at Jersey City.

21 Feb., 1863, c. 52, v. 12, p. 658.

SEC. 2696. The assistant collector at Camden, in New Jersey, shall receive a salary of fifteen hundred dollars a year in full for all services to be by him performed, and in lieu of commissions and fees.

Assistant collector at Camden.

28 Feb., 1867, c. 103, s. 1, v. 14, p. 417.

SEC. 2697. The deputy collectors at New York, Boston, Philadelphia, Baltimore, New Orleans, Portland in Maine, and San Francisco, shall receive a salary of three thousand dollars a year each, payable out of the appropriation for expenses of collecting the revenue from customs.

Deputy collectors at New York and other ports.

28 July, 1866, c. 293, s. 4, v. 14, p. 308.

SEC. 2698. The deputy collectors at Eureka, and Vallejo, in California, shall receive a salary of one thousand five hundred dollars a year each.

Deputy collectors at Eureka and Vallejo.

3 March, 1871, c. 130, ss. 1, 3, v. 16, p. 588.

SEC. 2699. The deputy collector at Potomac shall receive a salary of one thousand dollars a year.

Deputy collector at Potomac.

19 April, 1871, c. 17, s. 2, v. 17, p. 4.

SEC. 2700. The deputy collector at Shreveport shall receive a salary to be determined by the Secretary of the Treasury, not exceeding fifteen hundred dollars a year.

Deputy collector at Shreveport.

1 March, 1872, c. 25, v. 17, p. 33.

SEC. 2701. The deputy collector at Saint Paul shall receive a salary of two thousand dollars a year, which shall include his official emoluments of all kinds. And he shall be required, in addition to his duties as deputy collector, to perform the duties of inspector, without additional compensation.

Deputy collector at Saint Paul.

3 March, 1873, c. 273, v. 17, p. 604.

SEC. 2702. The deputy collectors at Ellinsberg, at the mouth of Rogue River, Port Orford, and Gardiner, shall receive a salary of one thousand dollars a year each.

Deputy collectors southern district of Oregon.

3 March, 1873, c. 264, s. 3, v. 17, p. 602.

SEC. 2703. The naval officer for the district of San Francisco shall receive a salary of four thousand five hundred dollars a year.

Naval officer for San Francisco.

2 June, 1862, c. 92, s. 2, v. 12, p. 411.

SEC. 2704. No naval officer shall, on any pretense whatever, in the aggregate, receive, or retain for himself more than five thousand dollars a year, including all commissions on duties, and all fees for storage, or fees or emoluments, or any other commissions or salaries; but each naval officer shall be entitled to a maximum compensation of five thousand dollars a year out of any and all fees and emoluments by him received.

Limit to compensation of naval officers.

3 March, 1841, c. 35, s. 5, v. 5, p. 432.

12 July, 1870, c. 251, s. 8, v. 16, p. 251.

SEC. 2705. The deputy naval officers at New York, Boston, Philadelphia, Baltimore, New Orleans, San Francisco, and Portland in Maine, shall receive a salary of two thousand five hundred dollars a year each,

Deputy naval officers at New York and other ports.

28 July, 1866, c. 293, s. 4, v. 14, p. 308.

Surveyors at Eastport and other ports.

2 March, 1799, c. 23, s. 2, v. 1, p. 708.

10 May, 1800, c. 54, s. 1, v. 2, p. 72.

Surveyors at ports in district of New Orleans.

24 Feb., 1804, c. 13, s. 9, v. 2, p. 254.

Surveyors at Pittsburgh and other ports.

2 March, 1831, c. 87, ss. 1, 5, v. 4, p. 480; vol. 9, pp. 510, 511; vol. 10, pp. 144, 266, 334, 346; vol. 11, p. 199; vol. 13, pp. 22, 342; vol. 16, pp. 190, 229, 278.

Surveyor at Velasco.

31 Dec., 1845, c. 2, s. 3, v. 9, p. 2.

Surveyors at Matagorda and Lavaca.

3 March, 1847, c. 57, s. 3, v. 9, p. 182.

Surveyors at Pacific City and Milwaukee.

14 Feb., 1851, c. 8, s. 3, v. 9, p. 567.

Surveyor at Cairo.

3 March, 1855, c. 198, s. 2, v. 10, p. 680.

Surveyor at Selma.

3 March, 1857, c. 102, v. 11, p. 199. 27 Jan., 1858, c. 3, v. 11, p. 260.

Surveyor at San Francisco.

2 June, 1862, c. 92, s. 2, v. 12, p. 411.

Surveyor at Salem.

28 Feb., 1865, c. 71, s. 3, v. 13, p. 445.

Surveyor at Michigan City.

28 Feb., 1865, c. 72, s. 2, v. 13, p. 445.

Surveyor at Albany.

2 March, 1867, c. 178, s. 1, v. 14, p. 542.

payable out of the appropriation for expenses of collecting the revenue from customs.

SEC. 2706. In addition to the allowances and fees otherwise provided by law, the surveyor at Eastport shall receive a salary of five hundred dollars a year; the surveyors at Portsmouth in New Hampshire, Newburyport, Gloucester, and Fredericksburgh, in Virginia, two hundred and fifty dollars a year each; the surveyors at Portland in Maine, and Savannah, one hundred and fifty dollars a year each; the surveyors of such ports as may be established by the President, and for whom no other salaries are provided, not exceeding two hundred and fifty dollars a year each.

SEC. 2707. The surveyors at the ports in the district of New Orleans, when no other provision is made by law, shall receive, in addition to their other fees and emoluments, a salary of two hundred and fifty dollars a year each.

SEC. 2708. The surveyors at the ports of Pittsburgh in Pennsylvania, Wheeling in West Virginia, Cincinnati in Ohio, Louisville in Kentucky, Saint Louis in Missouri, Memphis and Nashville in Tennessee, Evansville and New Albany, Madison and Jeffersonville in Indiana; Alton, Quincy and Galena in Illinois; Burlington, Keokuk, and Dubuque in Iowa; Paducah in Kentucky, Selma in Alabama, Parkersburgh in West Virginia, Leavenworth in Kansas, Omaha in Nebraska, Saint Joseph and Kansas City in Missouri, shall receive, in addition to the customary fees, a salary of three hundred and fifty dollars a year each.

SEC. 2709. The surveyor at the port of Velasco shall receive a salary not exceeding one thousand dollars a year, including in that sum the fees allowed by law; and the amount collected by such surveyor in any one year for fees, exceeding the sum of one thousand dollars, shall be accounted for and paid into the Treasury.

SEC. 2710. The surveyors at Matagorda and Lavacca, in the district of Saluria, shall receive a salary of six hundred dollars a year each. The surveyor at Copano shall receive a salary of five hundred dollars a year.

SEC. 2711. The surveyors at Pacific City and at Milwaukee shall receive, in addition to the fees authorized by law, a salary not exceeding one thousand dollars a year each.

SEC. 2712. The surveyor at Cairo, in Illinois, shall receive a salary of eight hundred dollars a year.

SEC. 2713. The surveyor at Selma shall receive, in addition to his fees, a salary of three hundred and fifty dollars a year.

SEC. 2714. The surveyor at San Francisco shall receive a salary of four thousand dollars a year.

SEC. 2715. The surveyor at Salem and Beverly shall receive a salary of four hundred dollars a year.

SEC. 2716. The surveyor at Michigan City shall receive a salary of three hundred and fifty dollars a year.

SEC. 2717. The surveyor at Albany shall receive, in addition to the customary fees and emoluments of his office, a salary of six hundred dollars a year.

SEC. 2718. The surveyor at La Crosse, in Wisconsin, shall receive a compensation not exceeding twelve hundred dollars a year.

Surveyor at La Crosse.

3 March, 1873, c. 251, v. 17, p. 584.

SEC. 2719. Whenever the emoluments of any surveyor at either of the ports of Portland, Maine, Boston, New York, Philadelphia, Baltimore, Charleston, Savannah, or New Orleans, shall exceed four thousand five hundred dollars in any one year, after deducting the necessary expenses incident to his office in the same year, the excess shall be paid into the Treasury, for the use of the United States.

Limit of compensation of surveyors at Portland and other ports.

7 May, 1822, c. 107, s. 9, v. 3, p. 695.
3 March, 1841, c. 35, s. 5, v. 5, p. 432.

12 July, 1870, c. 251, s. 8, v. 16, p. 251.

SEC. 2720. Whenever the emoluments of any surveyor, other than those named in the preceding section, shall exceed two thousand dollars in any one year, after deducting therefrom the necessary expenses incident to his office in the same year, the excess shall be paid into the Treasury, for the use of the United States. And no surveyor shall, on any pretense whatever, in the aggregate, receive, or retain for himself, more than four thousand five hundred dollars a year, including all commissions or fees or emoluments, or any other commissions or salaries which are now allowed and limited by law; but each surveyor shall be entitled to a maximum compensation of four thousand five hundred dollars a year, out of any and all fees and emoluments by him received. And when any surveyor shall perform the duties of collector, he shall be entitled to the same compensation as is allowed to a collector for like services, and shall be subject to the same limitations. [See § 2647.]

Limit of compensation of surveyors generally.

7 May, 1822, c. 107, s. 10, v. 3, p. 695.

3 March, 1841, c. 35, s. 5, v. 5, p. 432.
12 July, 1870, c. 251, s. 8, v. 16, p. 251.

SEC. 2721. The deputy surveyor at San Francisco shall receive a salary of three thousand dollars a year.

Deputy surveyor at San Francisco.

28 July, 1866, c. 293, s. 4, v. 14, p. 308. 2 March, 1867, c. 168, s. 7, v. 14, p. 470.

SEC. 2722. The deputy surveyors at New York, Boston, Philadelphia, Baltimore, New Orleans, and Portland, in Maine, shall receive a salary of two thousand five hundred dollars a year each, payable out of the appropriation for expenses of collecting the revenue from customs.

Deputy surveyors at New York and other ports.

28 July, 1866, c. 293, s. 4, v. 14, p. 308.

SEC. 2723. The deputy surveyor at Savannah shall receive as salary not more than one thousand five hundred dollars a year.

Deputy surveyor at Savannah.

7 May, 1822, c. 107, s. 15, v. 3, p. 695.

SEC. 2724. The principal appraisers at Savannah and Charleston shall receive a salary of fifteen hundred dollars a year each.

Principal appraisers at Savannah and Charleston.

1 March, 1823, c. 21, s. 17, v. 3, p. 736.

SEC. 2725. The merchants who may be appointed to act as appraisers, as provided in section twenty-six hundred and nine, shall receive a compensation of five dollars a day while actually employed.

Merchant appraisers.

1 March, 1823, c. 21, s. 17, v. 3, p. 736.

SEC. 2726. The general appraiser at New York shall receive a salary of three thousand dollars a year.

General appraiser at New York.

2 March, 1867, c. 167, s. 5, v. 14, p. 466.

SEC. 2727. The four general appraisers authorized by law shall receive a salary of two thousand five hundred dollars a year, each, together with their actual traveling expenses, to be regulated by the Secretary of the Treasury. [See § 2609.]

General appraisers.

3 March 1851, c. 38, s. 3, v. 9, p. 630.

SEC. 2728. The local appraisers and general appraisers at Boston, Philadelphia, Baltimore, and New Orleans, shall receive a salary of three thousand dollars a year each, payable out of the appropriation for expenses of collecting the revenue from customs.

Appraisers at Boston and other ports.

28 July, 1866, c. 293, s. 4, v. 14, p. 308.

SEC. 2729. The appraiser at New York shall receive a salary of four thousand dollars a year, to be paid out of the appropriation for defraying the expenses of collecting the revenue, in monthly payments, and in due proportion for any period less than one month for the time he may actually serve. [See § 2641.]

Appraiser at New York.

27 July, 1866, c. 284, ss. 6, 7, v. 14, p. 303.

Appraisers at Providence and other ports.

14 July, 1870, c. 255, s. 36, v. 16, p. 271.

Assistant appraisers at New York.

27 July, 1866, c. 284, s. 6, v. 14, p. 303.

Assistant appraisers at Boston and other ports.

2 March, 1867, c. 167, s. 5, v. 14, p. 466.

Inspectors.

2 March, 1799, c. 23, s. 2, v. 1, p. 706.

26 April, 1816, c. 95, v. 3, p. 306.

Champany vs. Bancroft, 1 Story, 423.

Inspectors at San Antonio and other ports.

30 Aug., 1852, c. 96, s. 3, v. 10, p. 38.

Inspectors at Monterey and other ports.

2 June, 1862, c. 92, s. 1, v. 12, p. 411.

Inspector at Chester.

3 March, 1873, c. 225, s. 2, v. 17, p. 485.

Power of Secretary to increase compensation of inspectors.

29 April, 1864, c. 71, v. 13, p. 61.

Persons acting as inspectors.

27 July, 1866, c. 284, s. 10, v. 14, p. 304.

Weighers at Boston and other ports.

28 July, 1866, c. 293, s. 4, v. 14, p. 308.

Head gaugers at New Orleans.

21 Aug., 1852, c. 108, s. 6, v. 10, p. 98.

Gaugers at New York.

2 March, 1867, c. 168, s. 4, v. 14, p. 470.

Gaugers and measurers at Boston.

17 Jan., 1873, c. 39, v. 17, p. 411.

Special examiners of drugs.

26 June, 1848, c. 70, s. 5, v. 9, p. 238.

SEC. 2730. The appraisers at Providence, Norfolk, Portland in Maine, Buffalo, Chicago, Detroit, Cincinnati, Saint Louis, Evansville, Milwaukee, Louisville, Cleveland, San Francisco, Portland in Oregon, Memphis, and Mobile, shall receive a salary of three thousand dollars a year each.

SEC. 2731. The assistant appraisers at the port of New York shall receive a salary of three thousand dollars a year, to be paid out of the appropriation for defraying the expenses of collecting the revenue, and paid to them in monthly payments, and in due proportion for any period less than one month for the time they may actually serve. [See § 2938.]

SEC. 2732. The assistant appraisers at Boston, Philadelphia, Baltimore, New Orleans, Portland, and San Francisco shall receive a salary of twenty-five hundred dollars a year each.

SEC. 2733. Each inspector shall receive, for every day he shall be actually employed in aid of the customs, three dollars; and for every other person that the collector may find it necessary and expedient to employ, as occasional inspector, or in any other way in aid of the revenue, a like sum, while actually so employed, not exceeding three dollars for every day so employed. [See § 2737.]

SEC. 2734. The inspectors at San Antonio, Eagle Pass, Presidio del Norte, and San Elizario, or the other places designated by the Secretary of the Treasury on the routes to San Fernando, Paso del Norte, and Chihuahua, in Mexico, shall receive a salary of two hundred and fifty dollars a year each.

SEC. 2735. The inspectors at Monterey, Sacramento, Benicia, Stockton, San Pedro, and Santa Barbara, shall receive a salary of one thousand dollars a year each.

s. 1, v. 12, p. 411. 3 March, 1873, c. 253, s. 2, p. 586.

SEC. 2736. The compensation of the inspector at Chester shall not exceed that allowed by law to inspectors at the port of Philadelphia.

SEC. 2737. The Secretary of the Treasury may increase the compensation of inspectors of customs in such ports as he may think it advisable so to do, and may designate, by adding to the present compensation of such officers a sum not exceeding one dollar per day.

23 July, 1866, c. 208, s. 9, v. 14, p. 208.

SEC. 2738. All aids to the revenue or others performing the duties of inspectors of customs in any collection-district, shall be paid the same per-diem compensation as inspectors of customs.

SEC. 2739. The custom-house weighers at the ports of Boston, Philadelphia, Baltimore, New Orleans, Portland, in Maine, and San Francisco, shall receive a salary of two thousand dollars each, payable out of the appropriation for expenses of collecting the revenue from customs.

SEC. 2740. The three head gaugers at the port of New Orleans shall receive a salary of one thousand five hundred dollars a year each.

SEC. 2741. The gaugers at the port of New York shall receive a salary of two thousand dollars a year each; but the amount of compensation of such officers, as hereby established, shall not exceed in any fiscal year the amount of fees earned by them.

SEC. 2742. The compensation of gaugers and measurers at the port of Boston shall be the same as provided for the same class of officers at the port of New York.

SEC. 2743. The salaries of the special examiners of drugs, medicines, chemicals, and so forth, except at New York and San Francisco, shall be one thousand dollars a year, and shall be paid each year quarterly.

[See §§ 2938, 2731.]

SEC. 2744. The special examiner of drugs, chemicals, medicines, and so forth, at San Francisco, shall receive a salary of two thousand dollars a year.

Special examiner of drugs at San Francisco.

18 Aug., 1856, c. 129, s. 17, v. 11, p. 92.

SEC. 2745. The compensation of the examiners at the port of New York shall be limited and fixed by the Secretary of the Treasury, but shall not exceed the rate of twenty-five hundred dollars a year each. The compensation of clerks, verifiers, samplers, openers, packers, and messengers, at the port of New York, shall be limited and fixed by the Secretary of the Treasury, but shall not exceed the rates of compensation usually paid for similar services. [See §§ 2940, 2941.]

Examiners and subordinate officers at New York.

27 July, 1866, c. 284, s. 4, v. 14, p. 303.

SEC. 2746. An additional compensation of twenty-five per centum shall be continued to the appraisers, deputy naval officers, and weighers at the port of San Francisco.

Additional compensation to customs officers at San Francisco.

28 July, 1866, c. 293, s. 4, v. 14, p. 308.

CHAPTER THREE.

REVENUE CUTTERS AND BOATS.

Sec.
2747. Revenue-cutters.
2748. Useless cutters may be sold.
2749. Number of officers and men.
2750. Grades of engineers.
2751. Appointment of commissioned officers.
2752. Qualifications of captains and lieutenants.
2753. Compensation of officers of revenue-cutter service.
2754. Wages of petty officers and crews.
2755. Officers on duty entitled to one Navy ration per day.
2756. Contracts for rations authorized.

Sec.
2757. Revenue-officers to co-operate with the Navy.
2758. Powers of the Secretary of the Treasury.
2759. Aid to vessels on the lakes.
2760. Powers and duties of officers of revenue-cutters.
2761. Returns.
2762. Further duties of officers.
2763. Employment of small boats authorized.
2764. Ensigns and pendants.
2765. Immunities of officers.

SEC. 2747. The President may, for the better securing the collection of import or tonnage duties, cause to be maintained so many of the revenue-cutters as may be necessary to be employed for the protection of the revenue, the expense whereof shall be paid out of such sum as shall be annually appropriated for the revenue-cutter service, and not otherwise. [See § 5318.]

Revenue-cutters.

2 March, 1799, c. 22, ss. 97, 100, v. 1, p. 699.

3 March, 1845, c. 78, v. 5, p. 795.

20 July, 1868, c. 177, s. 1, v. 15, p. 112.

SEC. 2748. The President may from time to time cause such of the revenue-cutters as have become unfit for further service to be sold; and the proceeds shall be paid into the Treasury: *Provided*, That the Secretary of the Treasury may apply, in the purchase or construction of revenue-cutters, any unexpended balance of the proceeds of revenue-cutters sold by him under the authority of section two of the act of twentieth April, eighteen hundred and sixty-six, chapter sixty-three.

Useless cutters may be sold.

2 March, 1799, c. 22, s. 100, v. 1, p. 700.

20 April, 1866, c. 63, s. 2, v. 14, p. 40.

SEC. 2749. The officers for each revenue-vessel shall be one captain, and one first, one second, and one third lieutenant, and for each steam-vessel, in addition, one engineer and one assistant engineer; but the Secretary of the Treasury may assign to any vessel a greater number of officers whenever in his opinion the nature of the service which she is directed to perform requires it. And vessels of both descriptions shall have such number of petty officers and men as in the opinion of the Secretary are required to make them efficient for their service.

Number of officers and men.

25 July, 1861, c. 20, s. 2, v. 12, p. 275.

SEC. 2750. The grades of engineers shall be chief engineer, and first and second assistant engineer, with the pay and relative rank of first, second, and third lieutenant, respectively.

Grades of engineers.

4 Feb., 1863, c. 20, s. 2, v. 12 p. 639.

Appointment of commissioned officers.

SEC. 2751. The commissioned officers of the revenue-cutter service shall be appointed by the President, by and with the advice and consent of the Senate. [See § 1492.]

4 Feb., 1863, c. 20, s. 1, v. 12, p. 639.

Qualifications of captains and lieutenants.

SEC. 2752. No person shall be appointed to the office of captain, first, second, or third lieutenant, of any revenue-cutter, who does not adduce competent proof of proficiency and skill in navigation and seamanship.

2 March, 1855, c. 141, s. 2, v. 10, p. 630.

Compensation of officers of revenue-cutter service.

SEC. 2753. The compensation of the officers of the revenue-cutter service shall be at the following rates while on duty :

28 Feb., 1867, c. 101, s. 1, v. 14, p. 416.

Captains, twenty-five hundred dollars a year each.

First lieutenants and chief engineers, eighteen hundred dollars a year each.

Second lieutenants and first assistant engineers, fifteen hundred dollars a year each.

Third lieutenants and second assistant engineers, twelve hundred dollars a year each.

And at the following rates while on leave of absence or while waiting orders :

Captains, eighteen hundred dollars a year each.

First lieutenants and chief engineers, fifteen hundred dollars a year each.

Second lieutenants and first assistant engineers, twelve hundred dollars a year each.

Third lieutenants and second assistant engineers, nine hundred dollars a year each.

Wages of petty officers and crews.

SEC. 2754. The wages of petty officers and seamen of the revenue-cutter service shall not exceed the average wages paid for like services on the Atlantic or Pacific coasts, respectively, in the merchant service.

4 Feb., 1863, c. 20, s. 3, v. 12, p. 640.
Officers on duty entitled to one Navy ration per day.

SEC. 2755. Each officer of the revenue-cutter service, while on duty, shall be entitled to one Navy ration per day.

28 Feb., 1867, c. 101, s. 2, v. 14, p. 416.

Contracts for rations authorized.

SEC. 2756. The Secretary of the Treasury may cause contracts to be made for the supply of rations for the officers and men of the revenue-cutters.

2 March, 1799, c. 22, s. 98, v. 1, p. 699.

Revenue officers to co-operate with the Navy.

SEC. 2757. The revenue-cutters shall, whenever the President so directs, co-operate with the Navy, during which time they shall be under the direction of the Secretary of the Navy, and the expenses thereof shall be defrayed by the Navy Department. [See §§ 1492, 5537, 5558.]

2 March, 1799, c. 22, s. 98, v. 1, p. 699.

Powers of the Secretary of the Treasury.

SEC. 2758. The Secretary of the Treasury may direct the performance of any service by the revenue-vessels which, in his judgment, is necessary for the protection of the revenue.

25 July, 1861, c. 20, s. 3, v. 12, p. 275.

Aid to vessels on the lakes.

SEC. 2759. The revenue-cutters on the northern and northwestern lakes, when put in commission, shall be specially charged with aiding vessels in distress on the lakes.

15 July, 1870, c. 292, s. 3, v. 16, p. 309.

Powers and duties of officers of revenue-cutters.

SEC. 2760. The officers of the revenue-cutters shall respectively be deemed officers of the customs, and shall be subject to the direction of such collectors of the revenue, or other officers thereof, as from time to time shall be designated for that purpose. They shall go on board all vessels which arrive within the United States or within four leagues of the coast thereof, if bound for the United States, and search and examine the same, and every part thereof, and shall demand, receive, and certify the manifests required to be on board certain vessels, shall affix and put proper fastenings on the hatches and other communications with the hold of any vessel, and shall remain on board such vessels until they arrive at the port or place of their destination.

2 March, 1799, c. 22, s. 99, v. 1, p. 700.

Returns.

2 March, 1799, c. 22, s. 99, v. 1, p. 700.

SEC. 2761. The master of any revenue-cutter shall make a weekly return to the collector, or other officer of the district under whose direc-

tion it is placed, of the transactions of the cutter, specifying the vessels that have been boarded, their names and descriptions, the names of the masters, from what port or place they last sailed, whether laden or in ballast, to what nation belonging, and whether they have the necessary manifests of their cargoes on board, and generally all such matters as it may be necessary for the officers of the customs to know.

SEC. 2762. The officers of revenue-cutters shall perform, in addition to the duties hereinbefore prescribed, such other duties for the collection and security of the revenue as from time to time shall be directed by the Secretary of the Treasury, not contrary to law. [See § 4792.]

SEC. 2763. The collector of each district may, with the approval of the Secretary of the Treasury, provide and employ such small open row and sail boats, and persons to serve in them, as shall be necessary for the use of the surveyors and inspectors in going on board of vessels and otherwise, for the better detection of frauds.

SEC. 2764. The cutters and boats employed in the service of the revenue shall be distinguished from other vessels by an ensign and pendant, with such marks thereon as shall be prescribed by the President. If any vessel or boat, not employed in the service of the revenue, shall, within the jurisdiction of the United States, carry or hoist any pendant or ensign prescribed for vessels in such service, the master of the vessel so offending shall be liable to a penalty of one hundred dollars.

SEC. 2765. Whenever any vessel liable to seizure or examination does not bring-to, on being required to do so, or on being chased by any cutter or boat which has displayed the pendant and ensign prescribed for vessels in the revenue service, the master of such cutter or boat may fire at or into such vessel which does not bring-to, after such pendant and ensign has been hoisted, and a gun has been fired by such cutter or boat as a signal; and such master, and all persons acting by or under his direction, shall be indemnified from any penalties or actions for damages for so doing. If any person is killed or wounded by such firing, and the master is prosecuted or arrested therefor, he shall be forthwith admitted to bail. [See § 4943.]

Further duties of officers.

2 March, 1799, c. 22, s. 99, v. 1, p. 700.

Employment of small boats authorized.

2 March, 1799, c. 22, s. 101, v. 1, p. 700.

Ensigns and pendants.

2 March, 1799, c. 22, s. 102, v. 1, p. 700.

Immunities of officers.

2 March, 1799, c. 22, s. 102, v. 1, pp. 700, 701.

CHAPTER FOUR.

ENTRY OF MERCHANDISE.

Sec.

2766. Definition of word "merchandise."

2767. Definition of "port."

2768. Definition of "master."

2769. Departure from prescribed forms.

2770. Where vessels from foreign ports may enter and unlade.

2771. Where foreign vessels may enter and unlade.

2772. Where vessels bound to ports of delivery only may enter.

2773. Penalty for departing from port of arrival before making a report or entry.

2774. Duty of making report on arrival.

2775. Special report of spirits, and wines.

2776. Exception as to goods destined for foreign port.

2777. Bond before proceeding to foreign port.

2778. Duty of collector as to such bond.

2779. Vessels may proceed to other districts.

2780. Copy of report and manifest with collector's certificate required.

2781. Report or entry in other districts prescribed.

Sec.

2782. Bond upon proceeding to another district.

2783. Cancellation of bond.

2784. Penalty for omitting to procure certificate.

2785. Requisites of an entry of goods generally.

2786. Verification of entry.

2787. Bond by agent.

2788. Entry when particulars are unknown.

2789. Custody when invoice is imperfect.

2790. Vessel's papers to be produced to collector.

2791. Public vessels need not enter.

2792. Ferry-boats need not enter.

2793. Enrolled or licensed vessels.

2794. Entry of spirits and wines.

2795. Sea-stores to be specified.

2796. Collection of duty on excess of sea-stores.

2797. Forfeiture of sea-stores.

2798. Coal for steam-vessels.

2799. Baggage and tools.

2800. Bond that owner shall make oath required from agent.

| Sec. | Sec. |
|---|---|
| 2801. Permit for baggage and tools. | 2833. Expenses of officer sent with vessel. |
| 2802. Penalty for concealing dutiable articles in baggage. | 2834. Duties of master bound for any district in Connecticut or for Burlington. |
| 2803. Baggage in transit to a foreign country. | 2835. Duties of master bound up James River. |
| 2804. Entry, &c., of cigars. | 2836. Duties of master bound for Petersburg or Richmond. |
| 2805. Oaths, how taken. | 2837. What weights and measures used in invoices. |
| 2806. Manifests of cargo required. | 2838. What currency used in invoices. |
| 2807. What must be stated in manifest. | 2839. Forfeiture when cost is not set forth in invoice. |
| 2808. Merchandise destined to different ports or districts. | 2840. Collector to take possession when invoice is not correct. |
| 2809. Penalty for failure to have a correct manifest. | 2841. Oaths to accompany invoices. |
| 2810. Except by accident or mistake. | 2842. Bond for production of invoice of goods of absent owner. |
| 2811. Production of manifest. | 2843. Oath of purchaser. |
| 2812. Delivery of copies of manifest. | 2844. Authentication in absence of consul. |
| 2813. What number of copies must be delivered. | 2845. Oath of manufacturer, &c. |
| 2814. Forfeiture for omitting to produce manifest and deliver copies. | 2846. Oath of representative. |
| 2815. Making return of violations. | 2847. Secretary may admit goods notwithstanding want of invoice. |
| 2816. Entry of merchandise intended for Albany. | 2848. Bond to produce invoice required. |
| 2817. Entry of merchandise intended for Augusta. | 2849. Oath, where one of owners resides abroad. |
| 2818. Entry of merchandise intended for Pilatka. | 2850. Effect of omission of oath. |
| 2819. Entry of merchandise intended for Bayport. | 2851. Fee for verification of invoice. |
| 2820. Entry of merchandise intended for Selma. | 2852. Certificate upon invoice. |
| 2821. Entry of merchandise intended for Houston. | 2853. Triplicate invoices. |
| 2822. Entry of merchandise intended for ports upon the Mississippi and its tributaries. | 2854. Declaration to accompany invoice. |
| 2823. Ibid. | 2855. Indorsement upon invoice. |
| 2824. Entry of merchandise intended for Vallejo. | 2856. Declaration in adjacent countries. |
| 2825. Schedule of merchandise and estimate of duties. | 2857. Change of destination. |
| 2826. Entry of merchandise and permit for landing. | 2858. Remission of forfeiture in case of loss of invoice. |
| 2827. Duplicate manifests. | 2859. Countries excepted from foregoing provisions. |
| 2828. Penalty for illegal departure. | 2860. No entry allowed without invoices, except, &c. |
| 2829. Delivery of manifests. | 2861. Restriction on consular certificates. |
| 2830. Inspection. | 2862. Consuls to exact proof of invoice. |
| 2831. No entry when value exceeds bond. | 2863. To report fraudulent practices. |
| 2832. Vessels bound for Natchez and Vicksburg. | 2864. Punishment for making, &c., false invoice. |
| | 2865. For issuing false invoice. |
| | 2866. Entry of merchandise destined for British possessions. |

Definition of word "merchandise."

SEC. 2766. The word "merchandise," as used in this Title, may include goods, wares, and chattels of every description capable of being imported.

Of "port."

SEC. 2767. The word "port," as used in this Title, may include any place from which merchandise can be shipped for importation, or at which merchandise can be imported.

Of "master."

SEC. 2768. The word "master," as used in this Title, may include any person having the chief charge or command of the employment and navigation of a vessel.

Departure from prescribed forms.

2 March, 1799, c. 22, s. 18, v. 1, p. 704.

Where vessels from foreign ports may enter and unlade.

2 March, 1799, c. 22, s. 18, v. 1, p. 639.

U. S. vs. Hayward, 2 Gall., 510, 511.

SEC. 2769. In cases where the forms of official documents, as prescribed by this Title, shall be substantially complied with and observed, according to the true intent thereof, no penalty or forfeiture shall be incurred by a deviation therefrom.

SEC. 2770. It shall not be lawful to make entry of any vessel which shall arrive within the United States, from any foreign port, or of the cargo on board such vessel, elsewhere than at one of the ports of entry designated in chapter one of this Title; nor to unlade the cargo, or any part thereof, elsewhere than at one of the ports of delivery therein designated, except that every port of entry shall be also a port of delivery. This section shall not prevent the master or commander of any vessel from making entry with the collector of any district in which such ves-

sel may be owned, or from which she may have sailed on the voyage from which she shall then have returned. (See §§ 5314-5321.)

SEC. 2771. Vessels which are not vessels of the United States shall be admitted to unlade only at ports of entry established by law; and no such vessel shall be admitted to make entry in any other district than in the one in which she shall be admitted to unlade.

22, s. 18, v. 1, p. 639. 24 April, 1816, c. 71, v. 3, p. 299. 7 May, 1822, c. 107, s. 2, v. 3, p. 693. 22 Feb., 1827, c. 21, v. 4, p. 206. 13 Feb., 1837, c. 13, v. 5, p. 146.

Where foreign vessels may enter and unlade.

2 March, 1799, c.

SEC. 2772. The master of every vessel bound to a port of delivery only, in any district, shall first come to at the port of entry of such district, with his vessel, and there make report and entry in writing, and pay all duties required by law, port fees and charges, before such vessel shall proceed to her port of delivery. Any master of a vessel who shall proceed to a port of delivery contrary to such directions shall be liable to a penalty of five hundred dollars, to be recovered with costs of suit.

Where vessels bound to ports of delivery only may enter.

2 March, 1799, c.

22, s. 19, v. 1, p. 640.

10 May, 1800, c.

49, s. 4, v. 2, p. 68.

25 Feb., 1867, c.

82, s. 1, v. 14, p. 411.

Penalty for departing from port of arrival before making report or entry.

2 March, 1799, c.

22, s. 29, v. 1, p. 648.

The Apollon, 9

Wh., 362; U. S. vs.

Bearse, 4 Mas., 192;

Le Tigre, 3 Wash.

C. C., 572.

SEC. 2773. If any vessel, having arrived within the limits of any collection-district, from any foreign port, departs, or attempts to depart from the same, unless to proceed on her way to some more interior district to which she may be bound, before report or entry shall have been made by the master with the collector of some district, the master shall be liable to a penalty of four hundred dollars; and any collector, naval officer, surveyor, or commander of any revenue-cutter may cause such vessel to be arrested and brought back to the most convenient port of the United States. If, however, it is made to appear by the oath of the master, and of the person next in command, or by other sufficient proof to the satisfaction of the collector of the district within which such vessel shall afterward come, or to the satisfaction of the court in which the prosecution for such penalty may be had, that the departure or attempt to depart was occasioned by stress of weather, pursuit or duress of enemies, or other necessity, the penalty imposed by this section shall not be incurred.

Duty of making report on arrival.

2 March, 1799, c.

22, s. 30, v. 1, p. 649.

U. S. vs. Webber,

1 Gall., 392; U. S.

vs. Gallac ar, 1

Sprague, 545; U. S.

vs. Randall, 1

Sprague 546.

SEC. 2774. Within twenty-four hours after the arrival of any vessel, from any foreign port, at any port of the United States established by law, at which an officer of the customs resides, or within any harbor, inlet, or creek thereof, if the hours of business at the office of the chief officer of the customs at such port will permit, or as soon thereafter as such hours will permit, the master shall repair to such office, and make report to the chief officer, of the arrival of the vessel; and he shall, within forty-eight hours after such arrival, make a further report in writing, to the collector of the district, which report shall be in the form, and shall contain all the particulars required to be inserted in, and verified like, a manifest. Every master who shall neglect or omit to make either of such reports and declarations, or to verify any such declaration as required, or shall not fully comply with the true intent and meaning of this section, shall, for each offense, be liable to a penalty of one thousand dollars.

Special report of spirits and wines.

2 March, 1799, c.

22, s. 30, v. 1, p. 650.

1 May, 1872, c.

131, v. 17, p. 59.

SEC. 2775. The master of any vessel having on board distilled spirits, or wines, shall, within forty-eight hours after his arrival, whether the same be at the first port of arrival of such vessel or not, in addition to the requirements of the preceding section, report in writing to the surveyor or officer acting as inspector of the revenue of the port at which he has arrived, the foreign port from which he last sailed, the name of his vessel, his own name, the tonnage and denomination of such vessel, and to what nation belonging, together with the quantity and kinds of spirits and wines, on board of the vessel, particularizing the number of casks, vessels, cases, or other packages containing the same, with their marks and numbers, as also the quantity and kinds of spirits and wines, on board such vessel as sea-stores, and in default thereof he shall be liable to a penalty of five hundred dollars, and any spirits omitted to be reported shall be forfeited.

Exception as to goods destined for foreign port.

2 March, 1799, c. 22, s. 32, v. 1, p. 651.
22 Feb., 1805, c. 18, s. 2, v. 2, p. 316.

Bond before proceeding to foreign port.

2 March, 1799, c. 22, s. 32, v. 1, p. 651.

Duty of collector as to such bond.

2 March, 1799, c. 22, s. 32, v. 1, p. 652.

Vessels may proceed to other districts.

2 March, 1799, c. 22, s. 33, v. 1, p. 652.

Copy of report and manifest, with collectors' certificate, required.

2 March, 1799, c. 22, s. 34, v. 1, p. 652.

Report or entry in other districts prescribed.

2 March, 1799, c. 22, s. 34, v. 1, p. 653.

Bond upon proceeding to another district.

2 March, 1799, c. 22, s. 34, v. 1, p. 653.

SEC. 2776. Any vessel may proceed with any merchandise brought in her, and, in the manifest delivered to the collector of the customs, reported as destined for any foreign port, from the district within which such vessel shall first arrive to such foreign port without paying or securing the payment of any duties upon such merchandise as shall be actually re-exported in the vessel. But the manifest so declaring to re-export such merchandise shall be delivered to such collector within forty-eight hours after the arrival of the vessel. And the master of such vessel shall give bond as required by the next section.

SEC. 2777. The master of any vessel so destined for a foreign port shall give bond, with one or more sureties, in a sum equal to the amount of the duties upon the merchandise, as the same shall be estimated by the collector and naval officer of the port where the report shall be made, to the satisfaction of the collector, with condition that the merchandise, or any part thereof, shall not be landed within the United States, unless due entry thereof shall have been first made and the duties thereupon paid, according to law. Such bond shall be taken for the same period, and canceled in like manner, as a bond given for obtaining drawback of duties. No such bond shall be required in respect to merchandise on board of any vessel which has put into the United States from a necessity, shown as prescribed in section twenty-seven hundred and seventy-three.

SEC. 2778. The collector receiving any bond conditioned for the payment of duties upon merchandise reported as destined for a foreign port, in case the same shall be landed within the United States, or any other bonds taken upon the exportation of merchandise entitled to drawback, shall immediately after the time when by the conditions of the same they ought to be canceled, put the same in suit, provided the proof of the occurrence of such a necessity as excuses a landing of such goods within the United States has not been produced, or further time granted therefor by the Secretary of the Treasury.

SEC. 2779. Any vessel in which any merchandise is brought into the United States from any foreign port, and which is specified in the manifest verified before the collector of the port in which such vessel first arrives, to be destined for other districts, may proceed with the same from district to district within the United States, in order to the landing or delivery thereof; and the duties on such of the merchandise only as shall be landed in any district shall be paid within such district.

SEC. 2780. Before any vessel departs from the district in which she shall first arrive for another district, provided such departure is not within forty-eight hours after her arrival within such district, with merchandise brought in such vessel from a foreign port on which the duties have not been paid, the master shall obtain from the collector of the district from which she is about to depart, who is hereby required to grant the same, a copy of the report and manifest made by such master, certified by the collector, to which copy shall be annexed a certificate of the quantity and particulars of the merchandise which appears to him to have been landed within his district, or of the quantity and particulars of the merchandise which remains on board and upon which the duties are to be paid in some other district.

SEC. 2781. Within twenty-four hours after the arrival of such vessel within any other district, the master shall make report or entry to or with the collector of such other district, producing and showing the certified copy of his first report, together with a certificate from each collector of any other district within which any of the merchandise, brought in such vessel, has been landed, of the quantity and particulars of such merchandise as has been landed in each district respectively.

SEC. 2782. The master shall, however, first give bond, with one or more sureties, to the satisfaction of the collector of the district within which the vessel first arrives, in a sum equal to the amount of the duties on the residue of the merchandise, according to such estimate as the collector shall form thereof, with condition that the residue of such

merchandise shall be duly entered and delivered in another district for which the same has been reported to be destined.

SEC. 2783. The bond shall be canceled or discharged within six calendar months from the date thereof, by the production of certificates from the collectors of the districts for which the merchandise has been reported, showing the due entry and delivery of the merchandise in such districts, or upon due proof to the satisfaction of the collector by whom the bond was taken, and to the naval officer of the port, if any, that such entry and delivery were prevented by some unavoidable accident or casualty, and if the whole or any part of the merchandise has not been lost, that it has been duly entered and delivered within the United States.

SEC. 2784. If the master of any such vessel fails by his neglect or fault to obtain the copy of his report from the collector of the district from which he is about to depart, or any certificate which he ought to obtain, or neglects to exhibit the same to the collector of any other district to which the vessel afterward proceeds, within the time for that purpose allowed, he shall be liable to a penalty, for every such neglect or omission, of five hundred dollars.

SEC. 2785. The owner or consignee of any merchandise on board of any such vessel, or, in case of his absence or sickness, his known agent or factor in his name, shall, within fifteen days after the report of the master to the collector of the district for which such merchandise shall be destined, make entry thereof in writing with the collector, and shall in such entry specify the name of the vessel and of her master, in which, and the port or place from which such merchandise was imported, the particular marks, numbers, denomination, and prime cost, including charges of each particular package or parcel whereof the entry shall consist, or, if in bulk, the quantity, quality, and prime cost, including charges thereof, particularly specifying the species of money in which the invoices thereof are made out. Such entry shall be subscribed by the person making it, if the owner or consignee, in his own name, or, if another person, in his name as agent or factor, for the owner or consignee. The person making such entry shall also produce to the collector and naval officer, if any, the original invoices of the merchandise, or other documents received in lieu thereof, or concerning the same, in the same state in which they were received, with the bills of lading for the same; which invoices shall be signed by the persons in the offices of the collector and naval officer who have compared and examined them.

SEC. 2786. The entries to be made by any importer, consignee, or agent, under the preceding section, shall be verified by the oath of the person making the same.

SEC. 2787. Whenever any entry is made with the collector of any district, of merchandise imported into the United States subject to duty, by any agent, factor, or person, other than the person to whom it belongs, or to whom it is ultimately consigned, the collector shall take a bond with surety from such agent, factor, or person, in the penal sum of one thousand dollars, with condition that the actual owner or consignee of such merchandise shall deliver to the collector a full and correct account of the merchandise imported by him, or for him on his own account, or consigned to his care, in the same manner and form as required in respect to an entry previous to the landing of merchandise; which account shall be verified by a like oath, as in the case of an entry, to be taken and subscribed before any judge of the United States, or the judge of any court of record of a State, or before any collector of the customs. In case of the payment of the duties at the time of entry, by any factor or agent, on the merchandise entered by him, the condition of the bond shall be to produce the account of the proper owner, or consignee, verified in manner as before directed, within ninety days from the date of such bond.

SEC. 2788. Where the particulars of any merchandise are unknown, in lieu of the entry prescribed by section twenty-seven hundred and

Cancellation of bond.

2 March, 1799, c. 22, s. 34, v. 1, p. 654.

Penalty for omitting to procure certificate.

2 March, 1799, c. 22, s. 34, v. 1, p. 654.

Requisites of an entry of goods generally.

2 March, 1799, c. 22, s. 36, v. 1, p. 655.

Conrad vs. Insurance Co., 6 Pet., 262; *U. S. vs. Randall*, 1 Sprague, 546; *Ninety-five Bales of Paper*, 1 Paine, 149; *U. S. vs. Lyman*, 1 Mas., 482; *Gray vs. Lawrence*, 3 Blatch., 117.

Verification of entry.

2 March, 1799, c. 22, s. 36, v. 1, p. 656.

Bond by agent.

2 March, 1799, c. 22, s. 36, v. 1, p. 657.

Entry when particulars are unknown.

2 March, 1799, c. 22, s. 36, v. 1, p. 658.

Custody when invoice is imperfect.

2 March, 1799, c. 22, s. 36, v. 1, p. 658.
Vessel's papers to be produced to collector.

2 March, 1799, c. 22, s. 63, v. 1, p. 675.

Public vessels need not enter.

2 March, 1799, c. 22, s. 31, v. 1, p. 651.

Brig Wilson vs. U. S., 1 Brock., 423.
Ferry-boats need not enter.

4 June, 1872, c. 280, v. 17, p. 214.

Enrolled or licensed vessels.

10 Feb., 1871, Res. 27, s. 2, v. 16, p. 595.

Entry of spirits and wines.

2 March, 1799, c. 22, s. 37, v. 1, p. 658.

Sea-stores to be specified.

2 March, 1799, c. 22, s. 45, v. 1, p. 661.

Collection of duty on excess of sea-stores.

2 March, 1799, c. 22, s. 45, v. 1, p. 661.

eighty-five, an entry thereof shall be made and received according to the circumstances of the case; the party making the same declaring upon oath all that he knows or believes concerning the quality and particulars of the merchandise, and that he has no other knowledge or information concerning the same.

SEC. 2789. Whenever an entry of merchandise is imperfect, for want of invoices, bills of lading, or for any other cause, the collector shall take the merchandise into his custody, until the quantity, quality, or value thereof, as the case may require, can be ascertained.

SEC. 2790. The register, or other document in lieu thereof, together with the clearance and other papers granted by the officers of the customs to a vessel at her departure from the port from whence she may have arrived, Mediterranean passports excepted, shall previous to entry be produced to the collector with whom such entry is to be made, and shall remain in his office; and on the clearance of such vessel the register and other documents shall be returned to the master or owner of such vessel.

SEC. 2791. It shall not be necessary for the master of any vessel of war, or of any vessel employed by any prince, or state, as a public packet for the conveyance of letters and dispatches, and not permitted by the laws of such prince or state to be employed in the transportation of merchandise, in the way of trade, to make report and entry. [See § 1624, Art. 12.]

SEC. 2792. Vessels used exclusively as ferry-boats carrying passengers, baggage, and merchandise, shall not be required to enter and clear, nor shall the masters of such vessels be required to present manifests, or to pay entrance or clearance fees, or fees for receiving or certifying manifests, but they shall, upon arrival in the United States, be required to report such baggage and merchandise to the proper officer of the customs according to law.

SEC. 2793. Enrolled or licensed vessels engaged in the foreign and coasting trade on the northern, northeastern and northwestern frontiers of the United States, departing from or arriving at a port in one district to or from a port in another district, and also touching at intermediate foreign ports, shall not thereby become liable to the payment of entry and clearance fees, or tonnage tax, as if from or to foreign ports; but such vessels shall, notwithstanding, be required to enter and clear.

SEC. 2794. Every importer of distilled spirits or wines, or person to whom distilled spirits or wines are consigned, shall make a separate and additional entry thereof, specifying the name of the vessel, and her master, in which, and the place from which, such spirits or wines were imported, together with the quantity and quality thereof, and a particular detail of the casks or receptacles containing the same, with their marks and numbers; such entry shall be subscribed by the person making the same, for himself, or in behalf of the person for whom such entry is made, and shall be certified by the collector, before whom it is made, as a true copy, and conformable to the general entry before directed, in respect to all distilled spirits and wines therein contained; such entry thus certified shall be transmitted to the surveyor or officer acting as inspector of the revenue for the port where it is intended to commence the delivery of such spirits or wines. [See § 2504, Schedule D.]

SEC. 2795. In order to ascertain what articles ought to be exempt from duty as the sea-stores of a vessel, the master shall particularly specify the articles, in the report or manifest to be by him made, designating them as the sea-stores of such vessel; and in the oath to be taken by such master, on making such report, he shall declare that the articles so specified as sea-stores are truly such, and are not intended by way of merchandise or for sale; whereupon the articles shall be free from duty.

SEC. 2796. Whenever it appears to the collector to whom a report and manifest of sea-stores are delivered, together with the naval officer, where there is one, or alone, where there is no naval officer, that the quantities of the articles, or any part thereof, reported as sea-stores, are excessive, the collector, jointly with the naval officer, or alone, as the

case may be, may in his discretion estimate the amount of the duty on such excess; which shall be forthwith paid by the master, to the collector, on pain of forfeiting the value of such excess.

SEC. 2797. If any other or greater quantity of articles are found on board such vessel as sea-stores than are specified in an entry of sea-stores, or if any of the articles are landed without a permit first obtained from the collector, and naval officer if any, for that purpose, all such articles as are not included in the report or manifest by the master, and all which are landed without a permit, shall be forfeited, and may be seized; and the master shall moreover be liable to a penalty of treble the value of the articles omitted or landed.

SEC. 2798. The master of any vessel propelled by steam, arriving at any port in the United States, may retain all the coal such vessel may have on board at the time of her arrival, and may proceed with such coal to a foreign port, without being required to land the same in the United States, or to pay any duty thereon.

SEC. 2799. In order to ascertain what articles ought to be exempted as the wearing apparel, and other personal baggage, and the tools or implements of a mechanical trade only, of persons who arrive in the United States, due entry thereof, as of other merchandise, but separate and distinct from that of any other merchandise, imported from a foreign port, shall be made with the collector of the district in which the articles are intended to be landed by the owner thereof, or his agent, expressing the persons by whom or for whom such entry is made, and particularizing the several packages, and their contents, with their marks and numbers; and the person who shall make the entry shall take and subscribe an oath before the collector, declaring that the entry subscribed by him and to which the oath is annexed contains, to the best of his knowledge and belief, a just and true account of the contents of the several packages mentioned in the entry, specifying the name of the vessel, of her master, and of the port from which she has arrived; and that such packages contain no merchandise whatever other than wearing apparel, personal baggage, or, as the case may be, tools of trade, specifying it; that they are all the property of a person named who has arrived, or is shortly expected to arrive in the United States, and are not directly or indirectly imported for any other, or intended for sale.

SEC. 2800. Whenever the person making entry of any articles as wearing apparel, personal baggage, tools, or implements, is not the owner of them, he shall give bond with one or more sureties, to the satisfaction of the collector, in a sum equal to the duties on like articles imported subject to duty, upon the condition that the owner of the articles shall, within one year, personally make an oath such as is prescribed in the preceding section.

SEC. 2801. On compliance with the two preceding sections, and not otherwise, a permit shall be granted for landing such articles. But whenever the collector and the naval officer, if any, think proper, they may direct the baggage of any person arriving within the United States to be examined by the surveyor of the port, or by an inspector of the customs, who shall make a return of the same; and if any articles are contained therein which in their opinion ought not to be exempted from duty, due entry of them shall be made and the duties thereon paid.

SEC. 2802. Whenever any article subject to duty is found in the baggage of any person arriving within the United States, which was not, at the time of making entry for such baggage, mentioned to the collector before whom such entry was made, by the person making entry, such article shall be forfeited, and the person in whose baggage it is found shall be liable to a penalty of treble the value of such article.

SEC. 2803. Any baggage or personal effects arriving in the United States, in transit to any foreign country, may be delivered by the parties having it in charge to the collector of the proper district, to be by him retained without the payment or exaction of any import duty, and to be delivered to such parties on their departure for their foreign des-

Forfeiture of sea-stores.

2 March, 1799, c. 22, s. 45, v. 1, p. 661.

Coal for steam-vessels.

7 July, 1838, c. 178, v. 5, p. 288.

Baggage and tools.

2 March, 1799, c. 22, s. 46, v. 1, p. 661.

3 March, 1823, c. 53, s. 4, v. 3, p. 782.

The Robert Edwards, 6 Wh., 187.

Bond that owner shall make oath required from agent.

2 March, 1799, c. 22, s. 46, v. 1, p. 661.

Permit for baggage and tools.

2 March, 1799, c. 22, s. 46, v. 1, p. 662.

Penalty for concealing dutiable articles in baggage.

2 March, 1799, c. 22, s. 46, v. 1, p. 662.

The Robert Edwards, 6 Wh., 187.

Baggage in transit to a foreign country.

30 June, 1864, c. 171, s. 29, v. 13, p. 218.

Entry, &c., of
cigars.

28 July, 1866, c.
293, s. 1, v. 14, p.
328.

Oaths, how taken.

2 March, 1799, c.
22, s. 49, v. 1, p. 664.

Manifests of car-
go required.

2 March, 1799, c.22, s. 23, v. 1, p. 644.

What must be
stated in manifest

2 March, 1799, c.
22, s. 23, v. 1, pp.
644-645.

Merchandise des-
tined to different
ports or districts.

2 March, 1799, c.
22, s. 23, v. 1, p. 644.

Penalty for fail-
ure to have a cor-
rect manifest.

2 March, 1799, c.
22, s. 24, v. 1, p. 646.

tinuation, under such rules, regulations, and fees as the Secretary of the Treasury may prescribe.

SEC. 2804. No cigars shall be imported unless the same are packed in boxes of not more than five hundred cigars in each box; and no entry of any imported cigars shall be allowed of less quantity than three thousand in a single package; and all cigars on importation shall be placed in public store or bonded warehouse, and shall not be removed therefrom until the same shall have been inspected and a stamp affixed to each box indicating such inspection, with the date thereof. And the Secretary of the Treasury is hereby authorized to provide the requisite stamps, and to make all necessary regulations for carrying the above provisions of law into effect. [See § 2504, Schedule J.]

SEC. 2805. All oaths to be taken upon making of any of the reports or entries, or respecting any of the acts mentioned in this chapter, whether by a master of any vessel, or the owner or consignee of any merchandise, his factor or agent, or by any other person, shall be administered by the collector, or officer to or with whom the report or entry is made, and shall be reduced to writing, and subscribed by the person taking and by the person administering the oath.

SEC. 2806. No merchandise shall be brought into the United States, from any foreign port, in any vessel unless the master has on board manifests in writing of the cargo, signed by such master.

SEC. 2807. Every manifest required by the preceding section shall contain:

First. The name of the ports where the merchandise in such manifest mentioned were taken on board, and the ports within the United States for which the same are destined; particularly noting the merchandise destined for each port respectively.

Second. The name, description, and build of the vessel; the true admeasurement or tonnage thereof; the port to which such vessel belongs; the name of each owner, according to the register of the same; and the name of the master of such vessel.

Third. A just and particular account of all the merchandise, so laden on board, whether in packages or stowed loose, of any kind or nature whatever, together with the marks and numbers as marked on each package, and the number or quantity and description of the packages in words at length, whether leagner, pipe, butt, puncheon, hogshead, barrel, keg, case, bale, pack, truss, chest, box, band-box, bundle, parcel, cask, or package, of any kind or sort, describing the same by its usual name or denomination.

Fourth. The names of the persons to whom such packages are respectively consigned, agreeably to the bills of lading signed for the same, unless when the goods are consigned to order, when it shall be so expressed in the manifest.

Fifth. The names of the several passengers on board the vessel, distinguishing whether cabin or steerage passengers, or both, with their baggage, specifying the number and description of packages belonging to each respectively. [See §§ 4266-4274.]

Sixth. An account of the sea-stores remaining, if any.

SEC. 2808. If merchandise shall be imported, destined to be delivered in different districts or ports, the quantities and packages so destined to be delivered shall be inserted in successive order in the manifest; and all spirits and wines constituting the whole or any part of the cargo of any vessel shall also be inserted in successive order, distinguishing the ports to which the same may be destined, and the kinds, qualities, and quantities thereof.

SEC. 2809. If any merchandise is brought into the United States in any vessel whatever from any foreign port without having such a manifest on board, or which shall not be included or described in the manifest, or shall not agree therewith, the master shall be liable to a penalty equal to the value of such merchandise not included in such manifest;

and all such merchandise not included in the manifest belonging or consigned to the master, mate, officers, or crew of such vessel, shall be forfeited.

U. S. vs. Twenty-six diamond rings, 1 Sprague, 294; U.

S. vs. Ten thousand cigars, 2 Curt., 436; The steamer Missouri, 3 Ben., 508.

SEC. 2810. Whenever it is made to appear to the satisfaction of the collector, naval officer, and surveyor, or to the major part of them, where those officers are established at any port, or to the satisfaction of the collector alone, where either of the other of the officers are not established, or to the satisfaction of the court in which a trial shall be had concerning such forfeiture, that no part of the cargo of any vessel without proper manifests was unshipped, after it was taken on board, except such as shall have been particularly specified and accounted for in the report of the master, and that the manifests had been lost or mislaid, without fraud or collusion, or were defaced by accident, or became incorrect by mistake, no forfeiture or penalty shall be incurred under the preceding section.

Except by accident or mistake.

2 March, 1799, c. 22, s. 24, v. 1, p. 646.

SEC. 2811. Every master of any vessel laden with merchandise, and bound to any port in the United States, shall, on his arrival within four leagues of the coast thereof, or within any of the bays, harbors, ports, rivers, creeks, or inlets thereof, upon demand, produce the manifests in writing, which such master is required to have on board his vessel, to such officer of the customs as first comes on board his vessel, for inspection, and shall deliver to such officer true copies thereof, which copies shall be provided and subscribed by the master, and the officer to whom the original manifests have been produced shall certify upon the back thereof that the same were produced, and the day and year on which the same were so produced, and that such copies were to him delivered and by him examined with the original manifest; and shall likewise certify upon the back of such copies the day and year on which the same were delivered, and shall forthwith transmit such copies to the respective collectors of the several districts, to which the goods by such manifests appear respectively to be consigned.

Production of manifest.

2 March, 1799, c. 22, s. 25, v. 1, p. 646.
18 July, 1866, c. 201, s. 25, v. 14, p. 184.

SEC. 2812. The master of any such vessel shall in like manner produce to the officer of the customs who first comes on board such vessel, upon her arrival within the limits of any collection-district in which the cargo, or any part thereof, is intended to be discharged or landed, for his inspection, such manifest; and shall also deliver to him true copies thereof, such copies also to be provided and subscribed by the master, the production of which manifests and the delivery of which copies shall also be certified by the officer of the customs, upon the back of the original manifests, with the particular day and year when such manifests were produced to such officer, and when he so received the copies thereof; and such officer is required forthwith to transmit the copies of the manifests to the collector of the district; and the master shall afterward deliver the original manifests so certified to the collector. When any manifest shall be produced, upon which there shall be no certificate from any officer of the customs as before mentioned, the master producing the same shall be required to make oath that no officer has applied for, and that no indorsement has taken place on, any manifest of the cargo of such vessel.

Delivery of copies of manifest.

2 March, 1799, c. 22, s. 25, v. 1, p. 647.

SEC. 2813. The master of any such vessel shall not be required to make delivery of more than one copy of each manifest to the officer who shall first come on board of such vessel, within four leagues of the coast of the United States, and one other copy to such officer as shall first come on board within the limits of any collection-district, for which the cargo of such vessel, or some part thereof, is destined, nor to make delivery of any such copy to any other officer; but it shall be sufficient, in respect to any such other officer, to exhibit to him the original manifests and the certificates thereupon.

What number of copies must be delivered.

2 March, 1799, c. 22, s. 25, v. 1, p. 647.

SEC. 2814. If the master of any vessel laden with merchandise, and bound to any port in the United States, fails upon his arrival within four leagues of the coast thereof, or within the limits of any collection-

Forfeiture for omitting to produce manifest and deliver copies.

2 March, 1799, c. 22, s. 26, v. 1, p. 647.

district, where the cargo of such vessel, or any part thereof, is intended to be discharged, to produce such manifests as are heretofore required, in writing, to the proper officer upon demand therefor, or to deliver such copies thereof, according to the directions of the preceding sections, or if he fails to give an account of the true destination of the vessel, which he is hereby required to do, upon request of such officer, or gives a false account of such destination, in order to evade the production of the manifests, the master shall for every such neglect, refusal, or offense, be liable to a penalty of not more than five hundred dollars. If any officer first coming on board, in each case, shall neglect or refuse to certify on the back of such manifests the production thereof, and the delivery of such copies respectively as are directed to be delivered to such officer, such officer shall be liable to a penalty of five hundred dollars.

Making return of violations.

2 March, 1799, c. 22, s. 26, v. 1, p. 648.

SEC. 2815. The officers who may apply to the master of any such vessel, respecting any of the provisions in the preceding sections, and who shall not receive full satisfaction therein, are hereby required to make a return in writing of the name of the vessel and master so offending, in any or all of the particulars required, as soon as possible, to the collector of the district to which such vessel shall be considered to be bound.

Entry of merchandise intended for Albany.

2 March, 1867, c. 178, ss. 1, 2, v. 14, p. 542.

SEC. 2816. When any merchandise is intended to be imported from any foreign country into the port of Albany, upon the Hudson River, in New York, such merchandise may be entered at any port of entry and thereafter transported to Albany, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive. [See § 2968.]

Entry of merchandise intended for Augusta.

2 March, 1857, c. 62, v. 11, p. 168.

SEC. 2817. When any merchandise is intended to be imported from any foreign country into the port of Augusta, upon the Savannah River, in Georgia, such merchandise may be entered at the port of Savannah and thereafter transported, either by the river or by railroad, to Augusta, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

Entry of merchandise intended for Pilatka.

3 Aug., 1854, c. 202, s. 1, v. 10, p. 346.

SEC. 2818. When any merchandise is intended to be imported from any foreign country into the port of Pilatka, upon the Saint John's River, in Florida, such merchandise may be entered at Saint John's, and thereafter transported to Pilatka upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

Entry of merchandise intended for Bayport.

3 Aug., 1854, c. 202, s. 1, v. 10, p. 346.

SEC. 2819. When any merchandise is intended to be imported from any foreign country to the port of Bayport, in Florida, such merchandise may be entered at Saint Mark's, and thereafter transported to Bayport, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

Entry of merchandise intended for Selma.

3 March, 1857, c. 102, v. 11, p. 199.
27 Jan., 1858, c. 3, v. 11, p. 260.

SEC. 2820. When any merchandise is intended to be imported from any foreign country into the port of Selma, upon the Alabama River, in Alabama, such merchandise may be entered Mobile, and thereafter transported to Selma, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

Entry of merchandise intended for Houston.

14 July, 1870, c. 269, v. 16, p. 278.

SEC. 2821. When any merchandise is intended to be imported from any foreign country into the port of Houston, upon Trinity River, in Texas, such merchandise may be entered at the port of Galveston and thereafter transported to Houston, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive.

Entry of merchandise intended for ports upon the Mississippi and its tributaries.

SEC. 2822. When any merchandise is intended to be imported from any foreign country into either of the following ports of delivery, being ports upon the Mississippi River and its tributaries, namely, Pittsburgh, in Pennsylvania; Wheeling, in West Virginia; Cincinnati, in Ohio; Louisville, in Kentucky; Saint Louis, in Missouri; Nashville, in

Tennessee; and Natchez, in Mississippi, such merchandise may be entered at the port of New Orleans, or at either of such ports of entry on the sea-board as may be designated by the Secretary of the Treasury, and thereafter transported to the port of delivery for which the same is intended, by such inland routes as the Secretary of the Treasury may designate, under such rules and regulations not inconsistent with law as he may prescribe, in compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive, and subject to the forfeitures and penalties therein mentioned.

SEC. 2823. When any merchandise is intended to be imported from any foreign country into either of the following ports of delivery, namely: Parkersburgh, in West Virginia; Paducah, in Kentucky; Saint Joseph and Kansas City, in Missouri; Memphis, in Tennessee; Alton, Galena, Quincy, and Cairo, in Illinois; Evansville, New Albany, Madison, and Jeffersonville, in Indiana; Keokuk, Dubuque, and Burlington, in Iowa; Leavenworth, in Kansas, and Omaha, in Nebraska, such merchandise may be entered at the port of New Orleans, and thereafter transported to the port of delivery for which the same is intended, in compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive, and subject to the forfeitures and penalties therein mentioned.

28 Sept., 1850, c. 79, s. 14, v. 9, p. 511. 2 Aug., 1854, c. 191, v. 10, p. 334. 2 Aug., 1854, c. 192, s. 2, v. 10, p. 334. 3 Aug., 1854, c. 202, s. 2, v. 10, p. 346. v. 13, p. 342. 7 July, 1870, c. 211, v. 16, p. 190. 11 July, 1870, c. 244, v. 16, p. 229. 14 July, 1870, c. 268, v. 16, p. 278.

SEC. 2824. When any merchandise is intended to be imported from any foreign country into the port of Vallejo, in California, such merchandise may be entered at the port of San Francisco and thereafter transported to Vallejo, upon compliance with sections twenty-eight hundred and twenty-five to twenty-eight hundred and thirty-one, inclusive; except that the powers and duties assigned by those sections to the surveyors of the ports of delivery, shall, at Vallejo, be exercised and performed by the deputy collector.

SEC. 2825. The importer of any merchandise destined for any of the ports mentioned in the nine preceding sections shall deposit in the custody of the surveyor of such port of delivery a schedule of the goods so intended to be imported, with an estimate of their cost at the place of exportation, whereupon the surveyor shall make an estimate of the amount of duties accruing on the same, and the importer or consignee shall give bond, with sufficient sureties, to be approved by the surveyor, in double the amount of the duties so estimated, conditioned for the payment of the duties on such merchandise, ascertained as hereinafter directed; and the surveyor shall forthwith notify the collector at the port of entry for the collection-district to which such port of delivery is attached, of the same, by forwarding to him a copy of bond and schedule.

SEC. 2826. The importer, or his agent, may enter merchandise at the port of entry for the collection-district into which it is to be imported in the usual manner; and the collector shall grant a permit for the landing thereof, and cause the duties to be ascertained as in other cases, the goods remaining in the custody of the collector until reshipped for the place of destination. The collector shall certify to the surveyor at such place the amount of such duties, which the surveyor shall enter on the margin of the bond given to secure the same; and the merchandise shall be delivered by the collector to the agent of the importer or consignee, duly authorized to receive the same, for shipment to the place of importation.

SEC. 2827. The master or conductor of every vessel or vehicle in which such merchandise shall be transported, shall, previously to departure from the port of entry, deliver to the collector duplicate manifests of such merchandise, specifying the marks and numbers of every case, bag, box, chest, or package, containing the same, with the name and

2 March, 1831, c. 87, s. 1, v. 4, p. 480. 28 Sept., 1850, c. 79, s. 19, v. 9, p. 512.

Ibid.

2 March, 1831, c. 87, s. 1, v. 4, p. 480. 11 March, 1864, c. 28, v. 13, p. 22. 28 Sept., 1850, c. 79, s. 11, v. 9, p. 510. 31 Aug., 1852, c. 115, ss. 1, 2, v. 10, p. 143. 2 Feb., 1854, c. 9, v. 10, p. 266. 3 Aug., 1854, c. 198, v. 10, p. 345.

2 Aug., 1854, c. 334. 2 Aug., 1854, c. 334. 1 July, 1864, c. 202, v. 13, p. 342. 7 July, 1870, c. 211, v. 16, p. 190. 11 July, 1870, c. 244, v. 16, p. 229. 14 July, 1870, c. 268, v. 16, p. 278.

Entry of merchandise intended for Vallejo.

1 July, 1870, c. 190, v. 16, p. 182. 3 March, 1871, c. 130, s. 3, v. 16, p. 583.

Schedule of merchandise and estimate of duties.

2 March, 1831, c. 87, s. 1, v. 4, p. 480.

Entry of merchandise and permit for landing.

2 March, 1831, c. 87, s. 2, v. 4, p. 481.

Duplicate manifests.

2 March, 1831, c. 87, s. 2, v. 4, p. 481.

place of residence of every importer or consignee of such merchandise, and the quantity shipped to each, to be by him subscribed, and to the truth of which he shall swear, and that the merchandise has been received on board his vessel or vehicle, stating the name of the agent who shipped the same; and the collector shall certify the facts, on the manifests, one of which he shall return to the master, with a permit thereto annexed, authorizing him to proceed to the place of his destination.

Penalty for illegal departure.

2 March, 1831, c. 87, s. 3, v. 4, p. 481.

Delivery of manifests.

2 March, 1831, c. 87, s. 3, v. 4, p. 481.

Inspection.

2 March, 1831, c. 87, s. 3, v. 4, p. 481.

No entry when value exceeds bond.

2 March, 1831, c. 87, s. 4, v. 4, p. 481.

Vessels bound for Natchez and Vicksburgh.

30 June, 1834, c. 135, s. 2, v. 4, p. 715.
7 July, 1838, c. 175, v. 5, p. 287.

Expenses of officers with vessel.

30 June, 1834, c. 135, s. 3, v. 4, p. 715.

Duties of master bound for any district in Connecticut.

SEC. 2828. If any vessel or vehicle having such merchandise on board shall depart from the port of entry without having complied with the provisions of the preceding section, the master or conductor thereof shall be liable to a penalty of five hundred dollars.

SEC. 2829. The master or conductor of any such vessel or vehicle arriving at either of the ports named in sections twenty-eight hundred and sixteen to twenty-eight hundred and twenty-four, inclusive, on board of which merchandise shall have been shipped at such port of entry, shall, within eighteen hours next after the arrival, and previously to unloading any part of such merchandise, deliver to the surveyor of such port the manifest of the same, certified by the collector, at the port of entry, and shall make oath before the surveyor that there was not, when he departed from the port of entry, any more or other merchandise on board such boat, vessel, or vehicle so imported than is therein mentioned. If the master of such vessel or vehicle shall neglect or refuse to deliver the manifests within the time herein directed, he shall be liable to a penalty of one hundred dollars.

SEC. 2830. The surveyor at the port of delivery shall cause the casks, bags, boxes, chests, or packages, to be inspected, and compared with the manifests, and the same being identified he shall grant a permit for unloading the same, or such part thereof as the master or conductor shall request; and when a part only of such merchandise is intended to be landed the surveyor shall make an indorsement on the back of the manifests, designating such part, specifying the articles to be landed, and shall return the manifests to the master or conductor, indorsing thereon his permission to such vessel or vehicle to proceed to the place of its destination.

SEC. 2831. The collector at such port of entry shall permit no entry to be made of merchandise, where the duty on the same shall exceed the amount of the bond deposited with the surveyor, nor shall the surveyor receive the bond of any person for a sum less than fifty dollars. When the bond has been completed, and the actual amount of duty ascertained and certified on the margin, the surveyor of the port where the bond is taken shall collect said duties and pay the same into the Treasury of the United States.

SEC. 2832. All vessels proceeding to the ports of Natchez or Vicksburgh from any foreign port shall stop and report their arrival at the port of New Orleans; and before any such vessel shall proceed on her voyage to Natchez or Vicksburgh the collector for the district of New Orleans shall order on board any such vessel a custom-house officer, who shall remain on board such vessel until her arrival at Natchez or Vicksburgh. Such custom-house officer shall take possession of and safely keep all the papers belonging to such vessel having relation to the freight or cargo on board, which papers he shall deliver to the collector at Natchez or Vicksburgh immediately after his arrival at that port; and any such vessel, which shall depart from New Orleans without such custom-house officer on board, shall be subject to all the pains and penalties provided for by law for a violation of the revenue laws.

SEC. 2833. The expenses of the custom-house officer who may be put on board any such vessel bound for Natchez or Vicksburgh at New Orleans, from the time of his being put on board until his return to New Orleans, shall be paid by the owner of such vessel.

SEC. 2834. The master of any vessel bound to any district in Connecticut, through or by the way of Sandy Hook, shall, before he passes the

port of New York, and immediately after his arrival, deposit with the collector for the district of New York a true manifest of the cargo on board such vessel. The master of any vessel bound to the district of Burlington, shall, before he passes the port of Philadelphia, and immediately after his arrival, deposit with the collector thereof a like manifest; and the collector shall, after registering the manifest, transmit the same, duly certified to have been so deposited, to the officer with whom the entries are to be made; and the collectors and surveyors, respectively, may, whenever they judge it to be necessary for the security of the revenue, put an inspector of the customs on board any vessel, to accompany the same until her arrival at the first port of entry or delivery, in the district to which such vessel may be destined. If the master of any vessel shall neglect or omit to deposit a manifest as herein prescribed, or shall refuse to receive an inspector of the customs on board, as the case requires, he shall forfeit and pay five hundred dollars, to be recovered with cost of suit, one-half for the use of the officer with whom such manifest ought to have been deposited, and the other half to the use of the collector of the district to which such vessel may be bound. If, however, the manifest shall, in either of the above cases, have been previously delivered to any officer of the customs, pursuant to the provisions hereinafter made in that behalf, the depositing of a manifest shall not be necessary.

SEC. 2835. Vessels bound up James River, in the State of Virginia, shall not be required to stop in Hampton Roads to deposit a manifest with the collector at Norfolk. But the master of the revenue-cutter stationed at Norfolk shall, under the orders of the Secretary of the Treasury, board all such vessels, and indorse their manifests, and place an officer on board of each vessel bound up James River, having a cargo from a foreign port. If, however, there is no revenue-cutter on that station for the purpose of boarding vessels, or when the state of the weather may be such as to render it impracticable to send an officer on board any vessel bound up James River, having a cargo from a foreign port, the captain shall deposit, with the surveyor at Hampton, a copy of the manifest of the cargo on board such vessel.

SEC. 2836. The master of any vessel arriving within the districts of Petersburg or Richmond, laden with merchandise, belonging or consigned to persons resident within both the districts, shall make entry of such vessel, in manner already prescribed by law, with the collector of that district wherein the owner or consignee, or the husband or acting manager of such vessel, shall actually reside; and the master shall, at the time of making the entry, deliver a duplicate manifest of the cargo to the collector, whose duty it shall then be to certify the same as a true copy, and to transmit it to the collector of the other district, and the delivery of such merchandise shall be authorized by permits from the collector of each district, respectively, in which the same has been duly entered according to law. No importer, owner, or consignee of merchandise, residing in either district, shall, however, be admitted to make an entry of such merchandise with the collector of the district in which such importer, owner, or consignee does not reside. All entries, moreover, for merchandise, made by agents, for persons residing in other districts, shall be made with the collector of the district in which such vessel may discharge.

SEC. 2837. All invoices shall be made out in the weights or measures of the country or place from which the importation is made, and shall contain a true statement of the actual weights or measures of such merchandise, without any respect to the weights or measures of the United States. *Sec §§ 5443, 5445.*

SEC. 2838. All invoices of merchandise subject to a duty *ad valorem* shall be made out in the currency of the place or country from whence the importation shall be made, and shall contain a true statement of the actual cost of such merchandise, in such foreign currency or currencies, without any respect to the value of the coins of the United States,

cut or for Burlington.

2 March, 1799, c. 22, s. 19, v. 1, p. 641.

Duties of master bound up James River.

23 March, 1830, c. 35, v. 4, p. 382.

Duties of master bound for Petersburg or Richmond.

3 March, 1801, c. 25, v. 2, p. 116.

What weights and measures used in invoices.

30 June, 1864, c. 171, s. 27, v. 13, p. 217.

What currency used in invoices.

3 March, 1801, c. 28, s. 2, v. 2, p. 121.

DeForest *vs.* Redfield, 4 Blatch., 478.

Forfeiture when cost is not set forth in invoice.

2 March, 1799, c. 22, s. 66, v. 1, p. 677.

U. S. *vs.* Riddle, 5 Cr., 311; U. S. *vs.* One hundred and fifty Crates Earthenware, 3 Wh., 232; Clifton *vs.* U. S., 4 How., 242; Buckley *vs.* U. S., 4 How., 251; Caldwell *vs.* U. S., 3 How., 366; U. S. *vs.* Sixty-seven Packages, 17 How., 85; U. S. *vs.* One Package, 17 How., 97; U. S. *vs.* One Case of Clocks, 17 How., 99; Wood *vs.* U. S., 16 Pet., 342; Alfonso *vs.* U. S., 2 Story, 421; Schmalz, 5 Court Claims, 294.

Collector to take possession when invoice is not correct.

2 March, 1799, c. 22, s. 66, v. 1, p. 677.

Oaths to accompany invoices.

1 March, 1823, c. 21, s. 4, v. 3, pp. 730, 732.

U. S. *vs.* Wood, 14 Pet., 430; Taylor *vs.* U. S., 3 How., 197.

or of foreign coins, by law made current within the United States, in such foreign place or country. [See § 2903.]

SEC. 2839. If any merchandise, of which entry has been made in the office of a collector, is not invoiced according to the actual cost thereof at the place of exportation, with design to evade payment of duty, all such merchandise, or the value thereof, to be recovered of the person making entry, shall be forfeited.

SEC. 2840. In every case in which a collector shall suspect that any merchandise is not invoiced at a sum equal to that for which it has usually been sold in the place or country from whence it was imported, he shall take the merchandise into his possession, and retain the same with reasonable care, at the risk and expense of the owner or consignee, until its value at the time and place of importation has been ascertained, as in the case of damaged merchandise, or of merchandise not accompanied with an invoice, and until the duties arising, according to such valuation, have been paid, or secured to be paid. But in case of a prosecution for forfeiture, such appraisement shall not exclude other proof, upon the trial, of the actual cost of the merchandise at the place of exportation.

SEC. 2841. Whenever merchandise imported into the United States is entered by invoice, one of the following oaths, according to the nature of the case, shall be administered by the collector of the port, at the time of entry, to the owner, importer, consignee, or agent.

Oath of consignee, importer, or agent.

I, _____, do solemnly and truly swear (or affirm) that the invoice and bill of lading now presented by me to the collector of _____, are the true and only invoice and bill of lading by me received, of all the goods, wares, and merchandise imported in the _____, whereof _____ is master, from _____, for account of any person whomsoever, for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know nor believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been, on my part, nor to my knowledge on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise, and that if, at any time hereafter, I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly and truly swear (or affirm) that, to the best of my knowledge and belief, (insert the name and residence of the owner or owners,) is (or are) of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost, (if purchased,) or fair market-value, (if otherwise obtained,) at the time or times, and place or places, when or where procured, (as the case may be,) of the said goods, wares, and merchandise, all the charges thereon, and no other or different discount, bounty, or drawback, but such as has been actually allowed on the same.

Oath of owner in cases where merchandise has been actually purchased.

I, _____, do solemnly and truly swear (or affirm) that the entry now delivered by me to the collector of _____, contains a just and true ac-

count of all the goods, wares, and merchandise imported by or consigned to me, in the , whereof is master, from ; that the invoice which I now produce contains a just and faithful account of the actual cost of the said goods, wares, and merchandise, of all charges thereon, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, and no other discount, drawback, or bounty, but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly swear (or affirm) that I have not, in the said entry or invoice, concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

Oath of manufacturer or owner in cases where merchandise has not been actually purchased.

I, , do solemnly and truly swear (or affirm) that the entry now delivered by me to the collector of , contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me, in the , whereof is master, from ; that the said goods, wares, and merchandise were not actually bought by me, or by my agent, in the ordinary mode of bargain and sale, but that, nevertheless, the invoice which I now produce contains a just and faithful valuation of the same, at their fair market-value, including charges of purchasing, carriages, bleaching, dyeing, dressing, finishing, putting up, and packing, at the time or times, and place or places, when and where procured for my account, (or for account of myself and partners;) that the said invoice contains also a just and faithful account of all charges actually paid, and no other discount, drawback, or bounty but such as has been actually allowed on the said goods, wares, and merchandise; that I do not know nor believe in the existence of any invoice or bill of lading, other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly swear (or affirm) that I have not, in the said entry or invoice, concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise, and that if, at any time hereafter, I discover any error in the said invoice, or in the account now produced, of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

SEC. 2842. No merchandise subject to ad-valorem duty imported into the United States, and belonging to a person residing in the United States, but at the time absent from the place where the merchandise is intended to be entered, shall be admitted to an entry, unless the importer, consignee, or agent, shall previously give bond, the form of which shall be prescribed by the Secretary of the Treasury, with sufficient sureties, to produce, within four months, to the collector of the port where the merchandise may be, the invoice of the same, duly verified, according to the circumstances of the case, by the oath of the owner, or one of the owners; which oath shall be administered by a collector, if there is any in the place where the owner may be; or, if there is none, by some public officer duly authorized to administer oaths.

SEC. 2843. No merchandise subject to ad-valorem duty belonging to a person not residing at the time in the United States, and who shall have actually purchased the same, shall be admitted to entry, unless the invoice is verified by the oath of the owner, or one of the owners, certifying that the merchandise was actually purchased for his account, or

Bond for production of invoice of goods of absent owner.

1 March, 1823, c. 21, s. 6, v. 3, p. 733.

Oath of purchaser.

1 March, 1823, c. 21, s. 7, v. 3, p. 733.

for account of himself and partners in the purchase; that the invoice annexed thereto contains a true and faithful account of the actual cost thereof, and of all charges thereon, and that no discounts, bounties, or drawbacks, are contained in the invoice, but such as have been actually allowed on the same. Such oath shall be administered by a consul or commercial agent of the United States, or by some public officer duly authorized to administer oaths in the country where the merchandise was purchased; and the same shall be duly certified by the consul, commercial agent, or public officer; and when such oath is administered by an officer other than a consul or commercial agent of the United States, such official certificate shall be authenticated by such a consul or commercial agent. [See §§ 1715, 1717, 5442.]

Authentication
in absence of con-
sul.

1 March, 1823, c.
21, s. 7, v. 3, p. 733.

SEC. 2844. If there is no consul or commercial agent of the United States in the country from which such merchandise was imported, the authentication required by the preceding section shall be executed by a consul of a nation at the time in amity with the United States, if there is any such residing there; and if there is no such consul in the country the authentication shall be made by two respectable merchants, if any there be, residing in the port from which the merchandise shall have been imported.

Oath of man-
ufacturer, &c.

1 March, 1823, c.
21, s. 8, v. 3, p. 733.

SEC. 2845. No merchandise subject to ad-valorem duty belonging to a person not residing at the time in the United States, who has not acquired the same in the ordinary mode of bargain and sale, or belonging to the manufacturer, in whole or in part, of the same, shall be admitted to entry, unless the invoice thereof is verified by the oath of the owner, or of one of the owners, administered and authenticated in the mode prescribed in the two preceding sections, and certifying that the invoice contains a true and faithful account of the merchandise, at its fair market-value, at the time and place when and where the same was procured or manufactured, as the case may be, and of all charges thereon; and that the invoice contains no discounts, bounties, or drawbacks, but such as have been actually allowed.

Oath of repre-
sentative.

1 March, 1823, c.
21, s. 9, v. 3, p. 734.

SEC. 2846. Whenever merchandise subject to ad-valorem duty belongs to the estates of deceased persons or of persons insolvent who have assigned the same for the benefit of their creditors, the oaths to invoices may be administered to the executor or administrator, or to the assignee, of such persons.

Secretary may
admit goods not-
withstanding
want of invoice.

1 March, 1823, c.
21, s. 10, v. 3, p. 734.

SEC. 2847. Whenever merchandise subject to ad-valorem duty is imported belonging to a person not residing in the United States, not accompanied with an invoice verified and authenticated as required by the preceding sections, or whenever it is not practicable to make such oath, or whenever there is an immaterial informality in the oath or authentication taken, or whenever the collector of the port at which the merchandise is has certified his opinion to the Secretary of the Treasury that no fraud was intended in the invoice of the merchandise, the Secretary of the Treasury may admit the same to an entry. But he shall in no case admit any merchandise to an entry where there is just ground to suspect that a fraud on the revenue was intended.

Bond to produce
invoice required.

1 March, 1823, c.
21, s. 10, v. 3, p. 734.

SEC. 2848. The consignee, importer, or agent shall, previous to an entry allowed under the preceding section, give bond, the form whereof shall be prescribed by the Secretary of the Treasury, with sufficient sureties, to produce the invoice, if the same be practicable, duly verified and authenticated, within eight months from the time of entry, if the merchandise was imported from any port on this side, and within eighteen months, if from any port beyond the Cape of Good Hope, or Cape Horn, or from the Cape of Good Hope.

Oath where one
of owners resides
abroad.

1 March, 1823, c.
21, s. 11, v. 3, p. 734.

SEC. 2849. In all cases where merchandise subject to ad-valorem duty belongs in part to a person residing in the United States, and in part to a person residing out of the United States, the oath of one of the owners residing in the United States shall be sufficient to admit the same to an entry. In all cases, however, where the merchandise was manufactured, in whole or in part, by any one of the owners,

residing out of the United States, the same shall not be so admitted to an entry, unless the invoice has been verified and authenticated by such manufacturer in the manner prescribed in section twenty-eight hundred and forty-five.

SEC. 2850. Whenever the invoice of merchandise belonging to a person not residing in the United States has not been duly verified and authenticated, and, upon application to the Secretary of the Treasury, the merchandise has been refused an entry, the same shall be deemed suspected.

SEC. 2851. For every verification of an invoice and certificate before a consul or commercial agent, such consul or commercial agent shall be entitled to demand and receive from the person making the same, a fee of two dollars and fifty cents. But each shipper shall have the right to include all articles shipped by him in the same invoice. [See §§ 1716, 1721.]

SEC. 2852. When any merchandise is admitted to an entry upon invoice, the collector of the port in which the same is entered shall certify the same under his official seal; and no other evidence of the value of such merchandise shall be admitted on the part of the owner thereof, in any court of the United States, except in corroboration of such entry.

SEC. 2853. All invoices of merchandise imported from any foreign country shall be made in triplicate, and signed by the person owning or shipping such merchandise, if the same has actually been purchased, or by the manufacturer or owner thereof, if the same has been procured otherwise than by purchase, or by the duly authorized agent of such purchaser, manufacturer, or owner.

SEC. 2854. All such invoices shall, at or before the shipment of the merchandise, be produced to the consul, vice-consul, or commercial agent of the United States nearest the place of shipment, for the use of the United States, and shall have indorsed thereon, when so produced, a declaration signed by the purchaser, manufacturer, owner, or agent, setting forth that the invoice is in all respects true; that it contains, if the merchandise mentioned therein is subject to ad-valorem duty, and was obtained by purchase, a true and full statement of the time when and the place where the same was purchased, and the actual cost thereof, and of all charges thereon; and that no discounts, bounties, or drawbacks are contained in the invoice but such as have actually been allowed thereon; and when obtained in any other manner than by purchase, the actual market-value thereof at the time and place when and where the same was procured or manufactured; and, if subject to specific duty, the actual quantity thereof; and that no different invoice of the merchandise, mentioned in the invoice so produced, has been or will be furnished to any one. If the merchandise was actually purchased, the declaration shall also contain a statement that the currency in which such invoice is made out is the currency which was actually paid for the merchandise by the purchaser.

SEC. 2855. The person so producing such invoice shall at the same time declare to such consul, vice-consul, or commercial agent the port in the United States at which it is intended to make entry of merchandise; whereupon the consul, vice-consul, or commercial agent shall indorse upon each of the triplicates a certificate, under his hand and official seal, stating that the invoice has been produced to him, with the date of such production, and the name of the person by whom the same was produced, and the port in the United States at which it shall be the declared intention to make entry of the merchandise therein mentioned. The consul, vice-consul, or commercial agent shall then deliver to the person producing the same, one of the triplicates, to be used in making entry of the merchandise; shall file another in his office, to be there carefully preserved; and shall, as soon as practicable, transmit the remaining one to the collector of the port of the United States at which it shall be declared to be the intention to make entry of the merchandise.

Effect of omission of oath.

1 March, 1823, c. 21, s. 12, v. 3, p. 734.

Fee for verification of invoice.

1 March, 1823, c. 21, s. 22, v. 3, p. 737.

Certificate upon invoice.

1 March, 1823, c. 21, s. 23, v. 3, p. 737.

Triplicate invoices.

3 March, 1863, c. 76, s. 1, v. 12, p. 737.

Declaration to accompany invoice.

3 March, 1863, c. 76, s. 1, v. 12, p. 737.

Thirty-one hundred and nine cases of champagne, 1 Ben., 241.

Twelve hundred and nine quarter-casks of wine, 2 Ben., 249.

Six cases of silk ribbons, 3 Ben., 536.

Indorsement upon invoice.

3 March, 1863, c. 76, s. 1, v. 12, p. 738.

Declaration in adjacent countries.

27 July, 1868, c. 254, v. 15, p. 226.

Change of destination.

3 March, 1863, c. 76, s. 1, v. 12, p. 738.

Remission of forfeiture in case of loss of invoice.

3 March, 1863, c. 76, s. 1, v. 12, p. 739.

Countries excepted from foregoing provisions.

3 March, 1863, c. 76, s. 1, v. 12, p. 739.

8 July, 1866, c. 201, s. 19, v. 14, p. 182.

No entry allowed without invoices, except, &c.

3 March, 1863, c. 76, s. 1, v. 12, p. 738.

Restriction on consular certificates.

22 Feb., 1873, c. 184, s. 3, v. 17, p. 474.

Consuls to exact proof of invoice.

3 March, 1865, c. 111, v. 13, p. 532.

SEC. 2856. In case of merchandise imported from a foreign country adjacent to the United States, the declaration in the two preceding sections required, may be made to, and the certificate indorsed by, the consnl, vice-consul, or commercial agent at or nearest to the port of clearance for the United States.

SEC. 2857. Whenever, from a change of the destination of any merchandise, after the production of the invoice thereof to the consnl, vice-consnl, or commercial agent, or from other cause, the triplicate transmitted to the collector of the port to which such merchandise was originally destined, is not received at the port where the same actually arrives, and where it is desired to make entry thereof, the merchandise may be admitted to an entry on the execution by the owner, consignee, or agent, of a bond, with sufficient security, in double the amount of duty apparently due, conditioned for the payment of the duty which shall be found to be actually due thereon. The collector of the port where such entry shall be made shall immediately notify the consnl, vice-consnl, or commercial agent to whom such invoice has been produced, to transmit to such collector a certified copy thereof; and such consnl, vice-consnl, or commercial agent shall transmit the same accordingly without delay; and the duty shall not be finally liquidated until such triplicate, or a certified copy thereof, shall have been received. Such liquidation, however, shall not be delayed longer than eighteen months from the time of making such entry.

SEC. 2858. Whenever, from accident or other cause, it has become impracticable for the person desiring to make entry of any merchandise, to produce, at the time of making such entry, any invoice thereof, as hereinbefore required, it shall be lawful for the Secretary of the Treasury to authorize the entry of such merchandise upon such terms and in accordance with such general or special regulations as he may prescribe. The Secretary of the Treasury is hereby invested with the like powers of remission in cases of forfeiture arising under the foregoing provisions as in other cases of forfeiture under the revenue laws. (See §§ 5360, 5361.)

SEC. 2859. The six preceding sections shall not apply to countries where there is no consnl, vice-consnl, or commercial agent of the United States. And whenever the value of the imported merchandise does not exceed one hundred dollars, the collector may admit it to entry without the production of the triplicate invoice, and without submitting the question to the Secretary of the Treasury, if he is satisfied that the neglect to produce such invoice was unintentional and that the importation was made in good faith, and without any purpose of defrauding or evading the revenue laws.

SEC. 2860. Except as allowed in the four preceding sections, no merchandise imported from any foreign place or country shall be admitted to an entry unless the invoice presented in all respects conforms to the requirements of sections twenty-eight hundred and fifty-three, twenty-eight hundred and fifty-four, and twenty-eight hundred and fifty-five, and has thereon the certificate of the consnl, vice-consnl, or commercial agent in those sections specified, nor unless the invoice is verified at the time of making such entry by the oath of the owner or consignee, or of the authorized agent of the owner or consignee, certifying that the invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purports to have been made, nor, unless the triplicate transmitted by the consnl, vice-consnl, or commercial agent to the collector has been received by him.

SEC. 2861. No consular officer of the United States shall grant a certificate for merchandise shipped from countries adjacent to the United States, which have passed a consulate after purchase for shipment. (See § 1717, bis.)

SEC. 2862. All consular officers are hereby authorized to require, before certifying any invoice under the provisions of the preceding sections, satisfactory evidence, either by the oath of the person presenting such invoices or otherwise, that such invoices are correct and true. In

the exercise of the discretion hereby given, the consular officers shall be governed by such general or special regulations or instructions as may from time to time be established or given by the Secretary of State.

[See § 1715.]

SEC. 2863. All consuls and commercial agents of the United States having any knowledge or belief of any case or practice of any person who obtains verification of any invoice whereby the revenue of the United States is or may be defrauded, shall report the facts to the collector of the port where the revenue is or may be defrauded, or to the Secretary of the Treasury. [See § 5442.]

To report fraudulent practices.

14 July, 1862, c. 163, s. 18, v. 12, p. 559.

SEC. 2864. If any owner, consignee, or agent of any merchandise shall knowingly make, or attempt to make, an entry thereof by means of any false invoice, or false certificate of a consul, vice-consul, or commercial agent, or of any invoice which does not contain a true statement of all the particulars hereinbefore required, or by means of any other false or fraudulent document or paper, or of any other false or fraudulent practice or appliance whatsoever, such merchandise shall be forfeited. [See §§ 5444, 5452.]

Punishment for making, &c., false invoice.

3 March, 1863, c. 76, s. 1, v. 12, p. 738.

Cliquot's Champagne, 3 Wall., 114; Bollinger's

Champagne, 3 Wall., 560. Thirty-one hundred and nine cases of champagne, 1 Ben., 241. Twenty-eight cases, 2 Ben., 63. Twelve hundred and nine quarter-casks of wine, 2 Ben., 249. Six cases of silk ribbons, 3 Ben., 536.

SEC. 2865. Every person who makes out or passes, or attempts to pass, through the custom-house any false, forged, or fraudulent invoice, or who shall aid or abet in making or passing such false, forged, or fraudulent invoice, shall be deemed guilty of a misdemeanor, punishable by a fine of not more than five thousand dollars, or by imprisonment for not more than two years, or both in the discretion of the court.

For issuing false invoice.

30 Aug., 1842, c. 270, s. 19, v. 5, p. 565.

U. S., *vs.* Sixty-seven packages, 17 How., 85; U. S. *vs.* Smith, 2 Blatch., 127; U. S. *vs.* Nolton, 5 Blatch., 427.

SEC. 2866. From the date of the President's proclamation declaring that he has evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the legislature of Prince Edward's Island have passed laws on their part to give effect to the provisions of the treaty of Washington of May eighth, eighteen hundred and seventy-one, as contained in articles eighteen to twenty-five inclusive, and article thirty of said treaty, and so long as said articles remain in force, according to the terms and conditions of article thirty-third of said treaty, all goods, wares, or merchandise arriving at the ports of New York, Boston, and Portland, and any other ports in the United States which have been, or may from time to time be, specially designated by the President of the United States and destined for Her Britannic Majesty's possessions in North America, may be entered at the proper custom-house and conveyed in transit, without the payment of duties, through the territory of the United States, under such rules, regulations, and conditions for the protection of the revenue as the Secretary of the Treasury may, from time to time, prescribe; and, under like rules, regulations, and conditions, goods, wares, or merchandise may be conveyed in transit, without the payment of duties, from such possessions, through the territory of the United States, for export from the said ports of the United States.

U. S., *vs.* Sixty-

Entry of merchandise destined for British possessions.

1 March, 1873, c. 213, s. 3, v. 17, pp. 482-483.

CHAPTER FIVE.

UNLADING.

Sec.

2867. Penalty for unlading without permit.

2868. Forfeiture for unlawful transfer.

2869. Permits.

2870. What a permit must state.

2871. License to unload at night.

2872. Time of delivery.

2873. Penalty for unlawful delivery.

2874. Forfeiture for unlawful delivery.

Sec.

2875. Inspectors.

2876. Duties of inspectors.

2877. Delivery of cargo.

2878. Compensation, &c., of inspectors.

2879. Compensation of inspectors in case of delay.

2880. Time for unloading.

2881. Salt and coal.

2882. Removal from wharf.

| Sec. | Sec. |
|--|---|
| 2883. Indorsement of permit for landing spirits, &c. | 2890. Returns of weighers, gaugers, and measurers. |
| 2884. Landing of spirits, &c., regulated. | 2891. Distress of weather. |
| 2885. Marking casks and cases of spirits. | 2892. Storage of goods in distress. |
| 2886. Obliteration of marks. | 2893. Variance between report and delivery of vessel in distress. |
| 2887. Forfeiture for omitted or missing articles, except in case of accident or mistake. | 2894. Reloading of vessel in distress. |
| 2888. Account of deliveries. | 2895. Spanish vessels. |
| 2889. Proceedings upon returns of deliveries. | 2896. Obstruction by ice. |
| | 2897. Unlading salt at New Orleans. |
| | 2898. Tare. |

Penalty for unlading without permit.

2 March, 1799, c. 22, s. 27, v. 1, p. 648.

*Harris vs. Den-
nie*, 3 Pet., 304;
Schooner Industry,
1 Gall., 114;
*Schooner Har-
mony*, 1 Gall., 123;
U. S. vs. Hayward, 2
Gall., 485; *Schoon-
er Betsy*, 1 Mas.,
354; *Clark vs. In-
surance Co.*, 1
Story, 109; *U. S.
vs. The Virgin*, Pet.,
C. C., 7; *U. S. vs.
The Brant*, Pet., C.
C., 14.

Forfeiture for un-
lawful transfer.

2 March, 1799, c. 22, s. 28, v. 1, p. 648.

*Schooner Har-
mony*, 1 Gall., 123;
U. S. vs. The Virgin,
Pet., C. C., 7.

Permits.

2 March, 1799, c. 22, s. 49, v. 1, p. 664.

*Pero vs. U. S.
Pet.*, C. C., 256;
*Kohne vs. Insu-
rance Co.*, 1 Wash.,
C. C., 158.

What a permit
must state.

2 March, 1799, c. 22, s. 49, v. 1, p. 664.

SEC. 2867. If after the arrival of any vessel laden with merchandise and bound to the United States, within the limits of any collection-district, or within four leagues of the coast, any part of the cargo of such vessel shall be unladen, for any purpose whatever, before such vessel has come to the proper place for the discharge of her cargo, or some part thereof, and has been there duly authorized by the proper officer of the customs to unlade the same, the master of such vessel and the mate, or other person next in command, shall respectively be liable to a penalty of one thousand dollars for each such offense, and the merchandise so unladen shall be forfeited, except in case of some unavoidable accident, necessity, or distress of weather. In case of such unavoidable accident, necessity, or distress, the master of such vessel shall give notice to, and, together with two or more of the officers or mariners on board such vessel, of whom the mate or other person next in command shall be one, shall make proof upon oath before the collector, or other chief officer of the customs of the district, within the limits of which such accident, necessity, or distress happened, or before the collector, or other chief officer of the collection-district, within the limits of which such vessel shall first afterward arrive, if the accident, necessity, or distress happened not within the limits of any district, but within four leagues of the coast of the United States. The collector, or other chief officer, is hereby authorized and required to administer such oath.

SEC. 2868. If any merchandise, so unladen from on board any such vessel, shall be put or received into any other vessel, except in the case of such accident, necessity, or distress, to be so notified and proved, the master of any such vessel into which the merchandise shall be so put and received, and every other person aiding and assisting therein, shall be liable to a penalty of treble the value of the merchandise, and the vessel in which they shall be so put shall be forfeited.

SEC. 2869. The collector jointly with the naval officer, if any, or alone where there is none, shall, according to the best of his or their judgment or information, make a gross estimate of the amount of the duties on the merchandise to which the entry of any owner or consignee, his factor or agent, shall relate, which estimate shall be indorsed upon such entry and signed by the officer making the same. The amount of the estimated duties having been first paid, or secured to be paid, pursuant to the provisions of this Title, the collector shall, together with the naval officer, where there is one, or alone where there is none, grant a permit to land the merchandise, whereof entry has been so made, and then, and not before, it shall be lawful to land the merchandise.

SEC. 2870. All permits shall specify, as particularly as may be, the merchandise to be delivered, namely, the number and description of the packages, whether trunk, bale, chest, box, case, pipe, hogshead, barrel, keg, or any other packages whatever, with the mark and number of each package, and, as far as circumstances will admit, the contents thereof, together with the names of the vessel and master, in which and the place from whence they were imported; and no merchandise shall be delivered by any inspector or other officer of the customs that does not fully agree with the description thereof in such permit.

SEC. 2871. The collector of customs, with the concurrence of the naval officer, where there is one, of any port at which a steamship from a foreign port or place may arrive, upon or after the issuing of a general order, shall grant, upon proper application therefor, a special license to unlade the cargo of said vessel at night, that is to say, between sunset and sunrise, but before any such special license is granted, the master, agents, or consignees of the vessel shall execute and deliver to the collector a good and sufficient bond, to be approved by him, conditioned to indemnify and save the collector harmless from any and all losses and liabilities which may occur or be occasioned by reason of the granting of such special license. And any liability of the master or owner of any such steamship to the owner or consignee of any merchandise landed from her shall not be affected by the granting of such special license or of any general order, but such liability shall continue until the merchandise is properly removed from the dock whereon the same may be landed. The collector, under such general regulations as the Secretary of the Treasury may prescribe, shall fix a uniform and reasonable rate of compensation for like service, to be paid by the master, owner, or consignee, whenever such special license is granted, and shall collect and distribute the same among the inspectors assigned to superintend the unloading of the cargo.

License to unload at night.

3 March, 1873, c. 240, v. 17, p. 579.

SEC. 2872. Except as authorized by the preceding section, no merchandise brought in any vessel from any foreign port shall be unladen or delivered from such vessel within the United States but in open day—that is to say, between the rising and the setting of the sun—except by special license from the collector of the port, and naval officer of the same, where there is one; for that purpose, nor at any time without a permit from the collector, and naval officer, if any, for such unloading or delivery.

Time of delivery.

2 March, 1799, c. 22, s. 50, v. 1, p. 665.

Harford *vs.* U. S., 8 Cr., 109; The brig Concord, 9 Cr., 387; The John Griffin, 15 Wall., 29; Jackson *vs.* U. S., 4 Mas., 186; The Gertrude, 3 Story, 68.

SEC. 2873. If any merchandise shall be unladen or delivered from any vessel, contrary to the preceding section, the master of such vessel, and every other person who shall knowingly be concerned, or aiding therein, or in removing, storing, or otherwise securing such merchandise, shall each be liable to a penalty of four hundred dollars for each offense, and shall be disabled from holding any office of trust or profit under the United States, for a term not exceeding seven years; and the collector of the district shall advertise the name of such person in a newspaper printed in the State in which he resides, within twenty days after each respective conviction.

Penalty for unlawful delivery.

2 March, 1799, c. 22, s. 50, v. 1, p. 665.

Locke *vs.* U. S., 7 Cr., 339; Harford *vs.* U. S., 8 Cr., 109; The Gertrude, 3 Story, 68; U. S. *vs.* Burnham, 1 Mas., 57; U. S. *vs.* The

Hunter, Pet., C. C., 10; Bottomley *vs.* U. S., 1 Story, 135; Schooner Industry, 1 Gall., 114; Schooner Harmony, 1 Gall., 123; U. S. *vs.* Hayward, 2 Gall., 486; Schooner Betsy, 1 Mas., 354; Jackson *vs.* U. S., 4 Mas., 186; Clark *vs.* Protection Ins. Com., 1 Story, 109; U. S. *vs.* The Virgin, Pet., C. C., 7; Walsh *vs.* U. S., 3 Wood. and M., 341.

SEC. 2874. All merchandise, so unladen or delivered contrary to the provisions of section twenty-eight hundred and seventy-two, shall become forfeited, and may be seized by any of the officers of the customs; and where the value thereof, according to the highest market price of the same, at the port or district where landed, shall amount to four hundred dollars, the vessel, tackle, apparel, and furniture shall be subject to like forfeiture and seizure.

Forfeiture for unlawful delivery.

2 March, 1799, c. 22, s. 50, v. 1, p. 665.

SEC. 2875. The collector of any district at which any vessel arrives, immediately on her first coming within such district, or the surveyor of any port where such vessel is, may put and keep on board such vessel, while remaining within such district, or in going from one district to another, one or more inspectors to examine the cargo or contents of such vessel, and to superintend the delivery thereof, or of so much thereof as shall be delivered within the United States, and to perform such other duties, according to law, as they shall be directed by the collector, or surveyor, to perform for the better securing the collection of the duties. Only collectors shall have power, however, to put inspectors on board vessels, to go from one district to another.

Inspectors.

2 March, 1799, c. 22, s. 53, v. 1, p. 667.

Duties of inspectors.

2 March, 1799, c. 22, s. 53, v. 1, p. 667.

SEC. 2876. The inspector shall make known to the master of such vessel the duties he is to perform; and shall suffer no merchandise to be unladen, or otherwise removed from such vessel, without a permit in writing from the collector of the port, and naval officer thereof, if any. The inspector shall enter in a book, to be by him kept according to such a form as shall be prescribed or approved by the collector, the name of the person in whose behalf such permits are granted, together with the particulars therein specified, and the marks, numbers, kinds, and description of the respective packages which shall be unladen pursuant thereto, and shall keep a like account in the book of all merchandise which, not having been entered within the time limited by this Title, or for some other cause, has been sent to the store or warehouse provided for the reception of such merchandise; such book shall be delivered to the surveyor in the month of January in every year for his inspection, and immediately after such inspection be transmitted by the surveyor, with such observations as he may think necessary thereon, to the collector, to be deposited in his office.

Delivery of cargo.

2 March, 1799, c. 22, s. 53, v. 1, p. 667.

SEC. 2877. The inspector shall attend to the delivery of the cargo under his care, at all times when the unloading or delivery of merchandise is lawful, particularly from the rising to the setting of the sun on each day, Sundays and the fourth day of July in each year excepted; for which purpose he shall constantly attend and remain on board the vessel, the deliveries from which he is to superintend, or at any other station where his inspection is necessary. The inspector shall not quit such station or place without the leave of the surveyor of the port first obtained, who shall appoint another inspector, if he deems it necessary, to supply the place of such inspector during his absence; and any inspector who shall neglect or in any manner act contrary to the duties hereby enjoined, shall for the first offense be liable to a penalty of the sum of fifty dollars, and for the second offense shall be displaced, and be incapable of holding any station of trust or profit under the revenue laws of the United States, for a term not exceeding seven years.

Compensation, &c., of inspectors.

2 March, 1799, c. 22, s. 53, v. 1, p. 667.

SEC. 2878. No inspector shall perform any other duties or service on board any vessel, the superintendence of which is committed to him, for any person whatever, other than what is required by this Title, under the penalty of being disabled from acting any longer as an inspector of the customs; the wages or compensation of such inspector as may proceed from one district to another, shall be defrayed by the master of the vessel committed to his care; every inspector or other officer of the revenue, while performing any duty on board any vessel, not in a port of the United States, discharging her cargo, shall be entitled to receive from the master of such vessel such provisions and accommodations as are usually supplied to passengers, or as the state and condition of such vessel will admit, on receiving therefor fifty cents a day; and any master of any vessel who shall refuse such provisions and reasonable accommodations shall be liable to a penalty of one hundred dollars. [See § 8070.]

Compensation of inspectors in case of delay.

2 March, 1799, c. 22, s. 56, v. 1, p. 670.

SEC. 2879. If, by reason of the delivery of the cargo in several districts, more than the term allowed by law shall in the whole be spent therein, the wages or compensation of the inspector who may be employed on board of any vessel, in respect to which such term may be so exceeded, shall, for every day of such excess, be paid by the master or owner; and the inspector shall, previously to the clearance of the vessel, render an exact account to the collector of all such compensation as has been paid, or is due and payable by the master or owner.

Time for unloading.

2 March, 1799, c. 22, s. 56, v. 1, p. 669.
2 March, 1861, c. 81, v. 12, p. 209.

SEC. 2880. Whenever any merchandise shall be imported into any port of the United States from any foreign port, in any vessel, at the expiration of eight working days, if the vessel is less than three hundred tons burden, and within twelve working days, if it is of three hundred tons burden and less than eight hundred, and within fifteen days, if it is of eight hundred tons burden and upward, after the time within which the report of the master of any vessel is required to be made to

the collector of the district, if there is found any merchandise other than has been reported for some other district, or some foreign port, the collector shall take possession thereof; but with the consent of the owner or consignee of any merchandise, or with the consent of the owner or master of the vessel in which the same may be imported, the merchandise may be taken possession of by the collector after one day's notice to the collector of the district. All merchandise so taken shall be delivered pursuant to the order of the collector of the district, for which a certificate or receipt shall be granted.

SEC. 2881. The limitation of the time for unloading, prescribed by the preceding section, shall not extend to vessels laden with salt or coal; but if the master or owner of any vessel laden with salt or coal requires a longer time to discharge her cargo, the wages, or compensation of the inspector, for every day's attendance exceeding the number of days allowed by law, shall be paid by the master or owner; and thereupon the collector is hereby authorized and required to allow such longer time as, in his judgment, he may think necessary to discharge such cargo, not exceeding fifteen days.

SEC. 2882. No merchandise, brought in any vessel, from any foreign port or place, requiring to be weighed, gauged, or measured, in order to ascertain the duties thereupon, shall, without the consent of the proper officer, be removed from any wharf, or place, upon which the same may be landed or put, before the same shall have been so weighed, gauged, or measured, and if spirits, wines, or sugars, before the proof or quality and quantity thereof is ascertained and marked thereon, by or under the direction of the proper officer; and if any such merchandise shall be removed from such wharf or place, unless with the consent of the proper officer, obtained before the same has been so weighed, gauged, or measured, and if spirits, wines, or sugars, before the proof or quality and quantity has been so ascertained and marked, the same shall be forfeited, and may be seized by any officer of the customs or inspection.

SEC. 2883. Every permit for the unloading of spirits, wines, or any part thereof, shall, previous to such landing or unloading thereof, be produced to the officer of inspection, who shall record or register in proper books the contents thereof, and shall indorse thereupon the word "Inspected," the time when, and his own name; after which he shall return the permit to the person by whom it was produced, and then, and not otherwise, it shall be lawful to land the spirits, or wines, therein specified; and if spirits or wines shall be landed without such indorsement upon the permit granted for that purpose, the master of the vessel from which the same shall have been so landed shall for every such offense be liable to a penalty of five hundred dollars, and the spirits or wines so landed shall be forfeited.

SEC. 2884. All distilled spirits, and wines, shall be landed under the inspection of the surveyor, or other officer acting as inspector of the revenue for the port, and such of the inspectors of the customs as shall be deputed by him for that purpose, and not otherwise, on pain of forfeiture thereof, for which purpose the officer shall at all reasonable times attend. This shall not, however, be construed to exclude the inspection of any officer of the customs, as now or heretofore practiced.

SEC. 2885. The officers of inspection of any port where distilled spirits or wines shall be landed, shall, upon the landing thereof, and as soon as the casks, vessels, and cases containing the same shall be inspected, gauged, or measured, brand or otherwise mark in durable characters, the several casks, vessels, and cases containing the same, and the marks shall express the number of casks, vessels, or cases, whether of spirits or wines, marked by each officer respectively, in each year, in progressive numbers for each of the articles; also the port of importation, the name of the vessel, and the surname of the master; also each kind of spirits or wines, for which different rates of duty are or shall be imposed, the number of gallons in each cask or case, and

Salt and coal.

2 March, 1799, c.
22, s. 56, v. 1, p. 670.

Removal from
wharf.

2 March, 1799, c.
22, s. 51, v. 1, p. 665.

Peisch vs. Ware,
4 Cr., 347.

Indorsement on
permit for landing
spirits, &c.

2 March, 1799, c.
22, s. 37, v. 1, p. 658.

Landing spirits,
&c., regulated.

2 March, 1799, c.
22, s. 38, v. 1, p. 658.

Marking casks
and cases of spirits.

2 March, 1799, c.
22, s. 39, v. 1, p. 659.
14 July, 1832, c.
227, s. 5, v. 4, p. 591.

the rate of proof if spirits; also the name of the surveyor or chief officer of inspection for the port, and the date of importation; of all which particulars the chief officers of inspection shall keep fair and correct accounts, in books to be provided for that purpose.

Obliteration of marks.

2 March, 1799, c. 22, s. 44, v. 1, p. 660.

SEC. 2886. On the sale of any cask, vessel, or case, which has been or shall be marked as containing distilled spirits or wines, and which has been emptied of its contents, and prior to the delivery thereof to the purchaser, or any removal thereof, the marks and numbers, which shall have been set thereon by or under the direction of any officer of inspection, shall be defaced and obliterated in the presence of some officer of inspection or of the customs, who shall, on due notice being given, attend for that purpose, at which time the certificate which ought to accompany such chest, vessel, or case, shall also be returned and canceled. Every person who shall obliterate, counterfeit, alter, or deface any mark or number placed by an officer of inspection upon any cask, vessel, or case, containing distilled spirits or wines, or any certificate thereof; or who shall sell or in any way alienate or remove any cask, vessel, or case, which has been emptied of its contents, before the marks and numbers, set thereon pursuant to the provisions of the preceding section, shall have been defaced or obliterated, in presence of an officer of inspection; or who shall neglect or refuse to deliver the certificate issued to accompany the cask, chest, vessel, or case, of which the marks and numbers shall have been defaced or obliterated in manner aforesaid, on being thereto required by an officer of inspection or of the customs, shall for every such offense be liable to a penalty of one hundred dollars, with costs of suit.

Forfeiture of omitted or missing articles, except in case of accident or mistake.

2 March, 1799, c. 22, s. 57, v. 1, p. 671.

U. S. *vs.* Fairclough, 4 Wash. C. C., 398.

SEC. 2887. If any package whatever which has been so reported is wanting, and not found on board such vessel, or if the merchandise on board such vessel does not otherwise agree with the report or manifest delivered by the master of any such vessel, in every such case the master shall be liable to a penalty of five hundred dollars; except that if it is made to appear to the satisfaction of the collector, naval officer, and surveyor, or to the major part of them where those officers are established at any port, or to the satisfaction of the collector alone where neither of the others is established, or in case of trial for the penalty, to the satisfaction of the court, that no part whatever of merchandise of such vessel has been unshipped, landed, or unladen since it was taken on board, except as specified in the report or manifest, and pursuant to permits, or that the disagreement is by accident or mistake, in such case the penalty shall not be inflicted. But in all such cases the master of any vessel shall be required and shall make a post entry or addition to the report or manifest by him delivered of any and all merchandise omitted to be included and reported in such manifest; and it shall not be lawful to grant a permit to unlade any such merchandise so omitted before such post entry or addition to such report or manifest has been made. [Sec § 2627.]

Account of deliveries.

2 March, 1799, c. 22, s. 55, v. 1, p. 668.

SEC. 2888. When the delivery of merchandise from on board of any vessel is completed, copies of the accounts or entries which have been kept or made thereof, by the officer charged with the deliveries, shall be returned to the collector of the district, and the naval officer, if any, within three days after such delivery has been completed, if at the port where such officer resides, and if at any other port as soon as the nature of the case will admit, not exceeding fifteen days. The accounts or entries to be so returned shall comprise all deliveries made pursuant to permits, and all packages or merchandise sent to the public stores; also each and every package remaining on board of such vessel for the purpose of being exported therein to a foreign port, or to some other district of the United States.

Proceedings upon returns of deliveries.

2 March, 1799, c. 22, s. 55, v. 1, p. 669.

SEC. 2889. Such returns shall be signed by the inspectors respectively under whose superintendence the deliveries have been made; and, after examination, and on being found correct, shall be countersigned or certified by the surveyor of the port, if any, at the port where the deliveries have been made. The returns shall be transmitted by him

to the naval officer, if any; who shall compare the same with the manifests and entries in his possession; and if any difference appears, the particulars thereof shall be noted by indorsement on the returns; and if no difference appears, it shall be so noted by like indorsements. The naval officer shall transmit the returns to the collector of the district; and on being returned to the collector, shall be by him compared with the manifests and entries of the merchandise, which have been made by the owner, consignee, or his factor or agent; and if any difference appears, the same shall be noted by indorsement on such manifests, specifying the particulars thereof; and if no difference appears, it shall be noted by like indorsement, that the delivery corresponds with the entry or entries thereof. The indorsement or memorandum shall, in each case, be subscribed by the officer by whom the comparison was made.

SEC. 2890. The weighers, gaugers, and measurers, employed in the service of the revenue, shall, within three days after any vessel is discharged, make returns of the articles by them respectively weighed, gauged, or measured, out of such vessel. Such returns shall be made by the weighers, gaugers, and measurers, in books to be prepared by them for that purpose, and kept in the custom-houses.

SEC. 2891. If any vessel from any foreign port, compelled by distress of weather, or other necessity, shall put into any port of the United States, not being destined for the same, the master, together with the mate or person next in command, may, within twenty-four hours after her arrival, make protest in the usual form upon oath, before a notary public or other person duly authorized, or before the collector of the district where the vessel arrives, setting forth the cause or circumstances of such distress or necessity. Such protest, if not made before the collector, shall be produced to him, and to the naval officer, if any, and a copy thereof lodged with him or them. The master shall also, within forty-eight hours after such arrival, make report in writing to the collector, of the vessel and her cargo, as is directed hereby to be done in other cases. And if it appear to the collector, by the certificate of the wardens of the port, or other officers usually charged with, and accustomed to ascertain the condition of vessels arriving in distress, if any, or by the certificate of two reputable merchants, to be named for that purpose by the collector, if there are no such wardens, or other officers duly qualified, that there is a necessity for unloading the vessel, the collector and naval officer, if any, shall grant a permit for that purpose, and shall appoint an inspector to oversee such unloading, who shall keep an account of the same, to be compared with the report made by the master of the vessel.

SEC. 2892. All merchandise so unladen from any vessel arriving in distress shall be stored under the direction of the collector, who, upon request of the master of such vessel, or of the owner thereof, shall, together with the naval officer, where there is one, and alone where there is none, grant permission to dispose of such part of the cargo as may be of a perishable nature, if any there be, or as may be necessary to defray the expenses attending such vessel and her cargo. But entry shall be made therefor, and the duties paid.

SEC. 2893. In case the delivery of the cargo does not agree with the report thereof, made by the master of such vessel so arriving in distress, and if the difference or disagreement is not satisfactorily accounted for in manner prescribed by this Title, the master of such vessel shall be liable to such penalties as in other like cases are prescribed.

SEC. 2894. The merchandise, or the remainder thereof, which shall not be disposed of, may be reladen on board the vessel so arriving in distress, under the inspection of the officer who superintended the landing thereof, or other proper person; and the vessel may proceed with the same to the place of her destination, free from any other charge than for the storing and safe-keeping of the merchandise, and fees to the officers of the customs as in other cases.

Returns of
weighers, gaugers,
and measurers.

2 March, 1799, c.
22, s. 72, v. 1, p. 678.

Distress of wea-
ther.

2 March, 1799, c.
22, s. 60, v. 1, p. 672.

Storage of goods
in distress.

2 March, 1799, c.
22, s. 60, v. 1, p. 672.

Variance between
report and delivery
of vessel in distress.

2 March, 1799, c.
22, s. 60, v. 1, p. 672.

Reloading of ves-
sel in distress.

2 March, 1799, c.
22, s. 60, v. 1, p. 672.

- Spanish vessels.** SEC. 2895. Whenever any Spanish vessel shall arrive in distress, in any port of the United States, having been damaged on the coasts or within the limits of the United States, and her cargo shall have been unladen, in conformity with the provisions of the four preceding sections, the cargo, or any part thereof, may, if the vessel should be condemned as not seaworthy, or be deemed incapable of performing her original voyage, afterward be reladen on board any other vessel under the inspection of the officer who superintended the landing thereof, or other proper person. No duties, charges, or fees whatever, shall be paid on such part of the cargo as may be reladen and carried away, either in the vessel in which it was originally imported, or in any other.
- Obstruction by ice.** SEC. 2896. When a vessel is prevented by ice from getting to the port or place at which her cargo is intended to be delivered, the collector of the district in which such vessel may be obstructed may receive the report and entry of such vessel, and, with the consent of the naval officer, where there is one, grant permits for unloading or landing the merchandise imported in such vessel, at any place within his district, most convenient and proper. The report and entry of such vessel, and her cargo, or any part thereof, and all persons concerned therein, shall be subject to the same regulations and penalties as if the vessel had arrived at the port of her destination, and had there proceeded to the delivery of her cargo.
- Unlading salt at New Orleans.** SEC. 2897. The Secretary of the Treasury, under such rules and regulations as he shall prescribe, may permit salt imported from foreign places to be unladen on the right bank of the river Mississippi opposite the city of New Orleans, at any point on the right bank between the upper and lower corporate limits of the municipalities of the city.
- Tare.** SEC. 2898. In estimating the allowance for tare on all chests, boxes, cases, casks, bags, or other envelope or covering of all articles imported liable to pay any duty, where the original invoice is produced at the time of making entry thereof, and the tare shall be specified therein, the collector, if he sees fit, or the collector and naval officer, if any, if they see fit, may, with the consent of the consignees, estimate the tare according to such invoice; but in all other cases the real tare shall be allowed, and may be ascertained under such regulations as the Secretary of the Treasury may from time to time prescribe; but in no case shall there be any allowance for draught.

CHAPTER SIX.

APPRAISAL.

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| Sec. | Sec. |
| 2899. No delivery without appraisal. | 2919. Ascertainment of duties on grain. |
| 2900. Additions to entry. | 2920. Expense of weighing, measuring, or gauging. |
| 2901. Number of packages to be opened. | 2921. Deficiency. |
| 2902. Mode of appraisal. | 2922. Examination of owner and others. |
| 2903. Depreciated currency. | 2923. Forfeiture for refusal to submit to an examination. |
| 2904. Value at date of shipment. | 2924. Forfeiture for perjury. |
| 2905. Goods from country other than of production, &c. | 2925. Bond to produce proof. |
| 2906. Value at period of exportation. | 2926. Storing goods with incomplete manifests. |
| 2907. Ascertainment of value. | 2927. Damaged goods. |
| 2908. Additions part of value. | 2928. Wrecked and damaged goods. |
| 2909. Additional duty. | 2929. Revision of report. |
| 2910. Different values in the same invoice. | 2930. Appeal from appraisements. |
| 2911. Best article fixes value. | 2931. Appeal to the Secretary. |
| 2912. Appraisement of wool. | 2932. Appeal from decision in regard to fees. |
| 2913. Appraisement of gloves. | 2933. Examination of medicines. |
| 2914. Grades of sugar. | 2934. Name of proprietor to be affixed to medicines. |
| 2915. Sampling of sugar. | |
| 2916. Samples of wool. | |
| 2917. Standard of vinegar. | |
| 2918. Hydrometers. | |

Sec.

2935. Return upon examination.
 2936. Appeal from examination.
 2937. Exportation of rejected articles.
 2938. Appraiser as special examiner.
 2939. Appraisement at New York.
 2940. Examiners at New York.
 2941. Appraisers, &c., at New York not to engage in business.
 2942. Duties of appraisers at New York.
 2943. Appraiser to inspect damaged goods.
 2944. Labor beyond usual hours.

Sec.

2945. Penalty for declining to act as appraiser.
 2946. Appraisement by revenue officers.
 2947. Appraisement in other districts.
 2948. Additional duties not fines.
 2949. Regulations for appraisal.
 2950. Appraiser's certificate.
 2951. Definition of word "ton."
 2952. Meaning of words "value" and "valued."
 2953. What buildings may be leased.

SEC. 2899. No merchandise liable to be inspected or appraised shall be delivered from the custody of the officers of the customs, until the same has been inspected or appraised, or until the packages sent to be inspected or appraised shall be found correctly and fairly invoiced and put up, and so reported to the collector. The collector may, however, at the request of the owner, importer, consignee, or agent, take bonds, with approved security, in double the estimated value of such merchandise, conditioned that it shall be delivered to the order of the collector, at any time within ten days after the package sent to the public stores has been appraised and reported to the collector. If in the mean time any package shall be opened, without the consent of the collector or surveyor given in writing, and then in the presence of one of the inspectors of the customs, or if the package is not delivered to the order of the collector, according to the condition of the bond, the bond shall, in either case, be forfeited.

SEC. 2900. The owner, consignee, or agent of any merchandise which has been actually purchased, or procured otherwise than by purchase, at the time, and not afterward, when he shall produce his original invoice to the collector and make and verify his written entry of his merchandise, may make such addition in the entry to the cost or value given in the invoice as in his opinion may raise the same to the actual market-value or wholesale price of such merchandise at the period of exportation to the United States in the principal markets of the country from which the same has been imported; and the collector within whose district the same may be imported or entered may cause such actual market-value or wholesale price to be appraised; and if such appraised value shall exceed by ten per centum or more the value so declared in the entry, then, in addition to the duties imposed by law on the same, there shall be collected a duty of twenty per centum ad valorem on such appraised value. The duty shall not, however, be assessed upon an amount less than the invoice or entered value.

385; Durand *vs.* Lawrence, 2 Blatch., 396; Christ *vs.* Maxwell, 3 Blatch., 143; Vaccari *vs.* Maxwell, 3 Blatch., 368; Crowley *vs.* Maxwell, 3 Blatch., 383; Carnes *vs.* Maxwell, 3 Blatch., 420; Harriman *vs.* Maxwell, 3 Blatch., 421; Howland *vs.* Maxwell, 3 Blatch., 146; Schmaire *vs.* Maxwell, 3 Blatch., 408; Lillie *vs.* Redfield, 4 Blatch., 41; Fallech *vs.* Barney, 5 Blatch., 38.

SEC. 2901. The collector shall designate on the invoice at least one package of every invoice, and one package at least of every ten packages of merchandise, and a greater number should he or either of the appraisers deem it necessary, imported into such port, to be opened, examined, and appraised, and shall order the package so designated to the public stores for examination; and if any package be found by the appraisers to contain any article not specified in the invoice, and they or a majority of them shall be of opinion that such article was omitted in the invoice with fraudulent intent on the part of the shipper, owner, or agent, the contents of the entire package in which the article may be, shall be liable to seizure and forfeiture on conviction thereof before any court of competent jurisdiction; but if the appraisers shall be of opinion that no such fraudulent intent existed, then the value of such article shall be added to the entry, and the duties thereon paid accordingly, and the same shall be delivered to the importer, agent, or consignee. Such forfeiture may, however, be remitted by the Secretary of

No delivery without appraisal.

28 May, 1830, c. 147, s. 4, v. 4, p. 410.

Powell *vs.* Redfield, 4 Blatch., 45.

Additions to entry.

3 March, 1865, c. 80, s. 7, v. 13, p. 493.

Stairs *vs.* Peaslee, 18 How., 521; Sampson *vs.* Peaslee, 20 How., 571; Belcher *vs.* Lawra-son, 21 How., 251; Kimball *vs.* Collector, 10 Wall., 436; Grinnell *vs.* Lawrence, 1 Blatch., 346; Manh a t t a n Gas-Light Com. *vs.* Maxwell, 2 Blatch., 405; Thomson *vs.* Maxwell, 2 Blatch.,

Number of packages to be opened.

30 Aug., 1842, c. 270, s. 21, v. 5, p. 565.

Buckley *vs.* U. S., 4 How., 251; Converse *vs.* Burgess, 18 How., 413.

the Treasury on the production of evidence satisfactory to him that no fraud was intended.

Mode of appraisal.

30 Aug., 1842, c. 270, s. 16, v. 5, p. 563.

Marriatt vs. Brune, 9 How., 619, 634; *Bartlett vs. Kane*, 16 How., 271; *Converse vs. Burgess*, 18 How., 413; *Belcher vs. Lawrason*, 21 How., 251; *Barnard vs. Morton*, 1 Curt., 404; *Gray vs. Lawrason*, 3 Blatch., 117.

Depreciated currency.

2 March, 1799, c. 22, s. 61, v. 1, p. 673.

Grant vs. Maxwell, 2 Blatch., 220; *Dutilh vs. Maxwell*, 2 Blatch., 541; *Craig vs. Maxwell*, 2 Blatch., 545; *Fiedler vs. Maxwell*, 2 Blatch., 552; *Reynolds vs. Maxwell*, 2 Blatch., 555; *Rich vs. Maxwell*, 3 Blatch., 127; *De Forest vs. Redfield*, 4 Blatch., 478.

Value at date of shipment.

2 March, 1861, c. 68, s. 28, v. 12, p. 197.

Goods from country other than of production, &c.

30 Aug., 1842, c. 270, s. 16, v. 5, p. 563.

Fennerstein's Champagne, 3 Wall, 145; *Barnard vs. Morton*, Sprague, 186; *Grinnell vs. Lawrence*, 1 Blatch., 346.

Value at period of exportation.

3 March, 1865, c. 80, s. 7, v. 13, p. 493.

Stairs vs. Peaslee, 18 How., 521; *Ballard vs. Thomas*, 19 How., 382; *Sampson vs. Peaslee*, 20 How., 571; *Fennerstein's Champagne*, 3 Wall, 145; *Goddard vs. Maxwell*, 3 Blatch., 131; *Bailey vs. Goodrich*, 2 Cliff, 597; *Gray vs. Lawrence*, 3 Blatch., 117; *Barnard vs. Morton*, Sprague, 186.

Ascertainment of value.

28 July, 1866, c. 298, s. 9, v. 14, p. 230.

Grinnell vs. Law-

SEC. 2902. It shall be the duty of the appraisers of the United States, and every of them, and every person who shall act as such appraiser, or of the collector and naval officer, as the case may be, by all reasonable ways and means in his or their power, to ascertain, estimate, and appraise the true and actual market-value and wholesale price, any invoice or affidavit thereto to the contrary notwithstanding, of the merchandise, at the time of exportation, and in the principal markets of the country whence the same has been imported into the United States, and the number of such yards, parcels, or quantities, and such actual market-value or wholesale price of every of them, as the case may require. All such merchandise, being manufactured of wool, or whereof wool shall be a component part, which shall be imported into the United States, in an unfinished condition, shall, in every such appraisal, be estimated to have been at the time of exportation, and place whence the same was imported into the United States, of as great value as if the same had been entirely finished. [See § 2504, Schedule L.]

SEC. 2903. The President may cause to be established fit and proper regulations for estimating the duties on merchandise imported into the United States, in respect to which the original cost shall be exhibited in a depreciated currency, issued and circulated under authority of any foreign government. [See § 2838.]

SEC. 2904. When the duty upon any imports shall be subject to be levied upon the true market-value of such imports in the principal markets of the country from whence the importation has been made, or at the port of exportation, the duty shall be estimated and collected upon the value on the day of actual shipment, whenever a bill of lading shall be presented showing the date of shipment, and which shall be certified by a certificate of the United States consul, commercial agent, or other legally authorized deputy.

SEC. 2905. In all cases where merchandise, subject to ad-valorem duty, or on which the duties are to be levied upon the value of the square yard, and in all cases where any specific quantity or parcel of such merchandise has been imported into the United States from a country in which the same has not been manufactured or produced, the foreign value shall be appraised and estimated according to the current market-value or wholesale price of similar articles at the principal markets of the country of production or manufacture, at the period of the exportation of such merchandise to the United States.

SEC. 2906. When an ad-valorem rate of duty is imposed on any imported merchandise, or when the duty imposed shall be regulated by, or directed to be estimated or based upon, the value of the square yard, or of any specified quantity or parcel of such merchandise, the collector within whose district the same shall be imported or entered shall cause the actual market-value, or wholesale price thereof, at the period of the exportation to the United States, in the principal markets of the country from which the same has been imported, to be appraised, and such appraised value shall be considered the value upon which duty shall be assessed.

SEC. 2907. In determining the dutiable value of merchandise, there shall be added to the cost, or to the actual wholesale price or general market-value at the time of exportation in the principal markets of the country from whence the same has been imported into the United States, the cost of transportation, shipment, and transshipment, with all the expenses included, from the place of growth, production, or manufacture,

whether by land or water, to the vessel in which shipment is made to the United States; the value of the sack, box, or covering of any kind in which such merchandise is contained; commission at the usual rates, but in no case less than two and a half per centum; and brokerage, export duty, and all other actual or usual charges for putting up, preparing, and packing for transportation or shipment. All charges of a general character incurred in the purchase of a general invoice shall be distributed pro rata among all parts of such invoice; and every part thereof charged with duties based on value shall be advanced according to its proportion, and all wines or other articles paying specific duty by grades shall be graded and pay duty according to the actual value so determined.

rence, 1 Blatch., 346; Wilbur vs. Lawrence, 2 Blatch., 314; Griswold vs. Maxwell, 3 Blatch., 145; Munsell vs. Maxwell, 3 Blatch., 364; Barnard vs. Morton, Sprague, 186; Norcross vs. Greely, 1 Curt., 114; Warren vs. Peaslee, 2 Curt., 231; Grant vs. Peaslee, 2 Curt., 250; Millar vs. Millar, 2 Curt., 256; Bailey vs. Goodrich, 2 Cliff., 597.

SEC. 2908. All additions made to the entered value of merchandise for charges shall be regarded as part of the actual value of such merchandise, and if such addition shall exceed by ten per centum the value declared in the entry, in addition to the duties imposed by law, there shall be collected a duty of twenty per centum on such value. But nothing contained in this and the preceding section shall apply to long combing or carpet wools costing twelve cents or less per pound, unless the charges so added shall carry the cost above twelve cents per pound, in which case one cent per pound duty shall be added: *Provided*, That this and the preceding section shall not be construed as impairing the provisions relating to duties on the several classes of imported wools, contained in section two thousand five hundred and four, under Schedule L.

Additional part of value.

28 July, 1866, c. 298, s. 9, v. 14, p. 330.

Sampson vs. Peaslee, 20 How., 571.

SEC. 2909. Where the actual value to be appraised, estimated, and ascertained as hereinbefore stated, of any merchandise imported into the United States, and subject to any ad-valorem duty, or whereon the duty is regulated by or directed to be imposed or levied on the value of the square yard, or other parcel or quantity thereof, shall exceed by ten per centum or more the invoice value, then, in addition to the duty imposed by law on the same, there shall be levied and collected on such merchandise twenty per centum of the duty imposed on the same, when fairly invoiced.

Additional duty.

30 Aug., 1842, c. 270, s. 17, v. 5, p. 564.

Belcher vs. Lawrence, 21 How., 251; Manhattan Gas-Light Co., vs. Maxwell, 2 Blatch., 405; Fiedler vs.

Maxwell, 2 Blatch., 552; Carnes vs. Maxwell, 3 Blatch., 420; Bannendahl vs. Redfield, 4 Blatch., 223; Bischoff vs. Maxwell, 4 Blatch., 384; Spring vs. Russell, Lowell, 258.

SEC. 2910. When merchandise of the same material or description, but of different values, is invoiced at an average price, and not otherwise provided for, the duty shall be assessed upon the whole invoice at the rate to which the highest valued goods in such invoice are subject.

Different values in the same invoice.

2 March, 1861, c. 68, s. 32, v. 12, p. 197.

SEC. 2911. Whenever articles composed wholly, or in part, of wool or cotton, of similar kind, but different quality, are found, in the same package, charged at an average price, it shall be the duty of the appraisers to adopt the value of the best article contained in such package, and so charged, as the average value of the whole.

Best article fixes value.

14 July, 1832, c. 227, s. 13, v. 4, p. 593.

SEC. 2912. When wool of different qualities is imported in the same bale, bag, or package, it shall be appraised by the appraiser, to determine the rate of duty to which it shall be subjected, at the average aggregate value of the contents of the bale, bag, or package; and when bales of different qualities are embraced in the same invoice at the same prices whereby the average price shall be reduced more than ten per centum below the value of the bale of the best quality, the value of the whole shall be appraised according to the value of the bale of the best quality; and no bale, bag, or package shall be liable to a less rate of duty in consequence of being invoiced with wool of lower value.

Appraisement of wool.

2 March, 1867, c. 197, s. 1, v. 14, pp. 559, 560.

SEC. 2913. In the appraisement of kid and all other gloves imported into the United States there shall be no discrimination in determining by appraisement the foreign market-value of such goods, whether protected by trade-mark or not; and in no case shall gloves so protected by trade-mark be appraised at a less foreign market-value than the like goods not so protected; and no sale or pretended sale of such goods shall be held to fix the value of the same.

Appraisement of gloves.

3 March, 1873, c. 232, s. 4, v. 17, p. 539.

Grades of sugar.

30 June, 1864, c.
171, s. 1, v. 13, p.
202.

Sampling of sugar.

22 Dec., 1870, c.
6, v. 16, p. 397.

Samples of wool.

2 March, 1867, c.
197, s. 1, v. 14, p.
560.

Standard of vinegar.

6 June, 1872, c.
315, s. 6, v. 17, p.
237.

Hydrometers.

12 Jan., 1825, c.
4, v. 4, p. 79.

Ascertainment of duties on grain.

18 July, 1866, c.
201, s. 38, v. 14, p.
187.

Expense of weighing, measuring, or gauging.

30 July, 1846, c.
74, s. 4, v. 9, p. 43.

Deficiency.

30 Aug., 1842, c.
270, s. 21, v. 5, p.
565.

Examination of owner and others.

30 Aug., 1842, c.
270, s. 17, v. 5, p.
564.

*Belcher vs. Law-
rason*, 21 How.,
255.

Forfeiture for refusal to submit to an examination.

30 Aug., 1842, c.
270, s. 17, v. 5, p.
564.

SEC. 2914. The standard by which the color and grades of sugar are to be regulated, shall be selected and furnished to the collectors of such ports of entry as may be necessary by the Secretary of the Treasury, from time to time, and in such manner as he may deem expedient.

SEC. 2915. The Secretary of the Treasury shall, by regulation, prescribe and require that samples from packages of sugar shall be taken by the proper officers, in such manner as to ascertain the true quality of such sugar; and the weights of sugar imported in casks or boxes shall be marked distinctly by the custom-house weigher, by scoring the figures indelibly on each package.

SEC. 2916. For the purpose of carrying into effect the classification of wool and hair of animals, prescribed by Schedule L, Title "DUTIES UPON IMPORTS," a sufficient number of distinctive samples of the various kinds of wool or hair embraced in each of the three classes named, selected and prepared under the direction of the Secretary of the Treasury, and duly verified by him, the standard samples of which shall be retained in the Treasury Department, shall be deposited in the custom-houses and elsewhere, as he may direct; which samples shall be used by the proper officers of the customs, to determine the class to which any imported wool or hair belongs.

SEC. 2917. The standard for vinegar shall be taken to be that strength which requires thirty-five grains of bicarbonate of potash to neutralize one ounce troy of vinegar; and all import duties that may be imposed by law on vinegar imported from foreign countries shall be collected according to this standard.

SEC. 2918. The Secretary of the Treasury may, under the direction of the President, adopt such hydrometer as he may deem best calculated to promote the public interest for the purpose of ascertaining the proof of liquors; and, after such adoption, the duties imposed by law upon distilled spirits shall be collected according to proof ascertained by any hydrometer so adopted.

SEC. 2919. For the purpose of estimating the duties on importations of grain, the number of bushels shall be ascertained by weight, instead of by measuring; and sixty pounds of wheat, fifty-six pounds of corn, fifty-six pounds of rye, forty-eight pounds of barley, thirty-two pounds of oats, sixty pounds of pease, and forty-two pounds of buckwheat, avoirdupois weight, shall respectively be estimated as a bushel.

SEC. 2920. In all cases in which the invoice or entry does not contain the weight, or quantity, or measure of merchandise, now weighed, or measured, or gauged, the same shall be weighed, gauged, or measured at the expense of the owner, agent, or consignee.

Manhattan Gas-Light Co. vs. Maxwell, 2 Blatch., 405.

SEC. 2921. If, on the opening of any package, a deficiency of any article shall be found, on examination by the appraisers, the same shall be certified to the collector on the invoice, and an allowance for the same be made in estimating the duties.

SEC. 2922. The appraisers, or the collector and naval officer, as the case may be, may call before them and examine upon oath, any owner, importer, consignee, or other person, touching any matter or thing which they may deem material in ascertaining the true market-value or wholesale price of any merchandise imported, and require the production, on oath, to the collector or to any permanent appraiser, of any letters, accounts, or invoices, in his possession relating to the same. All testimony in writing, or depositions, taken by virtue of this section, shall be filed in the collector's office, and preserved for future use or reference, to be transmitted to the Secretary of the Treasury when he shall require the same.

SEC. 2923. If any person so called shall neglect or refuse to attend, or shall decline to answer, or shall, if required, refuse to answer in writing any interrogatories, and subscribe his name to his deposition, or to produce such papers, when so required by an appraiser or collector and naval officer, he shall be liable to a penalty of one hundred dollars; and

if such person be the owner, importer, or consignee, the appraisement which the appraisers, or collector and naval officer, where there are no legal appraisers, may make of the merchandise shall be final and conclusive.

SEC. 2924. Any person who shall willfully and corruptly swear falsely on an examination before any appraiser, or collector and naval officer, shall be deemed guilty of perjury; and if he is the owner, importer, or consignee, the merchandise shall be forfeited. [See § 5392.]

Forfeiture for perjury.

30 Aug., 1842, c. 270, s. 17, v. 5, p. 564.

SEC. 2925. Whenever, in the opinion of the Secretary of the Treasury, it may be necessary in order to carry into full effect the laws for the collection of the revenue, he may authorize the collector of any district into which merchandise, subject to duty, may be imported, to require the owner, importer, or consignee of such merchandise, to give bond, in a sum not exceeding the value of such merchandise, that he will produce or cause to be produced, within a reasonable time, to be fixed by the Secretary, such proof as the Secretary may deem necessary, and as is in the power of the owner, importer, or consignee, to obtain, to enable the collector to ascertain the class or description of manufacture, or rate of duty, to which such merchandise is justly liable.

Bond to produce proof.

28 May, 1830, c. 147, s. 8, v. 4, p. 411.

SEC. 2926. All merchandise, of which incomplete entry has been made, or an entry without the specification of particulars, either for want of the original invoice, or for any other cause, or which has received damage during the voyage, shall be conveyed to some warehouse or storehouse, to be designated by the collector, in the parcels or packages containing the same, there to remain with due and reasonable care, at the expense and risk of the owner or consignee, under the care of some proper officer, until the particulars, cost, or value, as the case may require, shall have been ascertained either by the exhibition of the original invoice thereof, or by appraisement, at the option of the owner, importer, or consignee; and until the duties thereon shall have been paid, or secured to be paid, and a permit granted by the collector for the delivery thereof.

Storing goods with incomplete manifests.

2 March, 1799, c. 2, s. 52, v. 1, p. 665.

Shelton vs. Austin, 1 Cliff., 388.

SEC. 2927. In respect to articles that have been damaged during the voyage, whether subject to a duty ad valorem, or chargeable with a specific duty, either by number, weight, or measure, the appraisers shall ascertain and certify to what rate or percentage the merchandise is damaged, and the rate of percentage of damage, so ascertained and certified, shall be deducted from the original amount, subject to a duty ad valorem, or from the actual or original number, weight, or measure, on which specific duties would have been computed. No allowance, however, for the damage on any merchandise, that has been entered, and on which the duties have been paid or secured to be paid, and for which a permit has been granted to the owner or consignee thereof, and which may on examining the same prove to be damaged, shall be made, unless proof to ascertain such damage shall be lodged in the custom-house of the port where such merchandise has been landed, within ten days after the landing of such merchandise.

Damaged goods.

2 March, 1799, c. 22, s. 52, v. 1, p. 666.

Shelton vs. The Collector, 5 Wall., 113; Shelton vs. Austin, 1 Cliff., 388.

SEC. 2928. Before any merchandise which may be taken from any wreck shall be admitted to an entry, the same shall be appraised; and the same proceedings shall be ordered and executed in all cases where a reduction of duties shall be claimed on account of damage which any merchandise shall have sustained in the course of the voyage; and in all cases where the owner, importer, consignee, or agent shall be dissatisfied with such appraisement, he shall be entitled to the privileges of appeal as provided for in this Title.

Wrecked and damaged goods.

1 March, 1823, c. 21, s. 21, v. 3, p. 736.

Shelton vs. The Collector, 5 Wall., 113; The Waterloo, Blatch. & H., 114; Shelton vs. Austin, 1 Cliff., 391.

SEC. 2929. The principal appraisers shall revise and correct the report of the assistant appraisers as they may judge proper, and report to the collector their decision thereon. If the collector deems any appraisement of goods too low, he may order a re-appraisement, either by the principal appraisers, or by three merchants designated by him for that

Revision of report.

28 May, 1830, c. 147, s. 2, v. 4, p. 409.

Isagis vs. The Collector, 1 Wall., 375.

purpose, who shall be citizens of the United States; and may cause the duties to be charged accordingly. [See § 2945.]

Appeal from appraisements.

30 Aug., 1842, c. 270, s. 17, v. 5, p. 564.
3 March, 1851, c. 38, s. 3, v. 9, p. 630.

Greely vs. Thompson, 10 How., 225;
Bartlett vs. Kane, 16 How., 263; *Belcher vs. Linn*, 24 How., 508; *Iasigi vs. The Collector*, 1 Wall., 375; *Fielden vs. Lawrence*, 3 Blatch., 120; *Bangs vs. Maxwell*, 3 Blatch., 135; *Roller vs. Maxwell*, 3 Blatch., 142; *Morris vs. Maxwell*, 3 Blatch., 143; *McCall vs. Lawrence*, 3 Blatch., 360; *Vaccari vs. Maxwell*, 3 Blatch., 368; *Id.*, 376; *Schmaire vs. Maxwell*, 3 Blatch., 408; *Bannendahl vs. Redfield*, 4 Blatch., 223; *Yznaga vs. Peaslee*, 1 Cliff., 493.

Appeal to the Secretary.

30 June, 1864, c. 171, s. 14, v. 13, p. 214.

Westray vs. U. S., 18 Wall., 322.

SEC. 2930. If the importer, owner, agent, or consignee, of any merchandise shall be dissatisfied with the appraisement, and shall have complied with the foregoing requisitions, he may forthwith give notice to the collector, in writing, of such dissatisfaction; on the receipt of which the collector shall select one discreet and experienced merchant to be associated with one of the general appraisers wherever practicable, or two discreet and experienced merchants, citizens of the United States, familiar with the character and value of the goods in question, to examine and appraise the same, agreeably to the foregoing provisions; and if they shall disagree, the collector shall decide between them; and the appraisement thus determined shall be final and be deemed to be the true value, and the duties shall be levied thereon accordingly.

SEC. 2931. On the entry of any vessel, or of any merchandise, the decision of the collector of customs at the port of importation and entry, as to the rate and amount of duties to be paid on the tonnage of such vessel or on such merchandise, and the dutiable costs and charges thereon, shall be final and conclusive against all persons interested therein, unless the owner, master, commander, or consignee of such vessel, in the case of duties levied on tonnage, or the owner, importer, consignee, or agent of the merchandise, in the case of duties levied on merchandise, or the costs and charges thereon, shall, within ten days after the ascertainment and liquidation of the duties by the proper officers of the customs, as well in cases of merchandise entered in bond as for consumption, give notice in writing to the collector on each entry, if dissatisfied with his decision, setting forth therein, distinctly and specifically, the grounds of his objection thereto, and shall within thirty days after the date of such ascertainment and liquidation, appeal therefrom to the Secretary of the Treasury. The decision of the Secretary on such appeal shall be final and conclusive; and such vessel, or merchandise, or costs and charges, shall be liable to duty accordingly, unless suit shall be brought within ninety days after the decision of the Secretary of the Treasury on such appeal for any duties which shall have been paid before the date of such decision on such vessel, or on such merchandise, or costs or charges, or within ninety days after the payment of duties paid after the decision of the Secretary. No suit shall be maintained in any court for the recovery of any duties alleged to have been erroneously or illegally exacted, until the decision of the Secretary of the Treasury shall have been first had on such appeal, unless the decision of the Secretary shall be delayed more than ninety days from the date of such appeal in case of an entry at any port east of the Rocky Mountains, or more than five months in case of an entry west of those mountains. [See §§ 3011-3014.]

Appeal from decision in regard to fees.

30 June, 1864, c. 171, s. 15, v. 13, p. 215.

SEC. 2932. The decision of the respective collectors of customs as to all fees, charges, and exactions of whatever character, other than those relating to the rate and amount of duties to be paid on the tonnage of any vessel, or on merchandise and the dutiable costs and charges thereon, claimed by them, or by any of the officers under them, in the performance of their official duty, shall be final and conclusive against all persons interested in such fees, charges, or exactions, unless the like notice that an appeal will be taken from such decision to the Secretary of the Treasury shall be given within ten days from the making of such decision, and unless such appeal shall actually be taken within thirty days from the making of such decision; and the decision of the Secretary of the Treasury shall be final and conclusive upon the matter so appealed, unless suit shall be brought for the recovery of such fees, charges, or exactions, within the period as provided for in the preceding section in regard to

duties. No suit shall be maintained in any court for the recovery of any such fees, costs, and charges, alleged to have been erroneously or illegally exacted, until the decision of the Secretary of the Treasury shall have been first had on such appeal, unless such decision of the Secretary shall be delayed more than ninety days from the date of such appeal in case of an entry at any port east of the Rocky Mountains, or more than five months in case of an entry west of those mountains. (See § 3012.)

SEC. 2933. All drugs, medicines, medicinal preparations, including medicinal essential oils and chemical preparations, used wholly or in part as medicine, imported from abroad, shall, before passing the custom-house, be examined and appraised, as well in reference to their quality, purity, and fitness for medical purposes, as to their value and identity specified in the invoice.

SEC. 2934. All medicinal preparations, whether chemical or otherwise, usually imported with the name of the manufacturer, shall have the true name of the manufacturer and the place where they are prepared, permanently and legibly affixed to each parcel by stamp, label, or otherwise; and all medicinal preparations imported without such names so affixed shall be adjudged to be forfeited.

SEC. 2935. If, on examination, any drugs, medicines, medicinal preparations, whether chemical or otherwise, including medicinal essential oils, are found, in the opinion of the examiner, to be so far adulterated, or in any manner deteriorated, as to render them inferior in strength and purity to the standard established by the United States, Edinburgh, London, French, and German pharmacopœias and dispensatories, and thereby improper, unsafe, or dangerous to be used for medicinal purposes, a return to that effect shall be made upon the invoice, and the articles so noted shall not pass the custom-house, unless, on a re-examination of a strictly analytical character, called for by the owner or consignee, the return of the examiner shall be found erroneous, and it is declared as the result of such analysis, that the articles may properly, safely, and without danger, be used for medicinal purposes.

SEC. 2936. The owner or consignee shall at all times, when dissatisfied with the examiner's return, have the privilege of calling, at his own expense, for a re-examination; and the collector, upon receiving a deposit of such sum as he may deem sufficient to defray such expense, shall procure some competent analytical chemist possessing the confidence of the medical profession, as well as of the colleges of medicine and pharmacy, if any such institutions exist in the State in which the collection-district is situated, a careful analysis of the articles included in the return, and a report upon the same under oath. In case this report, which shall be final, shall declare the return of the examiner to be erroneous, and the articles to be of the requisite strength and purity, according to the standards referred to in the next preceding section, the entire invoice shall be passed without reservation, on payment of the customary duties.

SEC. 2937. If the examiner's return, however, shall be sustained by the analysis and report, the articles shall remain in charge of the collector, and the owner or consignee, on payment of the charges of storage, and other expenses necessarily incurred by the United States, and on giving a bond with sureties satisfactory to the collector to land the articles out of the limits of the United States, shall have the privilege of re-exporting them at any time within the period of six months after the report of the analysis; but if the articles shall not be sent out of the United States within the time specified, the collector, at the expiration of that time, shall cause the same to be destroyed, and hold the owner or consignee responsible to the United States for the payment of all charges, in the same manner as if the articles had been re-exported.

SEC. 2938. One of the assistant appraisers at the port of New York, to be appointed with special reference to his qualifications for such duties, shall, in addition to the duties that may be required of him by

Examination of medicines.

26 June, 1848, c. 70, s. 1, v. 9, p. 237.

Name of proprietor to be affixed to medicines.

26 June, 1848, c. 70, s. 2, v. 9, p. 238.

Return upon examination.

26 June, 1848, c. 70, s. 3, v. 9, p. 238.

Appeal from examination.

26 June, 1848, c. 70, s. 4, v. 9, p. 238.

Exportation of rejected articles.

26 June, 1848, c. 70, s. 4, v. 9, p. 238.

Appraiser as special examiner.

27 July, 1866, c. 234, s. 3, v. 14, p. 302.

Appraisement at
New York.

27 July, 1866, c.
234, s. 1, v. 14, p. 302.

Examiners at
New York.

27 July, 1866, c.
234, s. 4, v. 14, p.
303.

Appraiser, &c.,
at New York not
to engage in busi-
ness.

27 July, 1866, c.
234, s. 5, v. 14, p.
303.

Duties of ap-
praisers at New
York.

27 July, 1866, c.
234, s. 8, v. 14, p. 303.

Appraiser to in-
spect damaged
goods.

27 July, 1866, c.
234, s. 3, v. 14, p.
302.

Labor beyond
usual hours.

27 July, 1866, c.
234, s. 9, v. 14, p.
303.

Penalty for de-
clining to act as
appraiser.

1 March, 1823, c.
21, s. 19, v. 3, p. 736.

Appraisement by
revenue officers.

30 Aug., 1842, c.
270, s. 22, v. 5, p.
566.

the appraiser, perform the duties of a special examiner of drugs, medicines, chemicals, and so forth. [See §§ 2536, 2611.]

SEC. 2939. The collector of the port of New York shall not, under any circumstances, direct to be sent for examination and appraisement less than one package of every invoice, and one package at least out of every ten packages of merchandise, and a greater number should he, or the appraiser, or any assistant appraiser, deem it necessary. When the Secretary of the Treasury, however, from the character and description of the merchandise, may be of the opinion that the examination of a less proportion of packages will amply protect the revenue, he may, by special regulation, direct a less number of packages to be examined.

SEC. 2940. The Secretary of the Treasury may, on the nomination of the appraiser, appoint such number of examiners at the port of New York as the Secretary may in writing determine to be necessary, to aid each of the assistant appraisers in the examination, inspection, and appraisement of merchandise. No person shall be appointed such examiner who is not, at the time of his appointment, practically and thoroughly acquainted with the character, quality, and value of the article in the examination and appraisement of which he is to be employed; nor shall any such examiner enter upon the discharge of his duties, as such, until he shall have taken and subscribed an oath faithfully and diligently to discharge such duties. [See § 2745.]

SEC. 2941. No appraiser, assistant appraiser, examiner, clerk, verifier, sampler, messenger, or other person employed in the departments of appraisal at the port of New York, or any of them, shall engage or be employed in any commercial or mercantile business, or act as agent for any person engaged in such business, during the term of his appointment.

SEC. 2942. All provisions relating to the duties of appraisers, or to any proceedings consequent or dependent upon the action of such appraisers and not inconsistent with the provisions relating to the appraiser and assistant appraisers at the port of New York, shall be construed to apply to them.

SEC. 2943. One of the assistant appraisers at the port of New York shall be detailed by the appraiser for the supervision of the department for the examination of merchandise damaged on the voyage of importation, and as far as practicable to make examinations and appraisals of such or any other merchandise as the appraiser may direct, and in all cases truly to report to him the extent of such damage, or the true value of the merchandise appraised, as the case may be, according to law; such report to be subject to revision, correction, and approval by the appraiser, and to be transmitted to the collector in the same manner as other appraisals.

SEC. 2944. If at any time, from an increase of importation, or from any other cause, there shall be found upon the floors of the public stores in the city of New York an accumulation of merchandise awaiting appraisement, the appraiser shall, under regulations established by the Secretary of the Treasury, direct the assistant appraisers, and others associated with them in this branch of the public business, to devote time beyond the usual business hours, in each day, during daylight, to their respective duties, so that the business of appraisement may be faithfully and more promptly dispatched.

SEC. 2945. Any merchant who shall be chosen by the collector to make any appraisement required under any act respecting imports and tonnage, and who shall, after due notice of such choice has been given to him in writing, decline or neglect to assist at such appraisement, shall be subject to a penalty of not more than fifty dollars, and to the costs of prosecution therefor. [See §§ 2609, 2610, 2630.]

SEC. 2946. When merchandise is entered at ports where there are no appraisers, the mode hereinbefore prescribed of ascertaining the foreign value thereof shall be carefully observed by the revenue officers to whom is committed the estimating and collection of duties. [See § 2609.]

SEC. 2947. The Secretary of the Treasury shall have authority to direct the appraisers for any collection-district to attend in any other collection-district for the purpose of appraising any merchandise imported therein.

SEC. 2948. No portion of the additional duties provided by this Title shall be deemed a fine, penalty, or forfeiture, for the purpose of being distributed to any officer of the customs, but the whole amount thereof, when received, shall be paid directly into the Treasury.

Ring vs. Maxwell, 17 How., 147; *U. S. vs. Collier*, 3 Blatch., 325.

SEC. 2949. The Secretary of the Treasury from time to time shall establish such rules and regulations, not inconsistent with the laws of the United States, to secure a just, faithful, and impartial appraisal of all merchandise imported into the United States, and just and proper entries of such actual market-value or wholesale price thereof, and of the square yards, parcels, or other quantities, as the case may require, and of such actual market-value or wholesale price of each of them. The Secretary of the Treasury shall report all such rules and regulations, with the reasons therefor, to the then next session of Congress.

SEC. 2950. The certificate of any one of the appraisers of the dutiable value of any imported merchandise required to be appraised, shall be deemed to be the appraisement of such merchandise required by law to be made by such appraisers. Where merchandise shall be entered at ports where there are no appraisers, the certificate of the revenue officer to whom is committed the estimating and collection of duties of the dutiable value of any merchandise required to be appraised, shall be deemed and taken to be the appraisement of such merchandise required by law to be made by such officer.

SEC. 2951. Wherever the word "ton" is used in this chapter, in reference to weight, it shall be construed as meaning twenty-hundred-weight, each hundred-weight being one hundred and twelve pounds avoirdupois.

SEC. 2952. The words "value" and "valued," used in this chapter, shall be construed as meaning the true market-value of merchandise in the principal markets of the country from whence exported at the date of exportation.

SEC. 2953. Nothing herein contained shall be construed to prevent the leasing or hiring of such buildings or accommodations as may be required for the use of the United States appraisers for the due examination and appraisal of imported merchandise at the ports where such officers are provided by law, nor to prohibit the leasing or hiring by collectors of the customs, for short periods, with the approval of the Secretary of the Treasury, of such stores as may be required for custom-house purposes at any of the smaller revenue ports of the United States.

Appraisement in other districts.

1 March, 1823, c. 21, s. 16, v. 3, p. 735.

Additional duties not fines.

11 Feb., 1846, c. 7, s. 3, v. 9, p. 3.

Regulations for appraisal.

30 Aug., 1842, c. 270, s. 23, v. 5, p. 566.

14 July, 1842, c. 227, s. 9, v. 4, p. 592.

Tucker vs. Kane, Taney, 146; *Gray vs. Lawrence*, 3 Blatch., 117.

Appraisers' certificate.

3 March, 1851, c. 38, s. 2, v. 9, p. 630.

McCall vs. Lawrence, 3 Blatch., 360.

Definition of word "ton."

2 March, 1861, c. 68, s. 26, v. 12, p. 196.

Meaning of words "value" and "valued."

2 March, 1861, c. 68, s. 32, v. 12, p. 197.

What buildings may be leased.

28 March, 1854, c. 30, s. 7, v. 10, p. 272.

CHAPTER SEVEN.

THE BOND AND WAREHOUSE SYSTEM.

Sec.

2954. Lease of warehouses authorized.

2955. Restrictions.

2956. Use of leased warehouses.

2957. Limitation of leases.

2958. Cellars, vaults, and yards.

2959. Storage of grain.

2960. Private warehouses.

2961. Bond of proprietor.

2962. Deposit of merchandise at option of owners.

2963. Deposit for want of invoice.

2964. Deposit upon non-payment of duties.

Sec.

2965. Unclaimed merchandise may be stored in bonded warehouses.

2966. Importations in steamers.

2967. Merchandise destined for Jeffersonville.

2968. For Albany.

2969. Custody of goods not unladen in time.

2970. Withdrawal for consumption.

2971. Withdrawal for exportation; sale of abandoned goods after three years.

Sec.

2972. Distribution of proceeds.
 2973. Sale after one year.
 2974. Distribution of proceeds.
 2975. Sale of perishable articles.
 2976. Sale upon depreciation.
 2977. Return of duties upon exportation from warehouse.
 2978. Restriction upon exportation for drawback.
 2979. Permit for exportation.
 2980. Manner of withdrawal.
 2981. Lien for freight.
 2982. Supplies to vessels of war.
 2983. No allowance for leakage, &c.
 2984. Abatement and refund in case of injury by casualties.
 2985. Penalty for obliterating marks.
 2986. Penalty for unlawfully opening warehouse.
 2987. Penalty for fraudulent removal, &c.
 2988. Report of merchandise in warehouse.
 2989. Warehouse regulations.
 2990. Ports at which entry may be made for transportation in bond.

Sec.

2991. Examination of merchandise for transportation.
 2992. Transportation bond.
 2993. Carriers.
 2994. Locks and seals.
 2995. Transfer to vessel or vehicle.
 2996. Bonded warehouses for goods intended for transportation.
 2997. Ports to which goods may be transported in bond.
 2998. Penalty for breaking, entering, &c.
 2999. Special agents in foreign territory.
 3000. Withdrawal for rewarehousing in another district.
 3001. Penalty for failure to transport.
 3002. Withdrawal for exportation to Mexico.
 3003. Through port of Lavaca.
 3004. By Indianola.
 3005. Transportation in bond to British provinces or Mexico.
 3006. Transportation over foreign territory.
 3007. Exemption from fees.
 3008. Forfeiture for relauding exported merchandise.

Lease of warehouses authorized.

14 Feb., 1850, Res.
 No. 4, s. 1, v. 9, p. 560.

Restrictions.

28 March, 1854, c.
 30, s. 7, v. 10, p. 272.

Use of leased warehouses.

3 March, 1841, c.
 35, s. 6, v. 5, p. 432.

Limitation of leases.

28 March, 1854, c.
 30, s. 7, v. 10, p. 272.

Cellars, vaults, and yards.

28 March, 1854, c.
 30, s. 1, v. 10, p. 271.

Storage of grain.

18 July, 1866, c.
 201, s. 37, v. 14, p. 187.

Private warehouses.

28 March, 1854, c.
 30, s. 1, v. 10, p. 270.

SEC. 2954. The Secretary of the Treasury may, at his discretion, lease such warehouses as he deems necessary for the storage of unclaimed goods, or goods which for any other reason are required by law to be stored by the Government.

SEC. 2955. No leases shall be entered into by the United States for any warehouses for the storage of warehoused or unclaimed merchandise at any port where there may exist any private bonded warehouses: *Provided*, That such buildings may be leased as may be required for the use of appraisers for the examination and appraisal of imported merchandise at ports where such officers are provided by law; and collectors may lease, for short periods, at any of the smaller ports, such stores as may be required for custom-house purposes, with the approval of the Secretary of the Treasury.

SEC. 2956. All warehouses hired by the collector, naval officer, or surveyor, shall be on public account, and paid for by the collector as such, and shall be appropriated exclusively to the use of receiving foreign merchandise, subject, as to the rates of storage, to regulation by the Secretary of the Treasury.

SEC. 2957. No collector or other officer of the customs shall enter into any contract or agreement for the use of any building to be thereafter erected as a public store or warehouse, and no lease of any building to be so used shall be taken for a longer period than three years, nor shall rent be paid, in whole or in part, in any case, in advance.

SEC. 2958. Cellars and vaults of stores for the storage of wines and distilled spirits only, and yards for the storage of coal, mahogany, and other woods and lumber, may, at the discretion of the Secretary of the Treasury, be constituted bonded warehouses for the storage of such articles under the same regulations and conditions as required in the storage of other merchandise; the cellars or vaults shall be exclusively appropriated to the storage of wines or distilled spirits, and shall have no opening or entrance except the one from the street, on which separate and different locks of the custom-house and the owner or proprietor of the cellars or vaults shall be placed.

SEC. 2959. Parts of such building as shall be approved by the Secretary of the Treasury may be bonded for the storage of grain, under such rules, regulations, and conditions as he may prescribe for the security of the revenue.

SEC. 2960. Private warehouses shall be used solely for the purpose of storing warehoused merchandise, and shall be previously approved by the Secretary of the Treasury, and be placed in charge of a proper officer of the customs, who, together with the owner and proprietor of

the warehouse, shall have the joint custody of all the merchandise stored in the warehouse; and all the labor on the merchandise so stored must be performed by the owner or proprietor of the warehouse, under the supervision of the officer of the customs in charge of the same, at the expense of the owner or proprietor.

SEC. 2961. Before any of the stores or cellars, owned or occupied by private individuals, shall be used as a warehouse for merchandise imported by other merchants or importers, the owner, occupant, or lessee thereof shall enter into bond, in such sums and with such sureties as may be approved by the Secretary of the Treasury, exonerating and holding harmless the United States and its officers from or on account of any risk, loss, or expense of any kind or description, connected with or arising from the deposit or keeping of the merchandise in the warehouses; and all imports deposited in any public or private warehouse authorized by this Title shall be at the sole and exclusive risk and expense of the owner or importer.

SEC. 2962. Any merchandise subject to duty, with the exception of perishable articles, also gunpowder, and other explosive substances, except fire-crackers, which shall have been duly entered and bonded for warehousing, in conformity with existing laws, may be deposited, at the option of the owner, importer, consignee, or agent, at his expense and risk, in any public warehouse owned or leased by the United States, or in the private warehouse of the importer, the same being used exclusively for the storage of warehoused merchandise of his own importation or to his consignment, or in a private warehouse used by the owner, occupant, or lessee, as a general warehouse for the storage of warehoused merchandise; such place of storage to be designated on the warehouse-entry at the time of entering such merchandise at the custom-house.

SEC. 2963. When merchandise, imported into the United States, has not been entered in pursuance of the provisions of any act regulating imports and tonnage, the same shall be deposited in the public warehouse, and shall there remain, at the expense and risk of the owner, until such invoice is produced. Nothing herein contained shall be understood to prohibit the sale of such quantities of merchandise so stored as may be necessary to discharge the duties thereon, and all intervening charges, at the time or times when such duties shall become due and payable.

SEC. 2964. In all cases of failure or neglect to pay the duties within the period allowed by law to the importer to make entry thereof, or whenever the owner, importer, or consignee shall make entry for warehousing the same, in writing, in such form and supported by such proof as shall be prescribed by the Secretary of the Treasury, the merchandise shall be taken possession of by the collector, and deposited in the public stores, or in other stores to be agreed on by the collector or chief revenue officer of the port, and the importer, owner, or consignee, such stores to be secured under the joint locks of the inspector and importer, there to be kept, with due and reasonable care, at the charge and risk of the owner, importer, consignee, or agent, and subject at all times to their order, upon payment of the proper duties and expenses, to be ascertained on due entry thereof for warehousing, and to be secured by a bond of the owner, importer, or consignee, with surety to the satisfaction of the collector, in double the amount of the duties, and in such form as the Secretary of the Treasury shall prescribe.

SEC. 2965. Unclaimed merchandise required by existing laws to be taken possession of by collectors of the customs may be stored in any public warehouse owned or leased by the United States, or in any private bonded warehouse authorized by this Title, and all charges for storage, labor, and other expenses accruing on any such merchandise, not to exceed in any case the regular rates for such objects at the port in question, must be paid before delivery of the goods on due entry thereof by the claimant or owner; or if sold as unclaimed goods,

Bond of proprietor.

28 March, 1854, c. 30, s. 3, v. 10, p. 271.

Deposit of merchandise at option of owner.

28 March, 1854, c. 30, s. 1, v. 10, p. 270.
30 June, 1864, c. 171, s. 19, v. 13, p. 216.

Atkins *vs.* Peaslee, 1 Cliff., 446; Clark *vs.* Peaslee, 1 Cliff., 545; Irvin *vs.* Schell, 5 Blatch., 157.

Deposit for want of invoice.

1 March, 1823, c. 21, s. 3, v. 3, p. 730.

Deposit upon non-payment of duties.

6 August, 1846, c. 84, s. 1, v. 9, p. 53.

Tremlett *vs.* Adams, 13 How., 295; Atkins *vs.* Peaslee, 1 Cliff., 446; Brissac *vs.* Lawrence, 2 Blatch., 121; Corkle *vs.* Maxwell, 3 id., 413; Harriman *vs.* Maxwell, 3 id., 421.

Unclaimed merchandise may be stored in bonded warehouses.

28 March, 1854, c. 30, s. 2, v. 10, p. 271.

Importations in
steamers.

3 August, 1854, c.
196, v. 10, p. 344.

Merchandise des-
tined for Jefferson-
ville.

28 Sept., 1850, c.
79, s. 10, v. 9, p. 510.
For Albany.

2 March, 1867, c.
178, s. 3, v. 14, p. 542.

Custody of goods
not unladen in time.

2 March, 1799, c.
22, s. 56, v. 1, p. 669.

Withdrawal for
consumption.

14 March, 1866, c.
17, s. 1, v. 14, p. 8.

Withdrawal for
exportation.

14 July, 1862, c.
163, s. 21, v. 12, p.
559.

Sale of abandoned
goods after custody
for three years.

28 Mar., 1854, c.
30, s. 4, v. 10, p. 271.
22 Dec., 1864, c.
9, v. 13, p. 420.

Distribution of
proceeds of sale.

25 July, 1866, c.
298, s. 10, v. 14, p.
330.

Sale after one
year.

6 Aug., 1846, c.
84, s. 1, v. 9, p. 53.

to realize the import duties, the charges shall be paid by the collector out of the proceeds of the sale thereof before paying such proceeds into the Treasury as required by existing laws.

SEC. 2966. When merchandise shall be imported into any port of the United States from any foreign country in vessels propelled in whole or in part by steam, and it shall appear by the bills of lading that the merchandise so imported is to be delivered immediately after the entry of the vessel, the collector of such port may take possession of such merchandise and deposit the same in bonded warehouse; and when it does not appear by the bills of lading that the merchandise so imported is to be immediately delivered, the collector of the customs may take possession of the same, and deposit it in bonded warehouse, at the request of the owner, master, or consignee of the vessel, on three days' notice to such collector after the entry of the vessel.

SEC. 2967. Merchandise imported into the port of Louisville, and destined for Jeffersonville, may be landed and warehoused at Jeffersonville, under the custody and control of the surveyor of the port of Louisville. [See § 2853.]

SEC. 2968. The Secretary of the Treasury may extend the privileges of the provisions relating to warehouses, and the regulations of the Treasury Department relating thereto, to the port of Albany.

SEC. 2969. All merchandise of which the collector shall take possession under the provisions relating to the time for the discharge of a vessel's cargo shall be kept with due and reasonable care at the charge and risk of the owner.

SEC. 2970. Any merchandise deposited in bond in any public or private bonded warehouse may be withdrawn for consumption within one year from the date of original importation on payment of the duties and charges to which it may be subject by law at the time of such withdrawal; and after the expiration of one year from the date of original importation, and until the expiration of three years from such date, any merchandise in bond may be withdrawn for consumption on payment of the duties assessed on the original entry and charges, and an additional duty of ten per centum of the amount of such duties and charges.

SEC. 2971. All merchandise which may be deposited in public store or bonded warehouse may be withdrawn by the owner for exportation to foreign countries; or may be transhipped to any port of the Pacific or western coast of the United States at any time before the expiration of three years from the date of original importation; such goods on arrival at a Pacific or western port to be subject to the same rules and regulations as if originally imported there. Any goods remaining in public store or bonded warehouse beyond three years shall be regarded as abandoned to the Government, and sold under such regulations as the Secretary of the Treasury may prescribe, and the proceeds paid into the Treasury. In computing this period of three years, if such exportation or transshipment of any merchandise shall, either for the whole or any part of the term of three years, have been prevented by reason of any order of the President, the time during which such exportation or transshipment of such merchandise shall have been so prevented shall be excluded from the computation. Merchandise withdrawn for exportation shall be subject only to the payment of such storage and charges as may be due thereon.

SEC. 2972. The Secretary of the Treasury, in case of any sale of any merchandise remaining in public store or bonded warehouse beyond three years, may pay to the owner, consignee, or agent of such merchandise, the proceeds thereof, after deducting duties, charges, and expenses, in conformity with the provision relating to the sale of merchandise remaining in a warehouse for more than one year.

SEC. 2973. If any merchandise shall remain in public store beyond one year, without payment of the duties and charges thereon, except as hereinbefore provided, then such merchandise shall be appraised by the appraisers, if there be any at such port, and if none, then by two

merchants to be designated and sworn by the collector for that purpose, and sold by the collector at public auction, on due public notice thereof being first given, in the manner and for the time to be prescribed by a general regulation of the Treasury Department. At such public sale, distinct printed catalogues descriptive of such merchandise, with the appraised value affixed thereto, shall be distributed among the persons present at such sale. A reasonable opportunity shall be given before such sale, to persons desirous of purchasing, to inspect the quality of such merchandise. The proceeds of such sales, after deducting the usual rate of storage at the port in question, with all other charges and expenses, including duties, shall be paid over to the owner, importer, consignee, or agent, and proper receipts taken for the same.

SEC. 2974. The overplus, if any there be, of the proceeds of such sales, after the payment of storage, charges, expenses, and duties, remaining unclaimed for the space of ten days after such sales, shall be paid by the collector into the Treasury of the United States; and the collector shall transmit to the Treasury Department, with the overplus, a copy of the inventory, appraisement, and account of sales, specifying the marks, numbers, and descriptions of the packages sold, their contents, and appraised value, the name of the vessel and master in which, and of the port whence, it was imported, and the time when, and the name of the person to whom such merchandise was consigned in the manifest, and the duties and charges to which the several consignments were respectively subject; and the receipt or certificate of the collector shall exonerate the master of any vessel in which such merchandise was imported, from all claim of the owner thereof, who shall, nevertheless, on due proof of his interest, be entitled to receive from the Treasury the amount of any overplus paid into the same under the provisions of this Title.

SEC. 2975. All merchandise of a perishable nature, and all gunpowder and explosive substances, except fire-crackers, deposited in any public or private bonded warehouse, shall be sold forthwith.

84, s. 1, v. 9, p. 53. 30 June, 1864, c. 171, s. 19, v. 13, p. 216.—Gould vs. Hammond, Mc-

SEC. 2976. Any collector of the customs is authorized, under such directions and regulations as may be prescribed by the Secretary of the Treasury, to sell, upon due notice, at public auction, any unclaimed merchandise deposited in public warehouse whenever the same may from depreciation in value, damage, leakage, or other cause, in the opinion of such collector, be likely to prove insufficient, on a sale thereof, to pay the duties, storage, and other charges if suffered to remain in public store for the period allowed by law in the case of unclaimed merchandise.

SEC. 2977. Merchandise upon which duties have been paid may remain in warehouse in custody of the officers of the customs at the expense and risk of the owners of such merchandise, and if exported directly from such custody to a foreign country within three years, shall be entitled to return duties. But proper evidence of such merchandise having been landed abroad shall be furnished to the collector by the importer, and one per centum of the duties shall be retained by the Government.

SEC. 2978. No merchandise subject to duty shall be entered for drawback, or exported for drawback, after it is withdrawn from the custody of the officers of the customs. [See §§ 3023, 3035.]

3 March, 1849, c. 110, s. 5, v. 9, p. 399. 28 September, 1850, c. 79, s. 17, v. 9, p. 512.

SEC. 2979. If the owner, importer, consignee, or agent of any merchandise on which the duties have not been paid, shall give to the collector satisfactory security that the merchandise shall be landed out of the jurisdiction of the United States, in the manner required by the laws relating to exportations for the benefit of drawback, the collector and naval officer, if any, on an entry to re-export the same, shall, upon

Distribution of proceeds.

6 Aug., 1846, c. 84, s. 1, v. 9, p. 53.

Sale of perishable articles.

6 Aug., 1846, c. 84, s. 1, v. 9, p. 53.

Sale upon depreciation.

29 March, 1854, c. 30, s. 2, v. 10, p. 271.

Return of duties upon exportation from warehouse.

14 July, 1862, c. 163, s. 21, v. 12, p. 560.

Restriction upon exportation for drawback.

Permit for exportation.

6 Aug., 1846, c. 84, s. 1, v. 9, p. 53.

payment of the appropriate expenses, permit the merchandise, under the inspection of the proper officers, to be shipped without the payment of any duties thereon.

Manner of withdrawal.

6 Aug., 1846, c. 84, s. 1, v. 9, p. 53.

SEC. 2980. No merchandise shall be withdrawn from any warehouse in which it may be deposited, in a less quantity than in an entire package, bale, cask, or box, unless in bulk; nor shall merchandise so imported in bulk be delivered, except in the whole quantity of each parcel, or in a quantity not less than one ton weight, unless by special authority of the Secretary of the Treasury.

Lien for freight.

2 March, 1867, c. 188, s. 3, v. 14, p. 547.

SEC. 2981. Whenever the collector or other chief officer of the customs of any port shall be notified in writing by the owner or consignee of any vessel or vehicle, arriving from any foreign port, of a lien for freight on any merchandise imported in such vessel or vehicle, and remaining in his custody, such officer may refuse the delivery of such merchandise from any public or bonded warehouse, or other place in which the same shall be deposited, until proof to his satisfaction shall be produced that the freight due thereon has been paid or secured; but the rights of the United States shall not be prejudiced thereby, nor shall the United States or its officers be in any manner liable for losses consequent upon such refusal to deliver. If merchandise so subject to a lien, regarding which notice has been filed, shall be forfeited to the United States and sold, the freight due thereon shall be paid from the proceeds of such sale in the same manner as other charges and expenses authorized by law to be paid therefrom, are paid.

Supplies to vessels of war.

14 July, 1862, c. 163, s. 22, v. 12, p. 560.

SEC. 2982. The privilege of purchasing supplies from the public warehouses duty free, shall be extended, under such regulations as the Secretary of the Treasury shall prescribe, to the vessels of war of any nation in ports of the United States which may reciprocate such privilege toward the vessels of war of the United States in its ports.

No allowance for leakage, &c.

28 March, 1854, c. 30, s. 4, v. 10, p. 272.

SEC. 2983. In no case shall there be any abatement of the duties or allowance made for any injury, damage, deterioration, loss, or leakage sustained by any merchandise, while deposited in any public or private bonded warehouse.

Abatement and refund in case of injury by casualties.

29 March, 1854, c. 30, s. 8, v. 10, p. 273.
3 March, 1855, c. 80, s. 13, v. 13, p. 435.

SEC. 2984. The Secretary of the Treasury is hereby authorized, upon production of satisfactory proof to him of the actual industry or destruction, in whole or in part, of any merchandise, by accidental fire, or other casualty, while the same remained in the custody of the officers of the customs in any public or private warehouse under bond, or in the appraisers' stores undergoing appraisal, in pursuance of law or regulations of the Treasury Department, or while in transportation under bond from the port of entry to any other port in the United States, or while in the custody of the officers of the customs and not in bond, or while within the limits of any port of entry, and before the same have been landed under the supervision of the officers of the customs, to abate or refund, as the case may be, out of any moneys in the Treasury not otherwise appropriated, the amount of impost duties paid or accruing thereupon; and likewise to cancel any warehouse bond or bonds, or enter satisfaction thereon in whole or in part, as the case may be.

Penalty for obliterating marks.

6 Aug., 1846, c. 84, s. 3, v. 9, p. 54.

SEC. 2985. Any person convicted of altering, defacing, or obliterating any mark which has been placed by any officer of the revenue on any package of warehoused merchandise shall be liable to a penalty of five hundred dollars for every such offense.

Penalty for unlawfully opening warehouse.

Ibid., p. 55.

SEC. 2986. If any importer or proprietor of any warehoused merchandise, or any person in his employ, shall, by any contrivance, fraudulently open the warehouse, or shall gain access to the merchandise, except in the presence of the proper officer of the customs, acting in the execution of his duty, such importer or proprietor shall be liable to a penalty of one thousand dollars for every such offense. [See § 2998.]

U. S. ex. George, 6 Blatch., 305.

Penalty for fraudulent removals, &c.

Ibid.

SEC. 2987. If any warehoused merchandise shall be fraudulently concealed in or removed from any public or private warehouse, the same shall be forfeited to the United States; and all persons convicted of fraudulently concealing or removing such merchandise, or of aiding

or abetting such concealment or removal, shall be liable to the same penalties as are imposed for the fraudulent introduction of merchandise into the United States.

SEC. 2988. The collectors of the several ports of the United States shall make quarterly reports to the Secretary of the Treasury, according to such general instructions as the Secretary may give, of all merchandise remaining in the warehouses of their respective ports, specifying the quantity and description of the same; which returns, or tables formed thereon, the Secretary of the Treasury shall forthwith cause to be published in the principal papers of the city of Washington. (See § 286.)

SEC. 2989. The Secretary of the Treasury may from time to time establish such rules and regulations, not inconsistent with law, for the due execution of the provisions relating to warehouses and to secure a just accountability under the same, as he may deem to be expedient and necessary.

SEC. 2990. When any merchandise, except wine, distilled spirits, and perishable or explosive articles, or articles in bulk, imported at the ports of New York, Philadelphia, Boston, Baltimore, Portland in Maine, Port Huron, Detroit, New Orleans, Toledo, and San Francisco, shall appear by the invoice or bill of lading and by the manifest to be consigned to and destined for either of the ports specified in section two thousand nine hundred and ninety-seven, the collector at the port of arrival shall permit the owner, agent, or consignee to make entry thereof for warehouse or immediate transportation, in triplicate, setting forth the particulars in such entry and the route by which such merchandise is to be forwarded, whether by land or water. The entry having been compared with the invoice and duly sworn to, and such an examination of the merchandise having been made as will satisfy the customs officers that the same corresponds with the manifest and invoice, and the duties estimated on the value and quantity of the invoice, and on the execution of a bond as hereinafter provided, the collector shall deliver the same to be immediately transported to such port of destination, at the sole cost and risk of such owner, agent, or consignee.

SEC. 2991. The collector of the port shall give priority in time to the examination of merchandise imported to any of the ports of entry named in the preceding section, and designed for any port designated by section two thousand nine hundred and ninety-seven, for the purpose of forwarding the same to its port of destination, and the examination shall not necessitate the transportation of merchandise to the warehouse or appraiser's office. Such merchandise so entered for immediate transportation shall not be subject to appraisement and liquidation of duties at the port of first arrival, but shall undergo such examination as the Secretary of the Treasury shall deem necessary to verify the invoice and entry, and the same examination and appraisement thereof shall be required and had at the port of destination as would have been required at the port of original importation if such merchandise had been entered for consumption or warehouse at such port.

SEC. 2992. The bond for transportation shall be in a penal sum of at least double the invoice value of the merchandise with the duties added, and in such form, and with such number of sureties, not less than two, as shall be prescribed by the Secretary of the Treasury; and the sureties shall justify, by affidavit taken before the collector of customs and attached to the bond, in an amount at least double the penalty of the bond, and the collector shall certify to their sufficiency; and the bond may be executed at the port of final destination, and transmitted to the collector at the port of first arrival, by the surveyor.

SEC. 2993. Merchandise so entered for transportation shall be delivered to and transported by common carriers, to be designated for this purpose by the Secretary of the Treasury, and to or by none others; and such carriers shall be responsible to the United States as common carriers for the safe delivery of such merchandise to the collector at the port of its destination; and before any such carriers shall be permitted

Report of merchandise in warehouses.

6 Aug., 1846, c. 84, s. 4, v. 9, p. 55.

Warehouse regulations.

25 March, 1854, c. 30, s. 9, v. 10, p. 273.

6 Aug., 1846, c. 84, s. 5, v. 9, p. 55.

Ports at which entry may be made for transportation in bond.

14 July, 1870, c. 255, s. 22, v. 16, p. 270.

20 April, 1871, c. 21, s. 15, v. 17, p. 10.

5 March, 1872, c. 34, v. 17, p. 36.

Examination of merchandise for transportation.

14 July, 1870, c. 255, s. 22, v. 16, p. 270.

Transportation bond.

14 July, 1870, c. 255, s. 30, v. 16, p. 270.

Carriers.

14 July, 1870, c. 255, s. 31, v. 16, p. 270.

to receive and transport any such merchandise they shall become bound to the United States in bonds of such form and amount, and with such conditions not inconsistent with law, and such security as the Secretary of the Treasury shall require.

Locks and seals.

5 April, 1872, c. 86, v. 17, p. 50.

SEC. 2994. Merchandise transported under the provisions of this Title shall be conveyed in cars, vessels, or vehicles, securely fastened with locks or seals, under the exclusive control of the officers of the customs; and inspectors shall be stationed at proper points along the designated routes, or upon any car, vessel, vehicle, or train, at the discretion of the Secretary, and at the expense of the companies respectively. Such merchandise shall not be unladen or transhipped between the ports of first arrival and final destination, unless authorized by the regulations of the Secretary of the Treasury, in cases which may arise from a difference in the gauge of railroads, or from accidents, or from legal intervention, or from low water, ice, or other unavoidable obstruction to navigation; and in no case shall there be permitted any breaking of the original packages of such merchandise.

Transfer to vessel or vehicle.

14 July, 1870, c. 255, s. 33, v. 16, p. 271.

SEC. 2995. Merchandise so destined for immediate transportation, except the packages designated for examination, shall be transferred, under proper supervision, directly from the importing vessel to the car, vessel, or vehicle in which the same is to be transported to its final destination; and if transferred from the importing vessel to any bonded or other warehouse, or to any other place than such car, vessel, or vehicle, it shall be taken possession of by the collector as unclaimed, and deposited in public store, and shall not be removed from such store without entry and appraisement, as in ordinary cases.

Bonded warehouses for goods intended for transportation.

14 July, 1870, c. 255, s. 33, v. 16, p. 271.

SEC. 2996. The Secretary of the Treasury may, in his discretion, and with such precaution as he shall deem proper, authorize the establishment of bonded warehouses especially and exclusively appropriated to the reception of such merchandise in cases where its immediate transfer to the transporting car, vessel, or vehicle shall be impracticable. But merchandise remaining in such warehouse more than ten days shall be deprived of the privileges of transportation in bond conferred by this Title, and shall be taken possession of by the collector as unclaimed, and held until regularly entered and appraised.

Ports to which goods may be transported in bond.

14 July, 1870, c. 255, s. 35, v. 16, p. 271.

5 March, 1872, c. 34, v. 17, p. 36.

18 March, 1872, c. 57, v. 17, p. 41.

SEC. 2997. The privilege of transportation in bond shall extend to the ports of New York and Buffalo, in New York; Boston, in Massachusetts; Providence, in Rhode Island; Philadelphia and Pittsburgh, in Pennsylvania; Baltimore, in Maryland; Norfolk, in Virginia; Charleston, in South Carolina; Savannah, in Georgia; New Orleans, in Louisiana; Portland, in Maine; Chicago, in Illinois; Cincinnati and Toledo, in Ohio; Saint Louis, in Missouri; Evansville, in Indiana; Milwaukee, in Wisconsin; Louisville, in Kentucky; Cleveland, in Ohio; San Francisco, in California; Portland, in Oregon; Memphis, in Tennessee; and Mobile, in Alabama; and to importations from or to Europe, and from or to Asia, or the islands adjacent thereto, via the United States.

Penalty for breaking, entering, &c.

14 July, 1870, c. 255, s. 37, v. 16, p. 271.

SEC. 2998. Any person maliciously opening, breaking, or entering, by any means whatever, any car, vessel, vehicle, warehouse, or package containing any such merchandise so delivered for transportation, or removing, injuring, breaking, or defacing any lock or seal placed upon such car, vessel, vehicle, warehouse, or package, or aiding, abetting, or encouraging any other person or persons so to remove, break, injure, or deface such locks or seals, or to open, break, or enter such car, vessel, or vehicle, with intent to remove or cause to be removed unlawfully any merchandise therein, or in any manner to injure or defraud the United States; and any person receiving any merchandise unlawfully removed from any such car, vessel, or vehicle, knowing it to have been so unlawfully removed, shall be guilty of felony, and in addition to any penalties heretofore prescribed shall be punishable by imprisonment for not less than six months nor more than two years.

Special agents in foreign territory.

SEC. 2999. For the purpose of better guarding against frauds upon the revenue on foreign merchandise transported between the ports of

the Atlantic and those of the Pacific overland through any foreign territory, the Secretary of the Treasury may appoint special sworn agents as inspectors of the customs, to reside in such foreign territory where such merchandise may be landed or embarked, with power to superintend the landing or shipping of all merchandise, passing coastwise between the ports of the United States on the Pacific and the Atlantic. It shall be their duty, under such regulations and instructions as the Secretary of the Treasury may prescribe, to guard against the perpetration of frauds upon the revenue. The compensation paid to such inspectors shall not in the aggregate exceed five thousand dollars per annum.

SEC. 3000. Any merchandise, duly entered for warehousing, may be withdrawn under bond, without payment of the duties, from a bonded warehouse in any collection-district, and be transported to a bonded warehouse in any other collection-district, and rewarehoused thereat; and any such merchandise may be so transported to its destination wholly by land, or wholly by water, or partially by land and partially by water, over such routes as the Secretary of the Treasury may prescribe, and may likewise be conveyed over any foreign territory, the government of which may have, or shall by treaty stipulations grant, a free right of way over such territory.

SEC. 3001. The Secretary of the Treasury shall prescribe the form of the bond to be given for the transportation of merchandise from a port in one collection-district to a port in another collection-district as provided in the preceding section; also the time for such delivery; and for a failure to transport and deliver within the time limited any such bonded merchandise to the collector at the designated port, a duty of double the amount to which such merchandise would be liable shall be collected, which duty shall be secured by such bond, or the merchandise may be seized and forfeited for such failure, and any steam or other vessel, or vehicle, transporting such bonded merchandise, the master, owner, or conductor of which shall fail to deliver the same to the collector at the designated port, shall be liable to seizure and forfeiture.

SEC. 3002. Any imported merchandise in the original packages which shall have been duly entered and bonded, in pursuance of the provisions relating to warehouses, may be withdrawn from warehouse for immediate exportation, without payment of duties, to Chihuahua, in Mexico, by the route of the Arkansas River, through Van Buren, or by the route of the Red River, through Fulton, or by the route of the Missouri River, through Independence, or by such other routes as may be designated by the Secretary of the Treasury. Any imported merchandise duly entered and bonded at Point Isabel, in the district of Brazos de Santiago, or imported and bonded at any other port of the United States, and transported thence in bond, and duly rewarehoused at Point Isabel, may be withdrawn from warehouse for immediate exportation, without payment of duties, to ports and places in Mexico, by land or water, or partly by land and partly by water, or by such routes as may be designated by the Secretary of the Treasury. (See § 2578, § 4.)

SEC. 3003. Any imported merchandise duly entered and bonded in any port of the United States may be withdrawn from warehouse without payment of duties, for immediate exportation for San Fernando, Paso del Norte, and Chihuahua, in Mexico, through the port of Lavaca, in the collection-district of Saluria, in the State of Texas, and be transported inland, thence to San Antonio, in that State, and from the latter place to the destinations in Mexico, either by way of Eagle Pass, the Presidio del Norte, and San Elizario, all on the Rio Grande; and the Secretary of the Treasury is hereby authorized to prescribe such regulations, not inconsistent with law, as he may deem proper and necessary, respecting the packing, marking, inspection, proof of due delivery at their foreign destinations of the imports authorized by this and the foregoing section to be exported from warehouse to ports and places in Mexico, and for the due protection in other respects of the public revenue.

28 March, 1854, c. 30, s. 5, v. 10, p. 272.

Withdrawal for rewarehousing in another district.

28 March, 1854, c. 30, s. 5, v. 10, p. 272.

Penalty for failure to transport.

28 March, 1854, c. 30, s. 6, v. 10, p. 272.

14 July, 1862, c. 163, s. 20, v. 12, p. 559.

U. S. vs. Pingree, 1 Sprague, 339.

Withdrawal for exportation to Mexico.

30 Aug., 1852, c. 96, s. 1, v. 10, p. 37.

3 March, 1845, c. 70, s. 1, v. 5, p. 750.

Through port of Lavaca.

30 Aug., 1852, c. 96, s. 2, v. 10, p. 37.

By Indianola.
30 April, 1872, c.
129, v. 17, p. 58.

SEC. 3004. Imported merchandise duly entered and bonded at a port of the United States, and withdrawn from warehouse in accordance with existing law, for exportation for San Fernando, Paso del Norte, and Chihuahua, in Mexico, may pass through Indianola, the port of entry for the district of Saluria, in Texas, under such regulations as the Secretary of the Treasury shall prescribe, as well as through the port of Lavaca.

Transportation
in bond to British
provinces or Mex-
ico.

28 July, 1866, c.
298, s. 5, v. 14, p.
328.

SEC. 3005. All merchandise arriving at the ports of New York, Boston, Portland in Maine, or any other port specially designated by the Secretary of the Treasury, and destined for places in the adjacent British provinces, or arriving at the port of Point Isabel in Texas, or any other port specially designated by the Secretary of the Treasury, and destined for places in the republic of Mexico, may be entered at the custom-house, and conveyed, in transit, through the territory of the United States, without the payment of duties, under such regulations as the Secretary of the Treasury may prescribe.

Transportation
over foreign terri-
tory.

28 July, 1866, c.
298, s. 6, v. 14, p.
329.

SEC. 3006. Imported merchandise in bond, or duty paid, and products or manufactures of the United States, may, with the consent of the proper authorities of the British provinces or republic of Mexico, be transported from one port in the United States to another port therein, over the territory of such provinces or republic, by such routes, and under such rules, regulations, and conditions as the Secretary of the Treasury may prescribe; and the merchandise so transported shall, upon arrival in the United States from such provinces or republic, be treated in regard to the liability to or exemption from duty, or tax, as if the transportation had taken place entirely within the limits of the United States.

Exemption from
fees.

4 June, 1872, c.
290, s. 2, v. 17, p.
215.

SEC. 3007. Railroad-cars or other vehicles laden with merchandise, sealed by a customs officer, passing, under the provisions of the preceding section and the regulations of the Secretary of the Treasury, from one port in the United States to another therein, through foreign contiguous territory, shall be exempt from the payment of any fees for receiving or certifying manifests thereof.

Forfeiture for re-
landed exported
merchandise.

3 March, 1845, c.
70, s. 9, v. 5, p. 752.
30 Aug., 1852, c.
96, s. 4, v. 10, p. 38.

SEC. 3008. No merchandise exported to Mexico or the British North American Provinces shall be voluntarily landed or brought into the United States; and any so landed or brought into the United States shall be forfeited; and the same proceeding shall be had for its condemnation, and the distribution of the proceeds of the sales, as in other cases of forfeiture of merchandise illegally imported. Every person concerned in the voluntary landing or bringing such merchandise into the United States shall be liable to a penalty of four hundred dollars.

CHAPTER EIGHT.

PAYMENT.

Sec.
3009. Duties, how payable.
3010. Disposal of moneys paid under protests.
3011. Suits for recovery.
3012. Limitation; bill of particulars.

Sec.
3012½. Refunding duties improperly collected.
3013. Refunding upon failure to appeal, when.
3014. Judgments, how payable.

Duties, how pay-
able.

2 March, 1853, c.
55, s. 3, v. 4, p. 630.
6 Aug., 1846, c. 84,
s. 1, v. 9, p. 53.
25 Feb., 1862, c. 33, s. 5, v. 12, p. 346.

SEC. 3009. All duties upon imports shall be collected in ready money, and shall be paid in coin or in United States notes, payable on demand, authorized to be issued prior to the twenty-fifth day of February, one thousand eight hundred and sixty-two, and by law receivable in payment of public dues. [See §§ 254, 247.]

SEC. 3010. All money paid to any collector of the customs, or to any person acting as such, for unascertained duties or for duties paid under protest against the rate or amount of duties charged, shall be placed to the credit of the Treasurer of the United States, and shall not be held by the collector, or person acting as such, to await any ascertainment of duties, or the result of any litigation in relation to the rate or amount of duty legally chargeable and collectible in any case where money is so paid.

SEC. 3011. Any person who shall have made payment under protest and in order to obtain possession of merchandise imported for him, to any collector, or person acting as collector, of any money as duties, when such amount of duties was not, or was not wholly, authorized by law, may maintain an action in the nature of an action at law, which shall be triable by jury, to ascertain the validity of such demand and payment of duties, and to recover back any excess so paid. But no recovery shall be allowed in such action unless a protest, in writing and signed by the claimant or his agent, was made and delivered at or before the payment, setting forth distinctly and specifically the grounds of objection to the amount claimed. (See §§ 2921, 2922.)

Curt, 231; Kriesler *vs.* Morton, 2 Curt., 230; Florio *vs.* Peaslee, 2 Curt., 452; Thomson *vs.* Maxwell, 2 Blatch., 385; Durand *vs.* Lawrence, 2 ibid., 326; Laewenstein *vs.* Maxwell, 2 ibid., 401; Pierson *vs.* Lawrence, 2 ibid., 425; Pierson *vs.* Maxwell, 2 ibid., 507; Focke *vs.* Lawrence, 2 ibid., 507; Cornett *vs.* Lawrence, 2 ibid., 512; Wilson *vs.* Lawrence, 2 ibid., 514; Tucker *vs.* Maxwell, 2 ibid., 517; Dutilh *vs.* Maxwell, 2 ibid., 548; Gray *vs.* Lawrence, 3 ibid., 117; Fielden *vs.* Lawrence, 3 ibid., 120; Christ *vs.* Maxwell, 3 ibid., 129; Goddard *vs.* Maxwell, 3 ibid., 131; Sadler *vs.* Maxwell, 3 ibid., 134; Bangs *vs.* Maxwell, 3 ibid., 135; Hertz *vs.* Maxwell, 3 ibid., 137; Koller *vs.* Maxwell, 3 ibid., 142; McCall *vs.* Lawrence, 3 ibid., 360; Steegman *vs.* Maxwell, 3 ibid., 365; Vaccari *vs.* Maxwell, 3 ibid., 366; Maillard *vs.* Lawrence, 3 ibid., 376; Warburg *vs.* Maxwell, 3 ibid., 382; Sebnhardt *vs.* Lawrence, 3 ibid., 397; Crowley *vs.* Maxwell, 3 Blatch., 401; Schmaire *vs.* Maxwell, 3 ibid., 406; Baxter *vs.* Maxwell, 4 ibid., 32; Lillie *vs.* Redfield, 4 ibid., 41; Ponsot *vs.* Maxwell, 4 ibid., 43; Drake *vs.* Redfield, 4 ibid., 116; Marshall *vs.* Redfield, 4 ibid., 221; Boker *vs.* Bronson, 4 ibid., 472; Knoedler *vs.* Schell, 4 ibid., 484; Fallick *vs.* Barney, 5 ibid., 32; Irvin *vs.* Schell, 5 ibid., 157; Moke *vs.* Barney, 5 ibid., 274; Greenleaf *vs.* Schell, 6 ibid., 225; Mason *vs.* Kane, Taney., 173.

SEC. 3012. No suit shall be maintained in any court for the recovery of duties alleged to have been erroneously or illegally exacted by collectors of customs, unless the plaintiff, within thirty days after due notice of the appearance of the defendant, either in person or by attorney, serves on the defendant or his attorney a bill of particulars of the plaintiff's demand, giving the name of the importer or importers, the description of the merchandise, and place from which imported, the name of the vessel, or means of importation, the date of the invoice, the date of the entry at the custom-house, the precise amount of duty claimed to have been exacted in excess, the date of payment of said duties, the day and year on which protest was filed against the exaction thereof, the date of appeal thereon to the Secretary of the Treasury, and date of decision, if any, on such appeal. And if a bill of particulars, containing all the above-mentioned items, be not served as aforesaid, a judgment of non pros. shall be rendered against the plaintiff or plaintiffs in said action.

SEC. 3012½. Whenever it shall be shown to the satisfaction of the Secretary of the Treasury that, in any case of unascertained duties, or duties or other moneys paid under protest and appeal, as hereinbefore provided, more money has been paid to the collector, or person acting as such, than the law requires should have been paid, the Secretary of the Treasury shall draw his warrant upon the Treasurer in favor of the person entitled to the overpayment, directing the Treasurer to refund the same out of any money in the Treasury not otherwise appropriated.

SEC. 3013. Whenever it shall be shown to the satisfaction of the Secretary of the Treasury that more moneys have been paid to the collector of customs, or others acting as such, than the law requires, and the party has failed to comply with the requirements relating to appeals to the Secretary of the Treasury, and the Secretary of the Treasury shall be satisfied that such non-compliance with the requirements as above

Disposal of moneys paid under protest.

3 March, 1839, c. 22, s. 2, v. 5, p. 348.

Dev., 222.

Suits to recover.

26 Feb., 1845, c. 22, v. 5, p. 727.

Greely's Admr. *vs.* Burgess, 19 How., 413; Luigi *vs.* The Collector, 1 Wall., 375; Nichols *vs.* U. S., 7 Wall., 122; Norcross *vs.* Greely, 1 Curt., 114; Warren *vs.* Peaslee, 2

Limitation; bill of particulars.

18 July, 1866, c. 201, s. 36, v. 14, p. 187.

Refunding duties improperly collected.

30 June, 1864, c. 171, s. 16, v. 13, p. 215.

Refunding upon failure to appeal, when.

28 July, 1866, c. 297, s. 7, v. 14, p. 329.

stated was owing to circumstances beyond the control of the importer, consignee, or agent making such payments, he may draw his warrant upon the Treasurer in favor of the person entitled to the overpayment, directing the Treasurer to refund the same out of any money in the Treasury not otherwise appropriated.

Judgments, how payable.

3 March, 1865, c. 80, s. 12, v. 13, p. 944.

SEC. 3014. In all proceedings brought by the United States in any court for due recovery as well of duties upon imports alone as of penalties for the non-payment thereof, the judgment shall recite that the same is rendered for duties, and such judgment, interest, and costs shall be payable in the coin by law receivable for duties, and the execution issued on such judgment shall set forth that the recovery is for duties, and shall require the marshal to satisfy the same in the coin by law receivable for duties; and in case of levy upon and sale of the property of the judgment debtor, the marshal shall refuse payment from any purchaser at such sale in any other money than that specified in the execution. [See § 902.]

CHAPTER NINE.

DRAWBACK.

Sec.

- 3015. Allowance of drawback.
- 3016. Restrictions upon allowance.
- 3017. Limitation of time for exportation.
- 3018. Exportation of drugs.
- 3019. Manufactures.
- 3020. Manufactures using wood.
- 3021. Railroad-iron.
- 3022. Salt for curing fish.
- 3023. Duty on gaugeable merchandise.
- 3024. Duty upon weighable articles.
- 3025. No drawback after removal from custody.
- 3026. Gunpowder.
- 3027. No drawback allowed on discriminating duties.
- 3028. Exportation in same package.
- 3029. Change from casks.
- 3030. Change of package.
- 3031. Notice of change.
- 3032. Deposit of invoice.
- 3033. Comparison of invoice.
- 3034. Appraisement when duty ad valorem.
- 3035. Inspection and lading.
- 3036. Transportation to another district for exportation.
- 3037. Extension of time for entry.
- 3038. Debentures, to whom payable.

Sec.

- 3039. Suit on refusal of payment.
- 3040. Debentures assignable.
- 3041. Exportation from another district.
- 3042. Refusal of debenture.
- 3043. Bond for delivery of merchandise at a foreign port.
- 3044. Discharge of bond.
- 3045. Consul's certificate.
- 3046. Consul's fee.
- 3047. Other proof.
- 3048. Permanent appropriation for payment of debentures.
- 3049. Penalty for relanding goods entered for drawback.
- 3050. Penalty for false entry.
- 3051. No forfeiture for accident or mistake.
- 3052. Exportation and transportation of bonded goods not prevented.
- 3053. Importations from British North America.
- 3054. Transportation to ports in British North America.
- 3055. Exportation from Lake Pontchartrain.
- 3056. Exportation to British North America.
- 3057. Drawback regulations.

Allowance of drawback.

2 March, 1799, c. 22, s. 75, v. 1, p. 680.
[See §§ 3036, 2977, 2978.]

SEC. 3015. A drawback of duties, as prescribed by law, shall be allowed and paid on all merchandise imported into the United States, in respect to all such merchandise as shall be exported to any foreign port other than the dominions of any foreign state immediately adjoining to the United States, either from the district of original importation, or from certain other districts; and all duties, drawbacks, and allowances which shall be payable, or allowable, on any specific quantity of merchandise, shall be deemed to apply in proportion to any greater or lesser quantity, except as herein otherwise provided.

Restrictions upon allowance.

2 March, 1799, c. 22, s. 75, v. 1, p. 681.

SEC. 3016. No merchandise imported shall be entitled to a drawback of the duties paid, unless the duties so paid shall amount to fifty dollars at least; nor unless they shall be exported in the original casks, cases, chests, boxes, trunks, or other packages, in which they were imported, without diminution or change of the articles which were therein contained, at the time of importation, in quantity, quality, or value, necessary or unavoidable wastage or damage only excepted.

SEC. 3017. No drawback of the duties shall be allowed on merchandise entitled to debenture under existing laws, unless such merchandise shall be exported from the United States within three years from the date of the importation of the same. One per centum on the amount of all drawbacks allowed shall be retained for the use of the United States by the collectors paying such drawbacks, respectively.

Limitation of time for exportation.

30 Aug., 1842, c. 271, s. 15, v. 5, p. 563.

3 March, 1845, c. 70, s. 10, v. 5, p. 752. 14 July, 1862, c. 163, s. 21, v. 12, p. 560.

SEC. 3018. All drugs, medicines, and chemical preparations entered for exportation and deposited in warehouse or public store, may be exported by the owner thereof in the original package, or otherwise, subject to such regulations as shall be prescribed by the Secretary of the Treasury.

Exportation of drugs.

14 July, 1862, c. 163, s. 21, v. 12, p. 560.

SEC. 3019. There shall be allowed on all articles wholly manufactured of materials imported, on which duties have been paid when exported, a drawback equal in amount to the duty paid on such materials, and no more, to be ascertained under such regulations as shall be prescribed by the Secretary of the Treasury. Ten per centum on the amount of all drawbacks so allowed shall, however, be retained for the use of the United States by the collectors paying such drawbacks respectively.

Manufactures.

5 Aug., 1861, c. 45, s. 4, v. 12, p. 293.

SEC. 3020. Where fire-arms, scales, balances, shovels, spades, axes, hatchets, hammers, plows, cultivators, mowing-machines, and reapers, manufactured with stocks or handles made of wood grown in the United States, are exported for benefit of drawback under the preceding section, such articles shall be entitled to such drawback in all cases when the imported material exceeds one-half of the value of the material used.

Manufactures using wood.

6 June, 1872, c. 315, s. 9, v. 17, p. 236.

SEC. 3021. Railroad-iron, partially or wholly worn, may be imported into the United States without payment of duty, under bond to be withdrawn and exported after such railroad-iron shall have been repaired or remanufactured. The Secretary of the Treasury is hereby authorized and directed to prescribe such rules and regulations as may be necessary to protect the revenue against fraud, and secure the identity, character, and weight of all such importations when again withdrawn and exported, restricting and limiting the export and withdrawal to the same port of entry where imported, and also limiting all bonds to a period of time of not more than six months from the date of the importation.

Railroad-iron.

2 March, 1861, c. 68, s. 27, v. 12, p. 197.

SEC. 3022. Imported salt in bond may be used in curing fish, taken by vessels licensed to engage in the fisheries, under such regulations as the Secretary of the Treasury shall prescribe; and upon proof that the salt has been used in curing fish, the duties on the same shall be remitted.

Salt for curing fish.

6 June, 1872, c. 315, s. 11, v. 17, p. 238.

SEC. 3023. Upon all merchandise gaugeable by law, hereafter exported, upon which drawback or return duty is allowed, and upon all merchandise gaugeable by law, withdrawn from bonded warehouses for export, there shall be collected by the collectors of the several ports ten cents per cask.

Duty on gaugeable merchandise.

2 March, 1867, c. 163, s. 3, v. 14, p. 470.

SEC. 3024. Upon all weighable articles hereafter exported, upon which a drawback or return duty is allowed, and upon all weighable merchandise withdrawn from bonded warehouses for export, there shall be collected by the collectors of the several ports three cents per hundred pounds, to be determined by the returns of the weighers.

Duty upon weighable articles.

26 July, 1866, c. 269, s. 1, v. 14, p. 229.

SEC. 3025. No return of the duties shall be allowed on the export of any merchandise after it has been removed from the custody and control of the Government, except in the cases provided in sections three thousand and nineteen, three thousand and twenty, three thousand and twenty-two, and three thousand and twenty-six. [See § 3036.]

No drawback after removal from custody.

14 July, 1862, c. 163, s. 21, v. 12, p. 560.

SEC. 3026. There shall be a drawback on foreign saltpeter, manufactured into gunpowder in the United States and exported therefrom, equal in amount to the duty paid on the foreign saltpeter from which it shall be manufactured, to be ascertained under such regulations as

Gunpowder.

3 March, 1843, c. 77, s. 7, v. 12, p. 742. 14 July, 1870, c. 255, s. 24, v. 16, p. 289.

shall be prescribed by the Secretary of the Treasury, and no more. The word "saltpeter" as used in this section shall be construed to mean the element of niter, so used, whether it be the nitrate of potash or the nitrate of soda. Ten per centum on the amount of drawbacks so allowed shall, however, be retained for the use of the United States by the collectors paying such drawbacks respectively.

No drawback allowed on discriminating duties. SEC. 3027. No part of the additional or discriminating duty imposed by law on merchandise on account of its importation in foreign vessels shall be allowed to be drawback, but the whole shall be retained.

13 May, 1800, c. 64, a. 2, v. 2, p. 83. 30 Aug., 1842, c. 270, a. 15, v. 5, p. 563.

Exportation in same package. SEC. 3028. Where articles are imported in bulk they shall be exported in the packages, if any, in which they were landed; for which purpose the officer delivering the same shall return the packages they may be put into, if any, with their marks and numbers, and they shall not be entitled to drawback, unless exported in such packages, which shall be deemed the packages of original importation, nor unless they fully agree with the return made by the officer.

Change from casks. SEC. 3029. It shall be lawful for the exporter of any liquors in casks, or any unrefined sugars, to fill up the casks or packages out of other casks or packages included in the same original importation, or into new casks or packages corresponding therewith, to be marked and numbered as the original casks or packages, in case the original casks or packages shall, in the opinion of the officer appointed to examine the same, be so injured as to be rendered unfit for exportation, and in no other case. The filling up or change of package must, however, be done under the inspection of a proper officer, appointed for that purpose by the collector and naval officer, where any, of the port from which such liquors or unrefined sugars are intended to be exported; and the drawback on articles so filled up, or of which the packages have been changed, shall not be allowed without such inspection.

Change of package. SEC. 3030. When the owner, importer, consignee, or agent, of any merchandise entitled to drawback, may wish to transfer the same into packages, other than those in which the merchandise was originally imported, the collector of the port where the same may be shall permit the transfer to be made, if necessary for the safety or preservation thereof.

Notice of change. SEC. 3031. Due notice of the wish to make such transfer, in writing, setting forth sufficient cause for the transfer, shall be given to the collector, who shall appoint an inspector of the revenue to ascertain if the allegation be true, and, if found correct, to superintend the transfer, and to cause the marks and numbers upon the original packages to be inscribed upon the packages into which the merchandise shall be transferred.

Deposit of invoice. SEC. 3032. Every importer, owner, consignee, agent, or exporter, who shall enter merchandise for importation, or for exportation, or transportation from one port to another, with the right of drawback, shall deposit with the collector the original invoice of such merchandise, if not before deposited with the collector, and in that case an authenticated copy thereof, to be filed and preserved by him in the archives of the custom-house, which shall be signed by such importer, owner, consignee, agent, or exporter, and the oath to be made on the entry of such merchandise shall be annexed thereto.

Comparison with invoice. SEC. 3033. It shall be the duty of the collector to cause all merchandise entered for re-exportation, with the right of drawback, to be inspected, and the articles thereof compared with their respective invoices, before a permit shall be given for lading the same; and where the merchandise so entered shall be found not to agree with the entry it shall be forfeited.

Appraisalment when duty ad valorem. SEC. 3034. All merchandise, subject to ad-valorem duty, and intended for exportation, with benefit of drawback, which shall be transported from one district to another, shall be accompanied by a copy from the invoice, of the cost thereof, certified by the collector of the district from

2 March, 1799, c. 22, a. 75, v. 1, p. 681.

2 March, 1799, c. 22, a. 75, v. 1, p. 681.

1 March, 1823, c. 21, a. 32, v. 3, p. 738.

1 March, 1823, c. 21, a. 32, v. 3, p. 738.

29 May, 1830, c. 147, a. 5, v. 4, p. 410.

29 May, 1830, c. 147, a. 5, v. 4, p. 410.

1 March, 1823, c. 21, a. 29, v. 3, p. 738.

which it may have been last reshipped, which certified copy shall be produced to the collector of the district from which such merchandise is intended to be exported; and such merchandise, as well as all such merchandise subject to ad-valorem duty, as shall be exported from the district into which it may have been originally imported, shall be inspected by the appraisers at the time of exportation, in the same manner as on the importation of such merchandise; and if the same is found not to correspond with the original invoice, the merchandise shall be subject to forfeiture.

SEC. 3035. The collector shall direct the surveyor, where any, to inspect, or cause to be inspected, the merchandise notified for exportation, and if it is found to correspond fully with the notice and proof concerning the same, the collector, together with the naval officer, if any, shall grant a permit for lading the same on board of the vessel named in such notice and entry. Such lading shall be performed under the superintendence of the officer by whom the same has been so inspected; and the exporter shall make oath that the merchandise, so noticed for exportation, and laden on board such vessel, previous to the clearance thereof, or within ten days after such clearance, is truly intended to be exported to the place whereof notice has been given, and is not intended to be reloaded within the United States; otherwise the merchandise shall not be entitled to the benefit of drawback.

SEC. 3036. All merchandise imported into the United States, the duties on which have been paid, or secured to be paid, may be transported by land, or partly by land and partly by water, or coastwise, from the district into which it was imported to any port of entry and exported from such port of entry with the benefit of drawback.

SEC. 3037. Whenever the exporter entering any merchandise, for the benefit of drawback, shall not have completed such entry, by taking the oath or giving the bond required by the existing laws, within the period prescribed by law, but shall offer to complete the entry after the expiration of the period, the Secretary of the Treasury may, upon application to him made, by the exporter, setting forth the cause of his omission, under oath, and accompanied by a statement of the collector of all the circumstances attending the transaction within the knowledge of such collector, if he shall be satisfied that the failure to complete the entry was accidental, without any intention to evade the law or defraud the revenue, direct the entry to be completed, and the certificates or debentures, as the case may be, to issue in the same manner, as if such entry had been completed within the period prescribed by the existing laws of the United States.

SEC. 3038. All debentures shall be issued and made payable to the original importer of the merchandise, entered for exportation, whenever the same shall be requested, in writing, by the exporter, and not otherwise. In respect to any merchandise, on which the duties shall have been paid prior to an entry for exportation, the debenture for the amount of the drawback of such duties shall be made payable in fifteen days, to be computed from the time of signing the bond, to be given as herein after directed.

SEC. 3039. Whenever payment of any debenture is refused by the collector of the district where it was granted, for a longer time than three days, after the same shall have become payable, such refusal to be proved in the same manner as the non-payment of a bill of exchange, the possessor or assignee of such debenture may bring suit thereupon against the person to whom it was originally granted or against any indorser thereof. (See §§ 562, 629.)

SEC. 3040. Debentures shall be assignable by delivery and indorsement of the parties who may receive the same.

SEC. 3041. Where any merchandise is exported from any other district than the one into which it was originally imported, the collector of

Inspection and lading.

2 March, 1799, c. 22, s. 76, v. 1, p. 682.

Transportation to another district for exportation.

1 March, 1821, c. 21, s. 29, v. 3, p. 737.
2 Feb., 1831, c. 24, v. 4, p. 442.

Extension of time for entry.

3 March, 1825, c. 45, v. 4, p. 96.

Debentures, to whom payable.

2 March, 1799, c. 22, s. 80, v. 1, p. 687.

Suit on refusal of payment.

2 March, 1799, c. 22, s. 80, v. 1, p. 689.

Debentures assignable.

2 March, 1799, c. 22, s. 80, v. 1, p. 688.

Exportation from another district.

2 March, 1799, c.
22, a. 80, v. 1, p. 637.

such district, together with the naval officer thereof, where there is one, shall grant to the exporter a certificate, expressing that such merchandise was exported from such district, with the marks, numbers, and descriptions of the packages and their contents, the names of the master and vessel in which and the port to which it was exported, and by whom, and the names of the vessel and master in which it was brought, and by whom shipped at the district from whence it came, and the amount of the drawback to which it is entitled. Such certificate shall entitle the possessor thereof to receive from the collector of the district with whom the duties on the merchandise were paid, a debenture or debentures, for the amount of the drawback expressed in the certificate, payable at the same time, and in like manner as is herein directed for debentures on merchandise exported from the port of original importation.

Refusal of debenture.

2 March, 1799, c.
22, a. 80, v. 1, p. 637.

SEC. 3042. The collector may refuse to grant such debenture, in case it shall appear to him that any error has arisen, or any fraud has been committed; and in case of such refusal, if the debenture claimed shall exceed one hundred dollars, it shall be the duty of the collector to represent the case to the Secretary of the Treasury, who shall determine whether such debenture shall be granted or not. In no case, moreover, of an exportation of goods shall a drawback be paid, until the duties on the importation thereof shall have been first received.

Bond for delivery of merchandise at a foreign port.

2 March, 1799, c.
22, a. 81, v. 1, p. 639.

SEC. 3043. Before the receipt of any debenture, in case of exportation from the district of original importation, and in case of exportation from any other district before the receipt of any such certificate, as is hereinbefore required to be granted, the person applying for such debenture or certificate shall, previous to such receipt, and before the clearance of the vessel in which the merchandise was laden for exportation, give bond, with one or more sureties, to the satisfaction of the collector, who is to grant such debenture or certificate, as the case may be, in a sum equal to double the amount of the sum for which such debenture or certificate is granted, conditioned that such merchandise, or any part thereof, shall not be reloaded in any port within the limits of the United States, and that the exporter shall produce, within the time herein limited, the proofs and certificates required of such merchandise having been delivered without such limits.

Discharge of bond.

2 March, 1799, c.
22, a. 81, v. 1, p. 639.

SEC. 3044. All bonds which may be given for any merchandise exported from the United States, and on which any drawback of duties or allowance shall be payable, in virtue of such exportation, shall and may be discharged, and not otherwise, by producing within one year from the date thereof, if the exportation be made to any port of Europe or America, or within two years, if made to any part of Asia or Africa, a certificate under the hand of the consignee at the foreign port to whom the merchandise shall have been addressed, therein particularly setting forth and describing the articles so exported, their marks, numbers, description of packages, the number thereof, and their actual contents, and declaring that the same have been received by them from on board the vessel, specifying the names of the master and vessel from which they were so received; and where such merchandise is not consigned or addressed to any particular person at the foreign port to which the vessel is destined, or may arrive, but where the master, or other person on board such vessel may be the consignee of such merchandise, a certificate from the person to whom such merchandise may be sold or delivered, by such master or other person, shall be produced to the same effect as that required if the person receiving the same were originally intended to be the consignee thereof.

Consul's certificate.

2 March, 1799, c.
22, a. 81, v. 1, p. 639.

SEC. 3045. In addition to such certificate, it shall be necessary to produce a certificate under the hand and seal of the consul or agent of the United States, residing at the place, declaring either that the facts stated in the certificate of such consignee, or other person, are to his knowledge true, or that such certificate is deserving of full faith and credit; which certificates of the consignee, or other person, and consul or agent, shall, in all cases, as respects the landing or delivery of the

merchandise, be confirmed by the oath of the master and mate, if living, or, in case of their death, by the oath of the two principal surviving officers of the vessel in which the exportation shall be made. Where there is no consul or agent of the United States residing at the place of delivery, the certificate of the consignee, or other person hereinbefore required, shall be confirmed by the certificate of two reputable American merchants residing at the place, or if there are no such American merchants, then by the certificate of two reputable foreign merchants, testifying that the several facts stated in such consignee or other person's certificate, are, to their knowledge, just and true, or that such certificate is, in their opinion, worthy of full faith and credit; and such certificate shall also be supported by the oath of the master and mate, or other principal officers of the vessel, in manner as before prescribed. The oath of the master and mate, or other principal officers, shall, in all cases, when taken at a foreign port, be taken and subscribed before the consul or agent of the United States residing at such foreign port, if any such consul or agent reside thereat.

SEC. 3046. It shall be lawful for the consuls or agents of the United States, residing at the foreign ports, to demand twenty-five cents for administering each oath and one dollar for granting each certificate required by the preceding section, and if any consul or agent shall demand other or greater fees than are thus allowed, his bond shall be forfeited.

SEC. 3047. In cases of loss by sea, or by capture or other unavoidable accident, or when, from the nature of the trade, the proofs and certificates before required are not, and cannot be, procured, the exporter shall be allowed to adduce to the collector of the port of exportation such other proofs as they may have, and as the nature of the case will admit; which proofs shall, with a statement of all the circumstances attending the transaction within the knowledge of such collector, be transmitted to the Secretary of the Treasury, who shall have power to allow a further reasonable time for obtaining such proofs; or if he be satisfied with the truth and validity of the proofs adduced, to direct the bond of such exporter to be canceled. If the amount of such bond shall not exceed the penal sum of two hundred dollars, the collector, with the naval officer, where there is one, and alone, where there is none, may, pursuant to such rules as shall be prescribed by the Secretary of the Treasury, admit such proof as may be adduced; and if they deem the same satisfactory, cancel such bond accordingly.

SEC. 3048. So much money as may be necessary for the payment of debentures or drawbacks and allowances which may be authorized and payable, is hereby appropriated for that purpose out of any money in the Treasury, to be expended under the direction of the Secretary of that Department, according to the laws authorizing debentures or drawbacks and allowances. The collectors of the customs shall be the disbursing agents to pay such debentures, drawbacks, and allowances. All debenture certificates issued according to law shall be received in payment of duties at the custom-house where the same have been issued, the laws regulating drawbacks having been complied with.

SEC. 3049. If any merchandise entered for exportation, with intent to drawback the duties, or to obtain any allowance given by law on the exportation thereof, shall be landed within any port within the limits of the United States, all such merchandise shall be subject to seizure and forfeiture, together with the vessel from which such merchandise shall be landed, and the vessels or boats used in landing the same; and all persons concerned therein shall, upon indictment and conviction thereof, suffer imprisonment for a term not exceeding six months. For discovery of frauds and seizure of merchandise relanded contrary to law, the several officers established by this Title shall have the same powers, and, in case of seizure, the same proceedings shall be had, as in the case of merchandise imported contrary to law.

SEC. 3050. If any merchandise, of which entry shall have been made in the office of a collector, for the benefit of drawback or bounty upon

Conan's fee.

2 March, 1799, c.
22, s. 81, v. 1, p. 692.

Other proof.

2 March, 1799, c.
22, s. 81, v. 1, p. 690.

Permanent appropriation for payment of debentures.

3 March, 1849, c.
110, s. 2, v. 9, p. 398.

Penalty for relanding goods entered for drawback.

2 March, 1799, c.
22, s. 82, v. 1, p. 692.

Penalty for false entry.

2 March, 1799, c. 22, s. 24, v. 1, p. 694.
20 Feb., 1819, c. 36, v. 3, p. 426.

Barlow vs. U. S. 7 Pet., 404; U. S. vs. Eighty-five Hogsheads of Sugar, 2 Paine, 54.

No forfeiture for accident or mistake.

2 March, 1799, c. 22, s. 24, v. 1, p. 694.

Exportation and transportation of bonded goods not prevented.

14 March, 1846, c. 17, s. 2, v. 14, p. 2.

Importations from British North America.

8 Aug., 1846, c. 102, v. 9, p. 77.

Transportation to ports in British North America.

28 Sept., 1850, c. 79, s. 18, v. 9, p. 512.

Exportation from Lake Pontchartrain.

2 March, 1831, c. 76, s. 2, v. 4, p. 476.

Exportation to British North America.

3 March, 1845, c. 70, s. 7, v. 5, p. 751.

Drawback regulations.

3 March, 1845, c. 70, s. 11, v. 5, p. 752.

exportation, shall be entered by a false denomination, or erroneously as to the time when and the vessel in which it was imported, or shall be found to disagree with the packages, quantities, or qualities, as they were at the time of original importation, except such disagreement as may have been occasioned by necessary or unavoidable wastage or damage only, and except also in cases where permission shall have been obtained according to law to alter or change the quantities or packages thereof, all such merchandise, or the value thereof to be recovered of the owner or person making such entry, shall be forfeited, and the person making such false entry shall also forfeit a sum equal to the value of the articles mentioned or described in such entry.

SEC. 3051. No forfeiture shall be incurred under the preceding section if it shall be made to appear to the satisfaction of the collector and naval officer of the district, if there be a naval officer, and if there be no naval officer, to the satisfaction of the collector, or of the court in which a prosecution for the forfeiture shall be had, that such false denomination, error, or disagreement happened by mistake or accident, and not from any intention to defraud the revenue.

SEC. 3052. None of the provisions of this Title shall operate to prevent the exportation of bonded merchandise from warehouse within three years from the date of original importation, nor its transportation in bond from the port into which it was originally imported to any other port for the purpose of exportation.

SEC. 3053. Any merchandise imported from the British North American provinces adjoining the United States, which shall have been duly entered and the duties thereon paid or secured according to law at either of the ports of entry in the collection-districts situated on the northern, northeastern, and northwestern frontiers of the United States, may be transported by land or by water, or partly by land and partly by water, to any port or ports from which merchandise may be exported for benefit of drawback, and be thence exported with such privilege to any foreign country. The laws relating to the transportation of merchandise entitled to drawback, and the due exportation and proof of landing thereof, and all regulations which the Secretary of the Treasury may prescribe for the security of the revenue, must, however, be complied with.

SEC. 3054. Any imported merchandise, in the original packages, which shall have been duly entered and warehoused in pursuance of the provisions relating to warehouses, may be exported therefrom in conformity with law, and be transported, in the manner indicated, to ports in the adjoining British provinces, and become entitled to the benefits of those provisions.

SEC. 3055. Merchandise imported into the United States and exported from the port of Lake Pontchartrain shall be entitled to the benefit of a drawback of the duties upon exportation to any foreign port, under the same provisions, regulations, restrictions, and limitations, as if such merchandise had been exported directly from New Orleans by way of the Mississippi River.

SEC. 3056. Any imported merchandise which has been entered, and the duties paid or secured according to law, for drawback, may be exported to the British North American provinces adjoining the United States.

SEC. 3057. The Secretary of the Treasury is hereby further authorized to prescribe such rules and regulations, not inconsistent with the laws of the United States, as he may deem necessary to carry into effect the provisions of the laws relating to drawbacks, and to prevent the illegal re-importation of any merchandise which shall have been exported as herein provided.

CHAPTER TEN.

ENFORCEMENT OF DUTY-LAWS AND PUNISHMENT FOR VIOLATIONS.

| Sec. | Sec. |
|--|--|
| 3058. Transfers. | 3078. Application for remission of forfeiture, &c. |
| 3059. Who may make searches. | 3079. Distribution. |
| 3060. Special appointments, how filed. | 3080. Sale of perishable articles. |
| 3061. Search of vehicles and persons. | 3081. Release on payment of appraised value. |
| 3062. Forfeitures. | 3082. Concealing, &c., goods liable to seizure. |
| 3063. Privy of owner. | 3083. Notice to Solicitor of the Treasury. |
| 3064. Search of baggage. | 3084. Collectors to report to district attorneys. |
| 3065. Entering buildings. | 3085. Duty of district attorneys. |
| 3066. Warrant to search dwelling-house. | 3086. Custody of goods. |
| 3067. Authority to go on board vessels. | 3087. Institution of suits. |
| 3068. Penalty for obstructing officers in going on board of vessels. | 3088. Lien on vessel for violations. |
| 3069. Articles separate from the cargo. | 3089. Costs of prosecution in certain cases. |
| 3070. Locks and fastenings. | 3090. Distribution of forfeitures. |
| 3071. Officers to make character known. | 3091. Warrant to seize papers. |
| 3072. Seizures. | 3092. Return of warrant. |
| 3073. Persons making seizures may plead general issue and give special matter in evidence. | 3093. Examination of papers taken under warrant. |
| 3074. Appraisement. | 3094. No exemption from taking other oaths. |
| 3075. Notice of seizure. | |
| 3076. Claim for property seized. | |
| 3077. Sale of property seized. | |

SEC. 3058. All merchandise imported into the United States shall, for the purpose of this Title, be deemed and held to be the property of the person to whom the merchandise may be consigned, any sale, transfer, or assignment, prior to the entry and payment of the duties on such merchandise, and the payment of all bonds then due and unsatisfied by the consignee, to the contrary notwithstanding.

U. S. *vs.* Lyman, 1 Mas., 482; Howland *vs.*

SEC. 3059. It shall be lawful for any officer of the customs, including inspectors and occasional inspectors, or of a revenue-cutter, or authorized agent of the Treasury Department, or other persons specially appointed for the purpose in writing by a collector, naval officer, or surveyor, to go on board of any vessel, as well without as within his district, and to inspect, search, and examine the same, and any person, trunk, or envelope on board, and to this end to hail and stop such vessel if under way, and to use all necessary force to compel compliance; and if it shall appear that any breach or violation of the laws of the United States has been committed, whereby or in consequence of which such vessel, or the merchandise, or any part thereof, on board of or imported by such vessel, is liable to forfeiture, to make seizure of the same, or either or any part thereof, and to arrest, or in case of escape, or any attempt to escape, to pursue and arrest any person engaged in such breach or violation. [See § 3417.]

SEC. 3060. The original appointment in writing of any person specially appointed under the provisions of the previous section shall be filed in the custom-house where such appointment is made.

SEC. 3061. Any of the officers or persons authorized to board or search vessels may stop, search, and examine, as well without as within their respective districts, any vehicle, beast, or person, on which or whom he or they shall suspect there is merchandise which is subject to duty, or shall have been introduced into the United States in any manner contrary to law, whether by the person in possession or charge, or by, in, or upon such vehicle or beast, or otherwise, and to search any trunk or envelope, wherever found, in which he may have a reasonable cause to suspect there is merchandise which was imported contrary to law; and if any such officer or other person so authorized shall find any merchandise on or about any such vehicle, beast, or person, or in any such trunk or envelope, which he shall have reasonable cause to believe is subject

Transfers.

2 March, 1799, c. 22, s. 62, v. 1, p. 675.

Harris *vs.* Denzie, 3 Pet., 292; Cunard *vs.* Pacific Ins. Co., 6 Pet., 282; Harris, 4 Mas., 497.

Who may make searches.

18 July, 1866, c. 201, s. 2, v. 14, p. 178.

Gelston *vs.* Hoyt, 3 Wh., 246; U. S. *vs.* Schooner *Mara*, 1 Gallis., 237.

Special appointments, how filed.

18 July, 1866, c. 201, s. 2, v. 14, p. 178.

Search of vehicles and persons.

18 July, 1866, c. 201, s. 3, v. 14, p. 178.

[See § 3417.]

Forfeitures.

18 July, 1866, c.
201, s. 3, v. 14, p.
178.

to duty, or to have been unlawfully introduced into the United States, whether by the person in possession or charge, or by, in, or upon such vehicle, beast, or otherwise, he shall seize and secure the same for trial.

SEC. 3062. Every such vehicle and beast, or either, together with teams or other motive-power used in conveying, drawing, or propelling such vehicle or merchandise, and all other appurtenances, including trunks, envelopes, covers, and all means of concealment, and all the equipage, trappings, and other appurtenances of such beast, team, or vehicle, shall be subject to seizure and forfeiture. If any person who may be driving or conducting, or in charge of any such carriage or vehicle or beast, or any person traveling, shall willfully refuse to stop and allow search and examination to be made as herein provided, when required so to do by any authorized person, he shall be punishable by a fine of not more than one thousand dollars, nor less than fifty dollars.

Privity of owner.

18 July, 1866, c.
201, s. 3, v. 14, p.
179.

SEC. 3063. No railway-car or engine or other vehicle, or team, used by any person or corporation, as common carriers, in the transaction of their business as such common carriers, shall be subject to forfeiture by force of the provisions of this Title unless it shall appear that the owner, superintendent, or agent of the owner in charge thereof at the time of such unlawful importation or transportation thereon or thereby was a consenting party, or privy to such illegal importation or transportation.

Search of bag-
gage.

18 July, 1866, c.
201, s. 3, v. 14, p.
178.

SEC. 3064. The Secretary of the Treasury may from time to time prescribe regulations for the search of persons and baggage, and for the employment of female inspectors for the examination and search of persons of their own sex; and all persons coming into the United States from foreign countries shall be liable to detention and search by authorized officers or agents of the Government, under such regulations.

Entering build-
ings, &c.

18 July, 1866, c.
201, s. 3, v. 14, p.
179.

SEC. 3065. Any person authorized by this Title to make searches and seizures, or any person assisting him or acting under his directions, may, if deemed necessary by him or them, enter into or upon or pass through the lands, inclosures, and buildings, other than the dwelling-house of any person whosoever, in the night or in the day time, in order to the more effectual discharge of his official duties.

Warrant to search
dwellings-house.

2 March, 1799, c.
22, s. 68, v. 1, p. 678.
28 Feb., 1865, c.
67, s. 2, v. 13, p. 442.

SEC. 3066. If any collector, naval officer, surveyor, or other person specially appointed by either of them, or inspector, shall have cause to suspect a concealment of any merchandise in any particular dwelling-house, store-building, or other place, they, or either of them, upon proper application on oath to any justice of the peace, shall be entitled to a warrant to enter such house, store, or other place, in the day-time only, and there to search for such merchandise; and if any shall be found, to seize and secure the same for trial; and all such merchandise, on which the duties shall not have been paid, or secured to be paid, shall be forfeited.

U. S. vs. Three
Hundred and Fifty
Chests of Tea, 12
Wh., 487; Taylor vs.
U. S., 3 How., 197;
U. S. vs. Certain

Hogsheads, 1 Curt., 276; U. S. vs. Twenty-six Diamond Rings, Sprague, 294.

Authority to go
on board vessels.

2 March, 1799, c.
22, s. 54, v. 1, p. 668.

SEC. 3067. It shall be lawful for all collectors, naval officers, surveyors, inspectors, and the officers of the revenue-cutters, to go on board of vessels in any port of the United States, or within four leagues of the coast thereof, if bound to the United States, whether in or out of their respective districts, for the purposes of demanding the manifests, and of examining and searching the vessels; and those officers respectively shall have free access to the cabin and every other part of a vessel.

Penalty for ob-
structing officers
in going on board
of vessels.

2 March, 1799, c.
22, s. 71, v. 1, p.
672.

SEC. 3068. If any master of a vessel coming into or having arrived at any port within the United States shall obstruct or hinder, or shall intentionally cause any obstruction or hinderance to any officer in lawfully going on board such vessel, for the purpose of carrying into effect any of the revenue laws of the United States, he shall for every such offense be liable to a penalty of not more than five hundred dollars nor less than fifty dollars.

Articles separate
from the cargo.

2 March, 1799, c.
22, s. 54, v. 1, p. 668.

SEC. 3069. If any box, trunk, chest, cask, or other package shall be found in the cabin, steerage, or fore-castle of a vessel, or in any other place separate from the residue of the cargo, the officer of the customs shall take a particular account of such package, and of the marks and

numbers thereof, if any, and a description thereof, and, if he judges proper, shall seal every such package; and such account and description shall be by him forwarded without delay to the collector of the district to which such vessel is bound. If upon her arrival at the port of her entry, the packages so described, or any of them, are missing, or if any seal put thereon has been broken, the master shall be liable to a penalty for every package missing, or on which any seal shall be broken, of two hundred dollars.

SEC. 3070. The inspector who may be put on board of any vessel shall secure, after sunset in each evening, or previous to his quitting the vessel, the hatches and other communications with the hold of such vessel, or any other part thereof he may judge necessary, with locks or other proper fastenings, which locks or other fastenings shall not be opened, broken, or removed until the morning following, or after the rising of the sun, and in the presence of the inspector by whom the same were affixed, except by special license from the collector of the port, and the naval officer, if any, first obtained. If the locks or other fastenings, or any of them, are broken or removed contrary to this section, or if any merchandise or packages are clandestinely landed, notice thereof shall be immediately given by the inspector to the collector and naval officer, if any, of the port where the vessel may be; and the master of such vessel shall, for each or every such offense, be liable to a penalty of five hundred dollars. [See § 2877.]

SEC. 3071. Every officer or other person authorized to make searches and seizures by this Title, shall, at the time of executing any of the powers conferred upon him, make known, upon being questioned, his character as an officer or agent of the customs or Government, and shall have authority to demand of any person within the distance of three miles to assist him in making any arrests, search, or seizure authorized by this Title, where such assistance may be necessary; and if such person shall, without reasonable excuse, neglect or refuse so to assist, upon proper demand, he shall be deemed guilty of a misdemeanor, punishable by a fine of not more than two hundred dollars, nor less than five dollars.

SEC. 3072. It shall be the duty of the several officers of the customs to seize and secure any vessel or merchandise which shall become liable to seizure by virtue of any law respecting the revenue, as well without as within their respective districts.

3 Wh., 246; *The Joseph Segunda*, 10 Wh., 312; *Wood vs. U. S.*, 16 Pet., 342; *Taylor vs. U. S.*, 3 How., 197; *Bolina and Cargo*, 1 Gall., 75.

SEC. 3073. If any officer, or other person, executing or aiding or assisting in the seizure of goods, under any act providing for or regulating the collection of duties on imports or tonnage, is sued for anything done in virtue of the powers given thereby, or by virtue of a warrant granted by any judge, or justice, pursuant to law, he may plead the general issue and give such act and the special matter in evidence.

SEC. 3074. In all cases of seizure of property subject to forfeiture for any of the causes named in any provision of law relating to the customs, or for the registering, enrolling, or licensing of vessels, when, in the opinion of the collector or other principal officer of the revenue making such seizure, the value of the property seized does not exceed five hundred dollars, he shall cause a list and particular description of the property seized to be prepared in duplicate, and an appraisement of the same to be made by two sworn appraisers under the revenue laws, if there are such appraisers at or near the place of seizure; but if there are no such appraisers, then by two competent and disinterested citizens of the United States, to be selected by him for that purpose, residing at or near the place of seizure; which list and appraisement shall be properly attested by such collector or other officer and the persons making the appraisal. For such services of the appraisers they shall be allowed out of the revenue one dollar and fifty cents each, for every day necessarily employed in such service.

Locks and fastenings.

2 March, 1799, c. 22, s. 54, v. 1, p. 668.

Officers to make character known.

18 July, 1866, c. 201, s. 10, v. 14, p. 180.

[See § 5448.]

Seizures.

2 March, 1799, c. 22, s. 70, v. 1, p. 678.

Gelston vs. Hoyt, 16 Pet., 342; *Taylor vs.*

Persons making seizures may plead general issue and give special matter in evidence.

2 March, 1799, c. 22, s. 71, v. 1, p. 678.

Appraisement.

18 July, 1866, c. 201, s. 11, v. 14, p. 180.

2 April, 1844, c. 8, s. 1, v. 5, p. 653.

8 Aug., 1846, c. 110, v. 9, p. 82.

28 Feb., 1865, c. 67, s. 4, v. 13, p. 442.

28 July, 1866, c. 293, s. 6, v. 14, p. 309.

Notice of seizure.

18 July, 1866, c.
201, s. 11, v. 14, p.
180.

2 April, 1844, c.
8, s. 1, v. 5, p. 653.

28 Feb., 1865, c.
67, s. 4, v. 13, p. 442.

SEC. 3075. If the amount of the appraisal of property so seized as forfeited shall not exceed the sum of five hundred dollars, the collector or other principal officer shall publish a notice once a week for three successive weeks in some newspaper of the county or place where such seizure shall have been made, if any newspaper shall be published in such county; but if no newspaper shall be published in such county, then such notice shall be published in some newspaper of the county in which the principal customs office of the district shall be situated; and if no newspaper shall be published in such county, then notices shall be posted in proper public places, which notices shall describe the articles seized, and state the time, cause, and place of seizure, and shall require any person claiming such articles to appear and file with such collector or other officer his claim to such articles within twenty days from the date of the first publication of such notice.

Claim for property seized.

18 July, 1866, c.
201, s. 12, v. 14, p.
181.

2 April, 1844, c.
8, s. 1, v. 5, p. 653.

SEC. 3076. Any person claiming the property so seized may, at any time within twenty days from the date of such publication, file with the collector or other officer a claim, stating his interest in the articles seized, and, upon depositing with such collector or other officer a bond to the United States in the penal sum of two hundred and fifty dollars, with two sureties, to be approved by such collector or other officer, conditioned that, in case of the condemnation of the articles so claimed, the obligors shall pay all the costs and expenses of the proceedings to obtain such condemnation. Such collector or other officer shall transmit the same, with the duplicate list and description of the articles seized and claimed, to the United States district attorney for the district, who shall proceed for a condemnation of the property in the ordinary mode prescribed by law.

Sale of property seized.

18 July, 1866, c.
201, s. 12, v. 14, p.
181.

2 April, 1844, c.
8, s. 1, v. 5, p. 653.

SEC. 3077. If no such claim shall be filed or bond given within the twenty days above specified, such collector or other officer shall give not less than fifteen days' notice of the sale of the property so seized, by publication in the manner before mentioned; and, at the time and place specified in such notice, he shall sell at public auction the property so seized, and shall deposit the proceeds, after deducting the actual expenses of such seizure, publication, and sale, in the Treasury of the United States, as shall be directed by the Secretary of the Treasury. The collector, however, shall have power to adjourn such sale from time to time for a period not exceeding thirty days in all.

Application for remission of forfeiture, &c.

18 July, 1866, c.
201, s. 13, v. 14, p.
181.

SEC. 3078. Any person claiming to be interested in the property sold under the provisions of the preceding section may, within three months after such sale, apply to the Secretary of the Treasury for a remission of the forfeiture and a restoration of the proceeds of such sale, and the same may be granted by the Secretary upon satisfactory proof, to be furnished in such manner as he shall direct, that the applicant, at the time of the seizure and sale of the property in question, did not know of the seizure, and was in such circumstances as prevented him from knowing of the same, and that such forfeiture was incurred without willful negligence or any intention of fraud on the part of the owner of such property.

Distribution.

18 July, 1866, c.
201, s. 14, v. 14, p.
181.

2 April, 1844, c.
8, s. 3, v. 5, p. 654.

SEC. 3079. If no application for such remission or restoration shall be made within three months after such sale, the Secretary of the Treasury shall then cause the proceeds of such sale to be distributed in the same manner as if such property had been condemned and sold in pursuance of a decree of a competent court.

Sale of perishable articles.

18 July, 1866, c.
201, s. 15, v. 14, pp.
181, 182.

SEC. 3080. Whenever seizure shall be made of any property which, in the opinion of the appraisers, is liable to perish or waste, or to be greatly reduced in value by keeping, or which cannot be kept without great disproportionate expense, whether such property consists of live animals or merchandise, and when the property thus seized shall not exceed five hundred dollars in value, and when no claim shall have been interposed therefor as is hereinbefore provided, the appraisers, if requested by the collector or principal officer making the seizure, at the

time when such appraisal is made, shall certify on oath in their appraisal their belief that the property seized is liable to speedy deterioration, or that the expenses of its keeping will largely reduce the net proceeds of the sale; and in case the appraisers thus certify, such collector or other officer may proceed to advertise and sell the same at auction, by giving notice for such time as he may think reasonable, but not less than one week, of such seizure and intended sale, by advertisement as is hereinbefore provided; and the proceeds of such sale shall be deposited to the credit of the Treasurer of the United States, subject, nevertheless, to the payment of such claims as shall be presented within three months from the day of sale, and allowed by the Secretary of the Treasury.

SEC. 3081. The collectors of the several districts of the United States, in all cases of seizure of any merchandise for violation of the revenue laws, the appraised value of which, in the district wherein such seizure shall be made, does not exceed one thousand dollars, are hereby authorized, subject to the approval of the Secretary of the Treasury, to release such merchandise on payment of the appraised value thereof.

SEC. 3082. If any person shall fraudulently or knowingly import or bring into the United States, or assist in so doing, any merchandise, contrary to law, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such merchandise after importation, knowing the same to have been imported contrary to law, such merchandise shall be forfeited and the offender shall be fined in any sum not exceeding five thousand dollars nor less than fifty dollars, or be imprisoned for any time not exceeding two years, or both. Whenever, on trial for a violation of this section, the defendant is shown to have or to have had possession of such goods, such possession shall be deemed evidence sufficient to authorize conviction, unless the defendant shall explain the possession to the satisfaction of the jury.

Farnsworth, 1 Mas., 1; Clark vs. Protection Ins. Co., 1 Story, 109; U. S. vs. Cook, Sprague, 213.

SEC. 3083. Whenever any seizure shall be made for the purpose of enforcing any forfeiture, the collector or other person causing such seizure to be made shall immediately give information thereof to the Solicitor of the Treasury.

SEC. 3084. The several collectors of customs shall report within ten days to the district attorney of the district in which any fine, penalty, or forfeiture may be incurred for the violation of any law of the United States relating to the revenue, a statement of all the facts and circumstances of the case within their knowledge, or which may come to their knowledge from time to time, stating the names of the witnesses, and the provisions of the law believed to be violated, and on which a reliance may be had for condemnation or conviction. If any collector shall in any case fail to report to the proper district attorney, as prescribed in this section, such collector's right to any compensation, benefit, or allowance in such case shall be forfeited to the United States, and the same may, in the discretion of the Secretary of the Treasury, be awarded to such persons as may make complaint and prosecute the same to judgment or conviction. [See § 833.]

SEC. 3085. District attorneys, upon receiving the report of a collector, shall cause suit and prosecution to be commenced and prosecuted without delay for the fines and personal penalties by law in such case provided, unless upon inquiry and examination they shall decide that a conviction cannot probably be obtained, or that the ends of public justice do not require that a suit or prosecution should be instituted, in which case they shall report the facts to the Secretary of the Treasury for his direction. For expenses incurred and services rendered in prosecutions for such fines and personal penalties, they shall receive such allowance as the Secretary of the Treasury shall deem just and reasonable, upon the certificate of the judge before whom such prosecution was had. [See §§ 833, 834.]

Release on payment of appraised value.

3 March, 1863, c. 76, s. 5, v. 12, p. 740.

Concealing or buying goods liable to seizure.

2 March, 1799, c. 22, s. 69, v. 1, p. 678.
18 July, 1866, c. 201, s. 4, v. 14, p. 179.

U. S. vs. Sixty-seven Packages, 17 How., 85; Stockwell vs. U. S., 13 Wall., 531; U. S. vs.

Notice to Solicitor of the Treasury.

29 May, 1830, c. 153, s. 4, v. 4, p. 415.

Collectors to report to district attorneys.

18 July, 1866, c. 201, s. 7, v. 14, p. 179.

3 March, 1873, c. 244, v. 17, p. 580.

Duty of district attorneys.

18 July, 1866, c. 201, s. 7, v. 14, p. 179.

3 March, 1873, c. 244, v. 17, p. 581.

Custody of goods.

18 July, 1866, c. 201, s. 31, v. 14, p. 186.

Ex parte Hoyt, 13 Pet., 279; U. S. vs. Five Hundred Boxes Pipes, 2 Abb., U. S., 500; *Schmalz vs. U. S.*, 4 Crt. Clms., 142; *Schmalz vs. U. S.*, 5 Crt. Clms., 294.

Institution of suits.

2 March, 1799, c. 22, s. 89, v. 1, p. 695.

Lien on vessels for violations.

18 July, 1866, c. 201, s. 8, v. 14, p. 180.

The steamer *Missouri*, 3 Ben., 508.

Costs of prosecution in certain cases.

2 March, 1799, c. 22, s. 91, v. 1, p. 697.

One Large Water-tnb, 3 Ben., 436.

Distribution of forfeitures.

2 March, 1867, c. 188, s. 1, v. 14, p. 546.

2 March, 1799, c. 22, s. 91, v. 1, p. 697.

Jones vs. Shore's Ex., 1 Wh., 462; *Van Ness vs. Buell*, 4 Wh., 74; *Buell vs. Van Ness*, 8 Wh., 312; U. S. vs. *Morris*, 10 Wh., 290; *McLane vs. U. S.*, 6 Pet., 404; *Hoyt vs. U. S.*, 10 How., 109; *Brig Holleu*, 1 Mas., 431; *Schooner Bolina*, 1 Gall., 75; *Sawyer vs. Steele*, 3 Wash., 464; *Hooper vs. Fifty-one Casks of Brandy*, Dav., 370; U. S. vs. *Collier*, 3 Blatch., 325; U. S. vs. *George*, 6 Blatch., 37; *Fifty Thousand Cigars*, Lowell, 22.

Warrant to seize papers.

2 March, 1867, c. 188, s. 2, v. 14, p. 547.

SEC. 3086. All merchandise or property of any kind seized under the provisions of any law of the United States relating to the customs, shall, unless otherwise provided for by law, be placed and remain in the custody of the collector or other principal officer of the customs of the district in which the seizure shall be made, to abide adjudication by the proper tribunal, or other disposition according to law.

SEC. 3087. The collector within whose district any seizure shall be made or forfeiture incurred for any violation of the duty laws is hereby enjoined to cause suits for the same to be commenced without delay, and prosecuted to effect; and is, moreover, authorized to receive from the court within which such trial is had, or from the proper officer thereof, the sum recovered, after deducting all proper charges to be allowed by the court; and on receipt thereof he shall pay and distribute the same without delay, according to law.

SEC. 3088. Whenever a vessel, or the owner or master of a vessel, has become subject to a penalty for a violation of the revenue laws of the United States, such vessel shall be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel to recover such penalty.

SEC. 3089. Whenever a seizure, condemnation, and sale of merchandise takes place within the United States, and the value thereof is less than two hundred and fifty dollars, that part of the forfeiture which accrues to the United States, or so much thereof as may be necessary, shall be applied to the payment of the cost of prosecution.

SEC. 3090. From the proceeds of fines, penalties, and forfeitures incurred under the provisions of the laws relating to the customs, there shall be deducted such charges and expenses as are by law in each case authorized to be deducted; and in addition, in case of the forfeiture of imported merchandise of a greater value than five hundred dollars on which duties have not been paid, or in case of a release thereof, upon payment of its appraised value, or of any fine or composition in money, there shall also be deducted an amount equivalent to the duties in coin upon such merchandise, including the additional duties, if any; which shall be credited in the accounts of the collector as duties received; and the residue of the proceeds shall be paid into the Treasury of the United States, and distributed, under the direction of the Secretary, in the manner following, to wit: One-half to the United States; one-fourth to the person giving the information which has led to the seizure, or to the recovery of the fine or penalty, and if there be no informer other than the collector, naval officer, or surveyor, then to the officer making the seizure; and the remaining one-fourth to be equally divided between the collector, naval officer, and surveyor, or such of them as are appointed for the district in which the seizure has been made, or the fine or penalty incurred, or if there be only a collector, then to such collector. But where any fine, penalty, or forfeiture, incurred by virtue of the laws relating to customs, shall be recovered in consequence of any information given by an officer of a revenue-cutter, the proceeds thereof shall, after the legal deductions, including the deductions herein authorized, have been made, be disposed of as follows: One-fourth to the United States; one-fourth to the officers of the customs, as hereinbefore provided; and the remainder to the officers of such revenue-cutter, to be divided among them in proportion to their pay.

SEC. 3091. Whenever it shall be made to appear to the satisfaction of the district judge for any judicial district in the United States, by complaint and affidavit, that any fraud on the revenue has been committed by any person interested, or in any way engaged, in the importation or entry of merchandise at any port within such district, the judge shall forthwith issue his warrant directed to the marshal of the district, requiring the marshal, by himself or deputy, to enter any place or prem-

ises where any invoices, books, or papers are deposited relating to the merchandise in respect to which such fraud is alleged to have been committed, and to take possession of such books or papers and produce them before the judge.

SEC. 3092. No warrant for such seizure shall be issued, unless the complaint shall set forth the character of the fraud alleged, the nature of the same, and the importations in respect to which it was committed, and the papers to be seized. The warrant issued on such complaint, with report of service and proceedings thereon, shall be returned as other warrants to the district court of the judicial district within which such judge presides.

SEC. 3093. Any invoices, books, or papers seized under the provisions of the two preceding sections shall be subject to the order of the judge, who shall allow the examination of the same by the collector of customs of the port into which the alleged fraudulent importation has been made, or by any officer duly authorized by the collector. Such invoices, books, or papers may be retained by the judge as long as, in his opinion, the retention thereof may be necessary.

SEC. 3094. Nothing contained in this Title shall be construed to exempt the masters or owners of vessels from making and subscribing any oaths required by any laws of the United States not immediately relating to the collection of the duties on the importation of merchandise into the United States.

Return of warrant.

2 March, 1867, c. 188, s. 2, v. 14, p. 547.

Examination of papers taken under warrant.

2 March, 1867, c. 188, s. 2, v. 14, p. 547.

No exemption from taking other oaths.

2 March, 1799, c. 22, s. 110, v. 1, p. 703.

CHAPTER ELEVEN.

PROVISIONS APPLYING TO COMMERCE WITH CONTIGUOUS COUNTRIES.

| Sec. | Sec. |
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| 3095. Manner of importation. | 3115. Remission for necessary repairs. |
| 3096. Vessels and vehicles. | 3116. Manifests of vessels in the coasting trade. |
| 3097. Entry on northern, &c., frontiers. | 3117. Entry for goods taken or delivered at intermediate ports. |
| 3098. Delivery of manifests. | 3118. Departure for place where there is no custom-house. |
| 3099. Penalty for non-delivery of manifest. | 3119. Report and unloading of cargoes. |
| 3100. Inspection of merchandise. | 3120. Time for delivery of merchandise taken from one port to another. |
| 3101. Penalty for obstructing inspection. | 3121. Landing permit for vessel from foreign port. |
| 3102. Sealing cars and vessels. | 3122. Departure from place where there is no custom-house. |
| 3103. Regulations for sealing. | 3123. Steam-tugs. |
| 3104. Penalty for not proceeding to port of destination, &c. | 3124. Forms. |
| 3105. Penalty for opening sealed packages. | 3125. Penalty for neglect. |
| 3106. Forfeiture of vessel, &c. | 3126. Registered vessels may touch at foreign ports. |
| 3107. Search of houses on boundary-line. | 3127. No duty by reason of touching at foreign port. |
| 3108. Penalty for receiving, &c., into such buildings. | 3128. Lake Champlain. |
| 3109. Report by masters of foreign vessels. | 3129. Entry of foreign vessels from British North American provinces. |
| 3110. Forfeiture for transportation by foreign vessels. | |
| 3111. Report of sea-stores. | |
| 3112. Duty on excess of stores. | |
| 3113. Duty on saloon-stores. | |
| 3114. Duty on equipments for vessels. | |

SEC. 3095. Except into the districts hereinbefore described on the northern, northwestern, and western boundaries of the United States, adjoining to the Dominion of Canada, or into the districts adjacent to Mexico, no merchandise of foreign growth or manufacture, subject to the payment of duties, shall be brought into the United States from any foreign port in any other manner than by sea, nor in any vessel of less than thirty tons burden, agreeably to the admeasurement directed for ascertaining the tonnage of vessels; or landed or unladen at any other port than is directed by this Title, under the penalty of seizure and forfeiture of all such vessels, and of the merchandise imported therein, landed or unladen in any other manner.

Manner of importation.

2 March, 1799, c. 22, s. 92, v. 1, p. 697.

Vessels and vehicles.

2 March, 1799, c. 22, s. 135, v. 1, p. 702.

Entry on the northern and northwestern frontiers.

2 March, 1799, c. 22, s. 106, v. 1, p. 702.

Delivery of manifests.

2 March, 1821, c. 14, s. 1, v. 3, p. 616.
18 July, 1866, c. 201, s. 9, v. 14, p. 180.

Steinham vs. U. S., 2 Paine, 168; *U. S. vs. Smith*, 2 Blatch., 127; Certain quantity of pine lumber, 4 *ibid.*, 182; *U. S. vs. Nolt*, 5 *ibid.*, 427.

Penalty for non-delivery of manifest.

2 March, 1821, c. 14, s. 1, v. 3, p. 616.
3 March, 1823, c. 58, s. 1, v. 3, p. 781.
18 July, 1866, c. 201, s. 9, v. 14, p. 180.

Inspection of merchandise.

27 June, 1864, c. 164, s. 1, v. 13, p. 197.

Penalty for obstructing inspection.

SEC. 3096. All persons may import any merchandise of which the importation shall not be entirely prohibited, into the districts which are or may be established on the northern and northwestern boundaries of the United States, in vessels or boats of any burden, and in rafts or carriages of any kind or nature whatsoever.

SEC. 3097. All vessels, boats, rafts, and carriages, of what kind soever, arriving in such districts, on the northern and northwestern frontiers, containing merchandise subject to duties, on being imported into any port of the United States, shall be reported to the collector, or other chief officer of the customs at the port of entry in the district into which it shall be so imported; and such merchandise shall be accompanied with like manifests, and like entries shall be made, by the persons having charge of any such vessels, boats, rafts, and carriages, and by the owners or consignees of the merchandise laden on board the same; and the powers and duties of the officers of the customs shall be exercised and discharged in the districts last mentioned, in like manner as is prescribed in respect to merchandise imported in vessels from the sea; and generally, all such importations shall be subject to like regulations, penalties, and forfeitures as in other districts, except as is hereinafter specially provided.

SEC. 3098. The master of any vessel, except registered vessels, and every person having charge of any boat, canoe, or raft, and the conductor or driver of any carriage or sleigh, and every other person, coming from any foreign territory adjacent to the United States into the United States, with merchandise subject to duty, shall deliver, immediately on his arrival within the United States, a manifest of the cargo or loading of such vessel, boat, canoe, raft, carriage, or sleigh, or of the merchandise so brought from such foreign territory, at the office of any collector or deputy collector which shall be nearest to the boundary-line, or nearest to the road or waters by which such merchandise is brought; and every such manifest shall be verified by the oath of such person delivering the same; which oath shall be taken before such collector or deputy collector; and such oath shall state that such manifest contains a full, just, and true account of the kinds, quantities, and values of all the merchandise so brought from such foreign territory.

SEC. 3099. If the master, or other person having charge of any vessel, boat, canoe, or raft, or the conductor or driver of any carriage or sleigh, or other person bringing such merchandise, shall neglect or refuse to deliver the manifest required by the preceding section, or pass by or avoid such office, the merchandise subject to duty, and so imported, shall be forfeited to the United States, together with the vessel, boat, canoe, or raft, the tackle, apparel, and furniture of the same, or the carriage or sleigh, and harness and cattle drawing the same, or the horses with their saddles and bridles, as the case may be; and such master, conductor, or other importer shall be subject to a penalty of four times the value of the merchandise so imported.

SEC. 3100. All merchandise, and all baggage and effects of passengers, and all other articles imported into the United States from any contiguous foreign country, except as hereafter provided, as well as the vessels, cars, and other vehicles and envelopes in which the same shall be imported, shall be unladen in the presence of, and be inspected by, an inspector or other officer of the customs, at the first port of entry or custom-house in the United States where the same shall arrive; and to^(a) enable the owner or his agent, or other person, having charge or possession of the proper officer thoroughly to discharge this duty, he may require any trunk, traveling-bag, or sack, valise, or other envelope, or of any closed vessel, car, or other vehicle, to open the same, or to deliver to him the proper key.

SEC. 3101. If any owner, agent, or other person shall refuse or neglect to comply with his demands, allowed by the preceding section, the officer shall retain such trunk, traveling-bag, or sack, valise, or what-

(^a) The ninth and tenth lines of Sec. 3100 should be transposed.

soever it may be, and open the same, and, as soon thereafter as may be practicable, examine the contents; and if any article subject to the payment of duty shall be found therein, the whole contents, together with the envelope, shall be forfeited to the United States, and disposed of as the law provides in other similar cases. If any such dutiable merchandise or article shall be found in any such vessel, car, or other vehicle, the owner, agent, or other person in charge of which shall have refused to open the same or deliver the key as herein provided, the same, together with the vessel, car, or other vehicle, shall be forfeited to the United States, and shall be held by such officer, to be disposed of as the law provides in other similar cases of forfeiture.

SEC. 3102. To avoid the inspection at the first port of arrival, the owner, agent, master, or conductor of any such vessel, car, or other vehicle, or owner, agent, or other person having charge of any such merchandise, baggage, effects, or other articles, may apply to any officer of the United States duly authorized to act in the premises, to seal or close the same, under and according to the regulations hereinafter authorized, previous to their importation into the United States; which officer shall seal or close the same accordingly; whereupon the same may proceed to their port of destination without further inspection. Every such vessel, car, or other vehicle, shall proceed, without unnecessary delay, to the port of its destination, as named in the manifest of its cargo, freight, or contents, and be there inspected. Nothing contained in this section shall be construed to exempt such vessel, car, or vehicle, or its contents, from such examination as may be necessary and proper to prevent frauds upon the revenue and violations of this Title.

SEC. 3103. The Secretary of the Treasury is hereby authorized and required to make such regulations, and from time to time so to change the same as to him shall seem necessary and proper, for sealing such vessels, cars, and other vehicles, when practicable, and for sealing, marking, and identifying such merchandise, baggage, effects, trunks, traveling-bags, or sacks, valises, and other envelopes and articles; and also in regard to invoices, manifests, and other pertinent papers, and their authentication.

SEC. 3104. If the owner, master, or person in charge of any vessel, car, or other vehicle so sealed, shall not proceed to the port or place of destination thereof named in the manifest of its cargo, freight, or contents, and deliver such vessel, car, or vehicle to the proper officer of the customs, or shall dispose of the same by sale or otherwise, or shall unload the same, or any part thereof, at any other than such port, or place, or shall sell or dispose of the contents of such vessel, car, or other vehicle, or any part thereof, before such delivery, he shall be deemed guilty of felony, and on conviction thereof, before any court of competent jurisdiction, pay a fine not exceeding one thousand dollars, or shall be imprisoned for a term not exceeding five years, or both, at the discretion of the court; and such vessel, car, or other vehicle, with its contents, shall be forfeited to the United States, and may be seized wherever found within the United States, and disposed of and sold as in other cases of forfeiture. Nothing in this section, however, shall be construed to prevent sales of cargo, in whole or in part, prior to arrival, to be delivered as per manifest, and after due inspection.

SEC. 3105. If any unauthorized person or persons shall willfully break, cut, pick, open, or remove any wire, seal, lead, lock, or other fastening or mark attached to any vessel, car, or other vehicle, crate, box, bag, bale, basket, barrel, bundle, cask, trunk, package, or parcel, or anything whatsoever, under and by virtue of this Title and regulations authorized by it, or any other law, or shall affix or attach, or any way willfully aid, assist, or encourage the affixing in or attaching, by wire or otherwise, to any vessel, car, or other vehicle, or to any crate, box, bale, barrel, bag, basket, bundle, cask, package, parcel, article, or thing of any kind, any seal, lead, metal, or anything purporting to be a seal authorized by law, such person or persons shall be deemed guilty of felony, and shall be

27 June, 1864, c. 164, s. 1, v. 13, p. 197.

Sealing cars and vessels.

27 June, 1864, c. 164, s. 2, v. 13, p. 197.

Regulations for sealing.

27 June, 1864, c. 164, s. 3, v. 13, p. 197.

Penalty for not proceeding to port of destination, &c.

27 June, 1864, c. 164, s. 4, v. 13, p. 197.

Penalty for opening sealed packages.

27 June, 1864, c. 164, s. 5, v. 13, p. 198.

U. S. vs. Three R. cars, 1 Abb. U. S., 196.

Forfeiture of vessel, &c.

27 June, 1864, c. 164, s. 5, v. 13, p. 198.

Search, &c., of buildings on boundary-line.

28 Feb., 1865, c. 67, s. 3, v. 13, p. 442.

Penalty for receiving, &c., into such building.

28 Feb., 1865, c. 67, s. 3, v. 13, p. 442.

Report by masters of foreign vessels.

18 July, 1866, c. 201, s. 41, v. 14, p. 188.

Forfeiture for transportation by foreign vessels.

18 July, 1866, c. 201, s. 20, v. 14, p. 182.

Report of sea-stores.

18 July, 1866, c. 201, s. 22, v. 14, p. 183.

10 Feb., 1871, c. 45, s. 1, v. 16, p. 408.

imprisoned for a term not exceeding five years, or shall pay a fine of not exceeding one thousand dollars, or both, at the discretion of the court.

SEC. 3106. Each vessel, car, or other vehicle, crate, box, bag, basket, barrel, bundle, cask, trunk, package, parcel, or other thing, with the cargo, or contents thereof, from which the wire, seal, lead, lock, or other fastening or mark shall have been broken, cut, picked, opened, or removed by any such unauthorized person or persons, or to which such seal, or other thing purporting to be a seal, has been wrongfully attached, shall be forfeited.

SEC. 3107. If any store, warehouse, or other building shall be upon or near the boundary-line between the United States and any foreign country, and there is reason to believe that dutiable merchandise is deposited or has been placed therein or carried through or into the same without payment of duties, and in violation of law, and the collector, deputy collector, naval officer, or surveyor of customs, shall make oath before any magistrate competent to administer the same, that he has reason to believe, and does believe, that such offense has been therein committed, such officer shall have the right to search such building and the premises belonging thereto; and if any such merchandise shall be found therein, the same, together with such building, shall be seized, forfeited, and disposed of according to law, and the building shall be forthwith taken down or removed.

SEC. 3108. Any person who shall have received or deposited in such building upon the boundary-line between the United States and any foreign country, or carried through the same, any merchandise, or shall have aided therein, in violation of law, shall be punishable by a fine of not more than ten thousand dollars, or by imprisonment for not more than two years, or by both.

SEC. 3109. The master of any foreign vessel, laden or in ballast, arriving in the waters of the United States from any foreign territory adjacent to the northern, northeastern, or northwestern frontiers of the United States, shall report at the office of any collector or deputy collector of the customs, which shall be nearest to the point at which such vessel may enter such waters; and such vessel shall not proceed farther inland, either to unlade or take in cargo, without a special permit from such collector or deputy collector, issued under and in accordance with such general or special regulations as the Secretary of the Treasury may in his discretion, from time to time, prescribe. For any violation of this section such vessel shall be seized and forfeited.

SEC. 3110. If any merchandise shall, at any port in the United States on the northern, northeastern, or northwestern frontiers thereof, be laden upon any vessel belonging wholly or in part to a subject of a foreign country, and shall be taken thence to a foreign port to be reladen and reshipped to any other port in the United States on such frontiers, either by the same or any other vessel, foreign or American, with intent to evade the provisions relating to the transportation of merchandise from one port of the United States to another port of the United States, in a vessel belonging wholly or in part to a subject of any foreign power, the merchandise shall, on its arrival at such last-named port, be seized and forfeited to the United States, and the vessel shall pay a tonnage-duty of fifty cents per ton on her admeasurement.

SEC. 3111. If any vessel enrolled or licensed to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States shall touch at any port in the adjacent British provinces, and the master of such vessel shall purchase any merchandise for the use of the vessel, the master of the vessel shall report the same, with cost and quantity thereof, to the collector or other officer of the customs at the first port in the United States at which he shall next arrive, designating them as "sea-stores;" and in the oath to be taken by such master of such vessel, on making such report, he shall declare that the articles so specified or designated "sea-stores" are truly intended for the use exclusively of the vessel, and are not intended for sale, trans-

fer, or private use. If any other or greater quantity of dutiable articles shall be found on board such vessel than are specified in such report or entry of such articles, or any part thereof shall be landed without a permit from a collector or other officer of the customs, such articles, together with the vessel, her apparel, tackle, and furniture, shall be forfeited.

SEC. 3112. If, upon examination and inspection by the collector or other officer of the customs, such articles are not deemed excessive in quantity for the use of the vessel, until an American port may be reached by such vessel, where such sea-stores can be obtained, such articles shall be declared free of duty; but if it shall be found that the quantity or quantities of such articles, or any part thereof so reported, are excessive, it shall be lawful for the collector or other officer of the customs to estimate the amount of duty on such excess, which shall be forthwith paid by the master of the vessel, on penalty of paying a sum of not less than one hundred dollars, nor more than four times the value of such excess, or such master shall be punishable by imprisonment for not less than three months, and not more than two years.

SEC. 3113. Articles purchased for the use of or for sale on board any such vessel, as saloon stores or supplies, shall be deemed merchandise, and shall be liable, when purchased at a foreign port, to entry and the payment of the duties found to be due thereon, at the first port of arrival of such vessel in the United States; and for a failure on the part of the saloon-keeper or person purchasing or owning such articles to report, make entries, and pay duties, as hereinbefore required, such articles, together with the fixtures and other merchandise, found in such saloon or on or about such vessel belonging to and owned by such saloon-keeper or other person interested in such saloon, shall be seized and forfeited, and such saloon-keeper or other person so purchasing and owning shall be liable to a penalty of not less than one hundred dollars and not more than five hundred, and shall be punishable by imprisonment for not less than three months, and not more than two years.

SEC. 3114. The equipments, or any part thereof, including boats, purchased for, or the expenses of repairs made in a foreign country upon a vessel enrolled and licensed under the laws of the United States to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, or a vessel intended to be employed in such trade, shall, on the first arrival of such vessel in any port of the United States, be liable to entry and the payment of an ad-valorem duty of fifty per centum on the cost thereof in such foreign country; and if the owner or master of such vessel shall wilfully and knowingly neglect or fail to report, make entry, and pay duties as herein required, such vessel, with her tackle, apparel, and furniture, shall be seized and forfeited.

SEC. 3115. If the owner or master of such vessel shall, however, furnish good and sufficient evidence that such vessel, while in the regular course of her voyage, was compelled, by stress of weather or other casualty, to put into such foreign port and purchase such equipments, or make such repairs, to secure the safety of the vessel to enable her to reach her port of destination, then it shall be competent for the Secretary of the Treasury to remit or refund such duties, and such vessel shall not be liable to forfeiture, and no license or enrollment and license, or renewal of either, shall hereafter be issued to any such vessel until the collector to whom application is made for the same shall be satisfied, from the oath of the owner or master, that all such equipments and repairs made within the year immediately preceding such application have been duly accounted for under the provisions of this and the preceding sections, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited.

SEC. 3116. The master of every vessel enrolled or licensed to engage in the foreign and coasting trade on the northern, northeastern, and

Duty on excess of stores.

18 July, 1866, c. 201, s. 22, v. 14, p. 183.

10 Feb., 1871, c. 45, s. 1, v. 16, p. 408.

Duty on saloon stores.

18 July, 1866, c. 201, s. 22, v. 14, p. 183.

10 Feb., 1871, c. 45, s. 1, v. 16, p. 409.

Duty on equipments for vessels.

18 July, 1866, c. 201, s. 23, v. 14, p. 183.

Remission for necessary repairs.

18 July, 1866, c. 201, s. 23, v. 14, p. 184.

Manifests of vessels in the coasting trade.

1 July, 1870, c. 185, s. 1, v. 16, p. 176.

Entry for goods taken or delivered at intermediate ports.

1 July, 1870, c. 185, s. 1, v. 16, p. 176.

Departure for places where there is no custom-house.

1 July, 1870, c. 185, s. 1, v. 16, p. 176.

Report and unloading of cargoes.

1 July, 1870, c. 185, s. 1, v. 16, p. 177.

Time for delivery of merchandise taken from one port to another.

18 July, 1866, c. 201, s. 26, v. 14, p. 184.

Landing permit for vessel from foreign port.

1 July, 1870, c. 185, s. 1, v. 16, p. 177.

Departure from place where there is no custom-house.

1 July, 1870, c. 185, s. 2, v. 16, p. 177.

Steam-tugs.

1 July, 1870, c. 185, s. 3, v. 16, p. 177.

northwestern frontiers of the United States, except canal-boats employed in navigating the canals within the United States, shall, before the departure of his vessel from a port in one collection-district to a port in another collection-district, present to the collector at the port of departure duplicate manifests of his cargo, or, if he have no cargo, duplicate manifests setting forth that fact; such manifests shall be subscribed and sworn to by the master before the collector, who shall indorse thereon his certificate of clearance, retaining one for the files of his office; the other he shall deliver for the use of the master.

SEC. 3117. If any vessel so enrolled or licensed shall touch at any intermediate port in the United States, and there discharge cargo taken on board at an American port, or at such intermediate ports shall take on board cargo destined for an American port, the master of such vessel shall not be required to report such lading or unlading at such intermediate ports, but shall enter the same on his manifest obtained at the original port of departure, which he shall deliver to the collector of the port at which the unlading of the cargo is completed, within twenty-four hours after arrival, and shall subscribe and make oath as to the truth and correctness of the same.

SEC. 3118. The master of any vessel so enrolled or licensed shall, before departing from a port in one collection-district to a place in another collection-district, where there is no custom-house, file his manifest, and obtain a clearance in the same manner, and make oath to the manifest, which manifest and clearance shall be delivered to the proper officer of customs at the port at which the vessel next arrives after leaving the place of destination specified in the clearance.

SEC. 3119. Nothing contained in the three preceding sections shall exempt masters of vessels from reporting, as now required by law, any merchandise destined for any foreign port. No permit shall be required for the unlading of cargo brought from an American port.

SEC. 3120. No merchandise taken from any port in the United States on the northern, northeastern, or northwestern frontiers thereof, to a port in another collection-district of the United States on such frontiers, in any vessel, shall be unladen or delivered from such vessel within the United States, but in open day, that is to say, between the rising and setting of the sun, except by special license from the collector or other principal officer of the port for the purpose. The owner of every vessel whose master or manager shall neglect to comply with the provisions of this section shall be liable to a penalty of not less than one hundred dollars nor more than five hundred. The Secretary of the Treasury may, from time to time, make such regulations as to him shall seem necessary and expedient for unloading at and clearance from any port or place on such frontiers of ships or vessels at night.

SEC. 3121. The master of any vessel with cargo, passengers, or baggage from any foreign port, shall obtain a permit and comply with existing laws, before discharging or landing the same.

SEC. 3122. The master of any vessel so enrolled or licensed, destined with a cargo from a place in the United States, at which there may be no custom-house, to a port where there may be a custom-house, shall, within twenty-four hours after arrival at the port of destination, deliver to the proper officer of the customs a manifest, subscribed by him, setting forth the cargo laden at the place of departure, or laden or unladen at any intermediate port, or place, to the truth of which manifest he shall make oath before such officer. If the vessel, however, have no cargo, the master shall not be required to deliver such manifest.

SEC. 3123. Steam-tugs duly enrolled and licensed to engage in the foreign and coasting trade on the northern, northeastern, and northwestern frontiers of the United States, when exclusively employed in towing vessels, shall not be required to report and clear at the custom-house. When such steam-tugs, however, are employed in towing rafts

or other vessels without sail or steam motive-power, not required to be enrolled or licensed under existing laws, they shall be required to report and clear in the same manner as is hereinbefore provided in similar cases for other vessels.

SEC. 3124. The manifests, certificates of clearance, and oaths, provided for by the eight preceding sections, shall be in such form, and prepared, filled up, and executed in such manner as the Secretary of the Treasury may from time to time prescribe.

SEC. 3125. If the master of any enrolled or licensed vessel shall neglect or fail to comply with any of the provisions or requirements of the nine preceding sections, such master shall forfeit and pay to the United States the sum of twenty dollars for each and every failure or neglect, and for which sum the vessel shall be liable, and may be summarily proceeded against, by way of libel, in any district court of the United States.

SEC. 3126. Any vessel, on being duly registered in pursuance of the laws of the United States, may engage in trade between one port in the United States and one or more ports within the same, with the privilege of touching at one or more foreign ports during the voyage, and land and take in thereat merchandise, passengers and their baggage, and letters, and mails. All such vessels shall be furnished by the collectors of the ports at which they shall take in their cargoes in the United States, with certified manifests, setting forth the particulars of the cargoes, the marks, number of packages, by whom shipped, to whom consigned, at what port to be delivered; designating such merchandise as is entitled to drawback, or to the privilege of being placed in warehouse; and the masters of all such vessels shall, on their arrival at any port of the United States from any foreign port at which such vessel may have touched, as herein provided, conform to the laws providing for the delivery of manifests of cargo and passengers taken on board at such foreign port, and all other laws regulating the report and entry of vessels from foreign ports, and be subject to all the penalties therein prescribed.

SEC. 3127. Any foreign merchandise taken in at one port of the United States to be conveyed in registered vessels to any other port within the same, either under the provisions relating to warehouses, or under the laws regulating the transportation coastwise of merchandise entitled to drawback, as well as any merchandise not entitled to drawback, but on which the import duties chargeable by law shall have been duly paid, shall not become subject to any import duty by reason of the vessel in which they may arrive having touched at a foreign port during the voyage.

SEC. 3128. When any merchandise shall be imported from Canada into the United States, in any steamboat on Lake Champlain, and the merchandise shall have been duly entered, the duties thereon paid at the office of the collector of any district adjoining Lake Champlain, it shall be lawful to land such merchandise in the same or any other district adjoining Lake Champlain.

SEC. 3129. The Secretary of the Treasury, with the approbation of the President, provided the latter shall be satisfied that similar privileges are extended to vessels of the United States in the colonies hereinafter mentioned, is hereby authorized, under such regulations as he may prescribe to protect the revenue from fraud, to permit vessels laden with the products of Canada, New Brunswick, Nova Scotia, Newfoundland, and Prince Edward Island, or either of them, to lade or unlade at any port within any collection-district of the United States which he may designate; and if any such vessel entering a port so designated, to lade or unlade, shall neglect or refuse to comply with the regulations so prescribed by the Secretary of the Treasury, such vessel, and the owner and master thereof, shall be subject to the same penalties as if no authority under this section had been granted to lade or unlade in such port.

Forms.

1 July, 1870, c. 185, s. 4, v. 16, p. 177.

Penalty for neglect.

1 July, 1870, c. 185, s. 5, v. 16, p. 177.

Registered vessels may touch at foreign ports.

27 May, 1848, c. 48, s. 1, v. 9, p. 232.

No duty by reason of touching at foreign port.

27 May, 1848, c. 48, s. 2, v. 9, p. 232.

Lake Champlain.

3 March, 1817, c. 109, s. 4, v. 3, p. 397.

Entry of foreign vessels from British North American Provinces.

26 Sept., 1850, c. 69, v. 9, p. 469.

TITLE XXXV. INTERNAL REVENUE.

CHAPTER ONE.

OFFICERS OF INTERNAL REVENUE.

| Sec. | Sec. |
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| 3140. Definition of word "State." | 3160. Supervisor's salary. |
| 3141. Collection districts. | 3161. Officers in charge of exportation and drawbacks. |
| 3142. Collectors. | 3162. Superintendents of exports and drawbacks may administer oaths. |
| 3143. Collectors' bonds. | 3163. Supervisor's duties and powers. |
| 3144. Collectors to be disbursing agents. | 3164. Duty of collectors to report violations of law to district attorney. |
| 3145. Collectors' salary and allowances. | 3165. Revenue officer who may administer oaths and take evidence. |
| 3146. Accounts of collectors adjusted according to fiscal year. | 3166. Revenue officers authorized to make seizures. |
| 3147. Apportionment of compensation of collectors. | 3167. Revenue officers disclosing operations of manufacturers, &c.; penalty. |
| 3148. Deputy collectors. | 3168. Officers not to be interested in certain manufactures; penalty. |
| 3149. Disability or vacancy in office of collector. | 3169. Officers of internal revenue guilty of extortion, receiving unlawful fees, and other unlawful acts. |
| 3150. Deputy collector, when entitled to collector's salary. | 3170. District attorney or marshal accepting or demanding anything for compromise of violation of internal-revenue laws. |
| 3151. Inspectors of tobacco and cigars. | 3171. Officers suffering injuries may maintain suit for damages. |
| 3152. Agents. | |
| 3153. Store-keepers and their salaries. | |
| 3154. Assignment and transfer of store-keepers. | |
| 3155. Temporary store-keeper. | |
| 3156. Gaugers. | |
| 3157. Gaugers' fees. | |
| 3158. Statement under oath of fees, &c.; penalty. | |
| 3159. Supervisors. | |

Definition of the word "State."

30 June, 1864, c. 173, s. 182, v. 13, p. 306.

Collection districts.

30 June, 1864, c. 173, s. 7, v. 13, p. 224.
12 July, 1870, c. 251, s. 1, v. 16, p. 239.
1 July, 1862, c. 119, s. 2, v. 12, p. 433.

Collectors.

30 June, 1864, c. 173, s. 7, v. 13, p. 224.
1 July, 1862, c. 119, s. 2, v. 12, p. 433.
14 July, 1870, c. 255, s. 18, v. 16, p. 261.

SEC. 3140. The word "State," when used in this Title, shall be construed to include the Territories and the District of Columbia, where such construction is necessary to carry out its provisions.

SEC. 3141. For the purpose of assessing, levying, and collecting the taxes provided by the internal-revenue laws, the President may establish convenient collection-districts, and for that purpose he may subdivide any State, Territory, or the District of Columbia, or may unite two or more States or Territories into one district, and may from time to time alter said districts: *Provided*, That the number of districts in any State shall not exceed the number of Representatives in Congress to which such State was entitled in the Thirty-seventh Congress, except in such States as were entitled to an increased representation in the Thirty-eighth Congress, in which States the number of districts shall not exceed the number of Representatives to which any such State was so entitled: *And provided further*, That in the State of California the President may establish a number of districts not exceeding the number of Senators and Representatives to which said State is entitled, in the Thirty-seventh Congress.

SEC. 3142. The President, by and with the advice and consent of the Senate, shall appoint for each collection-district a collector, who shall be a resident of the same. When two or more collection-districts are united by him, he may designate from among the existing officers of such districts one collector for the new district, or, at his discretion, he may make a new appointment of such officer for said district.

SEC. 3143. Every collector, before entering upon the duties of his office, shall execute a bond for such amount as may be prescribed by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, with not less than five sureties, to be approved by the Solicitor of the Treasury, conditioned that said collector shall faithfully perform the duties of his office according to law, and shall justly and faithfully account for and pay over to the United States, in compliance with the order or regulations of the Secretary of the Treasury, all public moneys which may come into his hands or possession; and he shall, from time to time, renew, strengthen, and increase his official bond, as the Secretary of the Treasury may direct, with such further conditions as the said Commissioner shall prescribe. Said bonds shall be filed in the office of the First Comptroller of the Treasury.

Collectors' bonds.
30 June, 1864, c. 137, s. 9, v. 13, p. 225.

SEC. 3144. It shall be the duty of such collectors of internal revenue as may be designated by the Secretary of the Treasury to act as disbursing agents of the Treasury for the payment of all expenses of collection of taxes and other expenditures for the internal revenue service within their respective districts, under regulations and instructions from the Secretary of the Treasury, on giving good and sufficient bond, with such sureties, in such form, and in such penal sum as shall be prescribed by the First Comptroller of the Treasury, and approved by the Secretary of the Treasury, for the faithful performance of their duties as such disbursing agents; but no additional compensation shall be paid to collectors for such services. [See §§ 1788-1790.]

Collectors to be disbursing agents.
3 March, 1865, c. 78, s. 4, v. 13, p. 483.

SEC. 3145. There shall be allowed to collectors, in full compensation for their services, and for those of their deputies, a salary of fifteen hundred dollars per annum, to be paid quarterly, and, in addition thereto, a commission of three per centum upon the first hundred thousand dollars, of one per centum upon all sums above one hundred thousand dollars and not exceeding four hundred thousand dollars, and of one-half of one per centum on all sums above four hundred thousand dollars and not exceeding one million dollars, and of one-eighth of one per centum on all sums above one million of dollars; such commissions to be computed upon the amounts by them respectively collected and paid over and accounted for under the instructions of the Treasury Department; except that in determining the compensation to be allowed to any collector the commission shall be computed on only one half of the tax received on any articles which shall have been transported from his district in bond, and on only one-half of the tax received on any articles received in his district in bond, where such transportation has been by shipment from one district to another. And there shall be further paid, after the account thereof has been rendered to and approved by the proper officers of the Treasury, to each collector his necessary and reasonable charges for advertising, stationery, and blank-books used in the performance of his official duties, and for postage actually paid on letters and documents received or sent, and exclusively relating to official business; but no such account shall be allowed unless it states the date and the particular items of every such expenditure, and is verified by the oath of the collector. The Secretary of the Treasury may make such further allowances, from time to time, as may be reasonable, in cases where, by reason of the territorial extent of the district, or the amount of internal taxes collected, or other circumstances, it may seem just to make such allowances. But the total net compensation of a collector shall not in any case exceed four thousand five hundred dollars a year; and no collector shall be entitled to any portion of the salary pertaining to his office unless he shall have been confirmed by the Senate, except in cases of commissions to fill vacancies which happen by death or resignation during the recess of the Senate.

Collectors' salary and allowances.
30 June, 1864, c. 173, s. 25, v. 13, p. 231.
3 March, 1865, c. 78, s. 1, v. 13, p. 469.
13 July, 1866, c. 184, s. 9, v. 14, p. 106.
2 March, 1867, c. 169, s. 9, v. 14, p. 473.
2 March, 1867, c. 166, s. 1, v. 14, p. 445.
3 March, 1873, c. 226, s. 1, v. 17, p. 494.

SEC. 3146. In adjusting the accounts of collectors, accruing after June thirtieth, eighteen hundred and sixty-four, and in the payment of their compensation for services, the fiscal year of the Treasury shall be observed.

Accounts of collectors adjusted according to fiscal year.

Apportionment
of compensation of
collectors.

13 July, 1866, c.
184, s. 9, v. 14, p.
106.

30 June, 1864, c.
173, s. 26, v. 13, p.
232.

Deputy collect-
ors.

30 June, 1864, c.
173, s. 10, v. 13, p.
225.

Disability or va-
cancy in office of
collector.

30 June, 1864, c.
173, ss. 39, 40, v. 13,
p. 238.

3 March, 1865, c.
78, s. 1, v. 13, p. 471.

2 March, 1867, c.
169, s. 9, v. 14, p.
473.

Deputy collector,
when entitled to
collector's salary.

1 July, 1870, c.
187, v. 16, p. 179.

1 March, 1869, c.
57, s. 1, v. 15, p. 282.

Inspectors of to-
bacco and cigars.

30 June, 1864, c.

SEC. 3147. When any part of the compensation of the collector of any district is by commission upon assessments or collections, and, in consequence of a new appointment, is due to more than one collector within the same year, such commissions shall be apportioned between such collectors; but in no case shall a greater amount of the commissions be allowed to two or more collectors in the same district than shall have been authorized by law to be allowed to one collector, and the same rules shall apply to the salaries and commissions of assessors and collectors heretofore earned and accrued. But no payment shall be made to collectors, on account of salaries or commissions, without the certificate of the Commissioner of Internal Revenue that all reports required by law or regulation have been received, or that a satisfactory explanation has been rendered to him of the cause of delay.

SEC. 3148. Each collector shall be authorized to appoint, by an instrument in writing, under his hand, as many deputies as he may think proper, to be by him compensated for their services; to revoke any such appointment, giving such notice thereof as the Commissioner of Internal Revenue may prescribe; and to require and accept bonds or other securities from such deputies. Each such deputy shall have the like authority, in every respect, to collect the taxes, levied or assessed within the portion of the district assigned to him, which is by law vested in the collector himself; but each collector shall, in every respect, be responsible both to the United States and to individuals, as the case may be, for all moneys collected, and for every act done or neglected to be done by any of his deputies while acting as such.

SEC. 3149. In case of the sickness of a collector or of his temporary disability to discharge his duties, they may be devolved by him upon one of his deputies; and for the official acts or defaults of such deputy the collector and his sureties shall be held responsible to the United States. In case of a vacancy occurring in the office of collector, the deputies of such collector shall continue to act until his successor is appointed; and until a successor is appointed the deputy of such collector senior in service shall discharge all the duties of collector; and of two or more deputies appointed on the same day, the one residing nearest the residence of the collector when the vacancy occurred shall discharge the said duties until another collector is appointed: *Provided*, That when it appears to the Secretary of the Treasury that the interest of the Government so requires, he may, by his order, direct the said duties to be performed by such other one of the said deputies as he may designate. For the official acts and defaults of such senior deputy, remedy shall be had on the official bond of the collector, as in other cases. And any bond or security taken from a deputy by a collector, pursuant to the preceding section, shall be available to his legal representatives and sureties to indemnify them for loss or damage accruing from any act or omission of duty by the deputy so continuing or succeeding to the duties of such collector.

SEC. 3150. Any deputy collector who has performed or may perform, under authority of law, the duties of any collector in consequence of a vacancy in the office of said collector, shall be entitled to receive the salary and commissions allowed by law to such collector, or the allowance in lieu of said salary and commissions allowed by the Secretary of the Treasury to such collector, and the Secretary of the Treasury may make to such deputy collector such allowance in lieu of salary and commissions as he might lawfully make to such collector. And such deputy shall not be debarred from receiving such salary and commissions, or allowances in lieu thereof, by reason of the holding of another Federal office by said collector during the time for which such deputy acts as collector. But all payments to such deputy collector shall be upon duly audited vouchers.

SEC. 3151. There shall be appointed by the Secretary of the Treasury, in every collection-district where they may be necessary, one or more inspectors of tobacco and cigars, who shall take an oath faithfully to

perform their duties, in such form as the Commissioner of Internal Revenue may prescribe, and shall be entitled to receive such fees as he may prescribe, to be paid by the owner or manufacturer of the articles inspected. Such inspectors shall be required to give bonds, with security approved by the Secretary of the Treasury, or collector of the district, in a sum not less than five thousand dollars, conditioned for the faithful discharge of the duties of such inspector.

SEC. 3152. The Commissioner of Internal Revenue may, whenever in his judgment the necessities of the service so require, employ competent agents, not exceeding at any time twenty-five in number, to be paid such compensation as he may deem proper, not exceeding, in aggregate, any appropriation made for that purpose, and he may, at his discretion, assign any such agent to duty under the direction of any officer of internal revenue, or to such other special duty as he may deem necessary; and no general or special agent or inspector, by whatever designation he may be known, of the Treasury Department in connection with the internal revenue, except inspectors of tobacco, snuff, and cigars, and except as provided for in this Title, shall be appointed, commissioned, employed, or continued in office. [See § 5448.]

SEC. 3153. There shall be appointed by the Secretary of the Treasury such number of internal-revenue store-keepers as may be necessary, who shall each receive such compensation, not exceeding five dollars a day, to be paid monthly by the United States, as may be determined by the Commissioner of Internal Revenue. No store-keeper shall be engaged in any other business while in the service of the United States, without the written permission of the Commissioner of Internal Revenue. Every store-keeper shall take an oath faithfully to perform the duties of his office, and shall give a bond, to be approved by the Commissioner of Internal Revenue, for the faithful discharge of his duties, in such form and for such amount as the Commissioner may prescribe.

SEC. 3154. One or more store-keepers shall be assigned by the Commissioner of Internal Revenue to every bonded or distillery warehouse established by law; and any store-keeper may be transferred by the supervisor on duty in the district, or by the Commissioner of Internal Revenue, from one warehouse to another.

SEC. 3155. In case of the absence of any internal-revenue store-keeper by reason of sickness or other cause, the collector having control of the warehouse may designate a person to have temporary charge thereof, who shall, during such absence, perform the duties and receive the pay of the store-keeper for the time he may be so employed, and shall for any violation of the law be subject to the same punishment as store-keepers.

SEC. 3156. The Secretary of the Treasury shall appoint in every collection-district where they may be necessary, one or more internal-revenue gaugers, who shall each take an oath faithfully to perform his duties, and shall give bond, with one or more sureties, satisfactory to the Commissioner of Internal Revenue, for the faithful discharge of the duties assigned to him by law or regulations; and the penal sum of said bond shall not be less than five thousand dollars, and said bond shall be renewed or strengthened as the Commissioner of Internal Revenue may require. The duties of every such gauger shall be performed under the supervision and direction of the collector of the district to which he may be assigned, or of the collector in charge of exports at any port of entry to which he may be assigned.

SEC. 3157. Gaugers shall be entitled to receive such fees, to be determined by the quantity gauged, as may be prescribed by the Commissioner of Internal Revenue; and said fees, together with their actual and necessary traveling expenses, shall be verified by their oaths, and shall be paid by the United States monthly.

173, s. 58, v. 13, p. 244.

20 July, 1868, c. 186, s. 50, v. 15, p. 145.

13 July, 1866, c. 184, s. 29, v. 14, p. 155.

2 March, 1867, c. 169, s. 17, v. 14, p. 481.

Agents.

20 July, 1868, c. 186, s. 50, v. 15, p. 145.

6 June, 1872, c. 315, s. 12, v. 17, p. 241.

2 March, 1867, c. 169, s. 7, v. 14, p. 473.

Store-keepers and their salaries.

20 July, 1868, c. 186, s. 52, v. 15, p. 145.

29 March, 1869, Res. 5, v. 16, p. 52.

12 July, 1870, c. 251, s. 1, v. 16, p. 239.

6 June, 1872, c. 315, s. 14, v. 17, p. 244.

Assignment and transfer of store-keepers.

20 July, 1868, c. 186, s. 52, v. 15, p. 145.

Temporary store-keeper.

20 July, 1868, c. 186, s. 52, v. 15, p. 146.

Gaugers.

20 July, 1868, c. 186, s. 53, v. 15, p. 147.

Gaugers' fees.

20 July, 1868, c. 186, s. 53, v. 15, p. 147.

6 June, 1872, c. 315, s. 14, v. 17, p. 244.

Statement under oath of fees, &c.; penalty.

13 July, 1866, c. 184, s. 60, v. 14, p. 168.

30 June, 1864, c. 173, s. 42, v. 13, p. 239.

SEC. 3158. Every internal-revenue officer, whose payment, charges, salary, or compensation are composed, wholly or in part, of fees, commissions, allowances, or rewards, from whatever source derived, shall be required to render to the Commissioner of Internal Revenue, under regulations to be approved by the Secretary of the Treasury, a statement under oath setting forth the entire amount of such fees, commissions, emoluments, or rewards of whatever nature, or from whatever source received, during the time for which said statement is rendered; and any false statement knowingly and willfully rendered under the requirements of this section, or regulations established in accordance therewith, shall be deemed willful perjury, and punished in the manner provided by law for the crime of perjury. And any neglect or omission to render such statement when required shall be punished by a fine of not less than hundred dollars, nor more than five hundred dollars, in the discretion of the court.

Supervisors.

20 July, 1869, c. 186, s. 49, v. 15, p. 144.

6 June, 1872, c. 315, s. 12, v. 17, p. 241.

SEC. 3159. The President, by and with the advice and consent of the Senate, may appoint not exceeding ten officers, to be called supervisors of internal revenue, each of whom shall be assigned by the Secretary of the Treasury, on the recommendation of the Commissioner of Internal Revenue, to duty in any part of the United States, and may be transferred from place to place, according to the exigency of the public service.

Supervisor's salary.

20 July, 1868, c. 186, s. 49, v. 15, p. 145. 6 June, 1872, c. 315, s. 12, v. 17, p. 241.

SEC. 3160. Every supervisor shall be entitled to receive, in addition to expenses necessarily incurred by him and allowed and certified by the Commissioner, such salary, not exceeding three thousand dollars a year, as the Commissioner may deem reasonable.

Officers in charge of exportations and drawbacks.

3 March, 1865, c. 78, s. 15, v. 13, p. 486.

13 July, 1866, c. 184, ss. 20, 41, v. 14, pp. 153, 161.

SEC. 3161. In any port of the United States where there is more than one collector of internal revenue, the Secretary of the Treasury may designate one of them to have charge of all matters relating to the exportation of articles subject to tax under the internal-revenue laws; and at any port where he may deem it necessary, there shall be appointed by him an officer to superintend all matters of exportation and drawback, under the direction of the collector. The compensation of the officers last named shall be prescribed by the Secretary of the Treasury, but shall not exceed, in any case, an annual rate of two thousand dollars, excepting at New York, where such compensation shall be at the annual rate of three thousand dollars. At any port where there is no superintendent of exports, all the duties and services required of such officers shall be performed by the collector of internal revenue designated to have charge of exportation. All the books, papers, and documents in the bureau of drawbacks in the respective ports, relating to the drawback of taxes paid under the internal-revenue laws, shall be delivered to the collector of internal revenue in charge of exportation. [See §§ 3015-3057.]

Superintendents of exports and drawbacks may administer oaths.

3 March, 1865, c. 78, s. 15, v. 13, p. 486. 13 July, 1866, c. 184, s. 20, v. 14, p. 153.

SEC. 3162. Every collector of internal revenue and every superintendent of exports and drawbacks is authorized to administer such oaths and to certify to such papers as may be necessary under any regulation prescribed under the authority of the internal-revenue laws.

Supervisor's duties and powers.

20 July, 1868, c. 186, ss. 49, 51, v. 15, pp. 144, 145.

6 June, 1872, c. 315, s. 12, v. 17, p. 241.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Matter of Meador, 1 Abb. U. S., 317; Stanwood vs. Green, 2 Abb. U. S., 184.

SEC. 3163. Every supervisor, under the direction of the Commissioner, shall see that all laws and regulations relating to the collection of internal taxes are faithfully executed and complied with; and shall aid in the prevention, detection, and punishment of any frauds in relation thereto, and examine into the efficiency and conduct of all officers of internal revenue; and for such purposes he shall have power to examine all persons, books, papers, accounts, and premises, to administer oaths, and to summon any person to produce books and papers, or to appear and testify under oath before him, and to compel a compliance with such summons in the same manner as collectors may do. He shall report in writing to the Commissioner of Internal Revenue any neglect of duty, incompetency, delinquency, or malfeasance in office of any internal-revenue officer of which he may obtain knowledge, with a state-

ment of all the facts in each case, and any evidence sustaining the same. He may, by notice in writing, suspend from duty any inspector, gauger, or store-keeper, and he may suspend any collector for fraud, or gross neglect of duty, or abuse of power. In case of the suspension of any inspector, gauger, or store-keeper, he shall immediately notify the collector of the proper district and the Commissioner of Internal Revenue, and within three days thereafter report his action and his reasons therefor, in writing, to the Commissioner. In case of the suspension of any collector, he shall immediately report his action to the Commissioner, with his reasons therefor, in writing, and the Commissioner, in all cases of suspension, shall thereupon take such action as he may deem proper. Every supervisor may also transfer any inspector, gauger, or store-keeper from one distillery, or other place of duty, or from one collection-district, to another.

SEC. 3164. It shall be the duty of every collector of internal revenue to report within ten days to the district attorney of the district in which any fine, penalty, or forfeiture may be incurred for the violation of any law of the United States relating to the revenue, a statement of all the facts and circumstances of the case within his knowledge, together with the names of the witnesses, and which may come to his knowledge from time to time, stating the provisions of the law believed to be violated, and on which a reliance may be had for condemnation or conviction; and if any collector shall in any case fail to report to the proper district attorney as prescribed in this section, his right to any compensation, benefit, or allowance in such case shall be forfeited to the United States, and the same may, in the discretion of the Secretary of the Treasury, be awarded to such persons as may make complaint and prosecute the same to judgment or conviction. [See § 538.]

SEC. 3165. Every collector, deputy collector, and inspector is authorized to administer oaths and to take evidence touching any part of the administration of the internal-revenue laws with which he is charged, or where such oaths and evidence are authorized by law to be taken.

30 June, 1864, c. 173, s. 52, v. 13, p. 242. 3 March, 1865, c. 78, s. 1, v. 13, p. 471.

SEC. 3166. Any officer of internal revenue may be specially authorized by the Commissioner of Internal Revenue to seize any property which may by law be subject to seizure, and for that purpose such officer shall have all the power conferred by law upon collectors; and such special authority shall be limited in respect of time, place, and kind and class of property, as the Commissioner may specify: *Provided*, That no collector shall be detailed or authorized to discharge any duty imposed by law upon any other collector.

SEC. 3167. If any collector or deputy collector, or any inspector, or other officer acting under the authority of any revenue law of the United States, divulges to any party, or makes known in any other manner than may be provided by law, the operations, style of work, or apparatus of any manufacturer or producer visited by him in the discharge of his official duties, he shall be subject to a fine of not exceeding one thousand dollars, or to be imprisoned for not exceeding one year, or to both, at the discretion of the court, and shall be dismissed from office, and be forever thereafter incapable of holding any office under the Government.

SEC. 3168. Any internal-revenue officer who is or shall become interested, directly or indirectly, in the manufacture of tobacco, snuff, or cigars, or in the production, rectification, or redistillation of distilled spirits, shall be dismissed from office; and every officer who becomes so interested in any such manufacture or production, rectification, or redistillation, or in the production of fermented liquors, shall be fined not less than five hundred dollars nor more than five thousand dollars.

SEC. 3169. Every officer or agent appointed and acting under the authority of any revenue law of the United States—

Duty of collectors to report violations of law to district attorney.

3 March, 1873, c. 244, v. 17, p. 580.

Revenue officers who may administer oaths and take evidence.

Revenue officers authorized to make seizures.

2 March, 1867, c. 169, s. 19, v. 14, p. 482.

20 July, 1868, c. 186, s. 51, v. 15, p. 145.

Revenue officers disclosing operations of manufacturers, &c.; penalty.

30 June, 1864, c. 173, ss. 36, 38, v. 13, p. 238.

3 March, 1865, c. 78, s. 1, v. 13, pp. 469, 471.

Officers not to be interested in certain manufactures; penalty.

13 July, 1866, c. 184, s. 59, v. 14, p. 167.

20 July, 1868, c. 186, s. 97, v. 15, p. 164.

Officers of internal revenue guilty of extortion, ro-

ceiving unlawful fees, and other unlawful acts.

20 July, 1868, c. 186, s. 98, v. 15, p. 165.

First. Who is guilty of any extortion or willful oppression under color of law ; or,

Second. Who knowingly demands other or greater sums than are authorized by law, or receives any fee, compensation, or reward, except as by law prescribed, for the performance of any duty ; or,

Third. Who willfully neglects to perform any of the duties enjoined on him by law ; or,

Fourth. Who conspires or colludes with any other person to defraud the United States ; or,

Fifth. Who makes opportunity for any person to defraud the United States ; or,

Sixth. Who does or omits to do any act with intent to enable any other person to defraud the United States ; or,

Seventh. Who negligently or designedly permits any violation of the law by any other person ; or,

Eighth. Who makes or signs any false entry in any book, or makes or signs any false certificate or return, in any case where he is by law or regulation required to make any entry, certificate, or return ; or,

Ninth. Who, having knowledge or information of the violation of any revenue law by any person, or of fraud committed by any person against the United States under any revenue law, fails to report, in writing, such knowledge or information to his next superior officer and to the Commissioner of Internal Revenue ; or,

Tenth. Who demands, or accepts, or attempts to collect, directly or indirectly, as payment or gift, or otherwise, any sum of money or other thing of value for the compromise, adjustment, or settlement of any charge or complaint for any violation or alleged violation of law, except as expressly authorized by law so to do, shall be dismissed from office, and shall be held to be guilty of a misdemeanor, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than three years. The court shall also render judgment against the said officer or agent for the amount of damages sustained in favor of the party injured, to be collected by execution. One-half of the fine so imposed shall be for the use of the United States, and the other half for the use of the informer, who shall be ascertained by the judgment of the court. [See § 5484.]

District attorney or marshal, accepting or demanding anything for compromise of violation of internal-revenue laws.

2 March, 1867, c. 169, s. 26, v. 14, p. 483.

Officers suffering injuries may maintain suit for damages.

13 July, 1866, c. 184, s. 67, v. 14, p. 172.

SEC. 3170. Every district attorney or marshal who demands, or accepts, or attempts to collect, directly or indirectly, as payment or gift or otherwise, any sum of money or other property of value for the compromise, adjustment, or settlement of any charge or complaint for any violation or alleged violation of any provision of the internal-revenue laws, except as expressly authorized by law to do so, shall be held to be guilty of a misdemeanor, and shall be fined in double the sum or value of the money or property received or demanded, and be imprisoned for not less than one nor more than ten years.

SEC. 3171. If any officer appointed under and by virtue of any act to provide internal revenue, or any person acting under or by authority of any such officer, shall receive any injury to his person or property, for or on account of any act by him done, under any law of the United States for the collection of taxes, he shall be entitled to maintain suit for damage therefor, in the circuit-court of the United States, in the district wherein the party doing the injury may reside or shall be found.

CHAPTER TWO.

OF ASSESSMENTS AND COLLECTIONS.

| Sec. | Sec. |
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| 3172. Canvass of districts for objects of taxation. | 3201. Redemption of land prior to sale. |
| 3173. Annual returns of persons liable to tax. | 3202. Redemption of lands after sale. |
| 3174. Summons, form and manner of service of. | 3203. Record of sales. |
| 3175. Failure to obey summons, proceedings on. | 3204. Redemptions to be entered on record. |
| 3176. When collector may enter premises and make returns. | 3205. Successive seizures may be made, when. |
| 3177. Officers may enter premises where taxable articles are kept. | 3206. Fees and charges in seizure cases. |
| 3178. Returns to show whether amounts are valued in coin or currency. | 3207. Proceedings in chancery to subject real estate to payment of tax. |
| 3179. Making false return, or refusing to produce books; penalty. | 3208. Commissioner to have charge of real estate acquired under internal-revenue laws. |
| 3180. Taxable property owned by non-residents. | 3209. List to be sent to district where the party taxed resides or has property, when. |
| 3181. Lists, when taken and how denominated. | 3210. Collections to be paid into Treasury daily. |
| 3182. Commissioner of Internal Revenue to make assessments; correction of incomplete or imperfect lists. | 3211. Depositories. |
| 3183. Duty and authority of collectors and deputies to collect all taxes. | 3212. Collectors' monthly statement, final account. |
| 3184. Notice and demand of taxes. | 3213. Suits, &c., for fines, penalties, and forfeitures, and for taxes. |
| 3185. Monthly returns and special returns, when to be made; when tax payable. | 3214. Suits for taxes, &c., not to be brought without sanction of Commissioner. |
| 3186. Lien for taxes. | 3215. Regulations as to suits, for government of officers. |
| 3187. Taxes collectible by distraint. | 3216. Moneys recovered by suit to be paid to collectors. |
| 3188. Mode of levying distraint. | 3217. Dues from delinquent collector to be collected by distraint and sale. |
| 3189. Delinquents must exhibit evidences relating to property distrained. | 3218. Collectors charged with what. |
| 3190. Proceedings on distraint. | 3219. Death, &c., of collector, uncollected balances. |
| 3191. When property sold under distraint is subject to tax, and tax not paid. | 3220. Refundment of taxes, penalties, &c. |
| 3192. When property sold under distraint may be purchased for United States, &c. | 3221. Taxes on spirits accidentally destroyed. |
| 3193. Property distrained to be restored on payment before sale. | 3222. Retrospective effect of preceding section. |
| 3194. Effect of certificate of sale on distraint. | 3223. When tax on lost spirits is indemnified by insurance. |
| 3195. When property distrained is not divisible. | 3224. Suits to restrain assessments or collection of taxes. |
| 3196. When real estate may be sold to satisfy taxes. | 3225. Suits to recover taxes collected under second assessment, burden of proof as to fraud. |
| 3197. Proceedings for seizure and sale of real estate for taxes. | 3226. Suits for recovery of taxes wrongfully collected. |
| 3198. Certificate of purchase; deed. | 3227. Limitation of suits for recovery of taxes wrongfully collected. |
| 3199. Collector's deed to be <i>prima facie</i> evidence, &c. | 3228. Claims for refundment, limitation. |
| 3200. Collector may seize lands of delinquent in any district of same State. | 3229. Compromises. |
| | 3230. Discontinuances in criminal prosecutions. |
| | 3231. Continuances of internal-revenue cases. |

SEC. 3172. Every collector shall, from time to time, cause his deputies to proceed through every part of his district and inquire after and concerning all persons therein who are liable to pay a special tax, and all persons owning or having the care and management of any objects liable to pay any tax, and to make a list of such persons and enumerate said objects.

Canvass of districts for objects of taxation.

30 June, 1864, c. 173, s. 12, v. 13, p. 225.

2 March, 1867, c. 13, s. 1, v. 17, p. 401.

SEC. 3173. It shall be the duty of any person, partnership, firm, association, or corporation, made liable to any duty, special tax, stamp, or tax imposed by law, when not otherwise provided for, on or before the first Monday of March in each year, and in other cases before the day

Annual returns of persons liable to tax.

30 June, 1864, c.

169, s. 1, v. 14, p. 471. Dec. 24, 1872, c. 13, s. 1, v. 17, p. 401.

172, ss. 11, 13, v. 13, pp. 225, 226.

13 July, 1866, c. 184, s. 9, v. 14, p. 101.

2 March, 1867, c.

169, s. 1, v. 14, p. 471.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

of levy, to make a list or return, verified by oath or affirmation, to the deputy collector of the district where located, of the articles or objects charged with a special duty or tax, the quantity of goods, wares, and merchandise made or sold, and charged with a specific or ad valorem duty or tax, the several rates and aggregate amount, according to the forms and regulations to be prescribed by the Commissioner of Internal Revenue, under the direction of the Secretary of the Treasury, for which such person, partnership, firm, association, or corporation is liable: *Provided*, That if any person liable to pay any duty or tax, or owning, possessing, or having the care or management of property, goods, wares, and merchandise, articles or objects liable to pay any duty, tax, or license, shall fail to make and exhibit a list or return required by law, but shall consent to disclose the particulars of any and all the property, goods, wares, and merchandise, articles and objects liable to pay any duty or tax, or any business or occupation liable to pay any special tax as aforesaid, then, and in that case, it shall be the duty of the deputy collector to make such list or return, which, being distinctly read, consented to, and signed and verified by oath or affirmation by the person so owning, possessing, or having the care and management as aforesaid, may be received as the list of such person: *Provided further*, That in case any person shall be absent from his or her residence or place of business at the time a deputy collector shall call for the annual list or return, and no annual list or return has been rendered by such person to the deputy collector as required by law, it shall be the duty of such deputy collector to leave at such place of residence or business, with some one of suitable age and discretion, if such be present, otherwise to deposit in the nearest post-office, a note or memorandum, addressed to such person, requiring him or her to render to such deputy collector the list or return required by law within ten days from the date of such note or memorandum, verified by oath or affirmation. And if any person on being notified or required as aforesaid shall refuse or neglect to render such list or return within the time required as aforesaid, or whenever any person who is required to deliver a monthly or other return of objects subject to tax fails to do so at the time required, or delivers any return which, in the opinion of the collector, is false or fraudulent or contains any undervaluation or under-statement, it shall be lawful for the collector to summon such person or any other person, having possession, custody, or care of books of account containing entries relating to the business of such person, or any other person he may deem proper, to appear before him and produce such books, at a time and place named in the summons, and to give testimony or answer interrogatories, under oath, respecting any objects liable to tax or the returns thereof. The collector may summon any person residing or found within the State in which his district lies; and when the person intended to be summoned does not reside and cannot be found within such State, he may enter any collection-district where such person may be found, and there make the examination herein authorized. And to this end he may there exercise all the authority which he might lawfully exercise in the district for which he was commissioned.

Summons, form and manner of service of.

30 June, 1864, c. 173, s. 14, v. 13, p. 226.

13 July, 1866, c. 184, s. 9, v. 14, p. 101.

24 Dec., 1872, c. 13, v. 17, p. 401.

In re Phillips, 2 Am. L., T. U. S. Cts., 154.

Failure to obey summons, proceedings on.

SEC. 3174. Such summons shall in all cases be served by a deputy collector of the district where the person to whom it is directed may be found, by an attested copy delivered to such person in hand, or left at his last and usual place of abode, allowing such person one day for each twenty-five miles he may be required to travel, computed from the place of service to the place of examination; and the certificate of service signed by such deputy shall be evidence of the facts it states on the hearing of an application for an attachment. When the summons requires the production of books, it shall be sufficient if such books are described with reasonable certainty.

SEC. 3175. Whenever any person summoned under the two preceding sections neglects or refuses to obey such summons, or to give testi-

mony, or to answer interrogatories as required, the collectors may apply to the judge of the district court or to a commissioner of the circuit court of the United States for the district within which the person so summoned resides for an attachment against him as for a contempt. It shall be the duty of the judge or commissioner to hear the application, and, if satisfactory proof is made, to issue an attachment, directed to some proper officer, for the arrest of such person, and upon his being brought before him to proceed to a hearing of the case; and upon such hearing the judge or commissioner shall have power to make such order as he shall deem proper not inconsistent with existing laws for the punishment of contempts, to enforce obedience to the requirements of the summons and to punish such person for his default or disobedience.

SEC. 3176. The collector or any deputy collector in every district shall enter into and upon the premises, if it be necessary, of every person therein who has taxable property and who refuses or neglects to render any return or list required by law, or who renders a false or fraudulent return or list, and make, according to the best information which he can obtain, including that derived from the evidence elicited by the examination of the collector, and on his own view and information, such list or return, according to the form prescribed, of the objects liable to tax, owned or possessed or under the care or management of such person, and the Commissioner of Internal Revenue shall assess the tax thereon, including the amount, if any, due for special tax, and in case of any return of a false or fraudulent list or valuation, he shall add one hundred per centum to such tax; and in case of a refusal or neglect, except in cases of sickness or absence, to make a list or return, or to verify the same as aforesaid, he shall add fifty per centum to such tax. In case of neglect occasioned by sickness or absence as aforesaid, the collector may allow such further time for making and delivering such list or return as he may deem necessary, not exceeding thirty days. The amount so added to the tax shall, in all cases, be collected at the same time and in the same manner as the tax; and the list or return so made and subscribed by such collector or deputy collector shall be held good and sufficient for all legal purposes.

SEC. 3177. Any collector, deputy collector, or inspector may enter, in the day-time, any building or place where any articles or objects subject to tax are made, produced, or kept, within his district, so far as it may be necessary, for the purpose of examining said articles or objects. And any owner of such building or place, or person having the agency or superintendence of the same, who refuses to admit such officer, or to suffer him to examine such article or articles, shall, for every such refusal, forfeit five hundred dollars. And when such premises are open at night, such officers may enter them while so open, in the performance of their official duties. And if any person shall forcibly obstruct or hinder any collector, deputy collector, or inspector, in the execution of any power and authority vested in him by law, or shall forcibly rescue or cause to be rescued any property, articles, or objects after the same shall have been seized by him, or shall attempt or endeavor so to do, the person so offending, excepting in cases otherwise provided for, shall, for every such offense, forfeit and pay the sum of five hundred dollars, or double the value of the property so rescued, or be imprisoned for a term not exceeding two years, at the discretion of the court.

SEC. 3178. All persons required to make returns or lists of objects charged with an internal tax shall declare therein whether the several rates and amounts are stated according to their values in legal-tender currency or according to their values in coined money; and in case of neglect or refusal so to declare to the satisfaction of the collector receiving such returns or lists, such officer shall make returns or lists for such persons so neglecting or refusing, as in cases of persons neglecting or refusing to make the returns or lists required by law, and the Commissioner shall assess the tax thereon, and add thereto the amount of pen-

30 June, 1864, c. 173, s. 14, v. 13, p. 226.
13 July, 1866, c. 184, s. 9, v. 14, p. 101.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

When collector may enter premises and make returns.

30 June, 1864, c. 173, s. 14, v. 13, p. 226.

13 July, 1866, c. 184, s. 9, v. 14, p. 101.

24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

Officers may enter premises where taxable articles are kept.

30 June, 1864, c. 173, ss. 37, 38, v. 13, p. 238.

Returns to show whether amounts are valued in coin or currency.

10 March, 1866, c. 15, ss. 3, 4, v. 14, p. 5.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

alties imposed by law in cases of such neglect or refusal. And whenever the rates and amounts contained in the returns or lists are stated in coined money, the collector receiving the same shall reduce them to their equivalent in legal-tender currency, according to the value of such coined money in said currency for the time covered by such returns.

Making false return, or refusing to produce books; penalty.

30 June, 1864, c. 173, s. 15, v. 13, p. 226.

Taxable property owned by non-residents.

30 June, 1864, c. 173, s. 16, v. 13, p. 227.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Lists when taken and how denominated.

30 June, 1864, c. 173, s. 18, v. 13, p. 228.

Commissioner of Internal Revenue to make assessments; correction of incomplete or imperfect lists.

30 June, 1864, c. 173, s. 20, v. 13, p. 229.

13 July, 1866, c. 184, s. 9, v. 14, p. 103.

24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

Smith vs. Dan-
delet, 18 Wall., 642.

Duty and authority of collectors and deputies to collect all taxes.

13 July, 1866, c. 184, s. 9, v. 14, p. 110. 30 June, 1864,

Notice and demand of taxes.

SEC. 3179. Whenever any person delivers or discloses to the collector or deputy any false or fraudulent list, return, account, or statement, with intent to defeat or evade the valuation, enumeration, or assessment intended to be made, or, being duly summoned to appear to testify, or to appear and produce such books as aforesaid, neglects to appear or to produce said books, he shall be fined not exceeding one thousand dollars, or be imprisoned not exceeding one year, or both, at the discretion of the court, with costs of prosecution.

SEC. 3180. Whenever there are in any district any articles not owned or possessed by or under the care or control of any person within such district, and liable to be taxed, and of which no list has been transmitted to the collector, as required by law, the collector or one of his deputies shall enter the premises where such articles are situated and shall take such view thereof as may be necessary, and make lists of the same, according to the form prescribed. Said lists, being subscribed by such collector or deputy, shall be taken as sufficient lists of such articles for all purposes.

SEC. 3181. The lists or returns aforesaid shall, where not otherwise specially provided for, be taken with reference to the day fixed for that purpose by this Title as aforesaid; and where duties accrue at other and different times, the last shall be taken with reference to the time when said taxes become due, and shall be denominated annual, monthly, and special lists or returns.

SEC. 3182. The Commissioner of Internal Revenue is hereby authorized and required to make the inquiries, determinations, and assessments of all taxes and penalties imposed by this Title, or accruing under any former internal-revenue act, where such taxes have not been duly paid by stamp at the time and in the manner provided by law, and shall certify a list of such assessments when made to the proper collectors respectively, who shall proceed to collect and account for the taxes and penalties so certified. Whenever it is ascertained that any list which has been or shall be delivered to any collector, is imperfect or incomplete in consequence of the omission of the name of any person liable to tax, or in consequence of any omission, or understatement, or undervaluation, or false or fraudulent statement contained in any return made by any person liable to tax, the Commissioner of Internal Revenue may, at any time within fifteen months from the time of the delivery of the list to the collector as aforesaid, enter on any monthly or special list the name of such person so omitted, together with the amount of tax for which he may have been or shall become liable, and also the name of any such person in respect to whose return, as aforesaid, there has been or shall be any omission, undervaluation, understatement, or false or fraudulent statement, together with the amount for which such person may be liable, above the amount for which he may have been or shall be assessed upon any return made as aforesaid; and he shall certify and return such list to the collector as required by law. And all provisions of law for the ascertainment of liability to any tax, or the assessment or collection thereof, shall be held to apply, so far as may be necessary, to the proceedings herein authorized and directed.

SEC. 3183. It shall be the duty of the collectors, or their deputies, in their respective districts, and they are authorized, to collect all the taxes imposed by law, however the same may be designated. And every collector and deputy collector shall give receipts for all sums collected by him.

SEC. 3184. Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes

from the Commissioner of Internal Revenue, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof. If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of five per centum additional upon the amount of taxes, and interest at the rate of one per centum a month.

SEC. 3185. All returns required to be made monthly by any person liable to tax shall be made on or before the tenth day of each month, and the tax assessed or due thereon shall be returned by the Commissioner of Internal Revenue to the collector on or before the last day of each month. All returns for which no provision is otherwise made shall be made on or before the tenth day of the month succeeding the time when the tax is due and liable to be assessed, and the tax thereon shall be returned as herein provided for monthly returns, and shall be due and payable on or before the last day of the month in which the assessment is so made. When the said tax is not paid on or before the last day of the month, as aforesaid, the collector shall add a penalty of five per centum, together with interest at the rate of one per centum per month, upon such tax from the time the same became due; but no interest for a fraction of a month shall be demanded: *Provided*, That notice of the time when such tax becomes due and payable is given in such manner as may be prescribed by the Commissioner of Internal Revenue. It shall then be the duty of the collector, in case of the non-payment of said tax on or before the last day of the month, as aforesaid, to demand payment thereof, with five per centum added thereto, and interest at the rate of one per centum per month, as aforesaid, in the manner prescribed by law; and if said tax, penalty, and interest, are not paid within ten days after such demand, it shall be lawful for the collector or his deputy to make distraint therefor, as provided by law.

SEC. 3186. If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount shall be a lien in favor of the United States from the time it was due until paid, with the interest, penalties, and costs that may accrue in addition thereto, upon all property and rights to property belonging to such person.

SEC. 3187. If any person liable to pay any taxes neglects or refuses to pay the same within ten days after notice and demand, it shall be lawful for the collector or his deputy to collect the said taxes, with five per centum additional thereto, and interest as aforesaid, by distraint and sale, in the manner hereafter provided, of the goods, chattels, or effects, including stocks, securities, and evidences of debt, of the person delinquent as aforesaid: *Provided*, That there shall be exempt from distraint and sale, if belonging to the head of a family, the school-books and wearing apparel necessary for such family; also arms for personal use, one cow, two hogs, five sheep and the wool thereof, provided the aggregate market-value of said sheep shall not exceed fifty dollars; the necessary food for such cow, hogs, and sheep, for a period not exceeding thirty days; fuel to an amount not greater in value than twenty-five dollars; provisions to an amount not greater than fifty dollars; household furniture kept for use to an amount not greater than three hundred dollars; and the books, tools, or implements, of a trade or profession, to an amount not greater than one hundred dollars shall also be exempt; and the officer making the distraint shall summon three disinterested householders of the vicinity, who shall appraise and set apart to the owner the amount of property herein declared to be exempt.

SEC. 3188. In such case of neglect or refusal, the collector may levy, or by warrant may authorize a deputy collector to levy, upon all property and rights to property, except such as are exempt by the preceding section, belonging to such person, or on which the said lien exists, for the payment of the sum due as aforesaid, with interest and penalty for non-payment, and also of such further sum as shall be sufficient for the fees, costs, and expenses of such levy.

13 July, 1866, c. 184, s. 9, v. 14, p. 106.
2 March, 1867, c. 169, s. 8, v. 14, p. 473.
24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

Monthly returns and special returns, when to be made, and when tax payable.

13 July, 1866, c. 184, s. 11, v. 14, p. 150.
2 March, 1867, c. 169, s. 8, v. 14, p. 473.
24 Dec., 1872, c. 13, ss. 1, 2, v. 17, pp. 401, 402.

Lien for taxes.

13 July, 1866, c. 184, s. 9, v. 14, p. 107.

Taxes collectible by distraint.

13 July, 1866, c. 184, s. 9, v. 14, pp. 106, 107, 108.
2 March, 1867, c. 169, s. 8, v. 14, p. 473.

Mode of levying distraint.

13 July, 1866, c. 184, s. 9, v. 14, p. 107.

Delinquents must exhibit evidences relating to property distrained.

13 July, 1866, c. 184, s. 9, v. 14, p. 107.

Proceedings on distraint.

13 July, 1866, c. 184, s. 9, v. 14, p. 107.

When property sold under distraint is subject to tax, and tax not paid.

13 July, 1866, c. 184, s. 9, v. 14, p. 108.

24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

When property sold under distraint may be purchased for United States, &c.

13 July, 1866, c. 184, s. 9, v. 14, p. 108.

Property distrained to be restored on payment before sale.

13 July, 1866, c. 184, s. 9, v. 14, p. 106.

Effect of certificate of sale on distraint.

13 July, 1866, c. 184, s. 9, v. 14, p. 107.
30 June, 1864, c. 173, s. 45, v. 13, p. 240.

SEC. 3189. All persons, and officers of companies or corporations, are required, on demand of a collector or deputy collector about to distrain or having distrained on any property, or rights of property, to exhibit all books containing evidence or statements relating to the subject of distraint, or the property or rights of property liable to distraint for the tax due as aforesaid.

SEC. 3190. When distraint is made, as aforesaid, the officer charged with the collection shall make or cause to be made an account of the goods or effects distrained, a copy of which, signed by the officer making such distraint, shall be left with the owner or possessor of such goods or effects, or at his dwelling or usual place of business, with some person of suitable age and discretion, if any such can be found, with a note of the sum demanded, and the time and place of sale; and the said officer shall forthwith cause a notification to be published in some newspaper within the county wherein said distraint is made, if a newspaper is published in said county, or to be publicly posted at the post-office, if there be one within five miles nearest to the residence of the person whose property shall be distrained, and in not less than two other public places. Such notice shall specify the articles distrained, and the time and place for the sale thereof. Such time shall not be less than ten nor more than twenty days from the date of such notification to the owner or possessor of the property and the publication or posting of such notice as herein provided, and the place proposed for the sale shall not be more than five miles distant from the place of making such distraint. Said sale may be adjourned from time to time by said officer, if he deems it advisable, but not for a time to exceed in all thirty days.

SEC. 3191. When property subject to tax, but upon which the tax has not been paid, is seized upon distraint and sold, the amount of such tax shall, after deducting the expenses of such sale, be first appropriated out of the proceeds thereof to the payment of the tax. And if no assessment of such tax has been made upon such property, the collector shall make a return thereof in the form required by law, and the Commissioner of Internal Revenue shall assess the tax thereon.

SEC. 3192. When any property advertised for sale under distraint, as aforesaid, is of a kind subject to tax, and the tax has not been paid, and the amount bid for such property is not equal to the amount of the tax, the collector may purchase the same in behalf of the United States for an amount not exceeding the said tax. All property so purchased may be sold by the collector, under such regulations as may be prescribed by the Commissioner of Internal Revenue. The collector shall render to the Commissioner a distinct account of all charges incurred in such sales, and, in case of sale, shall pay into the Treasury the surplus, if any there be, after defraying all lawful charges and fees.

SEC. 3193. In any case of distraint for the payment of the taxes aforesaid, the goods, chattels, or effects so distrained shall be restored to the owner or possessor, if, prior to the sale, payment of the amount due is made to the proper officer charged with the collection, together with the fees and other charges; but in case of non-payment as aforesaid, the said officers shall proceed to sell the said goods, chattels, or effects at public auction, and shall retain from the proceeds of such sale the amount demandable for the use of the United States, and a commission of five per centum thereon for his own use, with the fees and charges for distraint and sale, rendering the overplus, if any there be, to the person who may be entitled to receive the same.

SEC. 3194. In all cases of sale, as aforesaid, the certificate of such sale shall be prima-facie evidence of the right of the officer to make such sale, and conclusive evidence of the regularity of his proceedings in making the sale, and shall transfer to the purchaser all right, title, and interest of such delinquent in and to the property sold; and where such property consists of stocks, said certificate shall be notice, when received, to any corporation, company, or association of said transfer, and shall

be authority to such corporation, company, or association to record the same on their books and records in the same manner as if transferred or assigned by the party holding the same, in lieu of any original or prior certificates, which shall be void, whether canceled or not. And said certificates, where the subject of sale is securities or other evidences of debt, shall be good and valid receipts to the person holding the same, as against any person holding, or claiming to hold, possession of such securities or other evidences of debt.

SEC. 3195. When any property liable to distraint for taxes is not divisible, so as to enable the collector by a sale of part thereof to raise the whole amount of the tax, with all costs, charges, and commissions, the whole of such property shall be sold, and the surplus of the proceeds of the sale, after satisfying the tax, costs, and charges, shall be paid to the person legally entitled to receive the same; or, if he cannot be found, or refuses to receive the same, shall be deposited in the Treasury of the United States, to be there held for his use until he makes application therefor to the Secretary of the Treasury, who, upon such application and satisfactory proofs in support thereof, shall, by warrant on the Treasury, cause the same to be paid to the applicant.

SEC. 3196. When goods, chattels, or effects sufficient to satisfy the taxes imposed upon any person are not found by the collector or deputy collector, he is authorized to collect the same by seizure and sale of real estate.

SEC. 3197. The officer making the seizure mentioned in the preceding section shall give notice to the person whose estate it is proposed to sell, by giving him in hand, or leaving at his last or usual place of abode, if he has any such within the collection-district where said estate is situated, a notice, in writing, stating what particular estate is to be sold, describing the same with reasonable certainty, and the time when and place where said officer proposes to sell the same; which time shall not be less than twenty nor more than forty days from the time of giving said notice. The said officer shall also cause a notification to the same effect to be published in some newspaper within the county where such seizure is made, if any such there be, and shall also cause a like notice to be posted at the post-office nearest to the estate to be seized, and in two other public places within the county; and the place of said sale shall not be more than five miles distant from the estate seized, except by special order of the Commissioner of Internal Revenue. At the time and place appointed, the officer making such seizure shall proceed to sell the said estate at public auction, offering the same at a minimum price, including the expense of making such levy, and all charges for advertising and an officer's fee of ten dollars. When the real estate so seized consists of several distinct tracts or parcels, the officer making sale thereof shall offer each tract or parcel for sale separately, and shall, if he deem it advisable, apportion the expenses, charges, and fees, aforesaid, to such several tracts or parcels, or to any of them, in estimating the minimum price aforesaid. If no person offers for said estate the amount of said minimum price, the officer shall declare the same to be purchased by him for the United States, and shall deposit with the district attorney of the United States a deed thereof, as hereafter provided; otherwise, the same shall be declared to be sold to the highest bidder. And said sale may be adjourned from time to time by said officer for not exceeding thirty days in all, if he shall think it advisable so to do. If the amount bid shall not be then and there paid, the officer shall forthwith proceed to again sell said estate in the same manner.

SEC. 3198. Upon any sale of real estate, as provided in the preceding section, and the payment of the purchase-money, the officer making the seizure and sale shall give to the purchaser a certificate of purchase, which shall set forth the real estate purchased, for whose taxes the same was sold, the name of the purchaser, and the price paid therefor; and if the said real estate be not redeemed in the manner and within the

When property
distrained is not
divisible.

13 July, 1866, c.
184, s. 9, v. 14, p.
102.

When real estate
may be sold to sat-
isfy taxes.

13 July, 1866, c.
184, s. 9, v. 14, p.
108.

Proceedings for
seizure and sale of
real estate for
taxes.

13 July, 1866, c.
184, s. 9 v. 14, pp.
108, 109.

Certificate of
purchase. Deed.

13 July, 1866, c.
184, s. 9, v. 14, p.
109.

time hereafter provided, the said collector or deputy collector shall execute to the said purchaser, upon his surrender of said certificate, a deed of the real estate purchased by him as aforesaid, reciting the facts set forth in said certificate, and in accordance with the laws of the State in which such real estate is situate upon the subject of sales of real estate under execution.

Collector's deed to be *prima-facie* evidence, &c.

13 July, 1866, c. 184, s. 9, v. 14, p. 109.

SEC. 3199. The deed of sale given in pursuance of the preceding section shall be *prima-facie* evidence of the facts therein stated; and if the proceedings of the officer as set forth have been substantially in accordance with the provisions of law, shall be considered and operate as a conveyance of all the right, title, and interest the party delinquent had in and to the real estate thus sold at the time the lien of the United States attached thereto.

Collector may seize lands of delinquent in any district of same State.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.

Redemption of land prior to sale.

13 July, 1866, c. 184, s. 9, v. 14, p. 109.

Redemption of lands after sale.

13 July, 1866, c. 184, s. 9, v. 14, p. 109.

SEC. 3200. Any collector or deputy collector may, for the collection of taxes imposed upon any person, and committed to him for collection, seize and sell the lands of such person situated in any other collection-district within the State in which such officer resides; and his proceedings in relation thereto shall have the same effect as if the same were had in his proper collection-district.

SEC. 3201. Any person whose estate may be proceeded against as aforesaid shall have the right to pay the amount due, together with the costs and charges thereon, to the collector or deputy collector at any time prior to the sale thereof, and all further proceedings shall cease from the time of such payment.

SEC. 3202. The owners of any real estate sold as aforesaid, their heirs, executors, or administrators, or any person having any interest therein, or a lien thereon, or any person in their behalf, shall be permitted to redeem the land sold, or any particular tract thereof, at any time within one year after the sale thereof, upon payment to the purchaser, or, in case he cannot be found in the county in which the land to be redeemed is situate, then to the collector of the district in which the land is situate, for the use of the purchaser, his heirs or assigns, the amount paid by the said purchaser and interest thereon at the rate of twenty per centum per annum.

Record of sales.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.

SEC. 3203. It shall be the duty of every collector to keep a record of all sales of land made in his collection-district, whether by himself or his deputies, or by another collector, in which shall be set forth the tax for which any such sale was made, the dates of seizure and sale, the name of the party assessed, and all proceedings in making said sale, the amount of fees and expenses, the name of the purchaser and the date of the deed; and said record shall be certified by the officer making the sale. And it shall be the duty of every deputy making sale, as aforesaid, to return a statement of all his proceedings to the collector, and to certify the record thereof. In case of the death or removal of the collector, or the expiration of his term of office from any other cause, said record shall be delivered to his successor in office; and a copy of every such record, certified by the collector, shall be evidence in any court of the truth of the facts therein stated.

Redemptions to be entered on record.

13 July, 1866, c. 184, s. 9, v. 14, p. 108.

Successive seizures may be made, when.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.

SEC. 3204. When any lands sold, as aforesaid, are redeemed as heretofore provided, the collector shall make entry of the fact upon the record mentioned in the preceding section, and the said entry shall be evidence of such redemption.

SEC. 3205. Whenever any property, personal or real, which is seized and sold by virtue of the foregoing provisions, is not sufficient to satisfy the claim of the United States for which distraint or seizure is made, the collector may, thereafter, and as often as the same may be necessary, proceed to seize and sell, in like manner, any other property liable to seizure of the person against whom such claim exists, until the amount due from him, together with all expenses, is fully paid.

Fees and charges in seizure cases.

SEC. 3206. The Commissioner of Internal Revenue shall by regulation determine the fees and charges to be allowed in all cases of distraint

and other seizures; and shall have power to determine whether any expense incurred in making any distraint or seizure was necessary.

SEC. 3207. In any case where there has been a refusal or neglect to pay any tax, and it has become necessary to seize and sell real estate to satisfy the same, the Commissioner of Internal Revenue may direct a bill in chancery to be filed, in a district or circuit court of the United States, to enforce the lien of the United States for tax upon any real estate, or to subject any real estate owned by the delinquent, or in which he has any right, title, or interest, to the payment of such tax. All persons having liens upon or claiming any interest in the real estate sought to be subjected as aforesaid, shall be made parties to such proceedings, and be brought into court as provided in other suits in chancery therein. And the said court shall, at the term next after the parties have been duly notified of the proceedings, unless otherwise ordered by the court, proceed to adjudicate all matters involved therein, and finally determine the merits of all claims to and liens upon the real estate in question, and, in all cases where a claim or interest of the United States therein is established, shall decree a sale of such real estate, by the proper officer of the court, and a distribution of the proceeds of such sale according to the findings of the court in respect to the interests of the parties and of the United States. [See § 563.]

SEC. 3208. The Commissioner of Internal Revenue shall have charge of all real estate which has been or shall be assigned, set off, or conveyed, by purchase or otherwise, to the United States, in payment of debts arising under the laws relating to internal revenue, and of all trusts created for the use of the United States in payment of such debts due them; and, with the approval of the Secretary of the Treasury, may, at public vendue, and upon not less than twenty days' notice, sell and dispose of lands assigned or set off to the United States in payment of such debts, or vested in them by mortgage or other security, for the payment of such debts. And in cases where real estate has or may become the property of the United States by conveyance or otherwise, in payment of or as security for a debt arising under the laws relating to internal revenue, and such debt shall have been paid, together with the interest thereon, at the rate of one per centum per month, to the United States, within two years from the date of the acquisition of such real estate, it shall be lawful for the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to release by deed, or otherwise convey such real estate to the debtor, from whom it was taken, or to his heirs or other legal representatives. [See § 3750.]

SEC. 3209. Whenever a collector has on any list duly returned to him the name of any person not within his collection-district who is liable to tax, or of any person so liable who has, in the collection-district in which he resides, no sufficient property subject to seizure or distraint, from which the money due for tax can be collected, such collector shall transmit a statement containing the name of the person liable to such tax, with the amount and nature thereof, duly certified under his hand, to the collector of any district to which said person shall have removed, or in which he shall have property, real or personal, liable to be seized and sold for tax. And the collector to whom the said certified statement is transmitted shall proceed to collect the said tax in the same way as if the name of the person and objects of tax contained in the said certified statement were on any list of his own collection-district; and he shall, upon receiving said certified statement as aforesaid, transmit his receipt for it to the collector sending the same to him.

SEC. 3210. The gross amount of all taxes and revenues received or collected by virtue of this Title, or of any law hereafter enacted providing internal revenue, shall be paid, by the officers receiving or collecting the same, daily into the Treasury of the United States, under the instructions of the Secretary of the Treasury, without any abatement or deduction on account of salary, compensation, fees, costs, charges, expenses, or claims of any description; and a certificate of such payment,

13 July, 1866, c. 184, s. 9, v. 14, p. 103.

Proceedings in chancery to subject real estate to payment of tax.

20 July, 1868, c. 186, s. 106, v. 15, p. 167.

Commissioner to have charge of real estate acquired under internal-revenue laws.

2 March, 1867, c. 169, s. 4, v. 14, p. 472.

List to be sent to district where the party taxed resides or has property, when.

30 June, 1864, c. 173, s. 32, v. 13, p. 236.

Collections to be paid into Treasury daily.

3 March, 1865, c. 78, s. 3, v. 13, p. 463.

stating the name of the depositor and the specific account on which the deposit was made, signed by the Treasurer, assistant treasurer, designated depositary, or proper officer of a deposit bank, shall be transmitted to the Commissioner of Internal Revenue: *Provided*, That in districts where, from the distance of the officer, collector, or agent receiving or collecting such taxes and revenues from a proper Government depositary, the Secretary of the Treasury may deem it proper, he may extend the time for making such payment, not exceeding, however, in any case a period of one month.

Depositories.

30 June, 1864, c. 173, s. 33, v. 13, p. 236.

Collector's monthly statement; final accounts.

30 June, 1864, c. 173, s. 33, v. 13, p. 236.

Suits, &c., for fines, penalties, and forfeitures, and for taxes.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.

Suits for taxes, &c., not to be brought without sanction of Commissioner.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

Regulations as to suits for Government of officers.

2 March, 1867, c. 169, s. 3, v. 14, p. 472.

Moneys recovered by suits to be paid to collectors.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

Dues from delinquent collector to be collected by distraint and sale.

30 June, 1864, c. 173, s. 35, v. 13, p. 237.

SEC. 3211. The Secretary of the Treasury is authorized to designate one or more depositories in each State, for the deposit and safe-keeping of the money collected by virtue of the internal-revenue laws; and the receipt of the proper officer of such depository to a collector for the money deposited by him shall be a sufficient voucher for such collector in the settlement of his accounts at the Treasury Department. [See § 5490.]

SEC. 3212. Every collector shall, at the expiration of each month after he commences his collections, transmit to the Commissioner of Internal Revenue a statement of the collections made by him within the month. And every collector shall complete the collection of all sums assigned to him for collection, and shall pay over the same into the Treasury, and shall render his accounts to the Treasury Department as often as he may be required.

SEC. 3213. It shall be the duty of the collectors, in their respective districts, subject to the provisions of this Title, to prosecute for the recovery of any sums which may be forfeited by law. All suits for fines, penalties, and forfeitures, where not otherwise provided for, shall be brought in the name of the United States, in any proper form of action, or by any appropriate form of proceeding, *qui tam* or otherwise, before any circuit or district court of the United States, for the district within which said fine, penalty, or forfeiture may have been incurred, or before any other court of competent jurisdiction; and taxes may be sued for and recovered in the name of the United States, in any proper form of action, before any circuit or district court of the United States for the district within which the liability to such tax is incurred, or where the party from whom such tax is due resides at the time of the commencement of the said action.

SEC. 3214. No suit for the recovery of taxes, or of any fine, penalty, or forfeiture, shall be commenced unless the Commissioner of Internal Revenue authorizes or sanctions the proceedings: *Provided*, That in case of any suit for penalties or forfeitures brought upon information received from any person, other than a collector or deputy collector, the United States shall not be subject to any costs of suit.

SEC. 3215. It shall be the duty of the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, to establish such regulations, not inconsistent with law, for the observance of revenue officers, district attorneys, and marshals, respecting suits arising under the internal-revenue laws in which the United States is a party, as may be deemed necessary for the just responsibility of those officers and the prompt collection of all revenues and debts due and accruing to the United States under such laws. [See § 377.]

SEC. 3216. All judgments and moneys recovered or received for taxes, costs, forfeitures, and penalties, shall be paid to collectors as internal taxes are required to be paid.

SEC. 3217. When any collector fails either to collect or to render his account, or to pay over in the manner or within the times provided by law, the First Comptroller of the Treasury shall, immediately after evidence of such delinquency, report the same to the Solicitor of the Treasury, who shall issue a warrant of distress against such delinquent collector, directed to the marshal of the district, expressing therein the amount with which the said collector is chargeable, and the sums, if any,

which have been paid over by him, so far as the same are ascertainable. And the said marshal shall, himself, or by his deputy, immediately proceed to levy and collect the sum which may remain due, with five per centum thereon, and all the expenses and charges of collection, by distress and sale of the goods and chattels, or any personal effects of the delinquent collector, giving at least five days' notice of the time and place of sale, in the manner provided by law for advertising sales of personal property on execution in the State wherein such collector resides. And the bill of sale of the officer of any goods, chattels, or other personal property, distrained and sold as aforesaid, shall be conclusive evidence of title to the purchaser, and prima-facie evidence of the right of the officer to make such sale, and of the correctness of his proceedings in selling the same. And for want of goods and chattels, or other personal effects of such collector, sufficient to satisfy any warrant of distress, issued as aforesaid, the real estate of such collector, or so much thereof as may be necessary for satisfying the said warrant, after being advertised for at least three weeks next before the time of sale, in not less than three public places in the collection-district, and in one newspaper printed in the county or district, if any there be, shall be sold at public auction by the marshal or his deputy. Upon such sale, the marshal shall make and deliver to the purchaser of the premises sold a deed of conveyance thereof, to be executed and acknowledged in the manner and form prescribed by the laws of the State in which said lands are situated, and said deed so made shall invest the purchaser with all the title and interest of the defendant named in said warrant, existing at the time of the seizure thereof. And all moneys that may remain of the proceeds of such sale of personal or real property, after satisfying the said warrant of distress, and paying the reasonable costs and charges of sale, shall be returned to the proprietor of the property sold as aforesaid.

SEC. 3218. Every collector shall be charged with the whole amount of taxes, whether contained in lists transmitted to him by the Commissioner of Internal Revenue, or by other collectors, or delivered to him by his predecessor in office, and with the additions thereto, with the par value of all stamps deposited with him, and with all moneys collected for penalties, forfeitures, fees, or costs; and he shall be credited with all payments into the Treasury made as provided by law, with all stamps returned by him uncanceled to the Treasury, and with the amount of taxes contained in the lists transmitted in the manner heretofore provided to other collectors, and by them receipted as aforesaid; also with the amount of the taxes of such persons as may have absconded, or become insolvent, prior to the day when the tax ought, according to the provisions of law, to have been collected, and with all uncollected taxes transferred by him or by his deputy acting as collector to his successor in office: *Provided*, That it shall be proved to the satisfaction of the Commissioner of Internal Revenue, who shall certify the facts to the First Comptroller of the Treasury, that due diligence was used by the collector. And each collector shall also be credited with the amount of all property purchased by him for the use of the United States, provided he faithfully account for and pay over the proceeds thereof upon a resale of the same as required by law.

SEC. 3219. In case of the death, resignation, or removal of any collector, all lists and accounts of taxes uncollected shall be transferred to his successor in office as soon as such successor is appointed and qualified, and it shall be the duty of such successor to collect the same.

SEC. 3220. The Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, is authorized, on appeal to him made, to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected; also to repay to any

Collectors charged with, what.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.
24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

Death, &c., of collector, uncollected balances.

13 July, 1866, c. 184, s. 9, v. 14, p. 110.

Refundment of taxes, penalties, &c.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Dorsheimer vs. U. S., 2 Ct. Clms., 103.

Taxes on spirits accidentally destroyed.

27 May, 1872, c. 218, s. 1, v. 17, p. 162.

Retrospective effect of preceding section.

27 May, 1872, c. 218, s. 2, v. 17, p. 162.

When tax on lost spirits is indemnified by insurance.

27 May, 1872, c. 218, s. 2, v. 17, p. 162.

Suits to restrain assessments or collection of taxes.

2 March, 1867, c. 169, s. 10, v. 14, p. 475.—*Pullan vs. Kinsinger*, 2 Abb. U. S., 94.

Suits to recover taxes collected under second assessment, burden of proof as to fraud.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Suits for recovery of taxes wrongfully collected.

13 July, 1866, c. 184, s. 19, v. 14, p. 152.

6 June, 1872, c. 315, s. 44, v. 17, p. 257.

Braun vs. Sauerwein, 10 Wall., 218; *The Collector vs. Hubbard*, 12 Wall., 1; *Cutting vs. Gilbert*, 5 Blatch., 259; *Nelson vs. Carman*, 5 Blatch., 511; *Lauer vs. U. S.*, 5 Ct. Clms., 447.

Limitation of suits for recovery

collector or deputy collector the full amount of such sums of money as may be recovered against him in any court, for any internal taxes collected by him, with the costs and expenses of suit; also all damages and costs recovered against any assessor, assistant assessor, collector, deputy collector, or inspector, in any suit brought against him by reason of anything done in the due performance of his official duty: *Provided*, That where a second assessment is made in case of a list, statement, or return, which in the opinion of the collector or deputy collector was false or fraudulent, or contained any understatement or undervaluation, such assessment shall not be remitted, nor shall taxes collected under such assessment be refunded, or paid back, unless it is proved that said list, statement, or return was not false or fraudulent, and did not contain any understatement or undervaluation.

SEC. 3221. The Secretary of the Treasury, upon the production to him of satisfactory proof of the actual destruction by accidental fire or other casualty, and without any fraud, collusion, or negligence of the owner thereof, of any distilled spirits, while the same remained in the custody of any officer of internal revenue in any distillery warehouse, or bonded warehouse of the United States and before the tax thereon had been paid, may abate the amount of internal taxes accruing thereon, and may cancel any warehouse bond, or enter satisfaction thereon, in whole or in part, as the case may be. And if such taxes have been collected since the destruction of said spirits, the said Secretary shall refund the same to the owners thereof out of any moneys in the Treasury not otherwise appropriated.

SEC. 3222. The preceding section shall take effect in all cases of loss or destruction of distilled spirits as aforesaid which have occurred since January one, eighteen hundred and sixty-eight.

SEC. 3223. When the owners of distilled spirits in the cases provided for by the two preceding sections may be indemnified against such tax by a valid claim of insurance, the tax shall not be remitted to the extent of such insurance.

SEC. 3224. No suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court.

SEC. 3225. When a second assessment is made in case of any list, statement, or return, which in the opinion of the collector or deputy collector was false or fraudulent, or contained any understatement or undervaluation, no taxes collected under such assessment shall be recovered by any suit, unless it is proved that the said list, statement, or return was not false nor fraudulent, and did not contain any understatement or undervaluation.

SEC. 3226. No suit shall be maintained in any court for the recovery of any internal tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, until appeal shall have been duly made to the Commissioner of the Internal Revenue, according to the provisions of law in that regard, and the regulations of the Secretary of the Treasury established in pursuance thereof, and a decision of the Commissioner has been had therein: *Provided*, That if such decision is delayed more than six months from the date of such appeal, then the said suit may be brought, without first having a decision of the Commissioner, at any time within the period limited in the next section.

Nelson vs. Carman, 5 Blatch., 511; *Lauer vs. U. S.*, 5 Ct. Clms., 447.

SEC. 3227. No suit or proceeding for the recovery of any internal tax alleged to have been erroneously or illegally assessed or collected, or of

any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, shall be maintained in any court, unless the same is brought within two years next after the cause of action accrued: *Provided*, That actions for such claims which accrued prior to June six, eighteen hundred and seventy-two, may be brought within one year from said date; and that where any such claim was pending before the Commissioner, as provided in the preceding section, an action thereon may be brought within one year after such decision and not after. But no right of action which was already barred by any statute on the said date shall be revived by this section.

SEC. 3228. All claims for the refunding of any internal tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected, must be presented to the Commissioner of Internal Revenue within two years next after the cause of action accrued: *Provided*, That claims which accrued prior to June six, eighteen hundred and seventy-two, may be presented to the Commissioner at any time within one year from said date. But nothing in this section shall be construed to revive any right of action which was already barred by any statute on that date.

SEC. 3229. The Commissioner of Internal Revenue, with the advice and consent of the Secretary of the Treasury, may compromise any civil or criminal case arising under the internal-revenue laws instead of commencing suit thereon; and, with the advice and consent of the said Secretary and the recommendation of the Attorney-General, he may compromise any such case after a suit thereon has been commenced. Whenever a compromise is made in any case there shall be placed on file in the office of the Commissioner the opinion of the Solicitor of Internal Revenue, or of the officer acting as such, with his reasons therefor, with a statement of the amount of tax assessed, the amount of additional tax or penalty imposed by law in consequence of the neglect or delinquency of the person against whom the tax is assessed, and the amount actually paid in accordance with the terms of the compromise.

SEC. 3230. No discontinuance or nolle prosequi of any prosecution under section three thousand two hundred and fifty-seven shall be allowed without the permission in writing of the Secretary of the Treasury and the Attorney-General.

SEC. 3231. It shall be lawful for any court in which any suit or criminal proceeding arising under the internal-revenue laws may be pending, to continue the same at any stage thereof, for good cause shown on motion by the district attorney.

of taxes wrongfully collected.

6 June, 1872, c. 315, s. 44, v. 17, p. 257.

Claims for refundment, limitation.

6 June, 1872, c. 315, s. 44, v. 17, p. 257.

Compromises.

20 July, 1868, c. 186, s. 102, v. 15, p. 166.

Discontinuances of criminal prosecutions.

31 March, 1868, c. 41, s. 7, v. 15, p. 60. Continuances in criminal proceedings.

20 July, 1868, c. 186, s. 102, v. 15, p. 166.

CHAPTER THREE.

SPECIAL TAXES.

Sec.

- 3232. Trade or business not to be carried on until tax paid.
- 3233. Trade or business to be registered.
- 3234. Persons in partnership at same place liable for only one tax.
- 3235. Payment of one special tax not to cover several places of business.
- 3236. When more than one pursuit is carried on in same place by same person at same time.
- 3237. When special tax to be due, how reckoned.
- 3238. Stamps for special taxes.
- 3239. Special-tax stamp to be exhibited in place of business.

Sec.

- 3240. List of special tax-payers to be exhibited in collector's office.
- 3241. Death or removal after paying tax; business carried on without additional tax.
- 3242. Carrying on business without payment of special tax; penalties.
- 3243. Payment of special tax not to authorize violation of State laws, nor prohibit State taxation.
- 3244. Special taxes imposed on whom.
- 3244. Brewers.
- 3244. Manufacturers of stills.
- 3244. Rectifiers.
- 3244. Retail liquor-dealers.

Sec.

3244. Wholesale liquor-dealers.
 3244. Retail dealers in malt liquors.
 3244. Wholesale dealers in malt liquors.
 3244. Dealers in leaf-tobacco.
 3244. Retail dealers in leaf-tobacco.
 3244. Dealers in tobacco.
 3244. Manufacturers of tobacco.

Sec.

3244. Manufacturers of cigars.
 3244. Peddlers of tobacco.
 3245. Balance of distillers' special tax to be refunded.
 3246. Special tax not applied to vintners or apothecaries in certain cases.

Trade or business not to be carried on until tax paid.

SEC. 3232. No person shall be engaged in or carry on any trade or business hereinafter mentioned until he has paid a special tax therefor in the manner hereinafter provided.

13 July, 1866, c. 184, s. 9, v. 14, p. 113.—The License Tax Cases, 5 Wall., 462.

Trade or business to be registered.

SEC. 3233. Every person engaged in any trade or business on which a special tax is imposed by law shall register with the collector of the district his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on. In case of a firm or company, the names of the several persons constituting the same, and their places of residence, shall be so registered.

13 July, 1866, c. 184, s. 9, v. 14, p. 113.
 24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Persons in partnership at same place liable for only one tax.

SEC. 3234. Any number of persons doing business in copartnership at any one place shall be required to pay but one special tax.

13 July, 1866, c. 184, s. 9, v. 14, p. 115.

Payment of one special tax not to cover several places of business.

SEC. 3235. The payment of the special tax imposed shall not exempt from an additional special tax the person carrying on a trade or business in any other place than that stated in the collector's register; but nothing herein contained shall require a special tax for the storage of goods, wares, or merchandise in other places than the place of business, nor, except as hereinafter provided, for the sale by manufacturers or producers of their own goods, wares, and merchandise, at the place of production or manufacture, and at their principal office or place of business, provided no goods, wares, or merchandise shall be kept except as samples at said office or place of business.

13 July, 1866, c. 184, s. 9, v. 14, p. 113.

When more than one pursuit is carried on in same place by same person at same time.

SEC. 3236. Whenever more than one of the pursuits or occupations hereinafter described are carried on in the same place by the same person at the same time, except as hereinafter provided, the tax shall be paid for each according to the rates severally prescribed.

13 July, 1866, c. 184, s. 9, v. 14, p. 114.

When special tax to be due, how reckoned.

SEC. 3237. All special taxes shall become due on the first day of May, in each year, or on commencing any trade or business on which such tax is imposed. In the former case the tax shall be reckoned for one year; and in the latter case it shall be reckoned proportionately, from the first day of the month in which the liability to a special tax commenced to the first day of May following.

13 July, 1866, c. 184, s. 9, v. 14, p. 113.
 6 June, 1872, c. 315, s. 31, v. 17, p. 252.

Stamps for special taxes.

SEC. 3238. All special taxes imposed by law, including the tax on stills or worms, shall be paid by stamps denoting the tax, and the Commissioner of Internal Revenue is required to procure appropriate stamps for the payment of such taxes; and the provisions of sections thirty-three hundred and thirteen and thirty-four hundred and forty-six, and all other provisions of law relating to the preparation and issue of stamps for distilled spirits, fermented liquors, tobacco, and cigars, shall, so far as applicable, extend to and include such stamps for special taxes; and the Commissioner of Internal Revenue shall have authority to make all needful regulations relative thereto.

24 Dec., 1872, c. 13, s. 3, v. 17, p. 402.
 20 July, 1868, c. 186, ss. 26, 101, v. 15, pp. 137, 165.

Special-tax stamp to be exhibited in place of business.

SEC. 3239. Every person engaged in any business, avocation, or employment, who is thereby made liable to a special tax, except tobacco-peddlers, shall place and keep conspicuously in his establishment or place of business all stamps denoting the payment of said special tax; and any person who shall, through negligence, fail to so place and keep said stamp, shall be liable to a penalty equal to the special tax for which his business rendered him liable, and the costs of prosecution; but in no case shall said penalty be less than ten dollars. And where the failure to comply with the foregoing provision of law shall be through willful neglect or refusal, then the penalty shall be double the

24 Dec., 1872, c. 13, s. 3, v. 17, p. 402.

amount above prescribed: *Provided*, That nothing in this section shall in any way affect the liability of any person for exercising or carrying on any trade, business, or profession, or doing any act for the exercising, carrying on, or doing of which a special tax is imposed by law, without the payment thereof.

SEC. 3240. Each collector of internal revenue shall, under regulations of the Commissioner of Internal Revenue, place and keep conspicuously in his office, for public inspection, an alphabetical list of the names of all persons who shall have paid special taxes within his district, and shall state thereon the time, place, and business for which such special taxes have been paid.

SEC. 3241. When any person who has paid the special tax for any trade or business dies, his wife or child, or executors or administrators or other legal representatives, may occupy the house or premises, and in like manner carry on, for the residue of the term for which the tax is paid, the same trade or business as the deceased before carried on, in the same house and upon the same premises, without the payment of any additional tax. And when any person removes from the house or premises for which any trade or business was taxed to any other place, he may carry on the trade or business specified in the collector's register at the place to which he removes, without the payment of any additional tax: *Provided*, That all cases of death, change, or removal, as aforesaid, with the name of the successor to any person deceased, or of the person making such change or removal, shall be registered with the collector, under regulations to be prescribed by the Commissioner of Internal Revenue.

SEC. 3242. Every person who carries on the business of a rectifier, wholesale liquor-dealer, retail liquor-dealer, or manufacturer of stills, without having paid the special tax as required by law, shall, for every such offense, be fined not less than one thousand dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years. And all distilled spirits or wines, and all apparatus fit or intended to be used for the distillation or rectification of spirits or the compounding of liquors, owned by such person, wherever found, and all distilled spirits or wines and personal property found in the rectifying establishment, or in any building, room, yard, or inclosure connected therewith, and used with or constituting a part of the premises, shall be forfeited to the United States. Every person who carries on the business of a manufacturer of tobacco, snuff, or cigars, dealer in manufactured tobacco, dealer in leaf-tobacco, or retail dealer in leaf-tobacco, without having paid a special tax therefor, as provided by law, shall, besides being liable to the payment of the tax, be fined not more than five hundred dollars or be imprisoned not more than one year, or both, at the discretion of the court. And every person who carries on the business of a brewer or wholesale or retail dealer in malt liquors, without having paid a special tax therefor, as required by law, shall, besides being liable to the payment of the tax, be fined not less than ten dollars nor more than five hundred dollars.

SEC. 3243. The payment of any tax imposed by the internal-revenue laws for carrying on any trade or business shall not be held to exempt any person from any penalty or punishment provided by the laws of any State for carrying on the same within such State, or in any manner to authorize the commencement or continuance of such trade or business contrary to the laws of such State or in places prohibited by municipal law; nor shall the payment of any such tax be held to prohibit any State from placing a duty or tax on the same trade or business, for State or other purposes.

McGuire *vs.* The Commonwealth, 3 Wall., 387; The License Tax Cases, 5 Wall., 462.

SEC. 3244. Special taxes are imposed as follows:

First. Brewers shall pay one hundred dollars. Every person who manufactures fermented liquors of any name or description for sale, from malt, wholly or in part, or from any substitute therefor, shall be deemed

List of special tax-payers to be exhibited in collector's office.

24 Dec., 1872, c. 13, s. 4, v. 17, p. 403.

Death or removal after paying tax; business carried on without additional tax.

13 July, 1866, c. 184, s. 9, v. 14, p. 114.

Carrying on business without payment of special tax; penalties.

20 July, 1868, c. 186, s. 44, v. 15, p. 142.

6 June, 1872, c. 315, ss. 12, 32, v. 17, pp. 240, 255.

2 March, 1867, c. 169, s. 9, v. 14, p. 473.

U. S. *vs.* Smith, 8 Wall., 587; U. S. *vs.* Thirty-five Barrels, 9 Int. Rev. Rec., 67.

Payment of special tax not to authorize violation of State laws, nor prohibit State taxation.

13 July, 1866, c. 184, s. 9, v. 14, p. 122.
20 July, 1865, c. 186, s. 59, v. 15, p. 151.

Special taxes imposed on whom.

Brewers.

13 July, 1866, c. a brewer: *Provided*, That any person who manufactures less than five hundred barrels a year shall pay the sum of fifty dollars.

184, s. 9, v. 14, p. 117.

14 July, 1870, c. 255, s. 1, v. 16, p. 256.

Manufacturers of stills.

20 July, 1868, c. 186, s. 59, v. 15, p. 151.

Rectifiers.

20 July, 1868, c. 186, ss. 11, 59, v. 15, pp. 130, 150.

10 April, 1869, c. 18, s. 1, v. 16, pp. 41, 42.

6 June, 1872, c. 315, ss. 12, 13, v. 17, pp. 239, 244.

24 Dec., 1872, c. 13, v. 17, pp. 401-403.

Second. Manufacturers of stills shall each pay fifty dollars, and twenty dollars for each still or worm for distilling made by him. Any person who manufactures any still or worm to be used in distilling shall be deemed a manufacturer of stills.

Third. Rectifiers of distilled spirits shall pay two hundred dollars. Every person who rectifies, purifies, or refines distilled spirits or wines by any process other than by original and continuous distillation from mash, wort, or wash, through continuous closed vessels and pipes, until the manufacture thereof is complete, and every wholesale or retail liquor-dealer who has in his possession any still or leach-tub, or who keeps any other apparatus for the purpose of refining in any manner distilled spirits, and every person who, without rectifying, purifying, or refining distilled spirits, shall, by mixing such spirits, wine, or other liquor with any materials, manufacture any spurious, imitation, or compound liquors for sale, under the name of whisky, brandy, gin, rum, wine, spirits, cordials, or wine bitters, or any other name, shall be regarded as a rectifier, and as being engaged in the business of rectifying: *Provided*, That nothing in this section shall be held to prohibit the purifying or refining of spirits in the course of original and continuous distillation through any material which will not remain incorporated with such spirits when the manufacture thereof is complete: *And provided further*, That no officer shall collect any special tax for rectifying distilled spirits on any premises distant less than six hundred feet in a direct line from any distillery. And every officer who collects any special tax in violation of this section shall be liable to a penalty of five thousand dollars for each offense.

Retail liquor-dealers.

10 April, 1869, c. 18, s. 1, v. 16, p. 42.

20 July, 1868, c. 186, ss. 1, 2, v. 15, p. 125.

Wholesale liquor-dealers.

20 July, 1868, c. 186, ss. 1, 2, v. 15, p. 125.

20 July, 1868, c. 186, s. 59, v. 15, p. 150.

6 June, 1872, c. 315, s. 13, v. 17, p. 239.

Fourth. Retail dealers in liquors shall pay twenty-five dollars. Every person who sells, or offers for sale foreign or domestic distilled spirits or wines, in less quantities than five wine gallons at the same time, shall be regarded as a retail dealer in liquors.

Wholesale liquor-dealers shall pay one hundred dollars. Every person who sells or offers for sale foreign or domestic distilled spirits or wines, in quantities of not less than five wine gallons at the same time, shall be regarded as a wholesale liquor-dealer. But no distiller who has given the required bond, and who sells only distilled spirits of his own production at the place of manufacture, in the original packages to which the tax-stamps are affixed, shall be required to pay the special tax of a wholesale liquor-dealer on account of such sales.

Pervear vs. The Commonwealth, 5 Wall., 475.

Retail dealers in malt liquors.

20 July, 1868, c. 186, s. 59, v. 15, p. 151.

10 April, 1869, c. 18, s. 1, v. 16, p. 42.

Wholesale dealers in malt liquors.

6 June, 1872, c. 315, ss. 13, 17, v. 17, pp. 244, 245.

Fifth. Retail dealers in malt liquors shall pay twenty dollars. Every person who sells or offers for sale malt liquors in quantities of five gallons or less at one time, but who does not deal in spirituous liquors, shall be regarded as a retail dealer in malt liquors.

Wholesale dealers in malt liquors shall pay fifty dollars. Every person who sells or offers for sale malt liquors in larger quantities than five gallons at one time, but who does not deal in spirituous liquors, shall be regarded as a wholesale dealer in malt liquors: *Provided*, That no brewer shall be required to pay a special tax as a wholesale dealer by reason of selling in the original stamped packages, whether at the place of manufacture or otherwise, malt liquors manufactured by him.

Dealers in leaf-tobacco.

6 June, 1872, c. 315, s. 31, v. 17, p. 250.

Sixth. Dealers in leaf-tobacco, except retail dealers in leaf-tobacco, as hereinafter defined, shall pay twenty-five dollars. Every person shall be regarded as a dealer in leaf-tobacco, whose business it is, for himself or on commission, to sell, or offer for sale, or consign for sale on commission, leaf-tobacco; and payment of a special tax as dealer in tobacco,

manufacturer of tobacco, manufacturer of cigars, or any other special tax, shall not exempt any person dealing in leaf-tobacco from the payment of the special tax therefor hereby required. But no farmer or planter shall be required to pay a special tax as a dealer in leaf-tobacco, for selling tobacco of his own production, or tobacco received by him as rent from tenants who have produced the same on his land: *Provided*, That nothing in this section shall be construed to exempt from a special tax any farmer or planter who, by peddling or otherwise, sells leaf-tobacco at retail directly to consumers, or who sells or assigns, consigns, transfers, or disposes of to persons other than those who have paid a special tax as leaf-dealers or manufacturers of tobacco, snuff, or cigars, or to persons purchasing leaf-tobacco for export.

Dealers in leaf-tobacco shall sell only to other dealers who have paid a special tax as such, and to manufacturers of tobacco, snuff, or cigars, and to such persons as are known to be purchasers of leaf-tobacco for export.

Seventh. Retail dealers in leaf-tobacco shall each pay five hundred dollars, and if their annual sales exceed one thousand dollars, shall each pay, in addition thereto, fifty cents for every dollar in excess of one thousand dollars of their sales. Every person shall be regarded as a retail dealer in leaf-tobacco whose business it is to sell leaf-tobacco in quantities less than an original hogshead, case, or bale; or who sells directly to consumers, or to persons other than dealers in leaf-tobacco, who have paid a special tax as such; or to manufacturers of tobacco, snuff, or cigars who have paid a special tax; or to persons who purchase in original packages for export. Retail dealers in leaf-tobacco shall also keep a book, and enter therein daily their purchases and sales, in a form and manner to be prescribed by the Commissioner of Internal Revenue, which book shall be open at all times for the inspection of any revenue officer.

Whenever it becomes necessary to ascertain the amount of annual sales made by any retail dealer in leaf-tobacco, or to ascertain the excess of such sales over one thousand dollars, such amount and excess shall be ascertained and returned under such regulations and in such form as may be prescribed by the Commissioner of Internal Revenue. And whenever the amount of sales or receipts is understated or underestimated by any retail dealer in leaf-tobacco, he shall be again assessed for such deficiency, and shall be required to pay the same, with any penalties that may by law have accrued or be chargeable thereon.

Eighth. Dealers in tobacco shall each pay five dollars. Every person whose business it is to sell, or offer for sale, manufactured tobacco, snuff, or cigars, shall be regarded as a dealer in tobacco, and the payment of a special tax as a wholesale or retail liquor-dealer, or the payment of any other special tax, shall not relieve any person who sells manufactured tobacco and cigars from the payment of this tax: *Provided*, That no manufacturer of tobacco, snuff, or cigars shall be required to pay a special tax as dealer in manufactured tobacco and cigars for selling his own products at the place of manufacture.

Ninth. Manufacturers of tobacco shall each pay ten dollars. Every person whose business it is to manufacture tobacco or snuff for himself, or who employs others to manufacture tobacco or snuff, whether such manufacture be by cutting, pressing, grinding, crushing, or rubbing of any raw or leaf-tobacco, or otherwise preparing raw or leaf-tobacco, or manufactured or partially manufactured tobacco or snuff, or the putting up for use or consumption of scraps, waste, clippings, stems, or deposits of tobacco resulting from any process of handling tobacco, or by the working or preparation of leaf-tobacco, tobacco-stems, scraps, clippings, or waste, by sifting, twisting, screening, or any other process, shall be regarded as a manufacturer of tobacco.

Tenth. Manufacturers of cigars shall each pay ten dollars. Every person whose business it is to make or manufacture cigars for himself, or who employs others to make or manufacture cigars, shall be regarded as a manufacturer of cigars. No special tax stamp shall be issued to

20 July, 1868, c. 186, s. 59, v. 15, p. 150.

Retail dealers in leaf-tobacco.

6 June, 1872, c. 315, s. 31, v. 17, p. 250.

29 July, 1868, c. 186, s. 60, v. 15, p. 152.

Dealers in tobacco.

6 June, 1872, c. 315, s. 31, v. 17, p. 250.

Manufacturers of tobacco.

6 June, 1872, c. 315, s. 31, v. 17, p. 251.

20 July, 1868, c. 186, ss. 59, 63, v. 15, pp. 150, 153.

Manufacturers of cigars.

6 June, 1872, c. 315, s. 31, v. 17, p. 251.

20 July, 1868, c. 186, s. 59, v. 15, p. 150.

any manufacturer of cigars until he has given the bond required by law. Every person whose business it is to make cigars for others, either for pay, upon commission, on shares, or otherwise, from material furnished by others, shall be regarded as a cigar-maker. Every cigar-maker shall cause his name and residence to be registered, without previous demand, with the collector of the district in which such cigar-maker shall be employed; and every manufacturer of cigars employing any cigar-maker who shall have neglected or refused to make such registry shall be fined five dollars for each day that such cigar-maker so offending, by neglect or refusal to register, shall be employed by him.

Peddlers of tobacco.

6 June, 1872, c. 315, s. 31, v. 17, p. 251.

Eleventh. Peddlers of tobacco shall be classified and rated as follows, to wit: When traveling with more than two horses, mules, or other animals, as of the first class, and shall pay fifty dollars; when traveling with two horses, mules, or other animals, as of the second class, and shall pay twenty-five dollars; when traveling with one horse, mule, or other animal, as of the third class, and shall pay fifteen dollars; when traveling on foot or by public conveyance, as of the fourth class, and shall pay ten dollars. Any person who sells or offers to sell and deliver manufactured tobacco, snuff, or cigars, traveling from place to place, in the town or through the country, shall be regarded as a peddler of tobacco.

Balance of distillers' special tax to be refunded.

6 June, 1872, c. 315, s. 12, v. 17, p. 238.

Special tax not applied to vintners or apothecaries in certain cases.

13 July 1866, c. 184, s. 9, v. 14, p. 122.

SEC. 3245. The special tax paid by distillers prior to August one, eighteen hundred and seventy-two, which has not been exhausted by the quantity of spirits distilled as provided by law, shall be refunded, upon proper application, out of any money arising from internal taxes, not otherwise appropriated.

SEC. 3246. Nothing in this chapter shall be construed to impose a special tax upon vintners who sell wine of their own growth at the place where the same is made; or upon apothecaries, as to wines or spirituous liquors which they use exclusively in the preparation or making up of medicines.

CHAPTER FOUR.

DISTILLED SPIRITS.

| Sec. | Sec. |
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| 3247. Distiller, definition of. | 3264. Surveys of distilleries. |
| 3248. Distilled spirits, definition of. | 3265. Notice by manufacturer of a still. |
| 3249. Standard of proof-spirits; prevention of frauds. | Penalty for setting up still without permit. |
| 3250. Gallon as used in sales, definition of. | 3266. Distilling on certain premises prohibited; penalty. |
| 3251. Tax on distilled spirits. | 3267. Receiving-cisterns in distilleries. |
| 3252. Adding substances to create fictitious proof; penalty. | 3268. Breaking locks, gaining access to cistern, &c.; penalty. |
| 3253. Tax on spirits removed without deposit in warehouse. | 3269. Furnaces, tubs, doublers, worm-tanks; penalty. |
| 3254. Products of distillation containing spirits. | 3270. Apparatus and fastenings. |
| 3255. Brandy made from apples, peaches, or grapes. | 3271. Distillery warehouse. |
| 3256. Evading tax; penalty. | 3272. When a warehouse becomes unsafe. |
| 3257. Distiller defrauding or attempting to defraud United States of tax on spirits. | 3273. Store-keepers have charge under direction of collector. |
| 3258. Registry of stills, &c. | 3274. Custody and management of warehouse. |
| 3259. Notice of intention to carry on business of distiller or rectifier. | 3275. Distiller to keep distillery accessible. |
| 3260. Distiller to give bond. | 3276. Power of revenue officers to enter and examine distilleries. |
| 3261. Bond not to be approved until law complied with. | Penalty for obstructing officer. |
| 3262. Distiller must be owner in fee-simple, or have written consent of owner, &c. | 3277. Distillers and rectifiers to furnish facilities for examination; penalty for neglect. |
| 3263. Plan of distillery. | 3278. Officers to break up ground or walls in order to examine. |

| Sec. | Sec. |
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| 3279. Signs to be put up by distillers and rectifiers; penalty for neglect. Penalty for using false signs, &c. | Using unregistered materials; penalty. |
| 3280. Distillers not to carry on business until the law is complied with. | 3307. Distillers' returns of production to collector. |
| 3281. Carrying on distilling without giving bond, &c.; penalty. | 3308. Distillers' returns of the number of barrels distilled. |
| 3282. Mash, wort, and vinegar. | 3309. Monthly examination of distiller's return, &c. |
| 3283. No process for distilling between 11 p. m. of Saturday and 1 a. m. of Monday. | 3310. When distilling deemed commenced. Suspension of work; penalties. |
| 3284. Using material, or removing spirits in absence of store-keeper; penalty. | 3311. Reduction of capacity; penalty. |
| 3285. Emptying fermenting-tubs. | 3312. Stamps, how prepared and issued. |
| 3286. Drawing off, water, cleansing worm-tub, &c. | 3313. Stamps, form of, how used. |
| 3287. Drawing off gauging, &c., and removal of spirits to warehouse. | 3314. Accountability for stamp-books. |
| 3288. Tax-paid spirits not to remain on distillery premises. | 3315. Restamping tax-paid spirits, when stamps are lost or destroyed. |
| 3289. Forfeiture of unstamped packages. | 3316. Officer using or issuing, or permitting use of stamps, contrary to law; penalty. |
| 3290. Gauger employing distiller, &c., to use brands or perform his duties; penalty. | 3317. Rectifiers' returns. |
| 3291. Gauger's returns. | 3318. Books to be kept by rectifiers and wholesale dealers; penalty. |
| 3292. Fraudulent inspection, gauging, &c.; penalty. | 3319. Purchase of quantities greater than 20 gallons from one person, &c. |
| 3293. Distiller's entry of deposit in warehouse. Bond for taxes. | 3320. Gauging, inspection, and stamping of rectified spirits. |
| 3294. Withdrawal from warehouse, entry for. | 3321. Gauging, inspecting, and stamping spirits on premises of wholesale dealer. |
| 3295. Gauging, stamping, and branding spirits removed from warehouse. | 3322. Filling blanks, and affixing and protecting stamps. |
| 3296. Removal, concealment, &c., of spirits contrary to law; penalty. | 3323. Spirits drawn into new packages to be gauged and branded; forfeiture. |
| 3297. Alcohol withdrawn for scientific purposes. | 3324. Stamps and brands to be effaced from empty casks. Penalty for omitting to efface, and for transporting in violation of law. |
| 3298. Power of officers to detain packages on suspicion. | 3325. Buying or selling spirit-casks having inspection-marks. |
| 3299. Forfeiture of spirits unlawfully removed from distillery. | 3326. Changing stamps, shifting spirits, &c., penalty. |
| 3300. Store-keeper unlawfully removing, or allowing to be removed, &c. | 3327. Removal within certain hours from distillery or rectifier's premises. |
| 3301. Store-keepers' warehouse-book and returns. | 3328. Imitations of wines. |
| 3302. Store-keepers to have charge of distillery and keep account of materials, &c. | 3329. Drawback on distilled spirits. |
| 3303. Distillers' books; entries to be made. | 3330. Exportation of distilled spirits withdrawn from bonded warehouses. |
| 3304. Books to be open to inspection and preserved two years. | 3331. Release of distillery before judgment, in what cases. |
| 3305. False entries, or omitting to keep or produce books; penalty. | 3332. Distillery to be destroyed in certain cases of forfeiture. |
| 3306. Using false weights in ascertaining materials; penalty. | 3333. When burden of proof is on claimant of spirits seized. |
| | 3334. Spirits sold under judicial process subject to tax. |

SEC. 3247. Every person who produces distilled spirits, or who brews or makes mash, wort, or wash, fit for distillation or for the production of spirits, or who, by any process of evaporation, separates alcoholic spirit from any fermented substance, or who, making or keeping mash, wort, or wash, has also in his possession or use a still, shall be regarded as a distiller.

Distiller, definition of.

20 July, 1868, c. 186, s. 59, v. 15, p. 150.

SEC. 3248. Distilled spirits, spirits, alcohol, and alcoholic spirit, within the true intent and meaning of this act, is that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirit of wine, which is commonly produced by the fermentation of grain, starch, molasses, or sugar, including all dilutions and mixtures of this substance; and the tax shall attach to this substance as soon as it is in existence as such, whether it be subsequently separated as pure or impure spirit, or be immediately, or at any subsequent time, transferred into any other substance, either in the process of original production or by any subsequent process.

Distilled spirits, definition of.

20 July, 1868, c. 186, s. 4, v. 15, p. 126.

Standard of proof spirits; prevention of frauds.

20 July, 1868, c. 186, s. 2, v. 15, p. 125.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

Gallon as used in sales, definition of.

20 July, 1868, c. 186, s. 2, v. 15, p. 125.

Tax on distilled spirits.

20 July, 1868, c. 186, ss. 1, 4, v. 15, pp. 125, 126.

6 June, 1872, c. 315, s. 12, v. 17, p. 238.

Adding substances to create fictitious proof; penalty.

20 July, 1868, c. 186, s. 38, v. 15, p. 141.

Tax on spirits removed without deposit in warehouse.

2 March, 1867, c. 169, s. 14, v. 14, p. 481.

24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

Products of distillation containing spirits.

5 Feb., 1867, Res. 11, s. 1, v. 14, p. 565.

Brandy made from apples, peaches, or grapes.

SEC. 3249. Proof-spirit shall be held to be that alcoholic liquor which contains one-half its volume of alcohol of a specific gravity of seven thousand nine hundred and thirty-nine ten thousandths (.7939) at sixty degrees Fahrenheit. And for the prevention and detection of frauds by distillers of spirits, the Commissioner of Internal Revenue may prescribe for use such hydrometers, saccharometers, weighing and gauging instruments, or other means for ascertaining the quantity, gravity, and producing-capacity of any mash, wort, or beer used, or to be used, in the production of distilled spirits, and the strength and quantity of spirits subject to tax, as he may deem necessary; and he may prescribe rules and regulations to secure a uniform and correct system of inspection, weighing, marking, and gauging of spirits.

SEC. 3250. In all sales of spirits a gallon shall be held to be a gallon of proof-spirit, according to the standard prescribed in the preceding section, set forth and declared for the inspection and gauging of spirits throughout the United States.

SEC. 3251. There shall be levied and collected on all distilled spirits on which the tax prescribed by law has not been paid, a tax of seventy cents on each proof-gallon, to be paid by the distiller, owner, or person having possession thereof before removal from the distillery warehouse: *Provided*, That distilled spirits lawfully deposited in a distillery bonded warehouse prior to the first day of August, eighteen hundred and seventy-two, may be withdrawn on payment of the taxes thereon at the rate, within the time, and in the manner provided by law at the time of such deposit. The tax on such spirits shall be collected on the whole number of gauge or wine gallons when below proof, and shall be increased in proportion for any greater strength than the strength of proof spirit, as defined in this Title; and any fractional part of a gallon amounting to one-half gallon or over in a cask or package shall be taxed as a gallon, and any fractional part of a gallon less than one-half gallon in any cask or package shall be exempt from tax. Every proprietor or possessor of, and every person in any manner interested in the use of, any still, distillery, or distilling apparatus, shall be jointly and severally liable for the taxes imposed by law on the distilled spirits produced therefrom, and the tax shall be a first lien on the spirits distilled, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the lot or tract of land whereon the said distillery is situated, and on any building thereon from the time said spirits are in existence as such until the said tax is paid.

SEC. 3252. Every person who adds or causes to be added any ingredient or substance to any distilled spirits before the tax is paid thereon, for the purpose of creating a fictitious proof, shall be fined not less than one hundred dollars nor more than one thousand dollars for each cask or package so adulterated, and imprisoned not less than three months nor more than two years; and every such cask or package, with its contents, shall be forfeited to the United States.

SEC. 3253. The tax upon any distilled spirits, removed from the place where they were distilled and not deposited in bonded warehouse as required by law, shall, at any time, when knowledge of such fact is obtained by the Commissioner of Internal Revenue, be assessed by him upon the distiller of the same, and returned to the collector, who shall immediately demand payment of such tax, and, upon the neglect or refusal of payment by the distiller, shall proceed to collect the same by distraint. But this provision shall not exclude any other remedy or proceeding provided by law.

SEC. 3254. All products of distillation, by whatever name known, which contain distilled spirits or alcohol, on which the tax imposed by law has not been paid, shall be considered and taxed as distilled spirits.

SEC. 3255. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may exempt distillers of brandy made exclusively from apples, peaches, or grapes, from any provision of this

Title, relating to the manufacture of spirits, except as to the tax thereon, when in his judgment it may seem expedient to do so.

20 July, 1868, c. 186, s. 2, v. 15, p. 125.
11 Int. Rev. Rec., 125.

SEC. 3256. Whenever any person evades, or attempts to evade, the payment of the tax on any distilled spirits, in any manner whatever, he shall forfeit and pay double the amount of the tax so evaded or attempted to be evaded.

Evading tax; penalty.

SEC. 3257. Whenever any person engaged in carrying on the business of a distiller defrauds or attempts to defraud the United States of the tax on the spirits distilled by him, or of any part thereof, he shall forfeit the distillery and distilling-apparatus used by him, and all distilled spirits and all raw materials for the production of distilled spirits found in the distillery and on the distillery premises, and shall be fined not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than three years.

20 July, 1868, c. 186, s. 39, v. 15, p. 141.

Distiller defrauding or attempting to defraud United States of tax on spirits.

31 March, 1868, c. 41, s. 5, v. 15, p. 59.

SEC. 3258. Every person having in his possession or custody, or under his control, any still or distilling-apparatus set up, shall register the same with the collector of the district in which it is, by subscribing and filing with him duplicate statements, in writing, setting forth the particular place where such still or distilling-apparatus is set up, the kind of still and its cubic contents, the owner thereof, his place of residence, and the purpose for which said still or distilling-apparatus has been or is intended to be used; one of which statements shall be retained and preserved by the collector, and the other transmitted by him to the Commissioner of Internal Revenue. Stills and distilling-apparatus shall be registered immediately upon their being set up. Every still or distilling-apparatus not so registered, together with all personal property in the possession or custody, or under the control of such person, and found in the building, or in any yard or inclosure connected with the building in which the same may be set up, shall be forfeited. And every person having in his possession or custody, or under his control, any still or distilling-apparatus set up which is not so registered, shall pay a penalty of five hundred dollars, and shall be fined not less than one hundred dollars, nor more than one thousand dollars, and imprisoned for not less than one month, nor more than two years.

Registry of stills, &c.

30 July, 1868, c. 186, s. 5, v. 15, p. 126.

24 Dec., 1872, c. 13, ss. 1, 2, v. 17, pp. 401, 402.

SEC. 3259. Every person engaged in, or intending to be engaged in, the business of a distiller or rectifier, shall give notice in writing, subscribed by him, to the collector of the district wherein such business is to be carried on, stating his name and residence, and if a company or firm, the name and residence of each member thereof, the name and residence of every person interested or to be interested in the business, the precise place where said business is to be carried on, and whether of distilling or rectifying; and if such business is carried on in a city, the residence and place of business shall be indicated by the name of the street and number of the building. In case of a distiller, the notice shall also state the kind of stills and the cubic contents thereof, the number and kind of boilers, the number of mash-tubs and fermenting-tubs, the cubic contents of each tub, the number of receiving-cisterns, the cubic contents of each cistern, the number of hours in which the distillery will ferment each tub of mash or beer, the estimated quantity of distilled spirits which the apparatus is capable of distilling every twenty-four hours, a particular description of the lot or tract of land on which the distillery is situated, and of the buildings thereon, including their size, material, and construction; and that said distillery premises are not within six hundred feet, in a direct line, of any premises authorized to be used for rectifying or refining distilled spirits by any process. In case of a rectifier, the notice shall state the precise place where such business is to be carried on, the name and residence of every person interested or to be interested in the business, the process by which the applicant intends to rectify, purify, or refine distilled spirits, the kind and cubic contents of any still used or to be used for such purpose, the estimated quantity of

Notice of intention to carry on business of distiller or rectifier.

20 July, 1868, c. 186, s. 6, v. 15, pp. 126, 127.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

spirits which can be rectified, purified, or refined every twenty-four hours in such establishment, and that said rectifying-establishment is not within six hundred feet, in a direct line, of the premises of any distillery registered for the distillation of spirits. In case of any change in the location, form, capacity, ownership, agency, superintendency, or in the persons interested in the business of such distillery or rectifying-establishment, or in the time of fermenting the mash or beer, notice thereof, in writing, shall be given to the said collector or proper deputy collector, of the district within twenty-four hours after such change; and any deputy collector receiving such notice shall immediately transmit the same to the collector of the district. Every notice required by this section shall be in such form, and shall contain such additional particulars, as the Commissioner of Internal Revenue may, from time to time, prescribe. Every person who fails or refuses to give such notice shall pay a penalty of one thousand dollars, and shall be fined not less than one hundred dollars nor more than two thousand dollars; and every person who gives a false or fraudulent notice shall, in addition to such penalty or fine, be imprisoned not less than six months nor more than two years.

Distiller to give bond.

20 July, 1868, c. 186, s. 7, v. 15, p. 127.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

U. S. *vs.* Hodson, 10 Wall., 395; U. S. *vs.* Powell, 14 Wall., 493; U. S. *vs.* Thirty-five Barrels, 9 Int. Rev. Rec., 67.

SEC. 3260. Every person intending to commence or to continue the business of a distiller shall, on filing with the collector his notice of such intention, and before proceeding with such business, and on the first day of May of each succeeding year, execute a bond in the form prescribed by the Commissioner of Internal Revenue, conditioned that he shall faithfully comply with all the provisions of law relating to the duties and business of distillers, and shall pay all penalties incurred or fines imposed on him for a violation of any of the said provisions; and that he shall not suffer the lot or tract of land on which the distillery stands, or any part thereof, or any of the distilling-apparatus, to be incumbered by mortgage, judgment, or other lien, during the time in which he shall carry on said business. Said bond shall be with at least two sureties, approved by the collector of the district, and for a penal sum not less than double the amount of tax on the spirits that can be distilled in his distillery during a period of fifteen days. The collector may refuse to approve said bond when, in his judgment, the situation of the distillery is such as would enable the distiller to defraud the United States; and in case of such refusal the distiller may appeal to the Commissioner of Internal Revenue, whose decision in the matter shall be final. A new bond shall be required in case of the death, insolvency, or removal of either of the sureties, and may be required in any other contingency at the discretion of the collector or Commissioner of Internal Revenue. Every person who fails or refuses to give the bond hereinbefore required, or to renew the same, or who gives any false, forged, or fraudulent bond, shall forfeit the distillery, distilling-apparatus, and all real estate and premises connected therewith, and shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than two years.

Bond not to be approved until law complied with.

20 July, 1868, c. 186, s. 17, v. 15, p. 131.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.—U. S. *vs.* Thirty-five Barrels, 9 Int. Rev. Rec., 67.

Distiller must be owner in fee-simple, or have written consent of owner, &c.

20 July, 1868, c. 186, s. 8, v. 15, p. 127.

SEC. 3261. No collector shall approve the bond of any distiller until all the requirements of the law and all regulations made by the Commissioner of Internal Revenue in relation to distilleries, in pursuance thereof, have been complied with. Every collector who violates this provision shall forfeit and pay two thousand dollars, and be dismissed from office.

SEC. 3262. No bond of a distiller shall be approved, unless he is the owner in fee, unincumbered by any mortgage, judgment, or other lien, of the lot or tract of land on which the distillery is situated, or unless he files with the collector, in connection with his notice, the written consent of the owner of the fee, and of any mortgagee, judgment-creditor, or other person having a lien thereon, duly acknowledged, that the premises may be used for the purpose of distilling spirits, subject to the

provisions of law, and expressly stipulating that the lien of the United States for taxes and penalties shall have priority of such mortgage, judgment, or other incumbrance, and that in case of the forfeiture of the distillery premises, or of any part thereof, the title of the same shall vest in the United States, discharged from such mortgage, judgment, or other incumbrance. In any case where the owner of a distillery or distilling-apparatus, erected prior to the twentieth day of July, eighteen hundred and sixty-eight, has only an estate for a term of years or other estate less than fee-simple in the lot or tract of land on which the distillery is situated, the evidence of title to which shall have been duly recorded prior to that date; or in like case, where the lease or other evidence of title is held but was not required by the laws of the State to be recorded in order to be valid at the time of its execution; or in any case of such prior erection where the title was then, and has continued to be, in litigation; or in any case of such prior erection where such owner is possessed of the fee, but incumbered with a mortgage executed and duly recorded prior to said twentieth of July, eighteen hundred and sixty-eight, and not due, or in any case of such prior erection where the fee is held by a feme-covert, minor, person of unsound mind, or other person incapable of giving consent, as hereinbefore required, the value of such lot or tract of land, together with the building and distilling-apparatus, shall be appraised in the manner to be prescribed by the Commissioner of Internal Revenue; and the collector may, at the discretion of the Commissioner, be authorized to accept, in lieu of the said written consent of the owner of the fee, the bond of such distiller, in such form as the Commissioner may prescribe, with not less than two sureties, conditioned that in case the distillery, distilling-apparatus, or any part thereof, shall by final judgment be forfeited for the violation of any of the provisions of law, the obligors shall pay the amount stated in said bond. Said sureties shall be residents of the collection-district or county, or of an adjoining county in the same State in which the distillery is situated, and owners of unincumbered real estate in said district or county, or adjoining county, equal to such appraised value, and the penal sum of said bond shall be equal to the appraised value of said lot or tract of land together with the buildings and distilling-apparatus: *Provided*, That, in case of any distillery sold at judicial or other sale in favor of the United States, a bond may be taken at the discretion of the Commissioner of Internal Revenue, in lieu of the written consent required by this section, and the person giving such bond may be allowed to operate such distillery during the existence of the right of redemption from such sale, on complying with all the other provisions of law.

SEC. 3263. Every distiller and person intending to engage in the business of a distiller shall, previous to the approval of his bond, cause to be made, under the direction of the collector of the district, an accurate plan and description, in triplicate, of the distillery and distilling-apparatus, distinctly showing the location of every still, boiler, doubler, worm-tub, and receiving-cistern, the course and construction of all fixed pipes used or to be used in the distillery, and of every branch and every cock or joint thereof, and of every valve therein, together with every place, vessel, tub, or utensil from and to which any such pipe leads, or with which it communicates; also the number and location and cubic contents of every still, mash-tub, and fermenting-tub, the cubic contents of every receiving-cistern, and the color of each fixed pipe, as required in this Title. One copy of said plan and description shall be kept displayed in some conspicuous place in the distillery, and two copies shall be furnished to the collector of the district, one of which shall be kept by him, and the other transmitted to the Commissioner of Internal Revenue. The accuracy of every such plan and description shall be verified by the collector, the draughtsman, and the distiller; and no alteration shall be made in such distillery without the consent, in writing, of the collector. Any alteration so made shall be shown on the original, or by

10 April, 1869, c.
18, s. 1, v. 16, p. 41.
6 June, 1872, c.
315, s. 13, v. 17, p.
243.
24 Dec., 1872, c.
13, s. 1, v. 17, p. 401.

Plan of distillery.

20 July, 1868, c.
186, s. 9, v. 15, p.
128.
24 Dec., 1872, c.
13, s. 1, v. 17, p. 401.

a supplemental plan and description, and a reference thereto noted on the original, as the collector may direct; and any supplemental plan and description shall be executed and preserved in the same manner as the original.

Surveys of distilleries.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

SEC. 3264. On receipt of notice that any person wishes to commence the business of distilling, the collector shall proceed, at the expense of the United States, with the aid of an assistant designated for the purpose by the Commissioner of Internal Revenue, to make a survey of such distillery, for the purpose of estimating and determining its true spirit-producing capacity for a day of twenty-four hours. In all surveys forty-five gallons of mash or beer brewed or fermented from grain shall represent not less than one bushel of grain, and seven gallons of mash or beer brewed or fermented from molasses shall represent not less than one gallon of molasses, except in distilleries operating on the sour-mash principle, in which distilleries sixty gallons of beer brewed or fermented from grain shall represent not less than one bushel of grain. A written report of such survey shall be made in triplicate, of which one copy shall be delivered to the distiller, one copy shall be retained by the collector, and one copy shall be transmitted to the Commissioner of Internal Revenue, and the survey shall take effect upon the delivery of such copy to the distiller. Whenever the Commissioner is satisfied that any report of the capacity of a distillery is incorrect or needs revision, he shall direct the collector to make, in like manner, another survey of said distillery, and the report thereof shall be made and deposited as hereinbefore provided.

Notice by manufacturer of a still.

20 July, 1868, c. 186, s. 14, v. 15, p. 130.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Penalty for setting up still without permit.

SEC. 3265. Any person who manufactures any still, boiler, or other vessel to be used for the purpose of distilling, shall, before the same is removed from the place of manufacture, notify in writing the collector of the district in which such still, boiler, or other vessel is to be used or set up, by whom it is to be used, its capacity, and the time when the same is to be removed from the place of manufacture; and no such still, boiler, or other vessel shall be set up without the permit in writing of the said collector for that purpose; and any person who sets up any such still, boiler, or other vessel, without first obtaining a permit from the said collector of the district in which such still, boiler, or other vessel is intended to be used, or who fails to give such notice, shall pay in either case the sum of five hundred dollars, and shall forfeit the distilling-apparatus thus removed or set up in violation of law.

Distilling on certain premises prohibited; penalty.

20 July, 1868, c. 186, s. 12, v. 15, p. 130.

13 July, 1866, c. 184, s. 25, v. 14, p. 154.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

SEC. 3266. No person shall use any still, boiler, or other vessel, for the purpose of distilling, in any dwelling-house, or in any shed, yard, or inclosure connected with any dwelling-house, or on board of any vessel or boat, or in any building, or on any premises where beer, lager-beer, ale, porter, or other fermented liquors, vinegar, or ether, are manufactured or produced, or where sugars or sirups are refined, or where liquors of any description are retailed, or where any other business is carried on; or within six hundred feet in a direct line of any premises authorized to be used for rectifying; and every person who does any of the acts prohibited by this section, or aids or assists therein, or causes or procures the same to be done, shall be fined one thousand dollars and imprisoned for not less than six months nor more than two years, in the discretion of the court, for each such offense: *Provided*, That saleratus may be manufactured, or meal or flour ground from grain, in any building or on any premises where spirits are distilled; but such meal or flour shall be used only for distillation on the premises: *Provided further*, That any boiler used in generating steam or heating water to be used in any distillery, may be located in any other building or on any other premises to be connected with such still or boiling-tubs, by suitable pipes or other apparatus, or the steam from such boiler in the distillery may be conveyed to other premises to be used for manufacturing or other purposes.

Receiving-cisterns in distilleries.

SEC. 3267. The owner, agent, or superintendent of any distillery established as hereinbefore provided, shall erect, in a room or building to

be provided and used for that purpose, and for no other, and to be constructed in the manner to be prescribed by the Commissioner of Internal Revenue, two or more receiving-cisterns, each to be at least of sufficient capacity to hold all the spirits distilled during the day of twenty-four hours, into which shall be conveyed all the spirits produced in said distillery; and each of said cisterns shall be so constructed as to leave an open space of at least three feet between the top thereof and the floor or roof above, and of not less than eighteen inches between the bottom thereof and the floor below, and shall be so situated that the officer can pass around the same, and shall be connected with the outlet of the worm or condenser by suitable pipes or other apparatus, so constructed as always to be exposed to the view of the officer, and so connected and constructed as to prevent the abstraction of spirits while passing from the outlet of the worm or condenser back to the still or doubler, or forward to the receiving-cistern. Such cisterns and the room in which they are contained shall be in charge and under the lock and seal of the internal-revenue gauger designated for that duty; and all locks and seals required by law shall be provided by the Commissioner of Internal Revenue, at the expense of the United States; and the keys shall be in charge of the collector or such gauger as he may designate. On the third day after the spirits are conveyed into such cistern they shall be drawn off into casks, under the supervision of such gauger, in the presence of the store-keeper, and be removed directly to the distillery warehouse; but on special application to the collector by the owner, agent, or superintendent of any distillery, the spirits may be drawn off from the said cisterns, under the supervision of the gauger, at any time previous to the third day.

SEC. 3268. Every person who destroys, breaks, injures, or tampers with any lock or seal which may be placed on any cistern-room or building by the duly authorized officers of the revenue, or opens said lock or seal, or the door to said cistern-room or building, or in any manner gains access to the contents therein, in the absence of the proper officer, shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than one year nor more than three years.

SEC. 3269. The door of the furnace of every still or boiler used in any distillery shall be so constructed that it may be securely fastened and locked. The fermenting-tubs shall be so placed as to be easily accessible to any revenue officer, and each tub shall have distinctly painted thereon in oil-colors its cubic contents in gallons and the number of the tub. There shall be a clear space of not less than one foot around every wood-still, and not less than two feet around every doubler and worm-tank. The doubler and worm-tanks shall be elevated not less than one foot from the floor; and every fixed pipe to be used by the distiller, except for conveyance of water, or of spent mash or beer only, shall be so fixed and placed as to be capable of being examined by the officer for the whole of its length or course, and shall be painted, and kept painted, as follows, that is to say: Every pipe for the conveyance of mash or beer shall be painted of a red color; every pipe for the conveyance of low-wines back into the still or doubler shall be painted blue; every pipe for the conveyance of spirits shall be painted black, and every pipe for the conveyance of water shall be painted white. Whenever any fixed pipe is used by any distiller which is not painted or kept painted as herein directed, or which is painted otherwise than as herein directed, he shall forfeit the sum of one thousand dollars.

SEC. 3270. The Commissioner of Internal Revenue is authorized to order and require such changes of or additions to distilling apparatus, connecting-pipes, pumps, or cisterns, or any machinery connected with or used in or on the distillery premises, or may require to be put on any of the stills, tubs, cisterns, pipes, or other vessels, such fastenings, locks, or seals as he may deem necessary.

SEC. 3271. Every distiller shall provide, at his own expense, a warehouse, to be situated on and to constitute a part of his distillery premises,

20 July, 1868, c. 186, s. 16, v. 15, p. 131.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Breaking locks, gaining access to cistern, &c.; penalty.

20 July, 1868, c. 186, s. 40, v. 15, p. 141.

Furnaces, tubs, doublers, worm-tanks; penalty.

20 July, 1868, c. 186, s. 17, v. 15, p. 131.

Apparatus and fastenings.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

Distillery warehouse.

20 July, 1868, c. 186, s. 15, v. 15, p. 130.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

U. S. vs. Powell,
14 Wall., 493.

When a warehouse becomes unsafe.

20 July, 1868, c. 186, s. 56, v. 15, p. 149.

Store-keepers have charge under direction of collector.

20 July, 1868, c. 186, ss. 21, 52, v. 15, pp. 134, 146.

Custody and management of warehouse.

20 July, 1868, c. 186, s. 52, v. 15, p. 146.

Distiller to keep distillery accessible.

20 July, 1868, c. 186, s. 18, v. 15, p. 132.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Power of revenue officers to enter and examine distilleries.

20 July, 1868, c. 186, s. 32, v. 15, p. 139.

and to be used only for the storage of distilled spirits of his own manufacture until the tax thereon shall have been paid; but no dwelling-house shall be used for such purpose, and no door, window, or other opening shall be made or permitted in the walls of such warehouse leading into the distillery or into any other room or building; and such warehouse, when approved by the Commissioner of Internal Revenue, on report of the collector, is hereby declared to be a bonded warehouse of the United States, to be known as a distillery warehouse, and shall be under the direction and control of the collector of the district, and in charge of an internal-revenue store-keeper, assigned thereto by the Commissioner.

SEC. 3272. Whenever in the opinion of the Commissioner of Internal Revenue any distillery or other warehouse is unsafe or unfit for use, or the merchandise therein is for any reason liable to loss or great wastage, he may discontinue such warehouse, and require the merchandise therein to be transferred to such other warehouse as he may designate and within such time as he may prescribe. Such transfer shall be made under the supervision of the collector, or of such other officer as may be designated by the Commissioner, and the expense thereof shall be paid by the owner of the merchandise. Whenever the owner of such merchandise fails to make such transfer within the time prescribed, or to pay the just and proper expense of such transfer, as ascertained and determined by the Commissioner, such merchandise may be seized and sold by the collector in the same manner as goods are sold upon distraint for taxes, and the proceeds of such sale shall be applied to the payment of the taxes due thereon and the costs and expenses of such sale and removal, and the balance paid over to the owner of such merchandise.

SEC. 3273. The store-keeper assigned to any distillery warehouse shall also have charge of the distillery connected therewith; and every store-keeper shall have charge of the warehouse to which he is assigned, and of such distillery, under the direction of the collector controlling the same.

SEC. 3274. Every distillery warehouse shall be in the joint custody of the store-keeper and the proprietor thereof. It shall be kept securely locked, and shall at no time be unlocked, or opened, or remain open, unless in the presence of such store-keeper, or other person who may be designated to act for him, as provided by law; and no articles shall be received in or delivered from such warehouse except on an order or permit addressed to the store-keeper and signed by the collector having control of the warehouse.

SEC. 3275. No fence or wall of a height greater than five feet shall be erected or maintained around the premises of any distillery, so as to prevent easy and immediate access to such distillery. And every distiller shall furnish to the collector of the district as many keys of the gates and doors of the distillery as may be required by the collector, from time to time, for any revenue officer or other person who may be authorized to make survey or inspection of the premises, or of the contents thereof; and said distillery shall be kept always accessible to any officer or other person having any such key. Every person who violates any of the foregoing provisions of this section by negligence or refusal, or otherwise, shall pay a penalty of five hundred dollars.

SEC. 3276. It shall be lawful for any revenue officer at all times, as well by night as by day, to enter into any distillery or building or place used for the business of distilling, or used in connection therewith for storage or other purposes, and to examine, gauge, measure, and take an account of every still or other vessel or utensil of any kind, and of all low-wines, and of the quantity and gravity of all mash, wort, or beer, and of all yeast, or other compositions for exciting or producing fermentation in any mash or beer, of all spirits and of all materials for making or distilling spirits, which may be in any such distillery or premises, or in possession of the distiller. And whenever any internal-

revenue officer, or any person called by him to his aid, is hindered, obstructed, or prevented by any distiller or by any workman, or other person acting for such distiller, or in his employ, from entering into any such distillery or building or place as aforesaid; or any such officer is by the distiller, or his workman, or any person in his employ, prevented or hindered from, or opposed, or obstructed, or molested in the performance of his duty under the internal-revenue laws, in any respect, the distiller shall forfeit the sum of one thousand dollars. And whenever any officer, having demanded admittance into a distillery or distillery premises, and having declared his name and office, is not admitted into such distillery or premises by the distiller or other person having charge thereof, it shall be lawful for such officer at all times, as well by night as by day, to break open by force any of the doors or windows, or to break through any of the walls of such distillery or premises necessary to be broken open or through, to enable him to enter the said distillery or premises; and the distiller shall forfeit the sum of one thousand dollars.

Penalty for obstructing officer.

SEC. 3277. On the demand of any internal-revenue officer, every distiller or rectifier shall furnish strong, safe, and convenient ladders of sufficient length to enable the officer to examine and gauge any vessel or utensil in such distillery or premises; and shall, at all times when required, supply all assistance, lights, ladders, tools, staging, or other things necessary for inspecting the premises, stock, tools, and apparatus belonging to such person, and shall open all doors, and open for examination all boxes, packages, and all casks, barrels, and other vessels not under the control of the revenue officer in charge, under a penalty of five hundred dollars for every refusal or neglect so to do.

Distillers and rectifiers to furnish facilities for examination; penalty for neglect.

20 July, 1868, c. 186, s. 33, v. 15, p. 139.

SEC. 3278. It shall be lawful for any revenue officer, and any person acting in his aid, to break up the ground on any part of a distillery, or premises of a distiller or rectifier, or any ground adjoining or near to such distillery or premises, or any wall or partition thereof, or belonging thereto, or other place, to search for any pipe, cock, private conveyance, or utensil; and, upon finding any such pipe or conveyance leading therefrom or thereto, to break up any ground, house, wall, or other place through or into which such pipe or other conveyance leads, and to break or cut away such pipe or other conveyance, and turn any cock, or to examine whether such pipe or other conveyance conveys or conceals any mash, wort, or beer, or other liquor, which may be used for the distillation of low-wines or spirits, from the sight or view of the officer, so as to prevent or hinder him from taking a true account thereof.

Officers to break up ground or walls in order to examine.

20 July, 1868, c. 186, s. 34, v. 15, p. 140.

SEC. 3279. Every person engaged in distilling or rectifying spirits, and every wholesale liquor-dealer, shall place and keep conspicuously on the outside of the place of such business a sign, exhibiting in plain and legible letters, not less than three inches in length, painted in oil-colors or gilded, and of a proper and proportionate width, the name or firm of the distiller, rectifier, or wholesale dealer, with the words: "Registered distillery," "rectifier of spirits," or "wholesale liquor-dealer," as the case may be. Every person who violates the foregoing provision by negligence or refusal, or otherwise, shall pay a penalty of five hundred dollars. And every person, other than a rectifier or wholesale liquor-dealer who has paid the special tax, or a distiller who has given bond as required by law, who puts up or keeps up the sign required by this section, or any sign indicating that he may lawfully carry on the business of a distiller, rectifier, or wholesale liquor-dealer, shall forfeit and pay one thousand dollars, and shall be imprisoned not less than one month nor more than six months. And every person who works in any distillery, rectifying establishment, or wholesale liquor-store, on which no sign is placed and kept, as hereinbefore provided; and every person who knowingly receives at, carries or conveys any distilled spirits to or from, any such distillery, rectifying establishment, warehouse, or store, or who knowingly carries and delivers any grain, molasses, or other raw material to any distillery on which such sign is not placed

Signs to be put up by distillers and rectifiers; penalty for neglect.

20 July, 1868, c. 186, s. 18, v. 15, p. 132.

Penalty for using false signs, &c.

and kept, shall forfeit all horses, carts, drays, wagons, or other vehicle or animal used in carrying or conveying such property aforesaid, and shall be fined not less than one hundred dollars nor more than one thousand dollars, or be imprisoned not less than one month nor more than six months.

Distillers not to carry on business until the law is complied with.

20 July, 1868, c. 186, s. 11, v. 15, p. 129.

6 June, 1872, c. 315, s. 12, v. 17, p. 239.

SEC. 3280. It shall not be lawful for any distiller to commence or to continue the business of distilling, until he has given the bond required by law, and complied with the provisions of law relating to the registration and survey of distilleries, and the arrangement and construction of distilleries and the premises connected therewith; nor shall it be lawful for any person to engage in the business of distilling on any premises distant less than six hundred feet in a direct line from any premises used for rectifying; nor shall the processes of distillation and rectification both be carried on within the distance of six hundred feet in a direct line.

Carrying on distillery without giving bond, &c.; penalty.

20 July, 1868, c. 186, s. 44, v. 15, p. 142.

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

U. S. vs. A Distillery, 2 Abb. U. S., 192.

SEC. 3281. Every person who carries on the business of a distiller without having given bond as required by law, or who engages in or carries on the business of a distiller with intent to defraud the United States of the tax on the spirits distilled by him, or of any part thereof, shall, for every such offense, be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than two years. And all distilled spirits or wines, and all stills or other apparatus fit or intended to be used for the distillation or rectification of spirits, or for the compounding of liquors, owned by such person, wherever found, and all distilled spirits or wines and personal property found in the distillery or in any building, room, yard, or inclosure connected therewith, and used with or constituting a part of the premises, and all the right, title, and interest of such person in the lot or tract of land on which such distillery is situated, and all right, title, and interest therein of every person, who knowingly has suffered or permitted the business of a distiller to be there carried on, or has connived at the same; and all personal property owned by or in possession of any person who has permitted or suffered any building, yard, or inclosure, or any part thereof, to be used for purposes of ingress or egress to or from such distillery, which shall be found in any such building, yard, or inclosure, and all the right, title, and interest of every person in any premises used for ingress or egress to or from such distillery, who has knowingly suffered or permitted such premises to be used for such ingress or egress, shall be forfeited to the United States.

Mash, wort, and vinegar.

20 July, 1868, c. 186, s. 4, v. 15, p. 126.

3 Mar., 1871, Res. 53, v. 16, p. 601.

SEC. 3282. No mash, wort, or wash, fit for distillation or for the production of spirits or alcohol, shall be made or fermented in any building or on any premises other than a distillery duly authorized according to law; and no mash, wort, or wash so made and fermented shall be sold or removed from any distillery before being distilled; and no person, other than an authorized distiller, shall, by distillation, or by any other process, separate the alcoholic spirits from any fermented mash, wort, or wash; and no person shall use spirits or alcohol, or any vapor of alcoholic spirits, in manufacturing vinegar or any other article, or in any process of manufacture whatever, unless the spirits or alcohol so used shall have been produced in an authorized distillery and the tax thereon paid. Every person who violates any provision of this section shall be fined for each offense not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years: *Provided further*, That nothing in this section shall be construed to apply to fermented liquors, or to fermented liquids used for the manufacture of vinegar exclusively. But nothing herein contained shall be construed to authorize the distillation of such fermented liquids, except in an authorized distillery.

No process for distilling between 11 p. m. of Saturday and 1 a. m. of Monday.

SEC. 3283. No malt, corn, grain, or other material shall be mashed, nor any mash, wort, or beer brewed or made, nor any still used by a distiller, at any time between the hour of eleven in the afternoon of any Saturday and the hour of one in the forenoon of the next succeeding

Monday; and every person who violates the provisions of this section shall be liable to a penalty of one thousand dollars.

SEC. 3284. Every distiller or person employed in any distillery who, in the absence of the store-keeper, or person designated to act as store-keeper, uses, or causes or permits to be used, any material for the purpose of making mash, wort, or beer, or for the production of spirits, or removes any spirits, shall forfeit and pay double the amount of taxes on the spirits so produced, distilled, or removed, and in addition thereto be liable to a penalty of one thousand dollars.

SEC. 3285. Every fermenting-tub shall be emptied at the end of the fermenting period, and shall remain empty for twenty-four hours.

20 July, 1868, c. 186, s. 35, v. 15, p. 140.

Using material, or removing spirits in absence of store-keeper; penalty.

20 July, 1868, c. 186, s. 21, v. 15, p. 134.

Emptying fermenting tubs.

20 July, 1868, c. 186, s. 19, v. 15, p. 133.

SEC. 3286. Whenever any officer requires the water contained in any worm-tub in a distillery, at any time when the still is not at work, to be drawn off, and the tub and worm cleansed, the water shall forthwith be drawn off, and the tub and worm cleansed by the distiller, or his workmen, accordingly; and the water shall be kept and continued out of such worm-tub for the period of two hours, or until the officer has finished his examination thereof. For any refusal or neglect to comply with any provision of this section, the distiller shall forfeit the sum of one thousand dollars; and it shall be lawful for the officer to draw off such water, or any portion of it, and to keep the same drawn off for so long a time as he shall think necessary.

Drawing off water, cleansing worm-tub, &c.

20 July, 1868, c. 186, s. 31, v. 15, p. 139.

SEC. 3287. All distilled spirits shall be drawn from the receiving-cisterns into casks, each of not less capacity than twenty gallons wine-measure, and shall thereupon be gauged, proved, and marked by an internal-revenue gauger, by cutting on the cask containing such spirits, in a manner to be prescribed by the Commissioner of Internal Revenue, the quantity in wine-gallons and in proof-gallons of the contents of such casks, and shall be immediately removed into the distillery warehouse, and the gauger shall, in presence of the store-keeper of the warehouse, place upon the head of the cask an engraved stamp, which shall be signed by the collector of the district and the store-keeper and gauger, and shall have written thereon the number of proof-gallons contained therein, the name of the distiller, the date of the receipt in the warehouse, and the serial number of each cask, in progressive order, as the same are received from the distillery. Such serial number for every distillery shall be in regular sequence of the serial number thereof, beginning with number one (No. 1) with the first cask deposited therein after July twenty, eighteen hundred and sixty-eight, and no two or more casks warehoused at the same distillery shall be marked with the same number. The said stamp shall be as follows:

Drawing off, gauging, &c., and removal of spirits to warehouse.

20 July, 1868, c. 186, s. 23, v. 15, p. 135.

Distillery-warehouse stamp No. —. Issued by —, collector, — district, State of —, distillery warehouse of —, 18—. Cask No. —; contents — gallons proof-spirits.

United States Store-keeper.

Attest:

United States Gauger.

SEC. 3288. No distilled spirits on which the tax has been paid shall be stored or allowed to remain on any distillery premises, under the penalty of a forfeiture of all spirits so found.

Tax-paid spirits not to remain on distillery premises.

13 July, 1866, c. 184, s. 43, v. 14, p. 162.

SEC. 3289. All distilled spirits found in any cask or package containing five gallons or more, without having thereon each mark and stamp required therefor by law, shall be forfeited to the United States.

Forfeiture of unstamped packages.

20 July, 1868, c. 186, s. 57, v. 15, p. 150. 6 June, 1872, c. 315, s. 12, v. 17, p. 243.—14 Int. Rev. Rec., 6.

Gauger employ-
ing distiller, &c.,
to use brands or
perform his duties;
penalty.

13 July, 1866, c.
186, s. 38, v. 14, p.
160.

Gauger's returns.

20 July, 1868, c.
186, s. 53, v. 15, p.
147.

24 Dec., 1872, c.
13, s. 1, v. 17, p. 401.

Fraudulent in-
spection, gauging,
&c.; penalty.

20 July, 1868, c.
186, s. 53, v. 15, p.
147.

Distiller's entry
of deposit in ware-
house.

20 July, 1868, c.
186, s. 23, v. 15, p.
135.

6 June, 1872, c.
315, s. 12, v. 17, p.
240.

SEC. 3290. Whenever any gauger employs any owner, agent, or super-
intendent of any distillery or distillery warehouse, or any person in the
service of such owner, agent, or superintendent, or any rectifier or
wholesale liquor-dealer, or any person in the service of such rectifier or
wholesale liquor-dealer, to use his brands, or to discharge any of the
duties imposed upon him by law, he shall, for each offense so committed,
pay a fine not exceeding one thousand dollars, in the discretion of the
court.

SEC. 3291. Every gauger shall, under such regulations as may be
prescribed by the Commissioner of Internal Revenue, make a daily
return to the collector of his district, giving a true account, in detail, of
all articles gauged and proved or inspected by him, and for whom, and
the number and kind of stamps used by him.

SEC. 3292. Every gauger who makes any false or fraudulent inspec-
tion, gauging, or proof shall pay a penalty of one thousand dollars, and
be fined not less than five hundred dollars nor more than five thousand
dollars, and imprisoned not less than three months nor more than three
years.

SEC. 3293. The distiller or owner of all spirits removed as aforesaid
to the distillery warehouse shall, on the first day of each month, or
within five days thereafter, enter the same for deposit in such ware-
house, under such regulations as the Commissioner of Internal Revenue
may prescribe. Said entry shall be in triplicate, and shall contain the
name of the person making the entry, the designation of the warehouse
in which the deposit is made, and the date thereof, and shall be in the
following form:

Entry for deposit in distillery warehouse.

Entry of distilled spirits deposited by———, in distillery
warehouse———, in the——— district, State of———, on the—— day
of———, anno Domini———.

And the entry shall specify the kind of spirits, the whole number of
casks, the marks and serial numbers thereon, the number of gauge or
wine gallons and proof-gallons, and the amount of the tax on the spirits
contained in them; all of which shall be verified by the oath of the
distiller or owner of the same attached to the entry. The said distiller
or owner shall give his bond in duplicate, with one or more sureties,
satisfactory to the collector of the district, conditioned that the princi-
pal named in said bond shall pay the tax on the spirits as specified in
the entry, or cause the same to be paid, before removal from said dis-
tillery warehouse, and within one year from the date of said bond; and
the penal sum of such bond shall not be less than double the amount of
the tax on such distilled spirits. One of said entries shall be retained
in the office of the collector of the district, one sent to the store-keeper
in charge of the warehouse, to be retained and filed in the warehouse,
and one sent with duplicate of the bond to the Commissioner of Internal
Revenue, to be filed in his office.

SEC. 3294. Any distilled spirits may, on payment of the tax thereon,
be withdrawn from warehouse on application to the collector of the
district in charge of such warehouse, on making a withdrawal entry in
duplicate and in the following form:

ENTRY FOR WITHDRAWAL OF DISTILLED SPIRITS FROM WAREHOUSE.

Tax paid.

Entry of distilled spirits to be withdrawn, on payment of the tax,
from——— warehouse, by———, deposited on the——— day of———,
anno Domini———, by———, in said warehouse.

And the entry shall specify the whole number of casks, with the

Bond for taxes.

Withdrawal
from warehouse,
entry for.

20 July, 1868, c.
186, s. 24, v. 15, p.
136.

marks and serial numbers thereon, the number of gauge or wine gallons, and of proof-gallons, and the amount of the tax on the distilled spirits contained in them, all of which shall be verified by the oath of the person making such entry; and on payment of the tax the collector shall issue his order to the store-keeper in charge of the warehouse for the delivery. One of said entries shall be filed in the office of the collector, and the other transmitted by him to the Commissioner of Internal Revenue.

SEC. 3295. Whenever an order is received from the collector for the removal from any distillery warehouse of any cask of distilled spirits on which tax has been paid, the gauger by whom the same is gauged and inspected shall, in presence of the store-keeper and before such cask has left the warehouse, place upon the head thereof, in such manner as to cover no portion of any brand or mark prescribed by law already placed thereon, a stamp, on which shall be engraved the number of proof-gallons contained in said cask on which the tax has been paid, and which shall state the serial number of the cask, the name of the person by whom the tax was paid, and the person to whom and the place where it is to be delivered. Said stamp shall be signed by the collector of the district, the store-keeper, and gauger, and shall be as follows:

Gauging, stamping, and branding spirits removed from warehouse.

20 July, 1868, c. 186, s. 25, v. 15, p. 136.

Tax-paid stamp, No. —.

Received —, 18—, from — tax on — gallons proof-spirit, cask No. —, warehouse at —, for delivery to —, at —.

Collector — District, State of —.

Attest:

—, United States Store-keeper.

—, United States Gauger.

And at the time of affixing the tax-paid stamp the gauger shall, in the presence of the store-keeper, cut or burn upon each cask the name of the distiller, the district, the date of the payment of the tax, the number of proof-gallons, and the number of the stamp, which cutting or burning shall be erased when such cask is emptied, by cutting or burning a canceling-line across such marks or brands.

SEC. 3296. Whenever any person removes, or aids or abets in the removal of any distilled spirits on which the tax has not been paid, to a place other than the distillery warehouse provided by law, or conceals or aids in the concealment of any spirits so removed, or removes, or aids or abets in the removal of any distilled spirits from any distillery warehouse, or other warehouse for distilled spirits authorized by law, in any manner other than is provided by law, or conceals or aids in the concealment of any spirits so removed he shall be liable to a penalty of double the tax imposed on such distilled spirits so removed or concealed, and shall be fined not less than two hundred dollars nor more than five thousand dollars, and imprisoned not less than three months nor more than three years.

Removal, concealment, &c., of spirits contrary to law; penalty.

20 July, 1868, c. 186, s. 36, v. 15, p. 140.

SEC. 3297. The Secretary of the Treasury is authorized to grant permits to any incorporated or chartered scientific institution or college of learning to withdraw alcohol in specified quantities from bond without payment of the internal-revenue tax on the same, or on the spirits from which the alcohol has been distilled, for the sole purpose of preserving specimens of anatomy, physiology, or natural history belonging to such institution, or for use in its chemical laboratory: *Provided*, That application for permits shall be made by the president or curator of such institution, who shall file a bond for double the amount of the tax on the alcohol to be withdrawn, with two good and sufficient sureties, to be

Alcohol withdrawn for scientific purposes.

21 Feb., 1873, c. 173, v. 17, p. 468.

approved by the Commissioner of Internal Revenue, and conditioned that the whole quantity of alcohol so withdrawn from bond shall be used for the purposes above specified, and for no other, and that the said president or curator shall comply with such other requirements and regulations as the Secretary of the Treasury may prescribe. And if any alcohol so obtained is used by any officer, as aforesaid, of such institution for any purposes other than that above specified, then the said officer or sureties shall pay the tax on the whole amount of alcohol withdrawn from bond, together with a like amount as a penalty in addition thereto.

Power of officers to detain packages on suspicion.

20 July, 1868, c. 186, s. 41, v. 15, p. 141.

SEC. 3298. It shall be lawful for any internal-revenue officer to detain any cask or package containing, or supposed to contain, distilled spirits, when he has reason to believe that the tax imposed by law upon the same has not been paid, or that the same is being removed in violation of law; and every such cask or package may be held by him at a safe place until it shall be determined whether the property so detained is liable by law to be proceeded against for forfeiture; but such summary detention shall not continue in any case longer than forty-eight hours without process of law or intervention of the officer to whom such detention is to be reported.

Forfeiture of spirits unlawfully removed from distillery.

20 July, 1868, c. 186, s. 36, v. 15, p. 140.—The Distilled Spirits, 11 Wall., 356; U. S. vs. Blaisdell, 9 Int. Rev. Rec., 82.

SEC. 3299. All distilled spirits found elsewhere than in a distillery or distilling warehouse, not having been removed therefrom according to law, shall be forfeited to the United States.

Store-keeper unlawfully removing or allowing to be removed, &c.

20 July, 1868, c. 186, s. 52, v. 15, p. 147.

SEC. 3300. Whenever any store-keeper or other person in the employment of the United States, having charge of a bonded warehouse, removes or allows to be removed therefrom any cask or other package, without an order or permit of the collector, or which has not been marked or stamped in the manner required by law; or removes or allows to be removed any part of the contents of any cask or package deposited therein, he shall be immediately dismissed from office or employment, and be fined not less than five hundred dollars nor more than two thousand dollars, and imprisoned not less than three months nor more than two years.

Store-keepers' warehouse-books and returns.

Ibid.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

SEC. 3301. Every store-keeper shall keep a warehouse-book, which shall at all times be open to the examination of any revenue officer, and shall enter therein an account of all articles deposited in the warehouse to which he is assigned, indicating in each case the date of deposit, by whom manufactured or produced, the number and description of the packages and contents, the quantities therein, the marks and serial numbers thereon, and by whom gauged, inspected, or weighed, and if distilled spirits, the number of gauge or wine gallons and of proof-gallons; and before delivering any article from the warehouse he shall enter in said book the date of the permit or order of the collector for the delivery of such articles, the number and description of the packages, the marks and serial numbers thereon, the date of delivery, to whom delivered, and for what purpose, which purpose shall be specified in the permit or order for delivery; and in case of delivery of any distilled spirits the number of gauge or wine gallons, and of proof-gallons, shall also be stated; and such further particulars shall be entered in the warehouse-books as may be prescribed or found necessary for the identification of the packages, to insure the correct delivery thereof and proper accountability therefor. And every store-keeper shall furnish daily to the collector of the district a return of all articles received in and delivered from the warehouse during the day preceding that on which the return is made, and mail at the same time a copy thereof to the Commissioner of Internal Revenue, and shall, on the first Monday of every month, make a report in duplicate of the number of packages of all articles, with the respective descriptions thereof, as above provided, which remained in the warehouse at the date of his last report, of all articles received therein and delivered therefrom during the preceding month, and of articles remaining therein

at the end of said month. He shall deliver one of these reports to the collector having control of the warehouse, to be recorded and filed in his office, and transmit one to the Commissioner of Internal Revenue, to be recorded and filed in his office.

SEC. 3302. The store-keeper assigned to any distillery warehouse shall, in addition to the duties required of him as store-keeper in charge of a warehouse, keep in a book to be provided for that purpose, and in the manner prescribed by the Commissioner of Internal Revenue, a daily account of all the meal and vegetable productions or other substances brought into said distillery, or on said premises, to be used for the purpose of producing spirits, from whom purchased, and when delivered at said distillery; of the kind and quantity of all fuel used, and from whom purchased; of all repairs made on said distillery, and by whom and when made; of the names and places of residence of all persons employed in or about the distillery; of the materials put into the mash-tub or otherwise used for the production of spirits; of the time when any fermenting-tub is emptied of ripe mash or beer, recording the same by the number painted on said tub; and of all spirits drawn off from the receiving-cistern, and the time when the same were drawn off.

SEC. 3303. Every person who makes or distills spirits, or owns any still, boiler, or other vessel used for the purpose of distilling spirits, or who has such still, boiler, or other vessel so used under his superintendence, either as agent or owner, or who uses any such still, boiler, or other vessel, shall from day to day make, or cause to be made, in a book or books, to be kept by him in such form as the Commissioner of Internal Revenue may prescribe, a true and exact entry of the kind of materials, and the quantity in pounds, bushels, or gallons purchased by him for the production of spirits, from whom and when purchased, and by what conveyance delivered at said distillery, the amount paid therefor, the kind and quantity of fuel purchased for use in the distillery, and from whom purchased, the amount paid for ice or water for use in the distillery, the repairs placed on said distillery or distilling-apparatus, the cost thereof, and by whom and when made, and of the name and residence of each person employed in or about the distillery, and in what capacity employed. And in another book he shall make like entry of the quantity of grain or other material used for the production of spirits, the time of day when any yeast or other composition is put into any mash or beer for the purpose of exciting fermentation, the quantity of mash in each tub, designating the same by the number of the tub, the number of dry inches, that is to say, the number of inches between the top of each tub and the surface of the mash or beer therein at the time of yeasting, the gravity and temperature of the beer at the time of yeasting, and on every day thereafter its quantity, gravity, and temperature at the hour of twelve meridian; also, of the time when any fermenting-tub is emptied of ripe mash or beer, the number of gallons of spirits distilled, the number of gallons placed in the warehouse, and the proof thereof, the number of gallons sold or removed, with the proof thereof, and the name, place of business, and residence of the person to whom sold.

SEC. 3304. The books of every distiller hereinbefore required shall always be kept at the distillery and be always open to the inspection of any revenue officer, and, when filled up, shall be preserved by the distiller for a period of not less than two years thereafter, and whenever required shall be produced for the inspection of any revenue officer.

SEC. 3305. Whenever any false entry is made in, or any entry required to be made is omitted from, either of the said books mentioned in the two preceding sections, with intent to defraud or to conceal from the revenue officers any fact or particular required to be stated and entered in either of said books, or to mislead in reference thereto; or any distiller as aforesaid omits or refuses to provide either of said books, or cancels, obliterates, or destroys any part of either of such books, or any entry therein, with intent to defraud, or permits the same to be done, or

Store-keepers to have charge of distillery and keep account of materials used, &c.

Ibid., s. 21, p. 134.

Distillers' books, entries to be made.

Ibid., s. 19, p. 132.

Books to be open to inspection and preserved two years.

Ibid., s. 19, p. 133.

False entries, omitting to keep or produce books; penalty.

Ibid.

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

such books, or either of them, are not produced when required by any revenue officer, the distillery, distilling-apparatus, and the lot or tract of land on which it stands, and all personal property on said premises used in the business there carried on, shall be forfeited to the United States. And every person who makes such false entry, or omits to make any entry hereinbefore required to be made, with the intent aforesaid, or who causes or procures the same to be done, or fraudulently cancels, obliterates, or destroys any part of said books, or any entry therein, or willfully fails to produce such books, or either of them, shall be fined not less than five hundred dollars, nor more than five thousand dollars, and imprisoned not less than six months, nor more than two years.

Using false weights or measures; penalty.

20 July, 1868, c. 186, s. 40, v. 15, p. 141.

Using unregistered materials; penalty.

Ibid.

Distillers' returns of production to collector.

Ibid., s. 19, p. 133.
6 June, 1872, c. 315, s. 12, v. 17, p. 240.

24 Dec., 1872, c. 13, s. 6, v. 17, p. 403.

Distillers' returns of the number of barrels distilled.

20 July, 1868, c. 186, s. 59, v. 15, p. 150.

6 June, 1872, c. 315, s. 13, v. 17, p. 244.

Monthly examination of distiller's return, &c.

6 June, 1872, c. 315, s. 13, v. 17, p. 243.

20 July, 1868, c. 186, s. 20, v. 15, p. 133.

10 April, 1869, c. 18, s. 1, v. 16, p. 42.

The Collector *vs.* Beggs, 17 Wall., 182; *Dandelest vs.* Smith, 18 Wall., 642; *U. S. vs. Nissley*, 1 Dill., 586.

SEC. 3306. Every person who knowingly uses any false weights or measures in ascertaining, weighing, or measuring the quantities of grain, meal, or vegetable materials, molasses, beer, or other substances to be used for distillation, shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than one year nor more than three years. Any person who uses any molasses, beer, or other substance, whether fermented on the premises or elsewhere, for the purpose of producing spirits, before an account of the same is registered in the proper book provided for that purpose, shall forfeit and pay the sum of one thousand dollars for each offense so committed.

SEC. 3307. On the first day of each month, or within five days thereafter, every distiller shall render to the collector of the district an account in duplicate, taken from his books, stating the quantity and kind of materials used for the production of spirits each day, and the number of wine-gallons and of proof-gallons of spirits produced and placed in warehouse. And the distiller or the principal manager of the distillery shall make and subscribe the following oath, to be attached to said return: "I, _____, distiller (or principal manager, as the case may be) of the distillery at _____, do solemnly swear that, since the date of the last return of the business of said distillery, dated _____ day of _____ to _____ day of _____, both inclusive, there was produced in said distillery, and withdrawn and placed in warehouse, the number of wine-gallons and proof-gallons of spirits; and there were actually mashed and used in said distillery, and consumed in the production of spirits therein, the several quantities of grain, sugar, molasses, and other materials respectively hereinbefore specified, and no more." One of the said duplicate returns shall be transmitted by the collector to the Commissioner of Internal Revenue.

SEC. 3308. Every distiller shall make a return of the number of barrels of spirits distilled by him, counting forty gallons of proof-spirits to the barrel, whenever such return is demanded by the collector of the district.

SEC. 3309. On the receipt of the distiller's return in each month, the Commissioner of Internal Revenue shall inquire and determine whether the distiller has accounted for all the grain or molasses used, and all the spirits produced by him in the preceding month. If he is satisfied that the distiller has reported all the spirits produced by him, and the quantity so reported is found to be less than eighty per centum of the producing-capacity of the distillery as estimated according to law, he shall make an assessment for such deficiency at the rate of seventy cents for every proof-gallon. In determining the quantity of grain used, fifty-six pounds shall be accounted as a bushel; and if the Commissioner finds that the distiller has used any grain or molasses in excess of the capacity of his distillery as estimated according to law, he shall make an assessment against the distiller at the rate of seventy cents for every proof-gallon of spirits that should have been produced from the grain or molasses so used in excess, which assessment shall be made whether the quantity of spirits reported is equal to or exceeds eighty per centum of the producing-capacity of the distillery. If the Commissioner finds that the distiller has not accounted for all the spirits produced by him, he

shall, from all the evidence he can obtain, determine what quantity of spirits was actually produced by such distiller, and an assessment shall be made for the difference between the quantity reported and the quantity shown to have been actually produced, at the rate of seventy cents for every proof-gallon: *Provided*, That the actual product shall be assumed to be in no case less than eighty per centum of the producing-capacity of the distillery as estimated according to law. All assessments made under this section shall be a lien on all distilled spirits on the distillery premises, the distillery used for distilling the same, the stills, vessels, fixtures, and tools therein, the tract of land whereon the said distillery is located, and any building thereon, from the time such assessment is made until the same shall have been paid.

SEC. 3310. Every distiller, at the hour of twelve meridian, on the third day after that on which his bond is approved, shall be deemed to have commenced, and thereafter to be continuously engaged in, the production of distilled spirits in his distillery, except in the intervals when he shall suspend work as hereinafter provided. Any distiller desiring to suspend work in his distillery may give notice in writing to the collector of the district, stating when he will suspend work; and on the day mentioned in said notice said collector or one of his deputies shall, at the expense of the distiller, proceed to fasten securely the door of every furnace of every still or boiler in said distillery, by locks and otherwise, and shall adopt such other means as the Commissioner of Internal Revenue may prescribe to prevent the lighting of any fire in such furnace or under such stills or boilers. The locks and seals, and other materials required for such purpose, shall be furnished to the collector by the Commissioner of Internal Revenue, to be duly accounted for by said collector. Such notice by any distiller, and the action taken by the collector in pursuance thereof, shall be immediately transmitted to the Commissioner of Internal Revenue. No distiller, after having given such notice, shall, after the time stated therein, carry on the business of a distiller on said premises until he gives another notice in writing to said collector, stating the time when he will resume work; and at the time so stated for resuming work the collector or one of his deputies shall attend at the distillery to remove said locks and other fastenings; and thereupon, and not before, work may be resumed in said distillery, which fact shall be immediately reported to the collector of the district, and by him transmitted to the Commissioner of Internal Revenue. Every distiller who, after the time fixed in said notice declaring his intention to suspend work, carries on the business of a distiller on said premises, or has mash, wort, or beer in his distillery, or on any premises connected therewith, or has in his possession or under his control any mash, wort, or beer, with intent to distill the same on said premises, shall incur the forfeitures and be subject to the same punishment as provided for persons who carry on the business of a distiller without having given the bonds required by law. But nothing in this section shall be held to apply to suspensions caused by unavoidable accident; and the Commissioner of Internal Revenue shall prescribe regulations to govern such cases of involuntary suspension.

SEC. 3311. Whenever any distiller desires to reduce the producing-capacity of his distillery, he shall give notice of such intention, in writing, to the collector, stating the quantity of spirits which he desires thereafter to manufacture or produce every twenty-four hours, and thereupon said collector shall proceed, at the expense of the distiller, to reduce and limit the producing-capacity of the distillery to the quantity stated in said notice, by placing upon a sufficient number of the fermenting-tubs close-fitting covers, which shall be securely fastened by nails, seals, and otherwise, and in such manner as to prevent the use of such tubs without removing said covers or breaking said seals, and shall adopt such other precautions as may be prescribed by the Commissioner of Internal Revenue to reduce the capacity of said distillery. And every person who breaks, injures, or in any manner tampers with

When distilling deemed commenced; suspension of work; penalties.

20 July, 1868, c. 186, s. 22, v. 15, p. 134.

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Reduction of capacity; penalty.

20 July, 1868, c. 186, s. 30, v. 15, p. 135.

24 Dec., 1872, c. 13, v. 17, p. 401.

any lock, seal, or other fastening applied to any furnace, still, or fermenting-tub, or other vessel, in pursuance of the provisions of law, or who opens or attempts to open any door, tub, or other vessel, which is locked or sealed, or otherwise closed or fastened as herein provided, or who uses any furnace, still, or fermenting-tub, or other vessel, which is so locked, sealed, or fastened, shall be deemed guilty of a felony, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned for not less than one year nor more than three years.

Stamps, how prepared and issued.

20 July, 1868, c. 186, s. 26, v. 15, p. 137.

24 Dec., 1872, c. 13, s. 3, v. 17, p. 402.

SEC. 3312. All stamps required for distilled spirits shall be engraved in their several kinds in book-form, and shall be issued by the Commissioner of Internal Revenue to any collector, upon his requisition, in such numbers as may be necessary in the several districts. Each stamp shall have an engraved stub attached thereto, with a number thereon corresponding with an engraved number on the stamp, and the stub shall not be removed from the book. And there shall be entered on each stub such memoranda of the contents of its corresponding stamp as shall be necessary to preserve a perfect record of the use of such stamp when detached.

Stamps, form of, how used.

20 July, 1868, c. 186, s. 27, v. 15, p. 137.

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

SEC. 3313. On every stamp for the payment of tax on distilled spirits there shall be engraved words and figures representing a decimal number of gallons, and on the stub corresponding to such stamp there shall be engraved a similar number of gallons, and between the stamp and the stub, and connecting them, shall be engraved nine coupons, which, beginning next to the stamp, shall indicate in succession the several numbers of gallons between the number named in the stamp and the decimal number next above. And whenever any collector receives the tax on the distilled spirits contained in any cask, he shall detach from the book a stamp representing the denominate quantity nearest to the quantity of proof-spirits in such cask, as shown by the gauger's return, with such number of the coupons attached thereto as shall be necessary to make up the whole number of proof-gallons in said cask; and any fractional part of a gallon amounting to one-half gallon or over in addition to the number of full gallons shall be regarded as a full gallon, and any fractional part of a gallon less than one-half gallon in any cask or package shall be exempt from tax. All unused coupons shall remain attached to the marginal stub, and no coupon shall have any value or significance when detached from the stamp and stub. And the tax-paid stamps with the coupons may denote such number of gallons, not less than twenty, as the Commissioner of Internal Revenue may deem advisable.

Accountability for stamp-books.

20 July, 1868, c. 186, s. 28, v. 15, p. 138.

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

24 Dec., 1872, c. 13, s. 6, v. 17, p. 403.

SEC. 3314. The books of tax-paid stamps issued to any collector shall be charged to his account at the full value of the tax on the number of gallons represented on the stamps and coupons contained in said books; and every collector shall make a monthly return to the Commissioner of Internal Revenue of all tax-paid stamps issued by him to be affixed to any cask or package containing distilled spirits on which the tax has been paid, and account for the amount of the tax collected; and when the said collector returns to the Commissioner of Internal Revenue any book of marginal stubs, which it shall be his duty to do as soon as all the stamps contained in the book when issued to him have been used, and accounts for the tax on the number of gallons represented on the stamps and coupons that were contained in said book, there shall be allowed to the collector a commission of one-half of one per centum on the amount of such tax, in addition to any other commission by law allowed: *Provided*, That the total net compensation of collectors, as fixed by this Title, shall not be thereby increased. All stamps relating to distilled spirits, other than the tax-paid stamps, shall be charged to collectors as representing the value of ten cents for each stamp; and the books containing such stamps may be intrusted by any collector to the gauger of the district, who shall make a daily report to the collector of all such stamps used by him and for whom used, and from

these reports the Commissioner of Internal Revenue shall assess the person for whom they were used; and the collector shall thereupon collect the amount due for such stamps, at the rate of ten cents for each stamp issued during the month; and when all the stamps contained in any such book have been issued, the gauger of the district shall return the book to the collector, with all the marginal stubs therein.

SEC. 3315. The Commissioner of Internal Revenue may, under regulations prescribed by him with the approval of the Secretary of the Treasury, issue tax-paid stamps for restamping distilled spirits upon which the tax shall have been paid, but from which the stamps have been lost or destroyed by unavoidable accident.

SEC. 3316. Whenever any revenue officer affixes or cancels, or causes or permits to be affixed or canceled, any stamp relating to distilled spirits provided for by law, in any other manner or in any other place, or issues the same to any other person than as provided by law, or by regulation made in pursuance thereof, or knowingly affixes, or permits to be affixed, any such stamp to any cask or package of spirits of which the whole or any part has been distilled, rectified, compounded, removed, or sold, in violation of law, or which has in any manner escaped payment of tax due thereon, he shall, for every such offense, be fined not less than five hundred dollars nor more than three thousand dollars, and be imprisoned for not less than six months nor more than three years.

SEC. 3317. Every rectifier of distilled spirits shall make a return of the quantity and proof of all the spirits purchased, and of the number, of barrels of spirits, counting forty gallons of proof-spirits to the barrel, rectified, purified, or refined by him, whenever such return is demanded by the collector of his district.

6 June, 1872, c. 315, s. 13, v. 17, p. 244. 30 June, 1864, c. 173, s. 17, v. 1872, c. 13, s. 1, v. 17, p. 401.

SEC. 3318. Every rectifier and wholesale liquor-dealer shall provide a book, to be prepared and kept in such form as may be prescribed by the Commissioner of Internal Revenue, and shall, on the same day on which he receives any foreign or domestic spirits, and before he draws off any part thereof, or adds water or anything thereto, or in any respect alters the same, enter in such book, and in the proper columns respectively prepared for the purpose, the date when, the name of the person or firm from whom, and the place whence the spirits were received, by whom distilled, rectified, or compounded, and when and by whom inspected, and, if in the original package, the serial number of each package, the number of wine-gallons and proof-gallons, the kind of spirit, and the number and kind of adhesive stamps thereon. And every such rectifier and wholesale dealer shall, at the time of sending out of his stock or possession any spirits, and before the same are removed from his premises, enter in like manner in the said book the day when and the name and place of business of the person or firm to whom such spirits are to be sent, the quantity and kind or quality of such spirits, the number of gallons and fractions of a gallon at proof, and, if in the original packages in which they were received, the name of the distiller and the serial number of the package. Every such book shall be at all times kept in some public or open place on the premises of such rectifier or wholesale dealer for inspection, and any revenue officer may examine it and take an abstract therefrom; and when it has been filled up as aforesaid, it shall be preserved by such rectifier or wholesale liquor-dealer for a period not less than two years; and during such time it shall be produced by him to every revenue officer demanding it. And whenever any rectifier or wholesale liquor-dealer refuses or neglects to provide such book, or to make entries therein as aforesaid, or cancels, alters, obliterates, or destroys any part of such book, or any entry therein, or makes any false entry therein, or hinders or obstructs any revenue officer from examining such book, or making any entry therein, or taking

Restamping tax-paid spirits when stamps lost or destroyed.

6 June, 1872, c. 315, s. 15, v. 17, p. 245.

Officer using, or issuing, or permitting use of stamps, contrary to law; penalty.

20 July, 1868, c. 186, s. 29, v. 15, p. 138.

Rectifier's returns.

20 July, 1868, c. 186, s. 59, v. 15, p. 151.

13, p. 228. 24 Dec.,

Books to be kept by rectifiers and wholesale dealers; penalty.

20 July, 1868, c. 186, s. 45, v. 15, p. 143.

A Quantity of Distilled Spirits, 3 Ben., 552.

any abstract therefrom; or whenever such book is not preserved or is not produced by any rectifier or wholesale liquor-dealer as hereinbefore directed, he shall pay a penalty of one hundred dollars, and shall be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned not less than three months nor more than three years.

Purchase of quantities greater than twenty gallons from one person, &c.

Ibid., s. 46, p. 144.
14 July, 1870, c. 255, s. 1, v. 16, p. 256.

Gauging, inspection, and stamping of rectified spirits.

20 July, 1868, c. 186, ss. 25, 57, v. 15, pp. 136, 149.
6 June, 1872, c. 315, s. 12, v. 17, p. 243.

SEC. 3319. It shall not be lawful for any rectifier of distilled spirits, or wholesale or retail liquor-dealer, to purchase or receive any distilled spirits in quantities greater than twenty gallons from any person other than an authorized rectifier of distilled spirits, distiller, or wholesale liquor-dealer. Every person who violates this section shall forfeit and pay one thousand dollars: *Provided*, That this provision shall not be held to apply to judicial sales, or to sales at public auction made by an auctioneer.

SEC. 3320. Whenever any cask or package of rectified spirits containing five wine-gallons or more is filled for shipment, sale, or delivery, on the premises of any rectifier who has paid the special tax required by law, it shall be the duty of the United States gauger to gauge and inspect the same, and to place thereon an engraved stamp, signed by the collector of the district and the said gauger, which shall state the date when affixed, and the number of proof-gallons, and shall be as follows:

Stamp for rectified spirits, No. —.

Issued by ———, collector ——— district, State of ———.
———, rectifier of spirits in the ——— district, State of ———,
———, 18—. ——— proof-gallons.

———,
United States Gauger.

Gauging, inspecting, and stamping spirits on premises of wholesale dealer.

20 July, 1868, c. 186, ss. 25, 57, v. 15, pp. 137, 149.
6 June, 1872, c. 315, s. 12, v. 17, p. 243.

SEC. 3321. Whenever any cask or package of distilled spirits of not less than five wine-gallons is filled for shipment, sale, or delivery, on the premises of any wholesale liquor-dealer, it shall be the duty of a United States gauger to gauge and inspect the same, and place thereon an engraved stamp signed by the collector of the district and the said gauger, stating the name of the dealer, the date when affixed, and the number of proof-gallons; which stamp shall be as follows:

Wholesale liquor-dealer's stamp, No. —.

Issued by ———, collector ——— district, State of ———.
———, wholesale liquor-dealer, of ———, ——— district, State of ———, 18—. ——— proof-gallons.

———,
United States Gauger, ——— District, State of ———.

Filling blanks and affixing and protecting stamps.

20 July, 1868, c. 186, s. 25, v. 15, p. 137.

SEC. 3322. All blanks in any of the forms prescribed in the preceding sections shall be duly filled in accordance with the facts in each case. And the stamps therein designated shall in every case be affixed to a smooth surface of the cask or other package, which surface shall not have been previously painted or covered with any substance, and so as to fasten the same securely to the cask or package, and shall be duly canceled, and shall then be immediately covered with a coating of transparent varnish or other substance, so as to protect them from removal or damage by exposure; and such affixing, cancellation, and covering shall be done in such manner as the Commissioner of Internal Revenue may by regulation prescribe.

Spirits drawn into new packages to be gauged and branded. Forfeiture.

Ibid., s. 47, p. 144.

SEC. 3323. All distilled spirits drawn from any cask or package and placed in any other cask or package containing not less than ten gallons, and intended for sale, shall be again inspected and gauged; and the cask or package into which it is so transferred shall be marked or branded, and such marking or branding shall distinctly indicate the name of the gauger, the time and place of inspection, the proof of the spirits, the par-

ticular name of such spirits as known to the trade, and the name and place of business of the dealer or rectifier, as the case may be; and, except where such spirits have been rectified or compounded, the name also of the distiller and the distillery where such spirits were produced, and the serial number of the original cask or package; and where such spirits have been rectified, the name of the rectifier, and the serial number of the rectifier's stamp; and the absence of such mark or brand shall be held as sufficient cause and evidence for the forfeiture of such unmarked packages of spirits.

SEC. 3324. Every person who empties or draws off, or causes to be emptied or drawn off, any distilled spirits from a cask or package bearing any mark, brand, or stamp required by law, shall, at the time of emptying such cask or package, efface and obliterate said mark, stamp, or brand. Every such cask or package from which said mark, brand, or stamp is not effaced and obliterated as herein required, shall be forfeited to the United States, and may be seized by any officer of internal revenue wherever found. And every railroad company or other transportation company, or person who receives or transports, or has in possession with intent to transport, or with intent to cause or procure to be transported, any such empty cask or package, or any part thereof, having thereon any brand, mark, or stamp, required by law to be placed on any cask or package containing distilled spirits, shall forfeit three hundred dollars for each such cask or package, or any part thereof, so received or transported, or had in possession with the intent aforesaid; and every boat, railroad-car, cart, dray, wagon, or other vehicle, and all horses and other animals used in carrying or transporting the same, shall be forfeited to the United States. Every person who fails to efface and obliterate said mark, stamp, or brand, at the time of emptying such cask or package, or who receives any such cask or package, or any part thereof, with the intent aforesaid, or who transports the same, or knowingly aids or assists therein, or who removes any stamp provided by law from any cask or package containing, or which had contained, distilled spirits, without defacing and destroying the same at the time of such removal, or who aids or assists therein, or who has in his possession any such stamp so removed as aforesaid, or has in his possession any canceled stamp, or any stamp which has been used, or which purports to have been used, upon any cask or package of distilled spirits, shall be deemed guilty of a felony, and shall be fined not less than five hundred dollars nor more than ten thousand dollars, and imprisoned not less than one year nor more than five years.

SEC. 3325. Whenever any person knowingly purchases or sells, with inspection-marks thereon, any cask or package, after the same has been used for distilled spirits, he shall forfeit and pay the sum of two hundred dollars for every such cask so purchased or sold.

SEC. 3326. Whenever any person changes or alters any stamp, mark, or brand on any cask or package containing distilled spirits, or puts into any cask or package spirits of greater strength than is indicated by the inspection-mark thereon, or fraudulently uses any cask or package having any inspection-mark or stamp thereon, for the purpose of selling other spirits, or spirits of quantity or quality different from the spirits previously inspected therein, he shall forfeit and pay the sum of two hundred dollars for every cask or package on which the stamp or mark is so changed or altered, or which is so fraudulently used, and shall be fined for each such offense not less than one hundred dollars nor more than one thousand dollars, and imprisoned not less than one month nor more than one year.

SEC. 3327. No person shall remove any distilled spirits at any other time than after sun-rising and before sun-setting in any cask or package containing more than ten gallons from any premises or building in which the same may have been distilled, redistilled, rectified, compounded, manufactured, or stored; and every person who violates this provision

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

Stamps and brands to be effaced from empty casks.

20 July, 1868, c. 186, s. 43, v. 15, p. 142.

Penalties for omitting to efface, and for transportation in violation of law.

A Quantity of Distilled Spirits, 3 Ben., 552.

Buying or selling spirit casks having inspection-marks.

13 July, 1866, c. 184, s. 38, v. 14, p. 160.

Changing stamps, shifting spirits, &c.; penalty.

20 July, 1868, c. 186, s. 39, v. 15, p. 141.

Removal within certain hours from distillery or rectifier's premises.

Ibid., s. 37, p. 141.

**Tax on imitations
of wines; how paid.**

6 June, 1872, c.
315, s. 12, v. 17, p.
240.
20 July, 1868, c.
186, s. 48, v. 15, p.
144.

shall be liable to a penalty of one hundred dollars for each cask, barrel, or package of spirits so removed; and said spirits, together with any vessel containing the same, and any horse, cart, boat, or other conveyance used in the removal thereof, shall be forfeited to the United States.

SEC. 3328. On all wines, liquors, or compounds known or denominated as wine, and made in imitation of sparkling wine or champagne, but not made from grapes grown in the United States, and on all liquors, not made from grapes, currants, rhubarb, or berries grown in the United States, but produced by being rectified or mixed with distilled spirits or by the infusion of any matter in spirits, to be sold as wine, or as a substitute for wine, there shall be levied and collected a tax of ten cents per bottle or package containing not more than one pint, or of twenty cents per bottle or package containing more than one pint and not more than one quart, and at the same rate for any larger quantity of such merchandise, however the same may be put up, or whatever may be the package. The Commissioner of Internal Revenue shall cause to be prepared suitable and special stamps denoting the tax herein imposed, to be affixed to each bottle or package containing such merchandise, by the person manufacturing, compound, or putting up the same, before removal from the place of manufacture, compounding, or putting up; and said stamps shall be affixed and canceled in such manner as the Commissioner may prescribe; and the absence of such stamp from any bottle or package containing such merchandise shall be prima-facie evidence that the tax thereon has not been paid, and such merchandise shall be forfeited to the United States. Any person counterfeiting, altering, or reusing said stamps shall be subject to the same penalties as are imposed for the same offenses in relation to proprietary stamps.

**Drawback on
distilled spirits.**

6 June, 1872, c.
315, s. 12, v. 17, p.
241.
20 July, 1868, c.
186, s. 54, v. 15, p.
147.

SEC. 3329. Distilled spirits upon which all taxes have been paid may be exported, with the privilege of drawback, in quantities of not less than one thousand gallons, and in distillers' original casks, containing not less than twenty wine-gallons each, on application of the owner thereof to the collector of customs at any port of entry, and under such rules and regulations, and after making such entry as may be prescribed by law and by the Secretary of the Treasury. The entry for such exportation shall be in triplicate, and shall contain the name of the person applying to export, the name of the distiller, the name of the district in which the spirits were distilled, the name of the vessel by which, and the name of the port to which, they are to be exported; and the form of the entry shall be as follows:

Export entry of distilled spirits entitled to drawback.

Entry of spirits distilled by _____, in _____ district, State of _____, to be exported by _____, in the _____, whereof _____ is master, bound to _____.

And the entry shall specify the whole number of casks or packages, the marks and serial numbers thereon, the quality or kind of spirits as known in commerce, the number of gauge or wine gallons and of proof-gallons; and the amount of the tax on such spirits shall be verified by the oath of the owner of the spirits, and that the tax has been paid thereon, and that they are truly intended to be exported to the port of _____, and not to be relanded within the limits of the United States. One bill of lading, duly signed by the master of the vessel, shall be deposited with said collector, to be filed at his office with the entry retained by him. One of said entries shall be, when the shipment is completed, transmitted to the Secretary of the Treasury, to be recorded and filed in his office. The lading on board said vessel shall be only after the receipt of an order or permit signed by the collector of customs and directed to a customs gauger, and after each cask or package shall have been distinctly marked or branded by said gauger as follows: "For export from U. S. A.," and the tax-paid stamps thereon obliterated.

The casks or packages shall be inspected and gauged alongside of or on the vessel by the gauger designated by said collector, under such rules and regulations as the Secretary of the Treasury may prescribe; and on application of the said collector it shall be the duty of the surveyor of the port to designate and direct one of the custom-house inspectors to superintend such shipment. And the gauger aforesaid shall make a full return of such inspection and gauging in such form as may be prescribed by the Secretary of the Treasury, showing by whom each cask of such spirits was distilled, the serial number of the cask, and of the tax-paid stamp attached thereto, the proof and quantity of such spirits as per the original gauge-mark on each cask, and the quantity in proof and wine gallons as per the gauge then made by him. And said gauger shall certify on such return that the shipment has been made, in his presence, on board the vessel named in the entry for export, which return shall be indorsed by said custom-house inspector certifying that the casks or packages have been shipped under his supervision on board said vessel, and the tax-paid stamps obliterated; and the said inspector shall make a similar certificate to the surveyor of the port, indorsed on or to be attached to the entry in possession of the custom-house. A drawback shall be allowed upon distilled spirits on which the tax has been paid and exported to foreign countries, under the provisions of this act, when exported as herein provided for. The drawback allowed shall include the taxes levied and paid upon the distilled spirits exported, at the rate of seventy cents per proof-gallon, as per last gauge of said spirits prior to exportation, and shall be due and payable only after the proper entries have been made and filed, and all other conditions complied with as hereinbefore required, and on filing with the Secretary of the Treasury the proper claim, accompanied by the certificate of the collector of customs at the port of entry where the spirits are entered for export, that such spirits have been received into his custody and the tax-paid stamps thereon obliterated; and the Secretary of the Treasury shall prescribe such rules and regulations in relation thereto as may be necessary to secure the Treasury of the United States against frauds: *Provided*, That the drawback on spirits distilled prior to August one, eighteen hundred and seventy-two, shall not exceed sixty cents per proof-gallon. [See "Drawback," Title xxxiv, Chapter 9.]

SEC. 3330. Distilled spirits may be withdrawn from distillery bonded warehouses, at the instance of the owner of the spirits, for exportation in the original casks, in quantities of not less than one thousand gallons, without the payment of tax, under such regulations, and after making such entries and executing and filing with the collector of the district from which the removal is to be made such bonds and bills of lading, and giving such other additional security as may be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury: *Provided*, That bonds given under this section shall be canceled under such regulations as the Secretary of the Treasury shall prescribe: *And provided further*, That the bonds required to be given for the exportation of distilled spirits shall be canceled upon the presentation of satisfactory proof and certificates that said distilled spirits have been landed at the port of destination named in the bill of lading, or upon satisfactory proof that after shipment the same were lost at sea without fault or neglect of the owner or shipper thereof.

All distilled spirits intended for export, as aforesaid, before being removed from the distillery warehouse, shall be marked as the Commissioner of Internal Revenue may prescribe, and shall have affixed to each cask an engraved stamp indicative of such intention, to be provided and furnished by the several collectors as in the case of other stamps, and to be charged to them and accounted for in the same manner, and for the expense attending the providing and affixing such stamps twenty-five cents for each package so stamped shall be paid to the collector on making the entry for such transportation. When the owner of the spirits shall have made the proper entries, filed the bonds, and otherwise

Exportation of distilled spirits withdrawn from bonded warehouses.

6 June, 1872, c. 315, s. 12, v. 17, p. 242.

20 July, 1868, c. 186, s. 55, v. 15, p. 148.

3 March, 1873, c. 232, s. 5, v. 17, pp. 559-560.

complied with all the requirements of the law and regulations as herein provided, the collector shall issue to him a permit for the removal and transportation of said spirits to the collector of the port from which the same are to be exported, accurately describing the spirits to be shipped, the amount of tax thereon, the State and district from which the same is to be shipped, the name of the distiller by whom distilled, the port to which the same are to be transported, the name of the collector of the port to whom the spirits are to be consigned, and the routes over which they are to be sent to the port of shipment. Such shipment shall be made over bonded routes whenever practicable. The collector of the port shall receive such spirits, and permit the exportation thereof, under the same rules and regulations as are prescribed for the exportation of spirits upon which the tax has been paid. And every person who fraudulently claims, or seeks, or obtains an allowance of drawback on any distilled spirits, or fraudulently claims any greater allowance or drawback than the tax actually paid thereon, shall forfeit and pay to the Government of the United States triple the amount wrongfully and fraudulently sought to be obtained, and shall be imprisoned not more than ten years; and every owner, agent, or master of any vessel or other person who knowingly aids or abets in the fraudulent collection or fraudulent attempts to collect any drawback upon, or knowingly aids or permits any fraudulent change in the spirits so shipped, shall be fined not exceeding five thousand dollars and imprisoned not more than one year, and the ship or vessel on board of which such shipment was made or pretended to be made shall be forfeited to the United States, whether a conviction of the master or owner be had or otherwise, and proceedings may be had in admiralty by libel for such forfeiture.

Every person who intentionally relands within the jurisdiction of the United States any distilled spirits which have been shipped for exportation under the provisions of this act, or who receives such relanded distilled spirits, and every person who aids or abets in such relanding or receiving of such spirits, shall be fined not exceeding five thousand dollars, and imprisoned not more than three years; and all distilled spirits so relanded, together with the vessel from which the same were relanded within the jurisdiction of the United States, and all boats, vehicles, horses, or other animals used in relanding and removing such distilled spirits, shall be forfeited to the United States.

Release of distillery before judgment, in what cases.

20 July, 1868, c. 186, s. 42, v. 15, p. 142.

SEC. 3331. No distillery nor distilling-apparatus seized for any violation of law shall be released to the claimant or to any intervening party before judgment, except in case of a distillery for which bond has been given and which has a registered producing capacity of one hundred and fifty proof-gallons or more per day, on showing, by sufficient affidavits, that there are hogs or other live stock, not less than fifty head in number, depending for their feed on the products of said distillery, which would suffer injury if the business of such distillery is stopped. Such distillery, in that case, may be released to the claimant, or to any other intervening party, at the discretion of the court, on a bond to be given and approved in open court, with two or more sureties, for the full appraised value of all the property seized, to be ascertained by three competent appraisers designated and appointed by the court.

Distillery to be destroyed in certain cases of forfeiture.

Ibid.
6 June, 1872, c. 315, s. 12, v. 17, p. 240.

SEC. 3332. When a judgment of forfeiture, in any case of seizure, is recovered against any distillery used or fit for use in the production of distilled spirits, because no bond has been given, or against any distillery used or fit for use in the production of spirits, having a registered producing capacity of less than one hundred and fifty gallons a day, for any violation of law, of whatever nature, every still, doubler, worm, worm-tub, mash-tub, and fermenting-tub therein shall be so destroyed as to prevent the use of the same or of any part thereof for the purpose of distilling; and the materials shall be sold as in case of other forfeited property.

When burden of proof is on claimant of spirits seized.

SEC. 3333. Whenever seizure is made of any distilled spirits found elsewhere than in a distillery or distillery warehouse, or other warehouse for distilled spirits authorized by law, or than in the store or place of

business of a rectifier, or of a wholesale liquor-dealer, or than in transit from any one of said places; or of any distilled spirits found in any one of the places aforesaid, or in transit therefrom, which have not been received into or sent out therefrom in conformity to law, or in regard to which any of the entries required by law to be made in the books of the owner of such spirits, or of the store-keeper, wholesale dealer, or rectifier, have not been made at the time or in the manner required, or in respect to which the owner or person having possession, control, or charge of said spirits, has omitted to do any act required to be done, or has done or committed any act prohibited in regard to said spirits, the burden of proof shall be upon the claimant of said spirits to show that no fraud has been committed, and that all the requirements of the law in relation to the payment of the tax have been complied with.

SEC. 3334. All distilled spirits forfeited to the United States, sold by order of court, or under process of distraint, shall be sold subject to tax; and the purchaser shall immediately, and before he takes possession of said spirits, pay the tax thereon. And any distilled spirits heretofore condemned, and now in the possession of the United States, shall be sold as herein provided. If any tax-paid stamps are affixed to any cask or package so condemned, such stamps shall be obliterated and destroyed by the collector or marshal after forfeiture, and before such sale.

20 July, 1868, c. 186, s. 36, v. 13, p. 140.

U. S. *vs.* Distilled Spirits, 5 Blatch., 407.

U. S. *vs.* Distilled Spirits, 5 id., 542.

Spirits sold under judicial process subject to tax.

Ibid., s. 58, p. 150.

CHAPTER FIVE.

FERMENTED LIQUORS.

Sec.
3335. Brewer's notice of business.
3336. Brewer's bond.
3337. Brewer's books and monthly statement.
3338. Monthly verification of entries in books.
3339. Tax on fermented liquors. Fractional parts of a barrel, how estimated.
3340. Evading tax, making or procuring false entries, &c.; penalty.
3341. Stamps, how supplied and sold.
3342. Stamps, how procured, affixed, and canceled. Penalty for fraud or neglect.
3343. Selling, removing, or buying fermented liquor in packages without stamp, or false stamp, or with twice-used stamp; penalty.
3344. Drawing fermented liquor from package without stamp, or with false stamp, or without defacing stamp; penalty.
3345. Removal for storage without stamps.

Sec.
3346. Making, selling, or using false stamps or dies; penalty.
3347. Sour malt liquors, removable in peculiar packages, without stamp.
3348. Brewers selling at retail at brewery, to affix stamps and keep account.
3349. Name of manufacturer, &c., to be marked on packages. Penalty for removing marks, &c.
3350. Permit to carry on business at another place on account of accident.
3351. Unfermented worts sold to other brewers, how taxed.
3352. Possession of fermented liquor after removal from warehouse when tax not paid, cause of forfeiture. Absence of stamps to be notice and evidence.
3353. Removal or defacement of stamps by others than the owner; penalty.
3354. Withdrawing liquor, from unstamped packages for bottling, or bottling on brewing premises; penalty.

SEC. 3335. Every brewer shall, before commencing or continuing business, file with the collector, or proper deputy collector, of the district in which he designs to carry it on a notice in writing, stating the name of the person, company, corporation, or firm, the names of the members of any such company or firm, the places of residence of such persons, a description of the premises on which the brewery is situated, and of his or their title thereto, and the name of the owner thereof.

SEC. 3336. Every brewer, on filing notice, as aforesaid, of his intention to commence or continue business, and on the first day of May in each succeeding year thereafter, shall execute a bond to the United

Brewer's notice of business.

6 June, 1872, c. 315, s. 16, v. 17, p. 245.

13 July, 1866, c. 184, s. 46, v. 14, p. 163.

Brewer's bond.

13 July, 1866, c. 184, s. 47, v. 14, p. 164.

6 June, 1872, c. 315, s. 17, v. 17, p. 245.

States, to be approved by the collector of the district, in a sum equal to twice the amount of the tax which, in the opinion of the collector, said brewer will be liable to pay during any one month, and conditioned that he shall pay, or cause to be paid, as herein provided, the tax required by law on all beer, lager-beer, ale, porter, and other fermented liquors made by or for him before the same is sold or removed for consumption or sale, except as hereinafter provided; and that he shall keep, or cause to be kept, a book, in the manner and for the purposes hereinafter specified, which shall be open to inspection by the proper officers, as by law required; and that he shall in all respects faithfully comply, without fraud or evasion, with all requirements of law relating to the manufacture and sale of any malt liquors aforesaid.

Brewer's books and monthly statement.

6 June, 1872, c. 315, s. 19, v. 17, p. 245.

13 July, 1866, c. 184, s. 49, v. 14, p. 164.

SEC. 3337. Every person who owns or occupies any brewery, or premises used or intended to be used for the purpose of brewing or making such fermented liquors, or who has such premises under his control or superintendence, as agent for the owner or occupant, or has in his possession or custody any brewing materials, utensils, or apparatus, used or intended to be used on said premises in the manufacture of beer, lager-beer, ale, porter, or other similar fermented liquors, either as owner, agent, or superintendent, shall, from day to day, enter, or cause to be entered, in a book to be kept by him for that purpose, the kind of such malt liquors, the estimated quantity produced in barrels, and the actual quantity sold or removed for consumption or sale in barrels or fractional parts of barrels. He shall also, from day to day, enter, or cause to be entered, in a separate book to be kept by him for that purpose, an account of all materials by him purchased for the purpose of producing such fermented liquors, including grain and malt. And he shall render to the collector, or the proper deputy collector, on or before the tenth day of each month, a true statement, in writing, in duplicate, taken from his books, of the estimated quantity in barrels of such malt liquors brewed, and the actual quantity sold or removed for consumption or sale during the preceding month; and shall verify, or cause to be verified, the said statement, and the facts therein set forth, by oath, to be taken before the collector of the district, or proper deputy collector, according to the form required by law. Said books shall be open at all times for the inspection of any collector, deputy collector, inspector, or revenue agent, who may take memorandums and transcripts therefrom.

Monthly verification of entries in books.

6 June, 1872, c. 315, s. 20, v. 17, p. 246.

13 July, 1866, c. 184, s. 50, v. 14, p. 165.

SEC. 3338. The entries made in such books shall, on or before the tenth day of each month, be verified by the oath of the person by whom they are made. The said oath shall be written in the book at the end of such entries, and be certified by the officer administering the same, and shall be in form as follows: "I do swear (or affirm) that the foregoing entries were made by me; and that they state truly, according to the best of my knowledge and belief, the estimated quantity of the whole amount of such malt liquors brewed, and the actual quantity sold, and the actual quantity removed, from the brewery owned by _____, in the county of _____; and, further, that I have no knowledge of any matter or thing required by law to be stated in said entries which has been omitted therefrom." And the owner, agent, or superintendent aforesaid shall also, in case the original entries made in his book were not made by himself, subjoin thereto the following oath, to be taken in manner as aforesaid: "I do swear (or affirm) that, to the best of my knowledge and belief, the foregoing entries fully set forth all the matters therein required by law; and that the same are just and true; and that I have taken all the means in my power to make them so."

Tax on fermented liquors.

6 June, 1872, c. 315, s. 18, v. 17, p. 245.

13 July, 1866, c. 184, s. 48, v. 14, p. 164.

SEC. 3339. There shall be paid on all beer, lager-beer, ale, porter, and other similar fermented liquors, brewed or manufactured and sold, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, a tax of one dollar for every barrel containing not more than thirty-one gallons; and at a like rate for any other quantity or for any fractional part of a barrel. In estimating

and computing such tax, the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eighths; and any fractional part of a barrel containing less than one-eighth shall be accounted one-eighth; more than one-eighth, and not more than one-sixth, shall be accounted one-sixth; more than one-sixth, and not more than one-fourth, shall be accounted one-fourth; more than one-fourth, and not more than one-third, shall be accounted one-third; more than one-third, and not more than one-half, shall be accounted one-half; more than one-half, and not more than one barrel, shall be accounted one barrel; and more than one barrel, and not more than sixty-three gallons, shall be accounted two barrels, or a hogshead. The said tax shall be paid by the owner, agent, or superintendent of the brewery or premises in which such fermented liquors are made, and in the manner and at the time hereinafter specified.

SEC. 3340. Every owner, agent, or superintendent of any brewery, vessels, or utensils used in making fermented liquors, who evades, or attempts to evade, the payment of the tax thereon, or fraudulently neglects or refuses to make true and exact entry and report of the same in the manner required by law, or to do, or cause to be done, any of the things by law required to be done by him as aforesaid, or who intentionally makes false entry in said book or in said statement, or knowingly allows or procures the same to be done, shall forfeit, for every such offense, all the liquors made by him or for him, and all the vessels, utensils, and apparatus used in making the same, and be liable to a penalty of not less than five hundred nor more than one thousand dollars, to be recovered with costs of suit, and shall be deemed guilty of a misdemeanor, and be imprisoned for a term not exceeding one year. And every brewer who neglects to keep books, or refuses to furnish the account and duplicate thereof as provided by law, or refuses to permit the proper officer to examine the books in the manner provided, shall, for every such refusal or neglect, forfeit and pay the sum of three hundred dollars.

SEC. 3341. The Commissioner of Internal Revenue shall cause to be prepared, for the payment of such tax, suitable stamps denoting the amount of tax required to be paid on the hogsheads, barrels, and halves, thirds, quarters, sixths, and eighths of a barrel of such fermented liquors, (and shall also cause to be prepared suitable permits for the purpose hereinafter mentioned,) and shall furnish the same to the collectors of internal revenue, who shall each be required to keep on hand at all times a sufficient supply of permits, and a supply of stamps equal in amount to two months' sale thereof, if there be any brewery or brewery warehouse in his district; and such stamps shall be sold, and permits granted and delivered by such collectors, only to the brewers of their district respectively. Such collectors shall keep an account of the number of permits delivered and of the number and value of the stamps sold by them to each brewer; and the Commissioner of Internal Revenue shall allow upon all sales of such stamps to any brewer, and by him used in his business, a deduction of seven and a half per centum. And the amount paid into the Treasury by any collector on account of the sale of such stamps to brewers shall be included in estimating the commissions of such collector.

SEC. 3342. Every brewer shall obtain, from the collector of the district in which his brewery or brewery warehouse is situated, and not otherwise, unless such collector shall fail to furnish the same upon application to him, the proper stamps, and shall affix upon the spigot-hole or tap (of which there shall be but one) of every hogshead, barrel, keg, or other receptacle, in which any fermented liquor is contained, when sold or removed from such brewery or warehouse, (except in case of removal under permit as hereinafter provided,) a stamp denoting the amount of the tax required upon such fermented liquor, in such a way that the said stamp will be destroyed upon the withdrawal of the liquor from such hogshead, barrel, keg, or other vessel, or upon the introduc-

Fractional parts of a barrel, how estimated.

2 March, 1867, c. 169, s. 10, v. 14, p. 475.

3 March, 1873, c. 254, v. 17, p. 586.

Evading tax, making or procuring false entries, &c.; penalty.

6 June, 1872, c. 315, s. 21, v. 17, p. 246.

13 July, 1866, c. 184, s. 51, v. 14, p. 165.

Stamps, how supplied and sold.

6 June, 1872, c. 315, s. 22, v. 17, p. 246.

13 July, 1866, c. 184, s. 52, v. 14, p. 165.

Stamps, how procured, affixed, and canceled.

6 June, 1872, c. 315, s. 23, v. 17, p. 247.

13 July, 1866, c. 184, s. 53, v. 14, p. 166.

Penalty for fraud or neglect.

tion of a faucet or other instrument for that purpose; and shall also, at the time of affixing such stamp, cancel the same by writing or imprinting thereon the name of the person, firm, or corporation by whom such liquor was made, or the initial letters thereof, and the date when canceled. Every brewer who refuses or neglects to affix and cancel the stamps required by law in the manner aforesaid, or who affixes a false or fraudulent stamp thereto, or knowingly permits the same to be done, shall pay a penalty of one hundred dollars for each barrel or package on which such omission or fraud occurs, and be imprisoned not more than one year.

Selling, removing, or buying fermented liquor in packages without stamp, or false stamp, or with twice-used stamp; penalty.

6 June, 1872, c. 315, s. 24, v. 17, p. 247.
13 July, 1866, c. 184, s. 54, v. 14, p. 166.

Drawing fermented liquor from package without stamp, or with false stamp, or without defacing stamp; penalty.

6 June, 1872, c. 315, s. 24, v. 17, p. 247.

Removal for storage without stamps.

6 June, 1872, c. 315, s. 24, v. 17, p. 248.
13 July, 1866, c. 184, s. 54, v. 14, p. 166.

Making, selling, or using false stamps or dies; penalty.

6 June, 1872, c. 315, s. 24, v. 17, p. 247.

13 July, 1866, c. 184, s. 54, v. 14, p. 166.

SEC. 3343. Whenever any brewer, cartman, agent for transportation, or other person, sells, removes, receives, or purchases, or in any way aids in the sale, removal, receipt, or purchase, of any fermented liquor contained in any hogshead, barrel, keg, or other vessel from any brewery or brewery warehouse, upon which the stamp, or permit, in case of removal, required by law, has not been affixed, or on which a false or fraudulent stamp, or permit, in case of removal, is affixed, with knowledge that it is such, or on which a stamp, or permit, in case of removal, once canceled, is used a second time, he shall be fined one hundred dollars and imprisoned for not more than one year.

SEC. 3344. Whenever any retail dealer, or other person, withdraws or aids in the withdrawal of any fermented liquor from any hogshead, barrel, keg, or other vessel containing the same, without destroying or defacing the stamp affixed thereon, or withdraws or aids in the withdrawal of any fermented liquor from any hogshead, barrel, keg, or other vessel, upon which the proper stamp has not been affixed or on which a false or fraudulent stamp is affixed, he shall be fined one hundred dollars and imprisoned not more than one year.

SEC. 3345. Any brewer may remove or transport, or cause to be removed or transported, from his brewery or other place of manufacture to a depot, warehouse, or other place used exclusively for storage or sale in bulk, and occupied by him, in another part of the same collection-district, or in another collection-district, but to no other place, malt liquor of his own manufacture, known as lager-beer, in quantities of not less than six barrels in one vessel, and malt liquor of his own manufacture, known as ale or porter, or any other malt liquor of his own manufacture not heretofore mentioned, in quantities not less than fifty barrels at a time, without affixing the proper stamps on said vessels of lager-beer, ale, porter, or other malt liquor, at the brewery or place of manufacture, under a permit, which shall be granted, upon application, by the collector of the district in which said malt liquor is manufactured, and under such regulations as the Commissioner of Internal Revenue may prescribe; and thereafter the manufacturer of said malt liquor shall stamp the same, when it leaves such depot or warehouse, in the same manner and under the same penalties and liabilities as when stamped at the brewery as herein provided. And the collector of the district in which such depot or warehouse is situated shall furnish the manufacturer with the stamps for stamping the same, as if the said malt liquor had been manufactured in his district. And said permit must be affixed to every such vessel or cask so removed, and canceled or destroyed in such manner as the Commissioner of Internal Revenue may prescribe, and under the same penalties and liabilities as provided herein as to stamps.

SEC. 3346. Every person who makes, sells, or uses any false or counterfeit stamp or permit, or die for printing or making stamps or permits, which is in imitation of or purports to be a lawful stamp, permit, or die of the kind before mentioned in this chapter, or who procures the same to be done, shall be imprisoned for not less than one nor more than five years.

SEC. 3347. When fermented liquor has become sour or damaged, so as to be incapable of use as such, brewers may sell the same for manufacturing purposes, and may remove the same to places where it may be used for such purposes, in casks, or other vessels, unlike those ordinarily used for fermented liquors, containing respectively not less than one barrel each, and having the nature of their contents marked upon them, without affixing thereon the permit, stamp or stamps required.

Sour malt liquors, removable in peculiar packages, without stamps.

6 June, 1872, c. 315, s. 24, v. 17, p. 247.

13 July, 1866, c. 184, s. 54, v. 14, p. 167.

SEC. 3348. Every brewer who sells fermented liquor at retail at the brewery or other place where the same is made, shall affix and cancel the proper stamps upon the hogsheads, barrels, kegs, or other vessels in which the same is contained, and shall keep an account of the quantity so sold by him, and of the number and size of the hogsheads, barrels, kegs, or other vessels in which the same has been contained, and shall make a report thereof, verified by oath, monthly to the collector.

Brewers selling at retail at brewery, to affix stamps and keep account.

6 June, 1872, c. 315, s. 24, v. 17, p. 248.

13 July, 1866, c. 184, s. 54, v. 14, p. 166.

SEC. 3349. Every brewer shall, by branding, mark or cause to be marked upon every hogshead, barrel, keg, or other vessel containing the fermented liquor made by him, before it is sold or removed from the brewery or brewery warehouse, or other place of manufacture, the name of the person, firm, or corporation by whom such liquor was manufactured, and the place of manufacture; and every person other than the owner thereof, or his agent authorized so to do, who intentionally removes or defaces such marks therefrom, shall be liable to a penalty of fifty dollars for each cask or other vessel from which the mark is so removed or defaced: *Provided*, That when a brewer purchases fermented liquor finished and ready for sale from another brewer, in order to supply the customers of such purchaser, the purchaser may, upon written notice to the collector of his intention so to do, and under such regulations as the Commissioner of Internal Revenue may prescribe, furnish his own vessels, branded with his name and the place where his brewery is situated, to be filled with the fermented liquor so purchased, and to be so removed; the proper stamps to be affixed and canceled, as afore-said, by the manufacturer before removal.

Name of manufacturer, &c., to be marked on packages; penalty for removing marks, &c.

6 June, 1872, c. 315, s. 25, v. 17, p. 248.

13 July, 1866, c. 184, s. 55, v. 14, p. 167.

SEC. 3350. Whenever, in the opinion of the collector of any district, it becomes requisite or proper, by reason of an accident to any brewery therein by fire or flood, or of such brewery undergoing repairs, or of other circumstances, that the brewer carrying on the same shall be permitted to conduct his business wholly or in part at some other place within such district or an adjoining district for a temporary period, it shall be lawful for such collector, under such regulations and subject to such limitation of time as the Commissioner of Internal Revenue may prescribe, to issue a permit to such brewer, authorizing him to conduct his business wholly or in part, according to the circumstances, at such other place, for a period to be stated in such permit; and such brewer shall not be required to pay another special tax for the purpose.

Permit to carry on business at another place on account of accident.

6 June, 1872, c. 315, s. 26, v. 17, p. 249.

SEC. 3351. When malt liquor or tun liquor, in the first stages of fermentation, known as unfermented worts, of whatever kind, is sold by one brewer to another for the purpose of producing fermentation or enlivening old or stale ale, porter, lager-beer, or other fermented liquors, it shall not be liable to a tax to be paid by the seller thereof, but the tax on the same shall be paid by the purchaser thereof, when the same, having been mixed with the old or stale beer, is sold by him as provided by law, and such sale or transfer shall be subject to such restrictions and regulations as the Commissioner of Internal Revenue may prescribe.

Unfermented worts sold to other brewers, how taxed.

6 June, 1872, c. 315, s. 27, v. 17, p. 249.

SEC. 3352. The ownership or possession by any person of any fermented liquor after its sale or removal from the brewery or warehouse, or other place where it was made, upon which the tax required has not been paid, shall render such liquor liable to seizure wherever found, and to forfeiture, removal under said permits excepted. And the absence of the proper stamps from any hogshead, barrel, keg, or other vessel

Possession of fermented liquor after removal from warehouse when tax not paid, cause of forfeiture.

6 June, 1872, c. 315, s. 28, v. 17, p. 249.

13 July, 1866, c. 184, s. 57, v. 14, p. 167.

Absence of stamps to be notice and evidence.

Removal or defacement of stamps by others than the owner; penalty.

6 June, 1872, c. 315, s. 29, v. 17, p. 249.

13 July, 1866, c. 184, s. 56, v. 14, p. 167.

Withdrawing liquor from unstamped packages for bottling, or bottling on brewery premises; penalty.

6 June, 1872, c. 315, s. 30, v. 17, p. 249.

13 July, 1866, c. 184, s. 58, v. 14, p. 167.

containing fermented liquor, after its sale or removal from the brewery where it was made, or warehouse as aforesaid, shall be notice to all persons that the tax has not been paid thereon, and shall be prima-facie evidence of the non-payment thereof.

SEC. 3353. Every person, other than the purchaser or owner of any fermented liquor, or person acting on his behalf, or as his agent, who intentionally removes or defaces the stamp or permit affixed upon the hogshead, barrel, keg, or other vessel, in which the same is contained, shall be liable to a fine of fifty dollars for each such vessel from which the stamp or permit is so removed or defaced, and to render compensation to such purchaser or owner for all damages sustained by him therefrom.

SEC. 3354. Every person who withdraws any fermented liquor from any hogshead, barrel, keg, or other vessel upon which the proper stamp has not been affixed, for the purpose of bottling the same, or who carries on, or attempts to carry on, the business of bottling fermented liquor in any brewery or other place in which fermented liquor is made, or upon any premises having communication with such brewery, or any warehouse, shall be liable to a fine of five hundred dollars, and the property used in such bottling or business shall be liable to forfeiture.

CHAPTER SIX.

TOBACCO AND SNUFF.

Sec.

3355. Manufacturer's statement of business.

Bond and certificate; penalties.

3356. Sign to be put up by manufacturer; penalty for omission.

3357. Record of manufacturers to be kept by collector.

3358. Annual inventory of manufacturer. Books and monthly abstracts.

3359. Dealers in leaf-tobacco to render statement of sales when demanded.

3360. Books of dealer in leaf-tobacco.

3361. Planters of tobacco to render statement of sales, on demand.

3362. Tobacco and snuff, how put up.

3363. Tobacco and snuff to be sold only in prescribed packages; penalty.

3364. Label and notice on packages of tobacco and snuff.

3365. Snuff and smoking tobacco manufactured before July 20, 1868, may be sold in original packages.

3366. Purchasing tobacco not branded or marked; penalty.

3367. Buying tobacco from a manufacturer who has not paid special tax.

3368. Tax on tobacco and snuff.

3369. Stamps, how prepared, furnished, and sold.

3370. Tobacco manufactured by one person for another or on shares, stamps, by whom affixed; fraud in such cases.

3371. Estimated tax on tobacco sold without stamps.

Sec.

3372. Removing unlawfully, selling without stamps, or payment of tax, or giving bond, making false entries, &c.

3373. Absence of stamp to be evidence of non-payment.

3374. Removing except in proper packages or without stamp, selling unlawfully, &c.

3375. Affixing false stamps or stamps twice used.

3376. Stamped portion of emptied packages to be destroyed; buying, selling, or using the same.

3377. Imported tobacco and snuff.

3378. Tobacco and snuff on hand before July 20, 1868; monthly inventories.

3379. Tobacco, snuff, and cigars manufactured between July 20, 1868, and April 10, 1869.

3380. Selling tobacco as made and tax-paid before July 20, 1868; penalty.

3381. Peddlers of tobacco; notice of business and bond.

3382. Peddlers of tobacco traveling with wagon.

3383. Peddler to obtain and exhibit certificate, &c.

3384. Peddling tobacco unlawfully; penalty.

3385. Exportation of manufactured tobacco, &c.

3386. Drawback on exported tobacco, &c.

Manufacturer's statement of business.

SEC. 3355. Every person, before commencing, or, if he has already commenced, before continuing, the manufacture of tobacco or snuff, shall furnish, without previous demand therefor, to the collector of the

district where the manufacture is to be carried on, a statement in duplicate, subscribed under oath, setting forth the place, and if in a city, the street and number of the street, where the manufacture is to be carried on; the number of cutting-machines, presses, snuff-mills, hand-mills, or other machines; the name, kind, and quality of the article manufactured or proposed to be manufactured; and when the same is manufactured by him as agent for any other person, or to be sold and delivered to any other person under a special contract, the name and residence and business or occupation of the person for whom the said article is to be manufactured, or to whom it is to be delivered; and he shall give a bond, to be approved by the collector of the district, in the sum of two thousand dollars, with an addition to said sum of three thousand dollars for each cutting-machine kept for use, of one thousand dollars for each screw-press kept for use, in making plug or pressed tobacco, of five thousand dollars for each hydraulic press kept for use, of one thousand dollars for each snuff-mill kept for use, and of one thousand dollars for each hand-mill or other mill or machine kept for the grinding, cutting, or crushing of tobacco; conditioned that he shall not engage in any attempt, by himself or by collusion with others, to defraud the Government of any tax on his manufactures; that he shall render truly and completely all the returns, statements, and inventories, prescribed by law or regulations; that whenever he adds to the number of cutting-machines, presses, snuff-mills, hand-mills, or other mills or machines as aforesaid, he shall immediately give notice thereof to the collector of the district; that he shall stamp in accordance with law all tobacco and snuff manufactured by him before he removes any part thereof from the place of manufacture; that he shall not knowingly sell, purchase, expose, or receive for sale any manufactured tobacco or snuff which has not been stamped as required by law; and that he shall comply with all the requirements of law relating to the manufacture of tobacco or snuff. Additional sureties may be required by the collector, from time to time, but the penal sum of said bond shall not be computed by him in excess of the sum of twenty thousand dollars, except under special instructions of the Commissioner of Internal Revenue. And every manufacturer shall obtain a certificate from the collector of the district, who is hereby directed to issue the same, setting forth the kind and number of machines, presses, snuff-mills, hand-mills, or other mills and machines as aforesaid, for which the bond has been given, which certificate shall be posted in a conspicuous place within the manufactory. And every tobacco-manufacturer who neglects or refuses to obtain such certificate, or to keep the same posted as hereinbefore provided, shall be fined not less than one hundred dollars or more than five hundred dollars. And every person who manufactures tobacco or snuff of any description without first giving bond, as herein required, shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned for not less than one or more than five years.

SEC. 3356. Every manufacturer of tobacco and snuff shall place and keep on the side or end of the building wherein his business is carried on, so that it can be distinctly seen, a sign, with letters thereon not less than three inches in length, painted in oil-colors or gilded, giving his full name and business. And every person who neglects to comply with the requirements of this section shall be fined not less than one hundred dollars or more than five hundred dollars.

SEC. 3357. Every collector shall keep a record, in a book or books provided for the purpose, to be open to the inspection of any person, of the name and residence of every person engaged in the manufacture of tobacco or snuff in his district, the place where such manufacture is carried on, and the number of the manufactory; and he shall enter in said record, under the name of each manufacturer, a copy of every inventory required by law to be made by such manufacturer, and an abstract of his monthly returns. And he shall cause the several manufactories of tobacco or snuff in his district to be numbered consecutively, which numbers shall not thereafter be changed.

20 July, 1868, c. 186, s. 63, v. 15, p. 153.
6 June, 1872, c. 315, s. 31, v. 17, p. 253.

Bond and certificate.

Penalties.

Sign to be put up by manufacturer; penalty for omission.

20 July, 1868, c. 186, s. 64, v. 15, p. 154.

Record of manufacturer to be kept by collector.

20 July, 1868, c. 186, s. 65, v. 15, p. 154.

24 Dec., 1872, c. 13, s. 1, v. 17, p. 401.

Annual inventory
of manufacturer.

20 July, 1868, c.
186, s. 66, v. 15, p.
155.

Books and
monthly abstracts.

Penalty.

Dealers in leaf-
tobacco to render
statement of sales
when demanded.

20 July, 1868, c.
186, s. 66, v. 15, p.
155.

Books of dealer
in leaf-tobacco.

20 July, 1868, c.
186, s. 76, v. 15, p.
158.

Planters of tobac-
co to render state-
ment of sales on
demand.

6 June, 1872, c.
315, s. 31, v. 17, p.
250.

SEC. 3358. Every person now or hereafter engaged in the manufacture of tobacco or snuff shall make and deliver to the collector of the district a true inventory, in such form as may be prescribed by the Commissioner of Internal Revenue, and verified by his own oath, of the quantity of each of the different kinds of tobacco, snuff-flour, snuff, stems, scraps, clippings, waste, tin-foil, licorice, sugar, gum, and other materials held or owned by him on the first day of January of each year, or at the time of commencing and at the time of concluding business, if before or after the first of January; setting forth what portion of said goods and materials, and what kinds were manufactured and produced by him, and what was purchased from others. The collector shall make personal examination of the stock sufficient to satisfy himself as to the correctness of the inventory, and shall verify the fact of such examination by oath, to be indorsed on or affixed to the inventory. And every such person shall keep a book or books, the forms of which shall be prescribed by the Commissioner of Internal Revenue, and enter therein daily an accurate account of all the articles aforesaid purchased by him, the quantity of tobacco, snuff, and snuff-flour, stems, scraps, clippings, waste, tin-foil, licorice, sugar, gum, and other materials, of whatever description, manufactured, sold, consumed, or removed for consumption or sale, or removed from the place of manufacture in bond, and to what district removed; also the number of net pounds of lumps of plug tobacco made in the lump-room, and the number of packages and pounds thereof produced in the press-room each day. And he shall, on or before the tenth day of each month, furnish to the collector a true and complete abstract from such book, verifying the same by his oath, of all such purchases, sales, and removals made during the month next preceding. And whenever any such person refuses or willfully neglects to deliver the inventory, or keep the account, or furnish the abstract aforesaid, he shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years.

SEC. 3359. It shall be the duty of any dealer in leaf-tobacco, or in any material used in manufacturing tobacco or snuff, on demand of any officer of internal revenue, to render a true and complete statement, under oath, of the quantity and amount of such leaf-tobacco or materials sold or delivered to any person named in such demand; and in case of refusal or neglect to render such statement, or if there is cause to believe such statement to be incorrect or fraudulent, the collector shall make an examination of persons, books, and papers, in the manner provided in relation to frauds and evasions.

SEC. 3360. Every dealer in leaf-tobacco shall enter daily in a book kept for that purpose, under such regulations as the Commissioner of Internal Revenue may prescribe, the number of hogsheads, cases, and pounds of leaf-tobacco purchased by him, and of whom purchased, and the number of hogsheads, cases, or pounds sold by him, with the name and residence, in each instance, of the person to whom sold, and if shipped, to whom shipped, and to what district. Such book shall be kept at his place of business, and shall be open at all hours to the inspection of any revenue officer; and every dealer in leaf-tobacco who neglects or refuses to keep such book shall be liable to a penalty of not less than five hundred dollars, and shall be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than two years.

SEC. 3361. It shall be the duty of every farmer or planter producing and selling leaf-tobacco, on demand of any internal-revenue officer, or other authorized agent of the Treasury Department, to furnish said officer or agent a true and complete statement, verified by oath, of all his sales of leaf-tobacco, the number of hogsheads, cases, or pounds, with the name and residence, in each instance, of the person to whom sold, and the place to which it is shipped. And every such farmer or planter who willfully refuses to furnish such information, or who knowingly

makes false statements as to any of the facts aforesaid, shall be liable to a penalty not exceeding five hundred dollars.

SEC. 3362. All manufactured tobacco shall be put up and prepared by the manufacturer for sale, or removal for sale or consumption, in packages of the following description, and in no other manner:

All snuff in packages containing one, two, four, six, eight, and sixteen ounces, or in bladders and in jars containing not exceeding twenty pounds.

All fine-cut chewing-tobacco, and all other kinds of tobacco not otherwise provided for, in packages containing one, two, four, eight, and sixteen ounces, except that fine-cut chewing-tobacco may, at the option of the manufacturer, be put up in wooden packages containing ten, twenty, forty, and sixty pounds each.

All smoking-tobacco, and all cut and granulated tobacco other than fine-cut chewing, all shorts, the refuse of fine-cut chewing, which has passed through a riddle of thirty-six meshes to the square inch, and all refuse scraps, clippings, cuttings, and sweeping of tobacco, in packages containing two, four, eight, and sixteen ounces each.

All cavendish, plug, and twist tobacco in wooden packages not exceeding two hundred pounds net weight.

And every such wooden package shall have printed or marked thereon the manufacturer's name and place of manufacture, the registered number of the manufactory, and the gross weight, the tare, and the net weight of the tobacco in each package: *Provided*, That these limitations and descriptions of packages shall not apply to tobacco and snuff transported in bond for exportation and actually exported: *And provided further*, That fine-cut shorts, the refuse of fine-cut chewing-tobacco, refuse scraps, clippings, cuttings, and sweepings of tobacco, may be sold in bulk as material, and without the payment of tax, by one manufacturer directly to another manufacturer, or for export, under such restrictions, rules, and regulations as the Commissioner of Internal Revenue may prescribe: *And provided further*, That wood, metal, paper, or other materials may be used separately or in combination for packing tobacco, snuff, and cigars, under such regulations as the Commissioner of Internal Revenue may establish.

SEC. 3363. No manufactured tobacco shall be sold or offered for sale unless put up in packages and stamped as prescribed in this chapter, except at retail by retail dealers from wooden packages stamped as provided in this chapter; and every person who sells or offers for sale any snuff, or any kind of manufactured tobacco, not so put up in packages and stamped, shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than two years.

SEC. 3364. Every manufacturer of tobacco or snuff shall, in addition to all other requirements of this Title relating to tobacco, print on each package, or securely affix, by pasting, on each package containing tobacco or snuff manufactured by or for him, a label, on which shall be printed the proprietor's or manufacturer's name, the number of the manufactory, the district and State in which it is situated, and these words:

"NOTICE.—The manufacturer of this tobacco has complied with all requirements of law. Every person is cautioned, under the penalties of law, not to use this package for tobacco again."

Every manufacturer of tobacco who neglects to print on or affix such label to any package containing tobacco made by or for him, or sold or offered for sale by or for him, and every person who removes any such label so affixed from any such package, shall be fined fifty dollars for each package in respect to which such offense shall be committed.

Tobacco and snuff, how put up.

20 July, 1868, c. 186, s. 62, v. 15, p. 153.

6 June, 1872, c. 315, s. 31, v. 17, p. 252.

Tobacco and snuff to be sold only in prescribed packages; penalty.

20 July, 1868, c. 186, s. 78, v. 15, p. 159.

Label and notice on packages of tobacco and snuff.

20 July, 1868, c. 186, s. 68, v. 15, p. 156.

Snuff and smoking tobacco manufactured before July 20, 1868, may be sold in original packages.

SEC. 3365. The Commissioner of Internal Revenue may, in any case, allow snuff and smoking-tobacco manufactured before July twenty, eighteen hundred and sixty-eight, not in wooden packages, to be stamped and sold in the original packages.

10 April, 1869, c. 18, s. 3, v. 16, p. 44.

Purchasing tobacco not branded or marked; penalty.

SEC. 3366. Every person who purchases, or receives for sale, any manufactured tobacco or snuff which has not been branded or stamped according to law, shall be liable to a penalty of fifty dollars for each offense.

13 July, 1866, c. 184, s. 9, v. 14, p. 126. 30 June, 1864, c. 173, s. 92, v. 13, p. 263. 20 July, 1868, c. 186, s. 71, v. 15, p. 156.

Buying tobacco from a manufacturer who has not paid special tax.

SEC. 3367. Every person who purchases, or receives for sale, any manufactured tobacco or snuff from any manufacturer who has not paid the special tax, shall be liable for each offense to a penalty of one hundred dollars, and to a forfeiture of all the articles aforesaid so purchased or received, or of the full value thereof.

13 July, 1866, c. 184, s. 9, v. 14, p. 126. 30 June, 1864, c. 173, s. 92, v. 13, p. 263.

Tax on tobacco and snuff.

SEC. 3368. Upon tobacco and snuff manufactured and sold, or removed for consumption or use, there shall be levied and collected the following taxes:

20 July, 1868, c. 186, s. 61, v. 15, p. 152.

6 June, 1872, c. 315, s. 31, v. 17, p. 250.

On snuff, manufactured of tobacco or any substitute for tobacco, ground, dry, damp, pickled, scented, or otherwise, of all descriptions, when prepared for use, a tax of thirty-two cents per pound. And snuff-flour, when sold, or removed for use or consumption, shall be taxed as snuff, and shall be put up in packages and stamped in the same manner as snuff.

On all chewing and smoking tobacco, fine-cut, cavendish, plug, or twist, cut or granulated, of every description; on tobacco twisted by hand or reduced into a condition to be consumed, or in any manner other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument, and without being pressed or sweetened; and on all fine-cut shorts and refuse scraps, clippings, cuttings, and sweepings of tobacco, a tax of twenty cents a pound.

Stamps, how prepared, furnished, and sold.

20 July, 1868, c. 186, s. 67, v. 15, p. 155.

6 June, 1872, c. 315, s. 31, v. 17, p. 253.

SEC. 3369. The Commissioner of Internal Revenue shall cause to be prepared suitable and special stamps for the payment of the tax on tobacco and snuff, which shall indicate the weight and class of the article on which payment is to be made, and shall be affixed and canceled in the mode prescribed by the Commissioner of Internal Revenue, and stamps when used on any wooden package shall be canceled by sinking a portion of the same into the wood with a steel die, and also such export-stamps as are required by law. Such stamps shall be furnished to the collectors requiring them, and each collector shall keep at all times a supply equal in amount to three months' sale thereof, and shall sell the same only to the manufacturers of tobacco and snuff in their respective districts who have given bonds as required by law, and to owners or consignees of tobacco or snuff, upon the requisition of the proper custom-house officer having the custody of such tobacco or snuff; and to persons required by law to affix the same to tobacco or snuff on hand on the first day of January, eighteen hundred and sixty-nine. And every collector shall keep an account of the number, amount, and denominate values of stamps sold by him to each manufacturer or other person aforesaid: *Provided*, That such stamps as may be required to stamp tobacco, snuff, or cigars, sold under distraint by any collector of internal revenue, or for stamping any tobacco, snuff, or cigars which may have been abandoned, condemned, or forfeited, and sold by order of court or of any Government officer for the benefit of the United States, may, under such rules and regulations as the Commissioner of Internal Revenue shall prescribe, be used by the collector making such sale, or furnished by a collector to a United States marshal, or to any other

Government officer making such sale for the benefit of the United States, without making payment for said stamps so used or delivered; and any revenue-collector using or furnishing stamps in manner as aforesaid, on presenting vouchers satisfactory to the Commissioner of Internal Revenue, shall be allowed credit for the same in settling his stamp-account with the Department: *And provided further*, That in case it shall appear that any abandoned, condemned, or forfeited tobacco, snuff, or cigars, when offered for sale, will not bring a price equal to the tax due and payable thereon, such goods shall not be sold for consumption in the United States; and upon application made to the Commissioner of Internal Revenue, he is authorized and directed to order the destruction of such tobacco, snuff, or cigars by the officer in whose custody and control the same may be at the time, and in such manner and under such regulations, as the Commissioner of Internal Revenue may prescribe.

SEC. 3370. Whenever tobacco or snuff of any description is manufactured, in whole or in part, upon commission or shares, or the material from which any such articles are made, or are to be made, is furnished by one person and made or manufactured by another, or the material is furnished or sold by one person with an understanding or agreement with another that the manufactured article is to be received in payment therefor or for any part thereof, the stamps required by law shall be affixed by the actual maker or manufacturer before the article passes from the place of making or manufacturing. And in case of fraud on the part of either of said persons in respect to said manufacture, or of any collusion on their part with intent to defraud the revenue, such material and manufactured articles shall be forfeited to the United States; and each party to such fraud or collusion shall be deemed guilty of a misdemeanor, and be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned for not less than six months nor more than three years.

SEC. 3371. Whenever any manufacturer of tobacco, snuff, or cigars, sells, or removes for sale or consumption, any tobacco, snuff, or cigars upon which a tax is required to be paid by stamps, without the use of the proper stamps, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such sale or removal, upon such information as he can obtain, to estimate the amount of tax which has been omitted to be paid, and to make an assessment therefor, and certify the same to the collector. The tax so assessed shall be in addition to the penalties imposed by law for such sale or removal.

SEC. 3372. Every manufacturer of tobacco or snuff who removes, otherwise than as provided by law, or sells, without the proper stamps denoting the tax thereon, or without having paid the special tax, or given bond as required by law, any tobacco or snuff, or who makes false and fraudulent entries of manufactures or sales of tobacco or snuff, or makes false or fraudulent entries of the purchase or sales of leaf-tobacco, tobacco-stems, or other material, or who affixes any false, forged fraudulent, spurious, or counterfeit stamp, or imitation of any stamp, required by law, or any stamp required by law which has been previously used, to any box or package containing any tobacco or snuff, shall, in addition to the penalties elsewhere provided by law for such offenses, forfeit to the United States all the raw material and manufactured or partly manufactured tobacco and snuff, and all machinery, tools, implements, apparatus, fixtures, boxes, and barrels, and all other materials which may be found in his possession, in his manufactory, or elsewhere.

SEC. 3373. The absence of the proper stamp on any package of manufactured tobacco or snuff shall be notice to all persons that the tax has not been paid thereon, and shall be prima-facie evidence of the non-payment thereof. And such tobacco or snuff shall be forfeited to the United States.

Tobacco manufactured by one person for another, or on shares; stamps, by whom affixed; fraud in such cases.

20 July, 1868, c. 186, s. 75, v. 15, p. 158.

Estimated tax on tobacco sold without stamps.

6 June, 1872, c. 315, s. 31, v. 17, p. 252.

20 July, 1868, c. 186, s. 60, v. 15, p. 152.

Removing unlawfully, selling without stamps, or payment of tax, or giving bond, making false entries, &c.

20 July, 1868, c. 186, s. 69, v. 15, p. 156.

6 June, 1872, c. 315, s. 31, v. 17, p. 253.

Absence of stamp to be evidence of non-payment.

20 July, 1868, c. 186, s. 70, v. 15, p. 156.

Removing except
improper packages,
or without stamp;
selling unlawfully,
&c.

20 July, 1868, c.
186, s. 71, v. 15, p.
156.

6 June, 1872, c.
315, s. 31, v. 17, p.
253.

Affixing false
stamps or stamps
twice used.

20 July, 1868, c.
186, s. 71, v. 15, p.
156.

Stamped portion
of emptied pack-
ages to be de-
stroyed; buying,
selling, or using
same.

Ibid., s. 72, p. 156.
6 June, 1872, c.
315, s. 31, v. 17, p.
253.

Imported tobacco
and snuff.

20 July, 1868, c.
186, s. 77, v. 15, p.
158.

SEC. 3374. Every person who removes from any manufactory, or from any place where tobacco or snuff is made, any manufactured tobacco or snuff without the same being put up in proper packages, or without the proper stamp for the amount of tax thereon being affixed and canceled, as required by law; or, if the same be intended for export, without the proper export-stamp being affixed; or who uses, sells, or offers for sale, or has in possession, except in the manufactory, or while in transfer under bond or a collector's permit, from any manufactory, store, or warehouse, to a vessel for exportation to a foreign country, any manufactured tobacco or snuff, without proper stamps for the amount of tax thereon being affixed and canceled; or who sells, or offers for sale, for consumption in the United States, or uses, or has in possession, except in the manufactory, or while in transfer under bond or a collector's permit, from any manufactory, store, or warehouse, to a vessel for exportation to a foreign country, any manufactured tobacco or snuff on which only the stamp marking the same for export has been affixed, shall for each such offense, respectively, be fined not less than one thousand dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years.

SEC. 3375. Every person who affixes to any package containing tobacco or snuff, any false, forged, fraudulent, spurious, or counterfeit stamp, or a stamp which has been before used, shall be deemed guilty of a felony, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned not less than two years nor more than five years.

SEC. 3376. Whenever any stamped box, bag, vessel, wrapper, or envelope of any kind, containing tobacco or snuff, is emptied, the stamp or stamps thereon shall be destroyed by the person in whose hands the same may be. And every person who willfully neglects or refuses so to do shall, for each such offense, be fined fifty dollars, and imprisoned not less than ten days nor more than six months. And every person who sells or gives away, or who buys or accepts from another any such empty stamped box, bag, vessel, wrapper, or envelope of any kind, or the stamp or stamps taken from any such empty box, bag, vessel, wrapper, or envelope of any kind, shall, for each such offense, be fined one hundred dollars and imprisoned for not less than twenty days, and not more than one year. And every manufacturer or other person who puts tobacco or snuff into any such box, bag, vessel, wrapper, or envelope, the same having been either emptied or partially emptied, or who has in his possession, or affixes to any box or other package, any stamp which has been previously used, or who sells, or offers for sale, any box or other package of tobacco, snuff, or cigars, having affixed thereto any fraudulent, spurious, imitation, or counterfeit stamp, or stamp that has been previously used, or sells from any such fraudulently stamped box or package, or has in his possession any box or package as aforesaid, knowing the same to be fraudulently stamped, shall, for each such offense, be fined not less than one hundred dollars nor more than five hundred dollars, and imprisoned for not less than one year nor more than three years.

SEC. 3377. All manufactured tobacco and snuff (not including cigars) imported from foreign countries shall, in addition to the import duties imposed on the same, pay the tax imposed by law on like kinds of tobacco and snuff manufactured in the United States, and have the same stamps respectively affixed. Such stamps shall be affixed and canceled on all such articles so imported by the owner or importer thereof, while they are in the custody of the proper custom-house officers, and such articles shall not pass out of the custody of said officers until the stamps have been affixed and canceled. Such tobacco and snuff shall be put up in packages, as prescribed by law for like articles manufactured in the United States before the stamps are affixed; and the owner or importer shall be liable to all the penal provisions prescribed for manufactures of tobacco and snuff manufactured in the United States. Whenever it is necessary to take any such articles, so imported, to any place for the pur-

pose of repacking, affixing, and canceling such stamps, other than the public stores of the United States, the collector of customs of the port where they are entered shall designate a bonded warehouse to which they shall be taken, under the control of such customs officer as he may direct. And every officer of customs who permits any such articles to pass out of his custody or control without compliance by the owner or importer thereof with the provisions of this section relating thereto, shall be deemed guilty of a misdemeanor, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years.

SEC. 3378. Every dealer in manufactured tobacco who had on hand more than twenty pounds of such tobacco, and every dealer in snuff who had on hand more than ten pounds of snuff, on the twentieth day of July, eighteen hundred and sixty-eight, whether manufactured in the United States or imported prior to that date, shall make, and shall deposit with the collector of the district, on the first day of every month, a true and complete inventory, under oath, of any such tobacco and snuff, respectively, then remaining on hand and not stamped. The collector shall make, and shall transmit to the Commissioner of Internal Revenue, an abstract of the several inventories so filed in his office. All manufactured tobacco of every description shall be taken and deemed as having been manufactured after July twentieth, eighteen hundred and sixty-eight.

SEC. 3379. Any person having in his possession any tobacco, snuff, or cigars manufactured and sold, or removed from the manufactory or place where they were made, since July twenty, eighteen hundred and sixty-eight, and prior to November twenty-three, eighteen hundred and sixty-eight, or having in his possession cigars imported from foreign countries, or withdrawn from a United States bonded warehouse, at any time between the said dates, who shall, before selling or offering for sale such tobacco, snuff, or cigars, affix and cancel proper internal-revenue stamps, shall be entitled to have refunded to him an amount of tax previously paid thereon equal to the value of the stamps so affixed before sale or offering for sale: *Provided*, That, prior to said twenty-third of November, eighteen hundred and sixty-eight, such tobacco, snuff, or cigars, were put up in packages, and all other requirements of law relating to tobacco, snuff, and cigars were complied with, in the manner prescribed by the act of July twenty, eighteen hundred and sixty-eight. And the Commissioner of Internal Revenue, on appeal made to him, may pay back a sum of money equal to the value of the stamps so affixed, upon satisfactory evidence submitted to him that such tobacco or snuff was actually manufactured and removed from the place of manufacture, and that such cigars were so manufactured and removed, or imported and withdrawn from a bonded warehouse, and the several rates of tax imposed on such goods by the act of July twenty, eighteen hundred and sixty-eight, were assessed and paid, and that the claimant had in all respects complied with the internal-revenue laws as far as they were applicable to such articles. And the Commissioner of Internal Revenue may prescribe such regulations, for carrying into effect the provisions of this section, as he may deem proper and necessary.

SEC. 3380. Any person who sells or offers for sale any manufactured tobacco or snuff, representing the same to have been manufactured and the tax paid thereon prior to July twenty, eighteen hundred and sixty-eight, when the same was not so manufactured, and the tax not so paid, shall be liable to a penalty of five hundred dollars for each offense, and shall be deemed guilty of a misdemeanor, and shall be fined not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years.

SEC. 3381. Every peddler of tobacco, before commencing, or, if he has already commenced, before continuing to peddle tobacco, shall furnish to the collector of his district a statement accurately setting forth the place of his residence, and, if in a city, the street and

Tobacco and snuff on hand before 20 July, 1868, monthly inventories.

Ibid., s. 78, p. 159.

Tobacco, snuff, and cigars manufactured between 20 July, 1868, and 10 April, 1869.

10 April, 1869, c. 18, s. 3, v. 16, p. 43.

Selling tobacco as made and tax paid before 20 July, 1868; penalty.

20 July, 1868, c. 186, s. 79, v. 15, p. 159.

Peddlers of tobacco, notice of business and bond.

6 June, 1872, c. 315, s. 31, v. 17, p. 251.

number of the street where he resides; the State or States through which he proposes to travel; the mode of travel, whether on foot, with one, two, or more horses, mules, or other animals, or by public conveyance; also whether he proposes to sell his own manufactures or the manufactures of others, and, if he sells for other parties, the person for whom he sells. He shall also give a bond in the sum of two thousand dollars, to be approved by the collector of the district, conditioned that he shall not engage in any attempt, by himself or by collusion with others, to defraud the Government of any tax on tobacco, snuff, or cigars; that he shall neither sell, nor offer for sale, any tobacco, snuff, or cigars, except in original and full packages, as the law requires the same to be put up and prepared by the manufacturer for sale, or for removal for sale or consumption, and except such packages of tobacco, snuff, and cigars as bear the manufacturer's label or caution-notice, and his legal marks and brands, and genuine internal-revenue stamps which have never before been used.

Peddlers of tobacco traveling with wagon.

SEC. 3382. Every peddler of tobacco, snuff, or cigars, traveling with a wagon, shall affix and keep on the same, in a conspicuous place, a sign painted in oil-colors, or gilded, giving his full name, business, and collection-district.

6 June, 1872, c. 315, s. 31, v. 17, p. 251.

Peddler to obtain and exhibit certificate, &c.

SEC. 3383. Every peddler of tobacco shall obtain a certificate from the collector of his collection-district, who is hereby authorized and directed to issue the same, giving the name of the peddler, his residence, the class of his special-tax stamp, and the fact of his having filed the required bond; and shall, on demand of any officer of internal revenue, produce and exhibit said certificate, and, unless he shall do so, may be deemed not to have paid the special tax, nor otherwise to have complied with the law. And whenever any peddler refuses to exhibit his special stamp as aforesaid, on demand of any officer of internal revenue, said officer may seize the horse, or mule, wagon and contents, or pack, bundle, or basket of any person so refusing; and the collector of the district in which the seizure occurs may, on ten days' notice, published in any newspaper in the district, or served personally on the peddler, or at his dwelling-house, require such peddler to show cause, if any he has, why the horses or mules, wagon and contents, pack, bundle, or basket so seized shall not be forfeited. In case no sufficient cause is shown, proceedings for the forfeiture of the property seized shall be taken under the general provisions of the internal-revenue laws relating to forfeitures.

6 June, 1872, c. 315, s. 31, v. 17, p. 252.

24 Dec., 1872, c. 13, ss. 1, 6, v. 17, pp. 401, 403.

Peddling tobacco unlawfully; penalty.

SEC. 3384. Every person who is found peddling tobacco, snuff, or cigars, without having given the bond, or without having previously obtained the collector's certificate as herein provided, or who sells tobacco, snuff, or cigars otherwise than in original and full packages as put up by the manufacturer; or who has in his possession any internal-revenue stamp which has been removed from any box or other package of tobacco, snuff, or cigars, or any empty or partially emptied box or other package which has been used for tobacco, snuff, or cigars, the stamp or stamps on which have not been destroyed; or who fails to have affixed to his wagon, in a conspicuous place, a sign, painted in oil-colors, or gilded, giving his full name, business, and collection-district, shall, for each such offense, be fined not less than one hundred dollars nor more than five hundred dollars, or imprisoned not less than six months nor more than one year, or both, at the discretion of the court.

6 June, 1872, c. 315, s. 31, v. 17, p. 252.

Exportation of manufactured tobacco, &c.

SEC. 3385. Manufactured tobacco, snuff, and cigars intended for immediate exportation, may, after being properly inspected, marked, and branded, be removed from the manufactory in bond without having affixed thereto the stamps indicating the payment of the tax thereon. The removal of such tobacco, snuff, and cigars from the manufactory shall be made under such regulations, and after making such entries and executing and filing, with the collector of the district from which

6 June, 1872, c. 315, s. 31, v. 17, p. 254.
20 July, 1868, c. 186, s. 73, v. 15, p. 157.

the removal is to be made, such bonds and bills of lading, and giving such other additional security as may be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury. There shall be affixed to each package of tobacco, snuff, and cigars intended for immediate export, before it is removed from the manufactory, an engraved stamp, indicative of such intention. Such stamp shall be provided and furnished to the several collectors as in the case of other stamps, and be charged to them and accounted for in the same manner; and for the expense attending the providing and affixing thereof, ten cents for each package so stamped shall be paid to the collector on making the entry for such transportation. When the manufacturer has made the proper entries, filed the bonds, and otherwise complied with all the requirements of the law and regulations as herein provided, the collector shall issue to him a permit for the removal, accurately describing the tobacco, snuff, and cigars to be shipped, the number and kind of packages, the number of pounds, the amount of tax, the marks and brands, the State and collection-district from which the same are shipped, the number of the manufactory and the manufacturer's name, the port from which the said tobacco, snuff, and cigars are to be exported, the route or routes over which the same are to be sent to the port of shipment, and the name of the vessel or line by which they are to be conveyed to the foreign port. The bonds required to be given for the exportation of the tobacco, snuff, and cigars shall be canceled upon the presentation of the proper certificates that said tobacco, snuff, and cigars have been landed at any port without the jurisdiction of the United States, or upon satisfactory proof that after shipment the same were lost at sea.

SEC. 3386. There shall be an allowance of drawback on tobacco, snuff, and cigars on which the tax has been paid by suitable stamps affixed thereto before removal from the place of manufacture, when the same are exported, equal in amount to the value of the stamps found to have been so affixed, the evidence that the stamps were so affixed, and the amount of tax so paid, and of the subsequent exportation of the said tobacco, snuff, and cigars, to be ascertained under such regulations as shall be prescribed by the Commissioner of Internal Revenue and approved by the Secretary of the Treasury. Any sums found to be due under the provisions of this section shall be paid by the warrant of the Secretary of the Treasury on the Treasurer of the United States, out of any money arising from internal duties not otherwise appropriated: *Provided*, That no claim for an allowance of drawback shall be entertained or allowed for a sum less than fifty dollars, nor except upon evidence satisfactory to the Commissioner of Internal Revenue that the stamps affixed to the tobacco, snuff, or cigars alleged to have been exported were totally destroyed before the shipment thereof, and that the same have been landed in a foreign country or lost at sea, and have not been relanded within the limits of the United States.

Drawback on exported tobacco, &c.

6 June, 1872, c. 315, s. 31, v. 17, p. 254.

20 July, 1868, c. 186, s. 74, v. 15, p. 157.

CHAPTER SEVEN.

CIGARS.

| Sec. | Sec. |
|---|---|
| 3387. Manufacturer's statement and bond. | 3399. Cigars manufactured on shares, commission, or contract; how stamped; frauds. |
| 3388. Manufacturer's sign. | 3400. Forfeiture of property for selling, &c., contrary to law, using false stamps, &c. |
| 3389. Record of manufacturers and makers. | 3401. Falsely representing cigars to have been made prior to 20 July, 1868. |
| 3390. Annual inventory, book entries, and monthly abstracts of manufacturer. | 3402. Imported cigars to pay tax; stamps, when and by whom affixed. |
| 3391. Dealers in material for cigars to make sworn statement, when demanded. | 3403. Selling imported cigars not packed as required by law. |
| 3392. How cigars are to be packed. | 3404. Purchasing cigars not branded or stamped. |
| 3393. Label and notice on cigars. | 3405. Buying cigars from a manufacturer who has not paid a special tax. |
| 3394. Tax on cigars and cigarettes. | 3406. Stamps on emptied cigar-boxes to be destroyed; penalty for neglect, &c. |
| 3395. Stamps, how prepared, furnished, and accounted for. | |
| 3396. Inspection of cigars, &c. | |
| 3397. Removal without properly boxing, stamping, or branding; using false stamps, &c. | |
| 3398. Absence of stamp evidence of non-payment of tax. | |

Manufacturer's
statement and
bond.

20 July, 1868, c.
186, s. 82, v. 15, p.
160.

SEC. 3387. Every person before commencing, or, if he has already commenced, before continuing, the manufacture of cigars, shall furnish, without previous demand therefor, to the collector of the district a statement in duplicate, under oath, setting forth the place, and, if in a city, the street and number of the street, where the manufacture is to be carried on; and when the same are to be manufactured for, or to be sold and delivered to, any other person, the name and residence and business or occupation of the person for whom they are to be manufactured, or to whom they are to be delivered; and shall give a bond, in conformity with the provisions of this Title, in such penal sum as the collector may require, not less than five hundred dollars, with an addition of one hundred dollars for each person proposed to be employed by him in making cigars, and the sum of said bond may be increased from time to time and additional sureties required, at the discretion of the collector, or under the instructions of the Commissioner of Internal Revenue. Said bond shall be conditioned that he shall not employ any person to manufacture cigars who has not been duly registered as a cigar-maker; that he shall not engage in any attempt, by himself or by collusion with others, to defraud the Government of any tax on his manufactures; that he shall render correctly all the returns, statements, and inventories prescribed; that whenever he shall add to the number of cigar-makers employed by him he shall immediately give notice thereof to the collector of the district; that he shall stamp, in accordance with law, all cigars manufactured by him before he offers the same or any part thereof for sale, and before he removes any part thereof from the place of manufacture; that he shall not knowingly sell, purchase, expose, or receive for sale, any cigars which have not been stamped as required by law; and that he shall comply with all the requirements of law relating to the manufacture of cigars. Every cigar-manufacturer shall obtain from the collector of the district, who is hereby required to issue the same, a certificate setting forth the number of cigar-makers for which the bond has been given, and shall keep the same posted in a conspicuous place within the manufactory; and every cigar-manufacturer who neglects or refuses to obtain such certificate, or to keep the same posted as hereinbefore provided, shall be fined one hundred dollars. And every person who manufactures cigars of any description, without first giving bond as herein required, shall be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned not less than three months nor more than five years. Cigarettes and cheroots shall be held to be cigars under the meaning of this chapter.

SEC. 3388. Every cigar-manufacturer shall place and keep on the side or end of the building within which his business is carried on, so that it can be distinctly seen, a sign, with letters thereon not less than three inches in length, painted in oil-colors or gilded, giving his full name and business. Any person neglecting to comply with the requirements of this section shall, on conviction, be fined not less than one hundred dollars nor more than five hundred dollars.

Manufacturer's sign.

20 July, 1868, c. 186, s. 83, v. 15, p. 160.

SEC. 3389. Every collector shall keep a record, in a book provided for that purpose, to be open to the inspection of any person, of the name and residence of every person engaged in the manufacture of cigars in his district, the place where such manufacture is carried on, the number of the manufactory, and the names and residences of every cigar-maker employed in his district; and he shall enter in said record, under the name of each manufacturer, an abstract of his inventories and monthly returns. And he shall cause the several manufactories of cigars in the district to be numbered consecutively, which number shall not thereafter be changed.

Record of manufacturers and makers.

20 July, 1868, c. 186, s. 84, v. 15, p. 161.

SEC. 3390. Every person now or hereafter engaged in the manufacture of cigars shall make and deliver to the collector of the district a true inventory, in such form as may be prescribed by the Commissioner of Internal Revenue, of the quantity of leaf tobacco, cigars, stems, scraps, clippings, and waste, and of the number of cigar-boxes and the capacity of each box, held or owned by him on the first day of January of each year, or at the time of commencing and at the time of concluding business, if before or after the first of January; setting forth what portion and kinds of said goods were manufactured or produced by him, and what were purchased from others, and shall verify said inventory by his oath indorsed thereon. The collector shall make personal examination of the stock sufficient to satisfy himself as to the correctness of the inventory; and shall verify the fact of such examination by oath to be indorsed on the inventory. Every such person shall also enter daily in a book, the form of which shall be prescribed by the Commissioner of Internal Revenue, an accurate account of all the articles aforesaid purchased by him, the quantity of leaf-tobacco, cigars, stems, or cigar-boxes, of whatever description, manufactured, sold, consumed, or removed for consumption or sale, or removed from the place of manufacture; and shall, on or before the tenth day of each and every month, furnish to the collector of the district a true and accurate abstract from such book, verified by his oath, of all such purchases, sales, and removals made during the month next preceding. In case of refusal or willful neglect to deliver the inventory or keep the account, or furnish the abstract aforesaid, he shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years.

Annual inventory, book entries and monthly abstracts of manufacturer.

Ibid., s. 86, p. 161.

SEC. 3391. It shall be the duty of every dealer in leaf-tobacco or material used in manufacturing cigars, on demand of any officer of internal revenue, to render to such officer a true and correct statement, under oath, of the quantity and amount of such leaf-tobacco or materials sold or delivered to any person named in such demand; and in case of refusal or neglect to render such statement, or if there is cause to believe such statement to be incorrect or fraudulent, the collector shall make an examination of persons, books, and papers in the manner provided in this Title in relation to frauds and evasions.

Dealers in material for cigars to make sworn statement, when demanded.

Ibid., s. 86, p. 162.

SEC. 3392. All cigars shall be packed in boxes not before used for that purpose, containing, respectively, twenty-five, fifty, one hundred, two hundred and fifty, or five hundred cigars each; and every person who sells or offers for sale, or delivers or offers to deliver, any cigars in any other form than in new boxes as above described, or who packs in any box any cigars in excess of the number provided by law to be put in each box respectively, or who falsely brands any box, or affixes a stamp on any box denoting a less amount of tax than that required by law, shall be fined for each such offense not less than one hundred dollars nor

How cigars are to be packed.

Ibid., s. 85, p. 161.

more than one thousand dollars, and be imprisoned not less than six months nor more than two years: *Provided*, That nothing in this section shall be construed as preventing the sale of cigars at retail by retail dealers who have paid the special tax as such from boxes packed, stamped, and branded in the manner prescribed by law.

Label and notice
on cigars.

Ibid., s. 88, p. 162.
10 April, 1869, c.
18, s. 1, v. 16, p. 43.

SEC. 3393. Every manufacturer of cigars shall securely affix, by pasting on each box containing cigars manufactured by or for him, a label, on which shall be printed, together with the proprietor's or manufacturer's name, the number of the manufactory, and the district and State in which it is situated, these words:

"NOTICE.—The manufacturer of the cigars herein contained has complied with all the requirements of law. Every person is cautioned under the penalties of law not to use this box for cigars again."

Every manufacturer of cigars who neglects to affix such label to any box containing cigars made by or for him, or sold or offered for sale by or for him, and every person who removes any such label, so affixed, from any such box, shall be fined fifty dollars for each box in respect to which such offense is committed.

Tax on cigars
and cigarettes.

20 July, 1868, c.
186, s. 81, v. 15, p.
160.

SEC. 3394. Upon cigars which shall be manufactured and sold, or removed for consumption or use, there shall be assessed and collected the following taxes, to be paid by the manufacturer thereof:

On cigars of all descriptions, made of tobacco or any substitute therefor, five dollars per thousand; on cigarettes weighing not more than three pounds per thousand, one dollar and fifty cents per thousand; on cigarettes weighing more than three pounds per thousand, five dollars per thousand.

Stamps, how pre-
pared, furnished
and accounted for.

Ibid., s. 87, p. 162.

SEC. 3395. The Commissioner of Internal Revenue shall cause to be prepared, for payment of the tax upon cigars, suitable stamps denoting the tax thereon. Such stamps shall be furnished to collectors requiring them, and collectors shall, if there be any cigar-manufacturers within their respective districts, keep on hand at all times a supply equal in amount to two months' sales thereof, and shall sell the same only to the cigar-manufacturers who have given bonds and paid the special tax, as required by law, in their districts, respectively, and to importers of cigars, who are required to affix the same to imported cigars in the custody of customs officers, and to persons required by law to affix the same to cigars on hand after the first day of April, eighteen hundred and sixty-nine. Every collector shall keep an account of the number, amount, and denominate values of the stamps sold by him to each cigar-manufacturer, and to other persons above described.

Inspection of
cigars, &c.

Ibid., s. 81, p. 160.

SEC. 3396. The Commissioner of Internal Revenue may prescribe such regulations for the inspection of cigars, cheroots, and cigarettes, and the collection of the tax thereon, as he may deem most effective for the prevention of frauds in the payment of such tax.

Removal with-
out properly box-
ing, stamping, or
branding; using
false stamps, &c.

Ibid., s. 89, p. 162.
6 June, 1872, c.
315, s. 31, v. 17, p.
255.

SEC. 3397. Whenever any cigars are removed from any manufactory, or place where cigars are made, without being packed in boxes as required by the provisions of this chapter, or without the proper stamp thereon denoting the tax, or without burning into each box with a branding-iron the number of the cigars contained therein, the name of the manufacturer, and the number of the district and the State, or without properly affixing thereon and canceling the stamp denoting the tax on the same, or are sold or offered for sale not properly boxed and stamped, they shall be forfeited to the United States. And every person who commits any of the above-described offenses shall be fined for each such offense not less than one hundred dollars nor more than one thousand dollars, and imprisoned not less than six months nor more than two years. And every person who packs cigars in any box bearing a false or fraudulent or counterfeit stamp, or who affixes to any box containing cigars a stamp in the similitude or likeness of any stamp required to be used by the laws of the United States, whether the same be a customs or internal-revenue stamp; or who buys, receives, or has in his possession any cigars on which the tax to which they are liable

has not been paid, or who removes or causes to be removed from any box any stamp denoting the tax on cigars, with intent to use the same, or who uses or permits any other person to use any stamp so removed, or who receives, buys, sells, gives away, or has in his possession any stamp so removed, or who makes any other fraudulent use of any stamp intended for cigars, or who removes from the place of manufacture any cigars not properly boxed and stamped as required by law, shall be deemed guilty of a felony, and shall be fined not less than one hundred dollars nor more than one thousand dollars, and imprisoned not less than six months nor more than three years.

SEC. 3398. The absence of the proper revenue-stamp on any box of cigars sold, or offered for sale, or kept for sale, shall be notice to all persons that the tax has not been paid thereon, and shall be prima-facie evidence of the non-payment thereof, and such cigars shall be forfeited to the United States.

Absence of stamps evidence of non-payment of tax.

20 July, 1863, c. 186, s. 90, v. 15, p. 163.

SEC. 3399. Whenever cigars of any description are manufactured, in whole or in part, upon commission or shares, or the material is furnished by one party and manufactured by another, or the material is furnished or sold by one party with an understanding or agreement with another that the cigars are to be received in payment therefor, or for any part thereof, the stamps required by law shall be affixed by the actual maker before the cigars are removed from the place of manufacturing. And in case of fraud on the part of either of said parties in respect to said manufacture, or of any collusion on their part with intent to defraud the revenue, such material and cigars shall be forfeited to the United States; and every person engaged in such fraud or collusion shall be fined not less than one hundred dollars nor more than five thousand dollars, and imprisoned for not less than six months nor more than three years.

Cigars manufactured on shares, commission, or contract; how stamped; frauds.

Ibid., s. 91, p. 163.

SEC. 3400. Every manufacturer of cigars who removes or sells any cigars without payment of the special tax as a cigar-manufacturer, or without having given bond as such, or without the proper stamps denoting the tax thereon; or who makes false or fraudulent entries of the manufacture or sale of any cigars; or makes false or fraudulent entries of the purchase or sale of leaf-tobacco, tobacco-stems, or other material used in the manufacture of cigars; or who affixes any false, forged, spurious, fraudulent, or counterfeit stamp, or imitation of any stamp, required by law to any box containing any cigars, shall, in addition to the penalties elsewhere provided in this Title for such offenses, forfeit to the United States all raw material and manufactured or partly manufactured tobacco and cigars, and all machinery, tools, implements, apparatus, fixtures, boxes, barrels, and all other materials which shall be found in his possession, or in his manufactory, and used in his business as such manufacturer, together with his estate or interest in the building or factory, and the lot or tract of ground on which such building or factory is located, and all appurtenances thereunto belonging.

Forfeiture of property for selling, &c., contrary to law, using false stamps, &c.

Ibid., s. 92, p. 163.

SEC. 3401. Every person who sells or offers for sale any cigars, representing the same to have been manufactured and the tax paid thereon prior to July twenty, eighteen hundred and sixty-eight, when the same were not so manufactured and the tax was not so paid, shall be liable to a penalty of five hundred dollars for each offense, and shall be deemed guilty of a misdemeanor, and shall be fined not less than five hundred dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years.

Falsely representing cigars to have been made prior to 20 July, 1868.

Ibid., s. 95, p. 164.

SEC. 3402. All cigars imported from foreign countries shall pay, in addition to the import duties imposed thereon, the tax prescribed by law for cigars manufactured in the United States, and shall have the same stamps affixed. The stamps shall be affixed and canceled by the owner or importer of the cigars while they are in the custody of the proper custom-house officers, and the cigars shall not pass out of the custody of such officers until the stamps have been so affixed and canceled, but

Imported cigars to pay tax; stamps, when and by whom affixed.

Ibid., s. 93, p. 163.

shall be put up in boxes containing quantities as prescribed in this chapter for cigars manufactured in the United States, before the stamps are affixed. And the owner or importer of such cigars shall be liable to all the penal provisions of this Title prescribed for manufacturers of cigars manufactured in the United States. Whenever it is necessary to take any cigars so imported to any place other than the public stores of the United States, for the purpose of affixing and canceling such stamps, the collector of customs of the port where such cigars are entered shall designate a bonded warehouse to which they shall be taken, under the control of such customs officer as such collector may direct. And every officer of customs who permits any such cigars to pass out of his custody or control, without compliance by the owner or importer thereof with the provisions of this section relating thereto, shall be deemed guilty of a misdemeanor, and shall be fined not less than one thousand dollars nor more than five thousand dollars, and imprisoned not less than six months nor more than three years. [Sec § 2804.]

Selling imported cigars not packed as required by law.

Ibid., s. 94, p. 164.

SEC. 3403. All cigars, of every description, on hand after the first day of April, eighteen hundred and sixty-nine, shall be taken to have been either manufactured or imported after the passage of the internal-revenue act of July twentieth, eighteen hundred and sixty-eight, and shall be stamped accordingly. Every person who sells or offers for sale any imported cigars, or cigars purporting or claimed to have been imported, not put up in packages and stamped as provided by this chapter, shall be fined not less than five hundred dollars nor more than five thousand dollars, and be imprisoned not less than six months nor more than two years.

Purchasing cigars not branded or stamped.

SEC. 3404. Every person who purchases or receives for sale any cigars which have not been branded or stamped according to law, shall be liable to a penalty of fifty dollars for each such offense.

13 July, 1866, c. 184, s. 9, v. 14, p. 126. 30 June, 1864, c. 173, s. 92, v. 13, p. 263. 20 July, 1868, c. 186, s. 89, v. 15, p. 162.

Buying cigars from a manufacturer who has not paid a special tax.

SEC. 3405. Every person who purchases or receives for sale any cigars from any manufacturer who has not paid the special tax shall be liable for each offense to a penalty of one hundred dollars, and to a forfeiture of all the said articles so purchased or received, or of the full value thereof.

13 July, 1866, c. 184, s. 9, v. 14, p. 126.

30 June, 1864, c. 173, s. 92, v. 13, p. 263.

Stamps on emptied cigar-boxes to be destroyed; penalty for neglect, &c.

SEC. 3406. Whenever any stamped box containing cigars, cheroots, or cigarettes, is emptied, it shall be the duty of the person in whose hands the same is to destroy utterly the stamps thereon. And any person who willfully neglects or refuses so to do shall, for each such offense, be fined not exceeding fifty dollars and imprisoned not less than ten days nor more than six months. And any person who fraudulently gives away or accepts from another, or who sells, buys, or uses for packing cigars, cheroots, or cigarettes, any such stamped box, shall for each such offense be fined not exceeding one hundred dollars and be imprisoned not more than one year. Any revenue officer may destroy any emptied cigar-box upon which a cigar-stamp is found.

6 June, 1872, c. 315, s. 33, v. 17, p. 255.

2 March, 1867, c. 169, s. 32, v. 14, p. 484.

20 July, 1868, c. 186, ss. 72, 89, v. 15, pp. 156, 162.

CHAPTER EIGHT

BANKS AND BANKERS.

| Sec. | Sec. |
|---|--|
| 3407. Definition of words "bank," "banker." | 3413. Tax on notes of town, city, or municipal corporations paid out by banks, &c. |
| 3408. Tax on deposits, capital, and circulation of banks and bankers. | 3414. Banks' and bankers' monthly returns. |
| 3409. Taxes, when payable. | 3415. In default of return, commissioner to estimate, &c., |
| 3410. Capital of banks expired or converted into national banks. | 3416. State banks converted into national banks; returns, how made. |
| 3411. Circulation when exempted from tax. | 3417. Provisions for bank-tax and returns not to apply to national banks. |
| 3412. Tax on notes of persons or State banks used as circulation, &c. | |

SEC. 3407. Every incorporated or other bank, and every person, firm, or company having a place of business where credits are opened by the deposit or collection of money or currency, subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or for sale, shall be regarded as a bank or as a banker.

Definition of words "bank," "banker."

30 June, 1864, c. 173, s. 79, v. 13, p. 251.

13 July, 1866, c. 184, s. 9, v. 14, p. 115.

SEC. 3408. There shall be levied, collected, and paid, as hereafter provided:

Tax on deposits.

First. A tax of one twenty-fourth of one per centum each month upon the average amount of the deposits of money, subject to payment by check or draft, or represented by certificates of deposit or otherwise, whether payable on demand or at some future day, with any person, bank, association, company, or corporation, engaged in the business of banking;

30 June, 1864, c. 173, s. 110, v. 13, p. 277.

13 July, 1866, c. 184, s. 9, v. 14, pp. 137, 146.

6 June, 1872, c. 315, s. 37, v. 17, p. 625.

Oulton vs. Savings Institution, 17 Wall., 109.

Second. A tax of one twenty-fourth of one per centum each month upon the capital of any bank, association, company, corporation, and on the capital employed by any person in the business of banking beyond the average amount invested in United States bonds: *Provided*, That the words "capital employed" shall not include money borrowed or received from day to day, in the usual course of business, from any person not a partner of or interested in the said bank, association, or firm;

Tax on capital employed.

Ibid.

Third. A tax of one-twelfth of one per centum each month upon the average amount of circulation issued by any bank, association, corporation, company, or person, including as circulation all certified checks and all notes and other obligations calculated or intended to circulate or to be used as money, but not including that in the vault of the bank, or redeemed and on deposit for said bank; and an additional tax of one-sixth of one per centum each month upon the average amount of such circulation, issued as aforesaid, beyond the amount of ninety per centum of the capital of any such bank, association, corporation, company, or person.

Tax on circulation.

Ibid.

In the case of banks with branches, the tax herein provided shall be assessed upon the circulation of each branch severally, and the amount of capital of each branch shall be considered to be the amount allotted to it.

On circulation of branch banks.

Ibid.

The deposits in associations or companies known as provident institutions, savings-banks, savings-funds, or savings-institutions, having no capital stock and doing no other business than receiving deposits to be loaned or invested for the sole benefit of the parties making such deposits, without profit or compensation to the association or company, shall be exempt from tax on so much of their deposits as they have invested in securities of the United States, and on all deposits not exceeding two thousand dollars made in the name of any one person.

Exemptions on deposits in savings-banks.

Ibid.

Taxes, when payable.

6 June, 1872, c. 315, s. 37, v. 17, p. 256.

30 June, 1864, c. 173, s. 110, v. 13, p. 277.

Capital of banks expired or converted into national banks.

3 March, 1865, c. 78, s. 14, v. 13, p. 486.

13 July, 1866, c. 184, s. 9, v. 14, p. 146.

Circulation, when exempted from tax.

3 March, 1865, c. 78, s. 14, v. 13, p. 486.

13 July, 1866, c. 184, s. 9 *bis*, v. 14, p. 146.

Tax on notes of persons or State banks used as circulation, &c.

3 March, 1865, c. 78, s. 6, v. 13, p. 484.

13 July, 1866, c. 184, s. 9 *bis*, v. 14, p. 146.

26 March, 1867, c. 8, s. 2, v. 15, p. 6.—*Veazie Bank vs. Fenno*, 8 Wall., 533.

Tax on notes of town, city, or municipal corporations, paid out by banks, &c.

Ibid.
Banks' and bankers' monthly returns.

30 June, 1864, c. 173, s. 110, v. 13, p. 278.

13 July, 1866, c. 184, s. 9, v. 14, p. 147.

26 March, 1867, c. 8, s. 2, v. 15, p. 6.

6 June, 1872, c. 315, s. 37, v. 17, p. 256.

24 Dec., 1872, c. 13, s. 5, v. 17, p. 403.

In default of return, commissioner to estimate, &c.

30 June, 1864, c. 173, s. 110, v. 13, p. 278.

13 July, 1866, c. 184, s. 9, v. 14, p. 146.

24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

State banks converted into national banks; returns, how made.

SEC. 3409. The taxes provided in the preceding section shall be paid semi-annually, on the first day of January and the first day of July; but the same shall be calculated at the rate per month as prescribed by said section, so that the tax for six months shall not be less than the aggregate would be if such taxes were collected monthly.

SEC. 3410. The capital of any State bank or banking association which has ceased or shall cease to exist, or which has been or shall be converted into a national bank, shall be assumed to be the capital as it existed immediately before such bank ceased to exist or was converted as aforesaid.

SEC. 3411. Whenever the outstanding circulation of any bank, association, corporation, company, or person is reduced to an amount not exceeding five per centum of the chartered or declared capital existing at the time the same was issued, said circulation shall be free from taxation; and whenever any bank which has ceased to issue notes for circulation deposits in the Treasury of the United States, in lawful money, the amount of its outstanding circulation, to be redeemed at par, under such regulations as the Secretary of the Treasury shall prescribe, it shall be exempt from any tax upon such circulation.

SEC. 3412. Every national banking association, State bank, or State banking association, shall pay a tax of ten per centum on the amount of notes of any person, or of any State bank or State banking association, used for circulation and paid out by them.

SEC. 3413. Every national banking association, State bank, or banker, or association, shall pay a tax of ten per centum on the amount of notes of any town, city, or municipal corporation, paid out by them.

SEC. 3414. A true and complete return of the monthly amount of circulation, of deposits, and of capital, as aforesaid, and of the monthly amount of notes of persons, town, city, or municipal corporation, State banks, or State banking associations paid out as aforesaid for the previous six months, shall be made and rendered in duplicate on the first day of December and the first day of June, by each of such banks, associations, corporations, companies, or persons, with a declaration annexed thereto, under the oath of such person, or of the president or cashier of such bank, association, corporation, or company, in such form and manner as may be prescribed by the Commissioner of Internal Revenue, that the same contains a true and faithful statement of the amounts subject to tax, as aforesaid; and one copy shall be transmitted to the collector of the district in which any such bank, association, corporation, or company is situated, or in which such person has his place of business, and one copy to the Commissioner of Internal Revenue.

SEC. 3415. In default of the returns provided in the preceding section, the amount of circulation, deposit, capital, and notes of persons, town, city, and municipal corporations, State banks, and State banking associations paid out, as aforesaid, shall be estimated by the Commissioner of Internal Revenue, upon the best information he can obtain. And for any refusal or neglect to make return and payment, any such bank, association, corporation, company, or person so in default shall pay a penalty of two hundred dollars, besides the additional penalty and forfeitures provided in other cases.

SEC. 3416. Whenever any State bank or banking association has been converted into a national banking association, and such national banking association has assumed the liabilities of such State bank or banking association, including the redemption of its bills, by any agreement or

understanding whatever with the representatives of such State bank or banking association, such national banking association shall be held to make the required return and payment on the circulation outstanding, so long as such circulation shall exceed five per centum of the capital before such conversion of such State bank or banking association.

SEC. 3417. The provisions of this chapter, relating to the tax on the deposits, capital, and circulation of banks, and to their returns, except as contained in sections thirty-four hundred and ten, thirty-four hundred and eleven, thirty-four hundred and twelve, and thirty-four hundred and sixteen, and such parts of sections thirty-four hundred and fourteen, and thirty-four hundred and fifteen as relate to the tax of ten per centum on certain notes, shall not apply to associations which are taxed under and by virtue of Title "NATIONAL BANKS."

3 March, 1865, c. 78, s. 14, v. 13, p. 486.

13 July, 1866, c. 184, s. 9 *bis*, v. 14, p. 146.

Provisions for bank tax and returns not to apply to national banks.

30 June, 1864, c. 173, s. 110, v. 13, p. 278.

13 July, 1866, c. 184, s. 9, v. 14, p. 146.

CHAPTER NINE.

STAMP-TAXES ON SPECIFIC OBJECTS.

Sec.
3418. Tax on bank-checks.
3419. Tax on medicines or preparations, perfumery, cosmetics, &c.
3420. Official checks exempt.
3421. Unstamped checks not admitted in evidence.
3422. Omission to stamp bank-checks, &c.; penalties and remedies.
3423. Cancellation of stamps; proprietary stamps; penalties.
3424. Method of cancellation.
3425. Stamps, how supplied.
3426. Replacement of spoiled stamps, &c.
3427. Stamps furnished to certain officers for sale.
3428. Regulations as to disposal and safe-keeping of stamps.
3429. Forging, counterfeiting, &c., or fraudulently using or selling stamps, &c.; penalties.

Sec.
3430. Selling, or removing articles for sale, without affixing stamps; penalty.
3431. Removing stamps from articles in schedule; penalty.
3432. Selling articles in schedule without affixing stamps; penalty.
3433. Articles in schedule, intended for exportation, to be manufactured in bonded warehouses.
3434. Removal in bond to Pacific coast for exportation.
3435. Persons offering for sale articles in schedule, deemed manufacturers.
3436. Medicines compounded according to pharmacopœias exempt.
3437. Assessment of unpaid taxes payable by stamps.
Schedule A.

SEC. 3418. There shall be levied, collected, and paid for and in respect of every bank-check, draft, or order for the payment of money, drawn upon any bank, banker, or trust company, at sight or on demand, by any person who makes, signs, or issues the same, or for whose use or benefit the same is made, signed, or issued, two cents.

Tax on bank-checks.

30 June, 1864, c. 173, s. 151, v. 13, pp. 291, 298.

6 June, 1872, c. 315, s. 36, v. 17, p. 256.

SEC. 3419. There shall be levied, collected, and paid on the articles mentioned in Schedule A, and in the manner hereinafter provided, the taxes mentioned in said schedule; and all the provisions of this chapter relating to dies, stamps, adhesive stamps, and stamped duties, shall extend to and include (except where otherwise provided for, or manifestly impracticable) all the articles or objects enumerated in schedule marked A, subject to stamp duties, and shall apply to the provisions in relation thereto.

Tax on medicines or preparations, perfumery, cosmetics, &c.

30 June, 1864, c. 173, s. 168, v. 13, pp. 296, 301.

13 July, 1866, c. 184, s. 9, v. 14, p. 146.

146. 5 March, 1872, c. 33, v. 17, p. 36.

SEC. 3420. All bank-checks, drafts, or orders, as aforesaid, issued by the officers of the United States Government, or by officers of any State, county, town, or other municipal corporation, are exempt from taxation: *Provided*, That it is the intent hereby to exempt from liability to taxation such State, county, town, or other municipal corporations in the exercise only of functions strictly belonging to them in their ordinary governmental and municipal capacity.

Official checks exempt.

13 July, 1866, c. 184, s. 9, v. 14, p. 141.

30 June, 1864, c. 173, s. 154, v. 13, p. 292.

Unstamped checks not admitted in evidence.

13 July, 1866, c. 184, s. 9, v. 14, p. 143.

30 June, 1864, c. 173, s. 163, v. 13, p. 295.

Omission to stamp bank-checks, &c.; penalties and remedies.

13 July, 1866, c. 184, s. 9, v. 14, p. 142.

30 June, 1864, c. 173, s. 158, v. 13, p. 293.

14 July, 1870, c. 255, s. 5, v. 16, p. 257.

Stamps to be canceled; proprietary stamps; penalty for their fraudulent use.

30 June, 1864, c. 173, ss. 155, 156, 165, v. 13, pp. 292, 293, 296.

13 July, 1866, c. 184, s. 9, v. 14, pp. 141, 144.

SEC. 3421. No bank-check, draft, or order, required by law to be stamped, which is issued without being duly stamped, nor any copy thereof, shall be admitted or used in evidence in any court until a legal stamp, denoting the amount of tax, is affixed thereto, as prescribed by law. And it shall not be lawful to record any instrument, document, or paper required by law at the time of its issue to be stamped, unless a stamp or stamps of the proper amount shall have been affixed, and canceled in the manner required by law; and the record of any such instrument, upon which the proper stamp or stamps aforesaid shall not have been duly affixed and canceled, shall be utterly void and shall not be used in evidence.

SEC. 3422. Any person or persons who shall make, sign, or issue, or who shall cause to be made, signed, or issued, any instrument, document, or paper of any kind or description whatsoever, or shall accept, negotiate, or pay, or cause to be accepted, negotiated, or paid, any draft, or order, for the payment of money, without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax chargeable thereon, and canceled in the manner required by law, with intent to evade the provisions of this Title, shall, for every such offense, forfeit the sum of fifty dollars, and such instrument, document, or paper, draft, order, not being stamped according to law, shall be deemed invalid and of no effect: *Provided*, That hereafter, in all cases where the party has not affixed to any instrument the stamp required by law thereon, at the time of making or issuing the said instrument, and he or they, or any party having an interest therein, shall be subsequently desirous of affixing such stamp to said instrument, or if said instrument be lost, to a copy thereof, he or they shall appear before the collector of the revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by law, and of a penalty of double the amount of tax remaining unpaid, but in no case less than five dollars, and where the whole amount of the tax denoted by the stamp required shall exceed the sum of fifty dollars, on payment also of interest, at the rate of six per centum on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such instrument or copy, and note upon the margin thereof the date of his so doing, and the fact that such penalty has been paid; and the same shall thereupon be deemed and held to be as valid, to all intents and purposes, as if stamped when made or issued. And when the original instrument, or a certified or duly proved copy thereof, as aforesaid, duly stamped so as to entitle the same to be recorded, shall be presented to the clerk, register, recorder, or other officer having charge of the original record, it shall be lawful for such officer, upon the payment of the fee legally chargeable for the recording thereof, to make a new record thereof, or to note upon the original record the fact that the error or omission in the stamping of said original instrument, has been corrected pursuant to law; and the original instrument, or such certified copy of the record thereof may be used in all courts and places in the same manner and with like effect as if the instrument had been originally stamped. But no right acquired in good faith before the stamping of such instrument or copy thereof, and the recording thereof, as herein provided, if such record be required by law, shall in any manner be affected by such stamping as aforesaid.

SEC. 3423. In all cases where an adhesive stamp is used for denoting any tax imposed under this chapter, except as hereinafter provided, the person using or affixing the same shall write thereon the initials of his name and the date on which such stamp is attached or used, so that it may not again be used. And every person who fraudulently makes use of an adhesive stamp to denote any tax imposed by this chapter without so effectually canceling and obliterating such stamp, except as before mentioned, shall forfeit the sum of fifty dollars: *Provided*, That any proprietor of proprietary articles, or articles subject to stamp-tax under Schedule A, shall have the privilege of furnishing, without expense to

the United States, in suitable form, to be approved by the Commissioner of Internal Revenue, his own dies or designs for stamps to be used thereon, which shall be made under the direction and retained in the possession of the said Commissioner, for the separate use of such proprietor, and shall not be duplicated to any other person; and that in all cases where such stamp is used, instead of said proprietor writing the date thereon, the said stamp shall be so affixed on the box, bottle, or package, that in opening the same, or using the contents thereof, the said stamp will be effectually destroyed; and, in default thereof, such proprietor shall be liable to a penalty of fifty dollars. And every person who fraudulently obtains or uses any of the aforesaid stamps, or designs therefor, or who forges or counterfeits, or causes or procures to be forged or counterfeited, any representation or similitude, or colorable imitation of the said last-mentioned stamp, or any engraver or printer who sells or gives away said stamps, or selling the same, or, being a merchant, broker, peddler, or person dealing, in whole or in part, in similar goods, wares, merchandise, manufactures, preparations, or articles, or those designed for similar objects or purposes, has knowingly or fraudulently in his possession any such forged, counterfeited likeness, similitude, or colorable imitation of the said last-mentioned stamp, shall forfeit the said stamps and the articles upon which they are placed, shall be deemed guilty of felony, and be punished by a fine not exceeding one thousand dollars, or by imprisonment and confinement to hard labor not exceeding five years, or both, at the discretion of the court.

SEC. 3424. The Commissioner of Internal Revenue is authorized to prescribe such method for the cancellation of stamps as substitute for, or in addition to the method prescribed in this chapter, as he may deem expedient and effectual. And he is authorized, in his discretion, to make the application of such method imperative upon the manufacturers of proprietary articles, or articles included in Schedule A.

SEC. 3425. The Commissioner of Internal Revenue is authorized to sell and supply to collectors, deputy-collectors, postmasters, stationers, or any other persons, at his discretion, adhesive stamps, or stamped paper, as herein provided for, in amounts of not less than fifty dollars, upon the payment, at the time of delivery, of the amount of duties said stamps or stamped paper, so sold or supplied, represent, and may allow, upon the aggregate amount of such stamps, the sum of not exceeding five per centum as commission to such purchasers; but the cost of any paper shall be paid by the purchaser of such stamped paper. The proprietor of articles named in Schedule A, who furnishes his own die or design for stamps to be used especially for his own proprietary articles, shall be allowed the following commissions: On amounts purchased at one time of not less than fifty dollars nor more than five hundred dollars, five per centum; and on amounts over five hundred dollars, ten per centum on the whole amount purchased: *Provided*, That the Commissioner may, from time to time, deliver to any manufacturer of friction or other matches, cigar-lights, or wax-tapers, a suitable quantity of adhesive or other stamps, such as may be prescribed for use in such cases, without prepayment therefor, on a credit not exceeding sixty days, requiring, in advance, such security as he may judge necessary to secure payment therefor to the Treasurer of the United States, within the time prescribed for such payment. And upon all bonds or other securities taken by said Commissioner, under the provisions of this chapter, suits may be maintained by said Treasurer in the circuit or district court of the United States, in the several districts where any of the persons giving said bonds or other securities reside or may be found, in any appropriate form of action.

SEC. 3426. The Commissioner of Internal Revenue may, from time to time, make regulations, upon proper evidence of the facts, for the allowance of such of the stamps issued under the provisions of this chapter, or any internal revenue act, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the

14 July, 1870, c. 255, s. 4, v. 16, p. 257.

Method of cancellation.

30 June, 1864, c. 173, s. 157, v. 13, p. 293.

Stamps, how supplied.

30 June, 1864, c. 173, s. 161, v. 13, p. 294.

14 July, 1870, c. 255, s. 4, v. 16, p. 257.

Replacement of spoiled stamps, &c.

30 June, 1864, c. 173, s. 161, v. 13, p. 294.

owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been paid in error, or remitted; and such allowance shall be made either by giving other stamps in lieu of the stamps so allowed for, or by repaying the amount or value, after deducting therefrom, in case of repayment, the sum of five per centum to the owner thereof; but no allowance shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner of Internal Revenue, or until satisfactory proof has been made showing the reason why said stamps cannot be so returned.

Stamps furnished to certain officers for sale.

30 June, 1864, c. 173, s. 170, v. 13, p. 297.

SEC. 3427. In any collection-district where, in the judgment of the Commissioner of Internal Revenue, the facilities for the procurement and distribution of stamped paper and adhesive stamps, as provided in this chapter, are insufficient, the Commissioner is authorized to supply to collectors, assistant treasurers of the United States, designated depositaries, and postmasters, without prepayment therefor, suitable quantities of stamped paper, as aforesaid, and of adhesive stamps, as required by this chapter; and he may in advance require of any such person a bond, with sufficient sureties, in an amount equal to the value of any such stamped paper or stamps which may be placed in his hands and remain unaccounted for, conditioned for the faithful return of all quantities or amounts undisposed of, and for the payment, monthly, of all quantities or amounts sold or not remaining on hand. And he shall allow to such persons the highest rates of commissions allowed to any other parties purchasing such stamped paper or stamps. It shall be the duty of such collector to supply his deputies with, or to sell to other parties within his district who may apply therefor, such stamped paper and adhesive stamps, upon the same terms allowed by law, or under the regulations of the said Commissioner.

Regulations as to disposal and safe-keeping of stamps.

30 June, 1864, c. 173, s. 170, v. 13, p. 298.

SEC. 3428. The Commissioner of Internal Revenue is authorized to make such regulations, not inconsistent herewith, for the security of the United States and the better accommodation of the public, in relation to the matters provided in the preceding section, as he may deem necessary and expedient. And the Secretary of the Treasury may, from time to time, make such regulations as he may find necessary to insure the safe-keeping or to prevent the illegal use of all such stamped paper and adhesive stamps.

Forging, counterfeiting, &c., or fraudulently using or selling stamps, &c.

13 July, 1866, c. 184, s. 9, v. 14, p. 141.

30 June, 1864, c. 173, s. 155, v. 13, p. 292.

10 April, 1869, c. 18, s. 2, v. 16, p. 43.

SEC. 3429. If any person shall forge or counterfeit, or cause or procure to be forged or counterfeited, any stamp, die, plate, or other instrument, or any part of any stamp, die, plate, or other instrument, which shall have been provided, or may hereafter be provided, made, or used in pursuance of the provisions of this chapter, or of any previous provisions of law on the same subjects, or shall forge, counterfeit, or resemble, or cause or procure to be forged, counterfeited, or resembled, the impression, or any part of the impression, of any such stamp, die, plate, or other instrument as aforesaid, upon any paper, or shall stamp or mark, or cause or procure to be stamped or marked, any paper, with any such forged or counterfeited stamp, die, plate, or other instrument, or part of any stamp, die, plate or other instrument, as aforesaid, with intent to defraud the United States of any of the taxes hereby imposed, or any part thereof; or if any person shall utter, or sell, or expose to sale, any paper, article, or thing, having thereupon the impression of any such counterfeited stamp, die plate, or other instrument, or any part of any stamp, die plate, or other instrument, or any such forged, counterfeited, or resembled impression, or part of impression, as aforesaid, knowing the same to be forged, counterfeited, or resembled; or if any person shall knowingly use or permit the use of any stamp, die, plate, or other instrument which shall have been so provided, made, or used, as aforesaid, with intent to defraud the United States; or if any person shall fraudulently cut, tear, or remove, or cause or procure to be cut, torn, or removed, the impression of any stamp, die, plate, or other instrument, which shall have been provided, made, or used, in pursuance

of this chapter, or of any previous provisions of law on the same subjects, from any paper, or any instrument or writing charged or chargeable with any of the taxes imposed by law; or if any person shall fraudulently use, join, fix or place, or cause to be used, joined, fixed, or placed to, with, or upon any paper, or any instrument or writing charged or chargeable with any of the taxes hereby imposed, any adhesive stamp, or the impression of any stamp, die, plate, or other instrument, which shall have been provided, made, or used in pursuance of law, and which shall have been cut, torn, or removed from any other paper, or any instrument or writing charged or chargeable with any of the taxes imposed by law; or if any person shall willfully remove or cause to be removed, alter or cause to be altered, the canceling or defacing marks on any adhesive stamp, with intent to use the same, or to cause the use of the same, after it shall have been once used, or shall knowingly or willfully sell or buy such washed or restored stamps, or offer the same for sale, or give or expose the same to any person for use, or knowingly use the same, or prepare the same with intent for the further use thereof; or if any person shall knowingly and without lawful excuse (the proof whereof shall lie on the person accused) have in his possession any washed, restored, or altered stamps, which have been removed from any paper, instrument, or writing, then, and in every such case, every person so offending, and every person knowingly and willfully aiding, abetting, or assisting in committing any such offense as aforesaid, shall, on conviction thereof, forfeit the said counterfeit stamps and the articles upon which they are placed, and be punished by fine not exceeding one thousand dollars, or by imprisonment and confinement to hard labor not exceeding five years, or both, at the discretion of the court. And the fact that any adhesive stamp so bought, sold, offered for sale, used, or had in possession as aforesaid, has been washed or restored by removing or altering the canceling or defacing marks thereon, shall be prima-facie proof that such stamp has been once used and removed by the possessor thereof from some paper, instrument, or writing, charged with taxes imposed by law, in violation of the provisions of this section.

SEC. 3430. Whenever any person makes, prepares, and sells, or removes for consumption or sale, drugs, medicines, preparations, compositions, articles, or things, including perfumery, cosmetics, lucifer or friction-matches, cigar-lights, wax-tapers, and playing-cards, whether of domestic manufacture or imported, upon which a tax is imposed by law, as enumerated and mentioned in Schedule A, without affixing thereto an adhesive stamp or label denoting the tax before mentioned, he shall incur a penalty of fifty dollars for every omission to affix such stamp: *Provided*, That lucifer or friction matches and cigar-lights and wax-tapers may be removed from the place of manufacture for export to a foreign country, without payment of tax or affixing stamps thereto, under such regulations as the Commissioner of Internal Revenue may prescribe.

SEC. 3431. Every manufacturer or maker of any of the articles for sale mentioned in Schedule A, who, after the same are so made, and the particulars hereinbefore required as to stamps have been complied with, takes off, removes, or detaches, or causes, or permits, or suffers to be taken off, or removed, or detached, any stamp, or who uses any stamp, or any wrapper or cover to which any stamp is affixed, to cover any other article or commodity than that originally contained in such wrapper or cover, with such stamp when first used, with the intent to evade the stamp-duties, shall, for every such article, respectively, in respect of which any such offense is committed, be subject to a penalty of fifty dollars, to be recovered together with the costs thereupon accruing; and every such article or commodity as aforesaid shall also be forfeited.

SEC. 3432. Every maker or manufacturer of any of the articles or commodities mentioned in Schedule A, who, to evade the duty chargeable thereon, or any part thereof, sells, exposes for sale, sends out, removes, or delivers any article or commodity, manufactured as afore-

Selling or removing articles for sale without affixing stamps; penalty.

13 July, 1866, c. 184, s. 9, v. 14, p. 144.

30 June, 1864, c. 173, s. 163, v. 13, p. 296.

14 July, 1870, c. 255, s. 4, v. 16, p. 257.

14 July, 1870, c. 259, v. 16, pp. 24, 275.

Removing stamps from articles in schedule; penalty.

30 June, 1864, c. 173, s. 166, v. 13, p. 296.

Selling articles in Schedule A without affixing stamp; penalty.

30 June, 1864, c. 173, s. 167, v. 13, p. 296.

3 March, 1865, c. 78, s. 1, v. 13, p. 482.

Articles in schedule intended for exportation, to be manufactured in bonded warehouses.

30 June, 1864, c. 173, s. 168, v. 13, p. 296.

3 March, 1865, c. 78, s. 1, v. 13, p. 482.

said, before the duty thereon has been fully paid, by affixing thereon the proper stamp, as provided by law, or who to evade as aforesaid hides or conceals, or causes to be hidden or concealed, or removes or conveys away, or deposits, or causes to be removed or conveyed away from or deposited in any place, any such article or commodity, shall be subject to a penalty of one hundred dollars, together with the forfeiture of any such article or commodity.

SEC. 3433. All medicines, preparations, compositions, perfumery, cosmetics, cordials, and other liquors manufactured wholly or in part of domestic spirits, intended for exportation, as provided by law, in order to be manufactured and sold or removed, without being charged with duty, and without having a stamp affixed thereto, shall, under such regulations as the Secretary of the Treasury may prescribe, be made and manufactured in warehouses similarly constructed to those known and designated in Treasury regulations as bonded warehouses, class two: *Provided*, That such manufacturer shall first give satisfactory bonds to the collector of internal revenue for the faithful observance of all the provisions of law and the regulations as aforesaid, in amount not less than half of that required by the regulations of the Secretary of the Treasury from persons allowed bonded warehouses. Such goods, when manufactured in such warehouses, may be removed for exportation, under the direction of the proper officer having charge thereof, who shall be designated by the Secretary of the Treasury, without being charged with duty, and without having a stamp affixed thereto. Any manufacturer of the articles aforesaid, or of any of them, having such bonded warehouse as aforesaid, shall be at liberty, under such regulations as the Secretary of the Treasury may prescribe, to convey therein any materials to be used in such manufacture which are allowed by the provisions of law to be exported free from tax or duty, as well as the necessary materials, implements, packages, vessels, brands, and labels for the preparation, putting up, and export of the said manufactured articles; and every article so used shall be exempt from the payment of stamp and excise duty by such manufacturer. Articles and materials so to be used may be transferred from any bonded warehouse in which the same may be, under such regulations as the Secretary of the Treasury may prescribe, into any bonded warehouse in which such manufacture may be conducted, and may be used in such manufacture, and when so used shall be exempt from stamp and excise duty; and the receipt of the officer in charge, as aforesaid, shall be received as a voucher for the manufacture of such articles. Any materials imported into the United States may, under such rules as the Secretary of the Treasury may prescribe, and under the direction of the proper officer, be removed in original packages from on shipboard, or from the bonded warehouse in which the same may be, into the bonded warehouse in which such manufacture may be carried on, for the purpose of being used in such manufacture, without payment of duties thereon, and may there be used in such manufacture. No article so removed, nor any article manufactured in said bonded warehouse, shall be taken therefrom except for exportation, under the direction of the proper officer having charge thereof, as aforesaid, whose certificate, describing the articles by their marks, or otherwise, the quantity, the date of importation, and name of vessel, with such additional particulars as may from time to time be required, shall be received by the collector of customs in cancellation of the bonds, or return of the amount of foreign import duties. All labor performed and services rendered under these regulations shall be under the supervision of an officer of the customs, and at the expense of the manufacturer.

Removal in bond to Pacific coast for exportation.

13 July, 1866, c. 184, s. 28, v. 14, p. 155.

SEC. 3434. Any article manufactured in a bonded warehouse established under the preceding section, and situated in any of the Atlantic States, may be removed therefrom for transportation to a customs bonded warehouse at any port on the Pacific coast of the United States, for the purpose only of being exported therefrom, under such regulations and upon the execution of such bonds or other security as the Secretary of the Treasury may prescribe.

SEC. 3435. Every person who offers or exposes for sale any of the articles named in Schedule A, whether the articles so offered or exposed are of foreign manufacture and imported or are of domestic manufacture, shall be deemed the manufacturer thereof, and subject to all the duties, liabilities, and penalties imposed by law in regard to the sale of domestic articles without the use of the proper stamps denoting the tax paid thereon, and all such articles of foreign manufacture shall, in addition to the import duties imposed on the same, be subject to the stamp-tax, respectively, prescribed in said schedule.

SEC. 3436. No stamp-tax shall be imposed upon any uncompounded medicinal drug or chemical; nor upon any medicine compounded according to the United States or other national pharmacopœia, or of which the full and proper formula is published in any of the dispensaries now or hitherto in common use among physicians or apothecaries, or in any pharmaceutical journal now issued by any incorporated college of pharmacy, when not sold or offered for sale, or advertised under any other name, form, or guise than that under which they may be severally denominated and laid down in said pharmacopœias, dispensaries, or journals as aforesaid; nor upon medicines sold to or for the use of any person, which may be mixed and compounded for said person according to the written receipt or prescription of any physician or surgeon. But nothing in this section shall be construed to exempt from stamp-tax any medicinal articles, whether simple or compounded by any rule, authority, or formula, published or unpublished, which are put up in a style or manner similar to that of patent or proprietary medicines in general, or advertised in newspapers or by public handbills for popular sale and use, as having any special proprietary claim to merit, or to any peculiar advantage in mode of preparation, quality, use, or effect, whether such claim be real or pretended.

SEC. 3437. Whenever any article upon which a tax is required to be paid by means of a stamp is sold or removed for sale by the manufacturer thereof, without the use of the proper stamp, in addition to the penalties imposed by law for such sale or removal, it shall be the duty of the Commissioner of Internal Revenue, within a period of not more than two years after such removal or sale, upon such information as he can obtain, to estimate the amount of the tax which has been omitted to be paid, and to make an assessment therefor upon the manufacturer or producer of such article. He shall certify such assessment to the collector, who shall immediately demand payment of such tax, and, upon the neglect or refusal of payment by such manufacturer or producer, shall proceed to collect the same in the manner provided for the collection of other assessed taxes.

SCHEDULE A.

MEDICINES OR PREPARATIONS.

For and upon every packet, box, bottle, pot, phial, or other inclosure, containing any pills, powders, tinctures, troches, lozenges, sirups, cordials, bitters, anodynes, tonics, plasters, liniments, salves, ointments, pastes, drops, waters, essences, spirits, oils, or other medicinal preparations or compositions whatsoever, made and sold, or removed for consumption and sale, by any person or persons whatever, wherein the person making or preparing the same has or claims to have any private formula, or occult secret, or art for the making or preparing the same, or has or claims to have any exclusive right or title to the making or preparing the same, or which are prepared, uttered, vended, or exposed for sale under any letters-patent, or held out or recommended to the public by the makers, vendors, or proprietors thereof as proprietary medicines, or as remedies or specifics for any disease, diseases, or affections whatever affecting the human or animal body, as follows:

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall not exceed, at retail price or value, the sum of twenty-five cents, one cent.

Persons offering for sale articles in schedule deemed manufacturers.

13 July, 1866, c. 184, s. 9, v. 14, p. 144.

30 June, 1864, c. 173, s. 169, v. 13, p. 297.

6 June, 1872, c. 315, s. 34, v. 17, p. 255.

Medicines compounded according to pharmacopœias exempt.

13 July, 1866, c. 184, s. 13, v. 14, p. 151.

Assessment of unpaid taxes payable by stamps.

2 March, 1867, c. 169, s. 5, v. 14, p. 472.

6 June, 1872, c. 315, s. 31, v. 17, p. 252.

24 Dec., 1873, c. 13, s. 7, v. 17, p. 403.

Schedule A.

Medicines or preparations.

30 June, 1864, c. 173, s. 170, v. 13, pp. 301, 302.

13 July, 1866, c. 184, s. 9, v. 14, p. 145.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of twenty-five cents, and not exceed the retail price or value of fifty cents, two cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of fifty cents, and shall not exceed the retail price or value of seventy-five cents, three cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of seventy-five cents, and shall not exceed the retail price or value of one dollar, four cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of one dollar, for each and every fifty cents or fractional part thereof over and above the one dollar, as before mentioned, an additional two cents.

Perfumery, cosmetics, &c.

PERFUMERY AND COSMETICS, ETC.

For and upon every packet, box, bottle, pot, phial, or other inclosure, containing any essence, extract, toilet-water, cosmetic, hair-oil, pomade, hair-dressing, hair-restorative, hair-dye, tooth-wash, dentifrice, tooth-paste, aromatic cachous, or any similar articles, by whatsoever name the same heretofore have been, now are, or may hereafter be called, known or distinguished, used or applied, or to be used or applied as perfumes or applications to the hair, mouth, or skin, made, prepared, and sold or removed for consumption and sale in the United States, where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall not exceed, at the retail price or value, the sum of twenty-five cents, one cent.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of twenty-five cents, and shall not exceed the retail price or value of fifty cents, two cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of fifty cents, and shall not exceed the retail price or value of seventy-five cents, three cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of seventy-five cents, and shall not exceed the retail price or value of one dollar, four cents.

Where such packet, box, bottle, pot, phial, or other inclosure, with its contents, shall exceed the retail price or value of one dollar, for each and every fifty cents or fractional part thereof over and above the one dollar, as before mentioned, an additional two cents.

Friction-matches, or lucifer-matches, or other articles made in part of wood, and used for like purposes, in parcels or packages containing one hundred matches or less, for each parcel or package, one cent.

When in parcels or packages containing more than one hundred and not more than two hundred matches, for each parcel or package, two cents.

And for every additional one hundred matches or fractional part thereof, one cent.

For wax-tapers, double the rates herein imposed upon friction or lucifer-matches; on cigar-lights, made in part of wood, wax, glass, paper, or other materials, in parcels or packages containing twenty-five lights or less in each parcel or package, one cent.

When in parcels or packages containing more than twenty-five and not more than fifty lights, two cents.

For every additional twenty-five lights or fractional part of that number, one cent additional.

Playing-cards.

PLAYING-CARDS.

For and upon every pack not exceeding fifty-two cards in number, irrespective of price or value, five cents.

CHAPTER TEN.

LEGACIES AND SUCCESSIONS.

Sec.

3438. Tax on legacies, &c.

3439. Tax on successions.

Sec.

3440. Assessment and collection of legacy and succession taxes.

SEC. 3438. There shall be paid to the United States, in respect of every legacy or distributive share arising from personal property, and of any personal property or interest therein, which is now subject to tax or duty under the provisions of acts in force prior to the first day of October, eighteen hundred and seventy, a duty or tax as follows, that is to say:

First. Where the person or persons entitled to any beneficial interest in such property shall be the lineal issue or lineal ancestor, brother or sister, to the person who died possessed of such property as aforesaid, at the rate of one dollar for each and every hundred dollars of the clear value of such interest in such property.

Second. Where the person or persons entitled to any beneficial interest in such property shall be a descendant of a brother or sister of the person who died possessed, as aforesaid, at the rate of two dollars for each and every hundred dollars of the clear value of such interest.

Third. Where the person or persons entitled to any beneficial interest in such property shall be a brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother, of the person who died possessed, as aforesaid, at the rate of four dollars for each and every hundred dollars of the clear value of such interest.

Fourth. Where the person or persons entitled to any beneficial interest in such property shall be a brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother, of the person who died possessed, as aforesaid, at the rate of five dollars for each and every hundred dollars of the clear value of such interest.

Fifth. Where the person or persons entitled to any beneficial interest in such property shall be in any other degree of collateral consanguinity than is hereinbefore stated, or shall be a stranger in blood to the person who died possessed, as aforesaid, or shall be a body politic or corporate, at the rate of six dollars for each and every hundred dollars of the clear value of such interest: *Provided*, That all legacies or property passing by will, or by the laws of any State or Territory, to husband or wife of the person who died possessed, as aforesaid, shall be exempt from tax or duty: *And provided further*, That any legacy or share of personal property passing, as aforesaid, to a minor child of the person who died possessed, as aforesaid, shall be exempt from taxation under this section, unless such legacy or share exceeds the sum of one thousand dollars, in which case the excess only above that sum shall be liable to such taxation.

SEC. 3439. There shall be levied and paid to the United States in respect of every succession which is now subject to tax under the provisions of acts in force, prior to the first day of October, eighteen hundred and seventy, according to the value thereof, the following duties, that is to say:

Where the successor shall be the lineal issue or lineal ancestor of the predecessor, a duty at the rate of one dollar per centum upon such value.

Where the successor shall be a brother or sister, or a descendant of a brother or sister of the predecessor, a duty at the rate of two dollars per centum upon such value.

Tax on legacies, &c.

30 June, 1864, c. 173, s. 124, v. 13, p. 285.

13 July, 1866, c. 184, s. 9, v. 14, p. 140.

14 July, 1870, c. 255, ss. 3, 27, v. 16, pp. 256, 269.

24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

Tax on successions.

30 June, 1864, c. 173, s. 133, v. 13, pp. 288, 289.

14 July, 1870, c. 255, ss. 3, 27, v. 16, pp. 261, 269.

24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

Where the successor shall be a brother or sister of the father or mother, or a descendant of a brother or sister of the father or mother of the predecessor, a duty at the rate of four dollars per centum upon such value.

Where the successor shall be a brother or sister of the grandfather or grandmother, or a descendant of the brother or sister of the grandfather or grandmother of the predecessor, a duty at the rate of five dollars per centum upon such value.

Where the successor shall be in any other degree of collateral consanguinity to the predecessor than is hereinbefore described, or shall be a stranger in blood to him, a duty at the rate of six dollars per centum upon such value.

Assessment and collection of legacy and succession taxes.

24 Dec., 1872, c. 13, s. 2, v. 17, p. 402.

SEC. 3440. The Commissioner of Internal Revenue is required to make the inquiries, determinations, and assessments, provided by acts in force, prior to the first day of October, eighteen hundred and seventy, of all taxes upon legacies and successions liable to be assessed or accruing thereon under the provisions of such acts; and he shall certify such assessments, when made, to the proper collectors, respectively, who shall proceed to collect and account for taxes so certified in the same manner as is provided for the collection of the same by such acts.

CHAPTER ELEVEN.

PROVISIONS COMMON TO SEVERAL OBJECTS OF TAXATION.

Sec.
3441. Drawback on articles in Schedule A.
3442. Certificates of drawback receivable for taxes.
3443. Fraudulent claims of drawback.
3444. Collector's monthly account of articles in bonded warehouses, and articles exported.
3445. Changes of stamps, instruments for attaching and canceling.
3446. Power to alter form and device of spirit, tobacco, and cigar stamps.
3447. Where mode of assessing or collecting any tax is not provided for, regulations.
3448. Internal-revenue laws, when co-extensive with jurisdiction of United States.
3449. Removing any liquors or wines under other than trade names; penalty.
3450. Removing or concealing articles with intent to defraud United States of tax; forfeiture and penalty.
3451. Fraudulently executing documents required by internal-revenue law; penalty.

Sec.
3452. Having property in possession with intent to sell in fraud of law, or to evade taxes; penalty.
3453. Seizure of property found in possession in fraud of revenue laws.
3454. Sales to evade tax; forfeiture.
3455. Disposing of or receiving empty stamped packages, &c.; penalties.
3456. Penalty and forfeiture by distillers, rectifiers, wholesale liquor-dealers, and manufacturers of tobacco or cigars, for omitting things required, and for doing things forbidden.
3457. Package included in forfeiture of goods.
3458. Goods seized may be delivered to marshal before process issues.
3459. Bailing of goods seized; sale for want of bail.
3460. Proceedings on seizure of goods valued at \$500 or less.
3461. Application for remission, and return of proceeds; distribution.
3462. Search-warrants.
3463. Detection and punishment of frauds.
3464. Purchasing from the Government goods subject to tax.
3465. Construction of certain revenue acts.

Drawback on articles in Schedule A.

30 June, 1864, c. 173, s. 171, v. 13, p. 302.

3 March, 1865, c. 78, s. 1, v. 13, p. 482.

SEC. 3441. There shall be an allowance of drawback on fermented liquors and on all articles mentioned in Schedule A, on which any internal tax shall have been paid, except lucifer or friction matches, cigar-lights, and wax-tapers, equal in amount to the tax paid thereon and no more, when exported; to be paid by the warrant of the Secretary of the Treasury on the Treasurer of the United States, out of any money arising from internal duties not otherwise appropriated: *Provided*, That no allowance of drawback shall be made for any amount, claimed or due,

less than ten dollars, nor for any such articles exported prior to March thirty-first, eighteen hundred and sixty-eight. The evidence that any such tax has been paid as aforesaid shall be furnished to the satisfaction of the Commissioner of Internal Revenue by the person claiming the allowance of drawback, and the amount shall be ascertained under such regulations as shall be prescribed from time to time by the Commissioner, under the direction of the Secretary of the Treasury. And the said Secretary may make such regulations with regard to the form of certificates of drawback and the issuing thereof as he may deem necessary.

SEC. 3442. Certificates of drawback, issued in pursuance of the preceding section, may, under such regulations as may be prescribed by the Secretary of the Treasury, be received by the collector or his deputy in payment of taxes imposed by this Title.

SEC. 3443. Whenever any person fraudulently claims or seeks to obtain an allowance of drawback on goods, wares, or merchandise on which no internal duty shall have been paid, or fraudulently claims any greater allowance of drawback than the tax actually paid as aforesaid, he shall forfeit triple the amount wrongfully or fraudulently claimed or sought to be obtained, or the sum of five hundred dollars, at the election of the Secretary of the Treasury.

SEC. 3444. Every collector who has charge of any warehouse in which distilled spirits, or other articles, are stored in bond, shall render a monthly account of all such articles to the Commissioner of Internal Revenue, by whom such account shall be examined and adjusted monthly, so as to exhibit a true statement of the responsibility of such collector thereon. In adjusting such account, the collector shall be charged with all the articles which may have been deposited or received under the provisions of law, in any warehouse in his district and under his control, and shall be credited with all such articles shown to have been removed therefrom according to law, including transfers to other collectors and to his successor in office, and also whatever allowances may have been made in accordance with law to any owner of such goods or articles for leakage or other losses. And every collector from whose district any distilled spirits, tobacco, snuff, or cigars are shipped in bond, under the provisions of this Title, shall render a monthly account of the same to the Commissioner of Internal Revenue, showing the amount of each article produced and shipped in bond, the amounts of which the exportation is completed according to law, and the amount remaining unaccounted for at the end of each month; also any excesses or deficiencies on the amounts originally reported as shipped.

SEC. 3445. The Commissioner of Internal Revenue may make such change in stamps, and may prescribe such instruments or other means for attaching, protecting, and canceling stamps, for tobacco, snuff, cigars, distilled spirits, and fermented liquors, or either of them, as he and the Secretary of the Treasury shall approve; such instruments to be furnished by the United States to the persons using the stamps to be affixed therewith, under such regulations as the Commissioner of Internal Revenue may prescribe. [See §§ 5433, 5453.]

SEC. 3446. The Secretary of the Treasury and the Commissioner of Internal Revenue may alter, renew, or change the form, style, and device of any stamp, mark, or label used under any provision of the laws relating to distilled spirits, tobacco, snuff, and cigars, when in their judgment necessary for the collection of revenue tax, or the prevention or detection of frauds thereon; and may make and publish such regulations for the use of such mark, stamp, or label as they find requisite. But in no case shall such renewal or change extend to an abandonment of the general character of the stamps above mentioned, nor to the dispensing with any provisions requiring that such stamps shall be kept in book form and have thereon the signatures of revenue officers.

Certificates of drawback receivable for taxes.

30 June, 1864, c. 173, s. 171, v. 13, p. 302.

Fraudulent claims of drawback.

30 June, 1864, c. 173, s. 172, v. 13, p. 303.

Collector's monthly account of articles in bonded warehouses, and articles exported.

20 July, 1868, c. 186, s. 100, v. 15, p. 165.

6 June, 1872, c. 315, s. 31, v. 17, p. 255.

Changes of stamps, instruments for attaching and canceling.

6 June, 1872, c. 315, s. 12, v. 17, p. 240.

20 July, 1868, c. 186, s. 43, v. 15, p. 142.

Power to alter form and device of spirit, tobacco, and cigar stamps.

20 July, 1868, c. 186, s. 101, v. 15, p. 165.

Where mode of assessing or collecting any tax is not provided for; regulations.

SEC. 3447. Whenever the mode or time of assessing or collecting any tax which is imposed is not provided for, the Commissioner of Internal Revenue may establish the same by regulation. He may also make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

Ibid., s. 103, v. 15, p. 166.

Internal-revenue laws, when co-extensive with jurisdiction of United States.

SEC. 3448. The internal-revenue laws imposing taxes on distilled spirits, fermented liquors, tobacco, snuff, and cigars shall be held to extend to such articles produced anywhere within the exterior boundaries of the United States, whether the same be within a collection-district or not.

20 July, 1868, c. 186, s. 107, v. 15, p. 167.—*The Cherokee Tobacco*, 11 Wall., 616; U. S. *vs. Tobacco Factory*, 1 Dill., 264.

Removing any liquors or wines under other than trade-names; penalty.

SEC. 3449. Whenever any person ships, transports, or removes any spirituous or fermented liquors or wines, under any other than the proper name or brand known to the trade as designating the kind and quality of the contents of the casks or packages containing the same, or causes such act to be done, he shall forfeit said liquors or wines, and casks or packages, and be subject to pay a fine of five hundred dollars.

13 July, 1866, c. 184, s. 29, v. 14, p. 156.

Removing or concealing articles with intent to defraud United States of tax; forfeiture and penalty.

SEC. 3450. Whenever any goods or commodities for or in respect whereof any tax is or shall be imposed, or any materials, utensils, or vessels proper or intended to be made use of for or in the making of such goods or commodities are removed, or are deposited or concealed in any place, with intent to defraud the United States of such tax, or any part thereof, all such goods and commodities, and all such materials, utensils, and vessels, respectively, shall be forfeited; and in every such case all the casks, vessels, cases, or other packages whatsoever, containing, or which shall have contained, such goods or commodities, respectively, and every vessel, boat, cart, carriage, or other conveyance whatsoever, and all horses or other animals, and all things used in the removal or for the deposit or concealment thereof, respectively, shall be forfeited. And every person who removes, deposits, or conceals, or is concerned in removing, depositing, or concealing any goods or commodities for or in respect whereof any tax is or shall be imposed, with intent to defraud the United States of such tax or any part thereof, shall be liable to a fine or penalty of not more than five hundred dollars. And all boilers, stills, or other vessels, tools and implements, used in distilling or rectifying, and forfeited under any of the provisions of this Title, and all condemned material, together with any engine or other machinery connected therewith, and all empty barrels, and all grain or other material suitable for distillation, shall, under the direction of the court in which the forfeiture is recovered, be sold at public auction, and the proceeds thereof, after deducting the expenses of sale, shall be disposed of according to law. And all spirits or spirituous liquors which may be forfeited under the provisions of this Title; unless herein otherwise provided, shall be disposed of by the Commissioner of Internal Revenue as the Secretary of the Treasury may direct.

Ibid., s. 14, p. 151.

U. S. *vs. One hundred Barrels of Spirits*, 2 Abb. U. S., 305.

Fraudulently executing documents required by internal-revenue laws; penalty.

SEC. 3451. Every person who simulates or falsely or fraudulently executes or signs any bond, permit, entry, or other document required by the provisions of the internal-revenue laws, or by any regulation made in pursuance thereof, or who procures the same to be falsely or fraudulently executed, or who advises, aids in, or connives at such execution thereof, shall be imprisoned for a term not less than one year nor more than five years; and the property to which such false or fraudulent instrument relates shall be forfeited.

20 July, 1868, c. 186, s. 99, v. 15, p. 165.

Having property in possession with intent to sell in fraud of law, or to evade taxes; penalty.

SEC. 3452. Every person who shall have in his custody or possession any goods, wares, merchandise, articles, or objects on which taxes are imposed by law, for the purpose of selling the same in fraud of the internal-revenue laws, or with design to avoid payment of the taxes imposed thereon, shall be liable to a penalty of five hundred dollars or

not less than double the amount of taxes fraudulently attempted to be evaded.

c. 173, s. 48, v. 13, p. 240.—The Distilled Spirits, 11 Wall., 356.

SEC. 3453. All goods, wares, merchandise, articles, or objects, on which taxes are imposed, which shall be found in the possession, or custody, or within the control of any person, for the purpose of being sold or removed by him in fraud of the internal-revenue laws, or with design to avoid payment of said taxes, may be seized by the collector or deputy collector of the proper district, or by such other collector or deputy collector as may be specially authorized by the Commissioner of Internal Revenue for that purpose, and shall be forfeited to the United States. And all raw materials found in the possession of any person intending to manufacture the same into articles of a kind subject to tax for the purpose of fraudulently selling such manufactured articles, or with design to evade the payment of said tax; and all tools, implements, instruments, and personal property whatsoever, in the place or building, or within any yard or inclosure where such articles or raw materials are found, may also be seized by any collector or deputy collector, as aforesaid, and shall be forfeited as aforesaid. The proceedings to enforce such forfeitures shall be in the nature of a proceeding in rem in the circuit court or district court of the United States for the district where such seizure is made.

SEC. 3454. Whenever any person who is liable to pay any tax upon any goods, wares, or merchandise, sells or causes or allows the same to be sold before the tax is paid to which said property is liable, with intent to avoid such tax, or in fraud of the internal-revenue laws, any debt contracted in such sale, and any security given therefor, unless the same shall have been bona fide transferred to an innocent holder, shall be void, and the collection thereof shall not be enforced in any court. And if such goods, wares, or merchandise have been paid for, in whole or in part, the sum so paid shall be deemed forfeited, and any person who shall sue for the same in an action of debt shall recover from the seller the amount so paid, one half to his own use and the other half to the use of the United States.

SEC. 3455. Whenever any person sells, gives, purchases, or receives any box, barrel, bag, vessel, package, wrapper, cover, or envelope of any kind, stamped, branded, or marked in any way so as to show that the contents or intended contents thereof have been duly inspected, or that the tax thereon has been paid, or that any provision of the internal-revenue laws has been complied with, whether such stamping, branding, or marking may have been a duly authorized act or may be false and counterfeit, or otherwise without authority of law, said box, barrel, bag, vessel, package, wrapper, cover, or envelope being empty, or containing anything else than the contents which were therein when said articles had been so lawfully stamped, branded, or marked by an officer of the revenue, he shall be liable to a penalty of not less than fifty nor more than five hundred dollars. And every person who makes, manufactures, or produces any box, barrel, bag, vessel, package, wrapper, cover, or envelope, stamped, branded, or marked, as above described, or stamps, brands, or marks the same, as hereinbefore recited, shall be liable to penalty as before provided in this section. And every person who violates the foregoing provisions of this section, with intent to defraud the revenue, or to defraud any person, shall be liable to a fine of not less than one thousand nor more than five thousand dollars, or to imprisonment for not less than six months nor more than five years, or to both, at the discretion of the court. And all articles sold, given, purchased, received, made, manufactured, produced, branded, stamped, or marked in violation of the provisions of this section, and all their contents, shall be forfeited to the United States.

13 July, 1866, c. 184, s. 9, v. 14, p. 112. 30 June, 1864, 173, s. 48, v. 13, p. 240.

Seizure of property found in possession in fraud of revenue laws.

13 July, 1866, c. 184, s. 9, v. 14, p. 111.

30 June, 1864, c. 173, s. 48, v. 13, p. 240.

U. S. vs. One Still, 5 Blatch., 403; U. S. vs. Thirty-six Barrels of High-wines, 7 Blatch., 468; U. S. vs. Ninety-two Barrels of Rectified Spirits, 8 Blatch., 480; U. S. vs. Thirty-three Barrels of Spirits, 1 Abb. U. S., 311; The Distilled Spirits, 11 Wall., 356.

Sales to evade tax; forfeiture.

30 June, 1864, c. 173, s. 180, v. 13, pp. 305, 306.

Disposing of or receiving empty stamped packages, &c.; penalties.

13 July, 1866, c. 184, s. 16, v. 14, p. 152.

Penalty and forfeiture by distillers, rectifiers, wholesale liquor-dealers, and manufacturers of tobacco or cigars, for omitting things required, and for doing things forbidden.

20 July, 1868, c. 186, s. 96, v. 15, p. 164.

U. S. *vs.* McKim & Co., 2 Am. L., T. U. S., 153. U. S. *vs.* Certain Distilled

SEC. 3456. If any distiller, rectifier, wholesale liquor-dealer, or manufacturer of tobacco or cigars, shall knowingly or willfully omit, neglect or refuse to do or cause to be done any of the things required by law in the carrying on or conducting of his business, or shall do anything by this Title prohibited, if there be no specific penalty or punishment imposed by any other section of this Title for the neglecting, omitting or refusing to do, or for the doing or causing to be done the thing required or prohibited, he shall pay a penalty of one thousand dollars; and if the person so offending be a distiller, rectifier, or wholesale dealer, all distilled spirits or liquors owned by him or in which he has any interest as owner, and if he be a manufacturer of tobacco or cigars, all tobacco or cigars found in his manufactory shall be forfeited to the United States.

Spirits, 3 Am. L., T. U. S., 10.

Package included in forfeiture of goods.

13 July, 1866, c. 184, s. 14, v. 14, p. 151.

Goods seized may be delivered to marshal before process issues.

13 July, 1866, c. 184, s. 9, v. 14, p. 112.

30 June, 1864, c. 173, s. 48, v. 13, p. 240.

SEC. 3457. In every case where any goods or commodities are forfeited under any internal-revenue law, all casks, vessels, cases, or other packages whatsoever, containing, or which shall have contained such goods or commodities, respectively, shall be forfeited.

SEC. 3458. Any goods, wares, merchandise, articles, or objects which may be seized, under the provisions of section thirty-four hundred and fifty-three, by any collector or deputy collector, may, at the option of the collector, be delivered to the marshal of the district, and remain in the care and custody and under the control of said marshal, until he shall obtain possession by process of law. And the cost of seizure made before process issues shall be taxable by the court. And where any whisky or tobacco, or other article of manufacture or produce, requiring brands, stamps or marks of whatever kind to be placed thereon, shall be sold upon distraint, forfeiture, or other process provided by law, the same not having been branded, stamped, or marked, as required by law, the officer selling the same shall, upon sale thereof, fix or cause to be affixed the brands, stamps, or marks, so required, and deduct the expense thereof from the proceeds of such sale.

Bailing of goods seized; sale for want of bail.

13 July, 1866, c. 184, s. 9, v. 14, p. 112.

30 June, 1864, c. 173, s. 48, v. 13, p. 241.

SEC. 3459. When any property which is seized under the foregoing provisions of section thirty-four hundred and fifty-three is liable to perish or become greatly reduced in price or value by keeping, or when it cannot be kept without great expense, the owner thereof, or the marshal of the district, may apply to the collector of the district to examine it; and if, in the opinion of said collector, it shall be necessary that the said property should be sold to prevent such waste or expense, he shall appraise the same; and thereupon the owner shall have said property returned to him upon giving bond in such form as may be prescribed by the Commissioner of Internal Revenue, and in an amount equal to the appraised value, with such sureties as the collector shall deem good and sufficient, to abide the final order, decree, or judgment of the court having cognizance of the case, and to pay the amount of said appraised value to the collector, marshal, or otherwise, as he may be ordered and directed by the court, which bond shall be filed by said collector with the United States district attorney for the district in which said proceedings in rem may be commenced: *Provided*, That in case said bond shall have been executed and the property returned before seizure thereof by virtue of the process aforesaid, the marshal shall give notice of pendency of proceedings in court to the parties executing said bond, by personal service or publication, and in such manner and form as the court may direct, and the court shall thereupon have jurisdiction of said matter and parties in the same manner as if such property had been seized by virtue of the process aforesaid. But if said owner shall neglect or refuse to give said bond, the collector shall issue to a deputy collector or to the marshal aforesaid an order to sell the same; and the deputy collector or marshal shall thereupon advertise and sell the said property at public auction in the same manner as

goods may be sold on final execution in said district; and the proceeds of the sale, after deducting the reasonable costs of the seizure and sale, shall be paid to the court aforesaid, to abide its final order, decree, or judgment.

SEC. 3460. In all cases of seizure of any goods, wares, or merchandise, as being subject to forfeiture under any provision of the internal-revenue laws, which, in the opinion of the collector or deputy collector making the seizure, are of the appraised value of five hundred dollars or less, the said collector or deputy collector shall, except in cases otherwise provided, proceed as follows:

First. He shall cause a list containing a particular description of the goods, wares, or merchandise seized to be prepared in duplicate, and an appraisement thereof to be made by three sworn appraisers, to be selected by him, who shall be respectable and disinterested citizens of the United States residing within the collection-district wherein the seizure was made. Said list and appraisement shall be properly attested by the said collector or deputy collector and the said appraisers, for which service each of the said appraisers shall be allowed the sum of one dollar and fifty cents a day, to be paid in the manner provided by law for other necessary charges of collectors. [See § 570.]

Second. If the said goods are found by the said appraisers to be of the value of five hundred dollars or less, the said collector or deputy collector shall publish a notice, for three weeks, in some newspaper of the district where the seizure was made, describing the articles, and stating the time, place, and cause of their seizure, and requiring any person claiming them to appear and make such claim within thirty days from the date of the first publication of such notice.

Third. Any person claiming the goods, wares, or merchandise so seized, within the time specified in the notice, may file with the said collector or deputy collector a claim, stating his interest in the articles seized, and may execute a bond to the United States in the penal sum of two hundred and fifty dollars, with sureties to be approved by the said collector or deputy collector, conditioned that, in case of condemnation of the articles so seized, the obligors shall pay all the costs and expenses of the proceedings to obtain such condemnation; and upon the delivery of such bond to the collector or deputy collector, he shall transmit the same, with the duplicate list or description of the goods seized, to the United States district attorney for the district, and said attorney shall proceed thereon in the ordinary manner prescribed by law.

Fourth. If no claim is interposed and no bond is given within the time above specified, the collector or deputy collector, as the case may be, shall give ten days' notice of the sale of the goods, wares, or merchandise by publication, and, at the time and place specified in the notice, shall sell the articles so seized at public auction, and, after deducting the expense of appraisement and sale, he shall deposit the proceeds to the credit of the Secretary of the Treasury.

SEC. 3461. Within one year after the sale of any goods, wares, or merchandise, as provided in the preceding section, any person claiming to be interested in the property sold may apply to the Secretary of the Treasury for a remission of the forfeiture thereof, or of any part thereof, and a restoration of the proceeds of the sale; and the said Secretary may grant the same upon satisfactory proof, to be furnished in such manner as he shall prescribe: *Provided*, That it shall be satisfactorily shown that the applicant, at the time of the seizure and sale of the said property, and during the intervening time, was absent, out of the United States, or in such circumstances as prevented him from knowing of the seizure, and that he did not know of the same; and also that the said forfeiture was incurred without willful negligence or any intention of fraud on the part of the owner of said property. If no application for such restoration is made within one year, as hereinbefore prescribed, the Secretary of the Treasury shall, at the expiration of the said time, cause the proceeds of the sale of the said property to be distributed

Proceedings on seizure of goods valued at \$500 or less.

13 July, 1866, c. 184, s. 63, v. 14, p. 169.

6 June, 1872, c. 315, s. 40, v. 17, p. 257.

List and appraisement.

Notice of seizure.

Claims to be filed.

Bond of claimant.

Sale of goods and disposal of proceeds.

Application for remission, and return of proceeds; distribution.

13 July, 1866, c. 184, s. 63, v. 14, p. 169.

6 June, 1872, c. 315, s. 40, v. 17, p. 257.

according to law, as in the case of goods, wares, or merchandise condemned and sold pursuant to the decree of a competent court.

Search-warrants.

13 July, 1866, c.
184, s. 15, v. 14, p.
152.

SEC. 3462. The several judges of the circuit and district courts of the United States, and commissioners of the circuit courts, may, within their respective jurisdictions, issue a search-warrant, authorizing any internal-revenue officer to search any premises within the same, if such officer makes oath in writing that he has reason to believe, and does believe, that a fraud upon the revenue has been or is being committed upon or by the use of the said premises.

Detection and
punishment of
frauds.

2 March, 1867, c.
169, s. 7, v. 14, p.
473.

SEC. 3463. The Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, is authorized to pay such sums, not exceeding in the aggregate the sum appropriated therefor, as he may deem necessary for detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws, or conniving at the same, in cases where such expenses are not otherwise provided for by law.

Purchasing from
the Government
goods subject to
tax.

SEC. 3464. The privilege of purchasing supplies of goods imported from foreign countries for the use of the United States, duty free, which now does or hereafter shall exist by provision of law, shall be extended, under such regulations as the Secretary of the Treasury may prescribe, to all articles of domestic production which are subject to tax by the provisions of this Title.

Construction of
certain revenue
acts.

2 March, 1833, c.
57, v. 4, pp. 632-635.
30 June, 1864, c.
173, v. 13, pp. 223-
306.

SEC. 3465. An act entitled "An act further to provide for the collection of duties on imports," passed March second, eighteen hundred and thirty-three, shall not be so construed as to apply to cases arising under an act entitled "An act to provide internal revenue to support the Government, to pay interest on the public debt, and for other purposes," passed June thirtieth, eighteen hundred and sixty-four, or any act in addition thereto or in amendment thereof, nor to any case in which the validity or interpretation of said act or acts shall be in issue.

TITLE XXXVI

DEBTS DUE BY OR TO THE UNITED STATES.

| Sec. | Sec. |
|--|--|
| 3466. Priority established. | 3483. Payment for property lost while in military service. |
| 3467. Liability of executors. | 3484. Payment for horses lost by capture. |
| 3468. Priority of sureties. | 3485. Payment for condemned horses and equipage. |
| 3469. Compromises. | 3486. Payment to guardian, &c., for horse lost by minor in military service. |
| 3470. Purchase on execution. | 3487. Payment to owner for horse furnished and lost in military service. |
| 3471. Discharge of poor debtor by Secretary of the Treasury. | 3488. Third Auditor may take testimony as to steamboats, &c. |
| 3472. Discharge by the President. | 3489. Claims for collecting, &c., volunteers for the war of the rebellion, and for horses, to be presented prior to June 30, 1874. |
| 3473. Duties and other debts to United States; in what to be paid. | 3490. Liability of persons making false claims against United States. |
| 3474. What coin receivable. | 3491. Suits for same. |
| 3475. National-bank notes receivable for debts of United States, except. | 3492. Duty of district attorney as to such cases. |
| 3476. Treasury-notes payable for debts of United States. | 3493. Rights of persons presenting such suits. |
| 3477. Assignment of claims void unless, &c. | 3494. Limitation of suit. |
| 3478. Oath by persons prosecuting claims. | |
| 3479. Who may administer oath. | |
| 3480. Claims of disloyalists. | |
| 3481. Retention of moneys due States in default. | |
| 3482. Payment to officers for horses lost in battle, &c. | |

SEC. 3466. Whenever any person indebted to the United States is insolvent, or whenever the estate of any deceased debtor, in the hands of the executors or administrators, is insufficient to pay all the debts due from the deceased, the debts due to the United States shall be first satisfied; and the priority hereby established shall extend as well to cases in which a debtor, not having sufficient property to pay all his debts, makes a voluntary assignment thereof, or in which the estate and effects of an absconding, concealed, or absent debtor are attached by process of law, as to cases in which an act of bankruptcy is committed.

5 Cr., 289; *Prince vs. Bartlett*, 8 Cr., 431; *U. S. vs. Bryan*, 9 Cr., 374; *Thelussou vs. Smith*, 2 Wh., 396; *U. S. vs. Howland*, 4 Wh., 108; *Conard vs. Insurance Co.*, 1 Pet., 386; *Hunter vs. U. S.*, 5 Pet., 173; *U. S. vs. State Bank*, 6 Pet., 29; *U. S. vs. Hack*, 8 Pet., 271; *Brent vs. Bank of Washington*, 10 Pet., 596; *Beaston vs. Farmers' Bank*, 12 Pet., 102.

SEC. 3467. Every executor, administrator, or assignee, or other person, who pays any debt due by the person or estate from whom or for which he acts, before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate for the debts so due to the United States, or for so much thereof as may remain due and unpaid. [See § 5101.]

Field *vs. U. S.*, 9 Pet., 182; *Brent vs. Bank of Washington*, 10 Pet., 596.

SEC. 3468. Whenever the principal in any bond given to the United States is insolvent, or whenever, such principal being deceased, his estate and effects which come to the hands of his executor, administrator, or assignee, are insufficient for the payment of his debts, and, in either of such cases, any surety on the bond, or the executor, administrator, or assignee of such surety pays to the United States the money due upon such bond, such surety, his executor, administrator, or assignee, shall have the like priority for the recovery and receipt of the moneys out of the estate and effects of such insolvent or deceased principal as is secured to the United States; and may bring and maintain a suit upon the bond, in law or equity, in his own name, for the recovery of all moneys paid thereon.

vs. Ins. Co., 1 Pet., 439; *Hunter vs. U. S.*, 5 Pet., 173; *Child vs. Shoemaker*, 1 Wash., 494; *U. S. vs. King*, Wall. C. C., 12; *Johns vs. Brodhag*, 1 Cr. C. C., 235.

Compromise.

3 March, 1863, c. 76, s. 10, v. 12, p. 740.

U. S. vs. George,
6 Blatch., 406.

Purchase on execution.

26 May, 1824, c. 172, s. 2, v. 4, p. 51.

Discharge of poor debtor by Secretary of the Treasury.

6 June, 1793, c. 49, ss. 1, 3, v. 1, pp. 561, 562.

U. S. vs. Stansbury, 1 Pet., 573;
U. S. vs. Ringgold,
5 Pet., 150; *Hunter*
vs. U. S., 5 Pet., 173;
U. S. vs. Sturges, 1
Paine, 525.

Discharge by the President.

3 March, 1817, c. 114, v. 3, p. 399.

U. S. vs. Ringgold,
8 Pet., 150.

Duties and other debts to United States, in what currency to be paid.

6 Aug., 1846, c. 90, s. 18, v. 9, p. 64.

SEC. 3469. Upon a report by a district attorney, or any special attorney or agent having charge of any claim in favor of the United States, showing in detail the condition of such claim, and the terms upon which the same may be compromised, and recommending that it be compromised upon the terms so offered, and upon the recommendation of the Solicitor of the Treasury, the Secretary of the Treasury is authorized to compromise such claim accordingly. But the provisions of this section shall not apply to any claim arising under the postal laws.

SEC. 3470. At every sale, on execution, at the suit of the United States, of lands or tenements of a debtor, the United States may, by such agent as the Solicitor of the Treasury shall appoint, become the purchaser thereof; but in no case shall the agent bid in behalf of the United States a greater amount than that of the judgment for which such estate may be exposed to sale, and the costs. Whenever such purchase is made, the marshal of the district in which the sale is held shall make all needful conveyances, assignments, or transfers to the United States.

SEC. 3471. Any person imprisoned upon execution issuing from any court of the United States, for a debt due to the United States, which he is unable to pay, may, at any time after commitment, make application, in writing, to the Secretary of the Treasury, stating the circumstances of his case, and his inability to discharge the debt; and thereupon the Secretary may make, or require to be made, an examination and inquiry into the circumstances of the debtor, by the oath of the debtor, which the Secretary, or any other person by him specially appointed, is authorized to administer, or otherwise, as the Secretary shall deem necessary and expedient, to ascertain the truth; and upon proof made to his satisfaction, that the debtor is unable to pay the debt for which he is imprisoned, and that he has not concealed or made any conveyance of his estate, in trust, for himself, or with an intent to defraud the United States, or to deprive them of their legal priority, the Secretary is authorized to receive from such debtor any deed, assignment, or conveyance of his real or personal estate, or any collateral security, to the use of the United States. Upon a compliance by the debtor with such terms and conditions as the Secretary may judge reasonable and proper, the Secretary must issue his order, under his hand, to the keeper of the prison, directing him to discharge the debtor from his imprisonment under such execution. The debtor shall not be liable to be imprisoned again for the debt; but the judgment shall remain in force, and may be satisfied out of any estate which may then, or at any time afterward, belong to the debtor. The benefit of this section shall not be extended to any person imprisoned for any fine, forfeiture, or penalty, incurred by a breach of any law of the United States, or for moneys had and received by any officer, agent, or other person, for their use; nor shall its provisions extend to any claim arising under the postal laws.

SEC. 3472. Whenever any person is imprisoned upon execution for a debt due to the United States, which he is unable to pay, and his case is such as does not authorize his discharge by the Secretary of the Treasury, under the preceding section, he may make application to the President, who, upon proof made to his satisfaction that the debtor is unable to pay the debt, and upon a compliance by the debtor with such terms and conditions as the President shall deem proper, may order the discharge of such debtor from his imprisonment. The debtor shall not be liable to be imprisoned again for the same debt; but the judgment shall remain in force, and may be satisfied out of any estate which may then, or at any time afterward, belong to the debtor.

SEC. 3473. All duties on imports shall be paid in gold and silver coin only, or in demand Treasury notes, issued under the authority of the acts of July seventeen, eighteen hundred and sixty-one, chapter five; and February twelve, eighteen hundred and sixty-two, chapter twenty; and all taxes and all other debts and demands than duties on imports, accruing or becoming due to the United States, shall be paid in gold

and silver coin, Treasury notes, United States notes, or notes of national banks; and upon every such payment credit shall be given for the amount of principal and interest due on any Treasury note not received in payment on the day when the same are received. [See §§ 254 and 3000.]

23 Dec., 1857, c. 1, s. 6, v. 11, p. 258.
17 July, 1861, c. 5, s. 1, v. 12, p. 259.
5 Aug., 1861, c. 46, s. 5, v. 12, p. 313.
12 Feb., 1862, c. 20, v. 12, p. 338. 25 Feb., 1862, c. 33, ss. 1, 5, v. 12, pp. 345, 346. 11 July, 1862, c. 142, s. 1, v. 12, p. 532. 3 March, 1863, c. 73, ss. 3, 5, v. 12, pp. 710, 711. 3 June, 1864, c. 106, s. 23, v. 13, p. 106. 30 June, 1864, c. 172, s. 2, v. 13, p. 218.

SEC. 3474. No gold or silver other than coin of standard fineness of the United States, shall be receivable in payment of dues to the United States, except as provided in section twenty-three hundred and sixty-six, Title "PUBLIC LANDS," and in section thirty-five hundred and sixty-seven, Title "COINAGE, WEIGHTS, AND MEASURES."

What coin receivable.

31 Aug., 1852, c. 108, s. 2, v. 10, pp. 97, 98.

21 Feb., 1857, c. 56, ss. 2, 3, v. 11, p. 163.

SEC. 3475. The notes of national banks shall be received at par for all debts and demands owing by the United States to any person within the United States, except interest on the public debt, or in redemption of the national currency. [See § 5182.]

National bank notes receivable for debts of United States, except.

3 June, 1864, c. 106, s. 23, v. 13, p. 106.

SEC. 3476. Treasury notes bearing interest may be paid to any creditor of the United States at their face value, excluding interest, or to any creditor willing to receive them at par, including interest.

Treasury notes payable for debts of United States.

3 March, 1863, c. 73, s. 2, v. 12, p. 710. 30 June, 1864, c. 172, s. 2, v. 13, p. 218.

SEC. 3477. All transfers and assignments made of any claim upon the United States, or of any part or share thereof, or interest therein, whether absolute or conditional, and whatever may be the consideration therefor, and all powers of attorney, orders, or other authorities for receiving payment of any such claim, or of any part or share thereof, shall be absolutely null and void, unless they are freely made and executed in the presence of at least two attesting witnesses, after the allowance of such a claim, the ascertainment of the amount due, and the issuing of a warrant for the payment thereof. Such transfers, assignments, and powers of attorney, must recite the warrant for payment, and must be acknowledged by the person making them, before an officer having authority to take acknowledgments of deeds, and shall be certified by the officer; and it must appear by the certificate that the officer, at the time of the acknowledgment, read and fully explained the transfer, assignment, or warrant of attorney to the person acknowledging the same.

Assignments of claims void, unless, &c.

26 Feb., 1853, c. 81, s. 1, v. 10, p. 170.
29 July, 1846, c. 66, v. 9, p. 41.

Sines vs. U. S., 1 Cr. Clms., 12; *Cooper vs. U. S.*, 1 Cr. Clms., 85; *Coté vs. U. S.*, 3 Cr. Clms., 64.

SEC. 3478. Any person prosecuting claims, either as attorney or on his own account, before any of the Departments or Bureaus of the United States, shall be required to take the oath of allegiance, and to support the Constitution of the United States, as required of persons in the civil service. [See §§ 1756, 1757.]

Oath by persons prosecuting claims.

17 July, 1862, c. 205, s. 1, v. 12, p. 610.

SEC. 3479. The oath provided for in the preceding section may be taken before any justice of the peace, notary public, or other person who is legally authorized to administer an oath in the State or district where the same may be administered.

Who may administer the oath.

17 July, 1862, c. 205, s. 2, v. 12, p. 610.

SEC. 3480. It shall be unlawful for any officer to pay any account, claim, or demand against the United States which accrued or existed prior to the thirteenth day of April, eighteen hundred and sixty-one, in favor of any person who promoted, encouraged, or in any manner sustained the late rebellion, or in favor of any person who during such rebellion was not known to be opposed thereto, and distinctly in favor of its suppression; and no pardon heretofore granted, or hereafter to be granted, shall authorize the payment of such account, claim, or demand, until this section is modified or repealed. But this section shall not be construed to prohibit the payment of claims founded upon contracts made by any of the Departments, where such claims were assigned or contracted to be assigned prior to the first day of April, eighteen hundred and sixty-one, to the creditors of such contractors, loyal citizens of loyal States, in payment of debts incurred prior to the first day of March, eighteen hundred and sixty-one.

Claims of disloyalists.

2 March, 1867, Res. 46, v. 14, p. 571.

Retention of money due States in default.

25 March, 1870, c. 30, v. 16, p. 77.

Payment to officers for horses lost in battle, &c.

3 March, 1849, c. 129, s. 1, v. 9, p. 414.

Payment for property lost while in military service.

3 March, 1849, c. 129, s. 2, v. 9, p. 415.
3 March, 1863, c. 78, s. 5, v. 12, p. 743.

Stuart vs. U. S., 18 Wall., 84.

Payment for horses lost by capture.

25 June, 1864, c. 150, v. 13, p. 182.

SEC. 3481. Whenever any State is in default in the payment of interest or principal on investments in stocks or bonds issued or guaranteed by such State and held by the United States in trust, the Secretary of the Treasury shall retain the whole, or so much thereof as may be necessary, of any moneys due on any account from the United States to such State, and apply the same to the payment of such principal and interest, or either, or to the re-imbursement, with interest thereon, of moneys advanced by the United States on account of interest due on such stocks or bonds.

SEC. 3482. Any field, or staff, or other officer, mounted militiaman, volunteer, ranger, or cavalryman, engaged in the military service of the United States, who sustains damage without any fault or negligence on his part, while in the service, by the loss of a horse in battle, or by the loss of a horse wounded in battle, which dies of the wound, or which, being so wounded, is abandoned by order of his officer and lost, or who sustains damage by the loss of any horse by death or abandonment because of the unavoidable dangers of the sea, when on board a United States transport vessel, or because the United States fails to supply transportation for the horse, and the owner is compelled by the order of his commanding officer to embark and leave him, or in consequence of the United States failing to supply sufficient forage, or because the rider is dismounted and separated from his horse and ordered to do duty on foot at a station detached from his horse, or when the officer in the immediate command orders the horse turned out to graze in the woods, prairies, or commons, because the United States fails to supply sufficient forage, and the loss is consequent thereon, or for the loss of necessary equipage, in consequence of the loss of his horse, shall be allowed and paid the value thereof, not to exceed two hundred dollars. But any payment which is made to any one for the use and risk, or for forage, after the death, loss, or abandonment of his horse, shall be deducted from the value thereof, unless he satisfies the paymaster at the time he makes the payment, or thereafter shows, by proof, that he was remounted, in which case the deduction shall only extend to the time he was on foot. And any payment made to any person above mentioned, on account of clothing to which he is not entitled by law, shall be deducted from the value of his horse or accouterments. [See § 277.]

SEC. 3483. Every person who sustains damage by the capture or destruction by an enemy, or by the abandonment or destruction by the order of the commanding general, the commanding officer, or quartermaster, of any horse, mule, ox, wagon, cart, sleigh, harness, steamboat or other vessel, railroad-engine or railroad-car, while such property is in the military service, either by impressment or contract; or who sustains damage by the death or abandonment and loss of any horse, mule, or ox, while in the service, in consequence of the failure on the part of the United States to furnish the same with sufficient forage, or whose horse, mule, ox, wagon, cart, boat, sleigh, harness, vessel, railroad-engine, or railroad-car is lost or destroyed by unavoidable accident while such property is in the service, shall be allowed and paid the value thereof at the time when such property was taken into the service, except in cases where the risk to which the property would be exposed was agreed to be incurred by the owner: *Provided*, It appears that such loss, capture, abandonment, destruction, or death was without any fault or negligence on the part of the owner of the property, and while the property was actually employed in the service of the United States.

SEC. 3484. The two preceding sections shall extend to all cases of the loss of horses by any officer, non-commissioned officer, or private in the military service of the United States, while in the line of his duty in such service, by capture by the enemy, whenever it shall appear that such officer, non-commissioned officer, or private was ordered by his superior officer to surrender to the enemy, and such capture was made in pursuance of such surrender.

SEC. 3485. Whenever any horse is condemned by a board of officers, on account of his unfitness for service, in consequence of the Government failing to supply forage, such horse and his equipage shall be allowed and paid for: *Provided*, It shall be proven, by satisfactory evidence, whether oral or written, that the condemned horse and the equipage were turned over to a quartermaster of the Army, whether any receipt therefor was given and produced, or not.

Payment for condemned horses and equipage.

3 March, 1849, c. 129, s. 7, v. 9, p. 416.

SEC. 3486. When any minor, engaged in the military service of the United States, and provided with a horse or equipments, or with military accouterments, by his parent or guardian, dies, without paying for the property, and the same is lost, captured, destroyed, or abandoned in the manner before mentioned, such parent or guardian shall be allowed pay therefor, on making satisfactory proof, as in other cases, and the further proof that he is entitled thereto by having furnished the same.

Payment to guardian for horse lost by minor in military service.

3 March, 1849, c. 129, s. 5, v. 9, p. 415.

SEC. 3487. When any person other than a minor, engaged in the military service, is provided with a horse or equipments, or with military accouterments, by any person, being the owner thereof, who takes the risk of such horse, equipments, or military accouterments, on himself, and the same is lost, captured, destroyed, or abandoned, in the manner before mentioned, such owner shall be allowed pay therefor, on making satisfactory proof, as in other cases, and the further proof that he is entitled thereto, by having furnished the same, and having taken the risk on himself.

Payment to owner for horse furnished and lost in military service.

3 March, 1849, c. 129, s. 6, v. 9, p. 416.

SEC. 3488. In executing so much of the preceding sections as provides for payment for steamboats and other vessels, and railroad engines or cars, lost or destroyed while in the military service of the United States, the Third Auditor of the Treasury is authorized, in person, or in such manner as he may deem most compatible with the public interests, to take testimony, and make such investigations as he may deem necessary in adjudicating claims; and for such necessary expenses incurred therein, payment may be made upon proper vouchers, certified and approved by the Third Auditor.

Third Auditor may take testimony as to steamboats, &c.

25 June, 1864, c. 147, s. 6, v. 13, p. 160.

SEC. 3489. No claims against the United States, for collecting, drilling, or organizing volunteers for the war of the rebellion, shall be audited or paid unless presented before the thirtieth day of June, eighteen hundred and seventy-four. No claims for horses lost prior to the first day of January, eighteen hundred and seventy-two, shall be audited or paid unless presented before the thirtieth day of June, eighteen hundred and seventy-four.

Claims for collecting, &c., volunteers for the war of the rebellion, and for horses, to be presented prior to June 30, 1874.

3 March, 1873, c. 226, s. 1, v. 17, p. 500.

SEC. 3490. Any person not in the military or naval forces of the United States, or in the militia called into or actually employed in the service of the United States, who shall do or commit any of the acts prohibited by any of the provisions of section fifty-four hundred and thirty-eight, Title "CRIMES," shall forfeit and pay to the United States the sum of two thousand dollars, and, in addition, double the amount of damages which the United States may have sustained by reason of the doing or committing such act, together with the costs of suit; and such forfeiture and damages shall be sued for in the same suit.

Liability of persons making false claims against United States.

2 March, 1863, c. 67, s. 3, v. 12, p. 698.

SEC. 3491. The several district courts of the United States, the supreme court of the District of Columbia, the several district courts of the Territories of the United States, within whose jurisdictional limits the person doing or committing such act shall be found, shall, wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit. Such suit may be brought and carried on by any person, as well for himself as for the United States; the same shall be at the sole cost and charge of such person, and shall be in the name of the United States, but shall not be withdrawn or discontinued without the consent, in writing, of the judge of the court and the district attorney, first filed in the case, setting forth their reasons for such consent.

Suits for same.

2 March, 1863, c. 67, s. 4, v. 12, p. 698.

Duty of district attorney as to such cases.

2 March, 1863, c. 67, s. 5, v. 12, p. 698.

SEC. 3492. It shall be the duty of the several district attorneys of the United States for the respective districts, for the District of Columbia, and for the several Territories, to be diligent in inquiring into any violation of the provisions of section thirty-four hundred and ninety by persons liable to such suit, and found within their respective districts or Territories, and to cause them to be proceeded against in due form of law for the recovery of such forfeiture and damages. And such person may be arrested and held to bail in such sum as the district judge may order, not exceeding the sum of two thousand dollars, and twice the amount of the damages sworn to in the affidavit of the person bringing the suit.

Rights of persons presenting such suits.

2 March, 1863, c. 67, s. 6, v. 12, p. 698.

SEC. 3493. The person bringing said suit and prosecuting it to final judgment shall be entitled to receive one-half the amount of such forfeiture, as well as one-half the amount of the damages he shall recover and collect; and the other half thereof shall belong to and be paid over to the United States; and such person shall be entitled to receive to his own use all costs the court may award against the defendant, to be allowed and taxed according to any provision of law or rule of court in force, or that shall be in force in suits between private parties in said court: *Provided*, That such person shall be liable for all costs incurred by himself in the case, and shall have no claim therefor on the United States.

Limitation of suit.

Ibid., s. 7.

SEC. 3494. Every such suit shall be commenced within six years from the commission of the act, and not afterward.

TITLE XXXVII.

COINAGE, WEIGHTS, AND MEASURES.

| Sec. | Sec. |
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| 3495. Enumeration of mints and assay-offices. | 3535. Deviations allowed in adjusting weights of gold coins. |
| 3496. Officers of mints. | 3536. Of silver coins. |
| 3497. Superintendents of certain mints to perform duties of treasurer. | 3537. Of minor coins. |
| 3498. Salaries of officers of mints. | 3538. Delivery of coins by coiner and trial of pieces. |
| 3499. Salaries of assistants, clerks, and laborers employed in the mints. | 3539. Trial-pieces to be sealed up and transmitted quarterly to the Mint at Philadelphia. |
| 3500. Oath of office, of officers, clerks, &c. | 3540. Disposal of clippings, &c. |
| 3501. Bonds of officers, clerks, &c. | 3541. Yearly settlement of coiner, melter and refiner. |
| 3502. Who to act in absence of director, superintendent, &c. | 3542. Allowance for wastage. |
| 3503. General duties of superintendents. | 3543. Statement of balance-sheet to be sent by superintendent to Director of Mints. |
| 3504. Ibid. | 3544. Delivery of coin or bars to depositor. |
| 3505. Coins reduced in weight by abrasion. | 3545. Payment in money to depositors, when. |
| 3506. Duties of superintendents respecting coin and bullion. | 3546. Exchange of unparted bullion for fine bars. |
| 3507. Duties of assayers. | 3547. Appointment and meetings of assay commissioners. |
| 3508. Duties of melters and refiners. | 3548. Standard troy pound for regulation of coinage. |
| 3509. Duties of coiners. | 3549. Standard weights for mints and assay-offices. |
| 3510. Duties of engravers. | 3550. Yearly destruction of obverse working dies. |
| 3511. Gold coins of the United States and their weight. | 3551. National and other medals may be struck at Philadelphia. |
| 3512. Recoinage of gold coins. | 3552. Moneys arising from charges and deductions to be covered into Treasury. |
| 3513. Silver coins and their weight. | 3553. Business of assay-office at New York. |
| 3514. Standard for gold and silver coins. | 3554. Appointment of officers at New York. |
| 3515. Minor coins; their weight and alloy. | 3555. Duties, &c., of officers at New York. |
| 3516. Issue of other coins prohibited. | 3556. Salaries of officers at New York. |
| 3517. Inscriptions upon coins. | 3557. Appointment and salaries of assistants and employes at New York. |
| 3518. Gold and silver bars. | 3558. Business of mint at Denver and of assay-offices at Boise City and Charlotte. |
| 3519. Coining gold bullion; when deposits may be refused. | 3559. Appointment of officers at Denver, Boise City, &c. |
| 3520. Silver bullion may be received for forming into bars or trade-dollars. | 3560. Powers and duties of assayers at assay-offices. |
| 3521. Weighing bullion and ascertaining its value. | Compensation of employes. |
| 3522. Assay of bullion. | 3561. Bond and oath of officers and clerks. |
| 3523. Assayers to report to superintendent quality of bullion assayed. | 3562. Laws relating to mints extended to assay-offices. |
| 3524. Charges for converting bullion, &c., into coin. | 3563. Decimal system established. |
| 3525. Assayer to verify calculations of value of deposits and countersign certificate. | 3564. Value of foreign coins, how ascertained. |
| 3526. Purchase of bullion for silver coinage; the silver profit fund. | 3565. Value of the sovereign or pound sterling. |
| 3527. Paying out silver coin for gold coin authorized. | 3566. Recoinage of foreign coins. |
| 3528. Purchase of metals for minor coins; the minor coinage profit fund. | 3567. Spanish and Mexican coins. |
| 3529. Delivery of minor coins; redemption. | 3568. Their transmission for recoinage. |
| 3530. Transfer of bullion for formation into ingots. | 3569. Use of the metric system authorized. |
| 3531. Ingots to be assayed and receipted for. | 3570. Authorized tables of weights and measures. |
| 3532. Delivery of ingots to coiner for coinage. | |
| 3533. Standard of ingots used for coinage. | |
| 3534. Preparation and stamping of fineness of bars for payment of deposits. | |

SEC. 3495. The different mints and assay-offices shall be known as—

First. The mint of the United States at Philadelphia.

Second. The mint of the United States at San Francisco.

Third. The mint of the United States at New Orleans.

Fourth. The mint of the United States at Carson.

Fifth. The mint of the United States at Denver.

Enumeration of
mints and assay-
offices.

12 Feb., 1873, c.
131, s. 66, v. 17, p.
435.

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| | Sixth. The United States assay-office at New York. |
| | Seventh. The United States assay-office at Boise City, Idaho. |
| | Eighth. The United States assay-office at Charlotte, North Carolina. |
| Officers of mints. | SEC. 3496. The officers of each mint shall be a superintendent, an |
| Ibid., s. 3, p. 424. | assayer, a melter and refiner, and a coiner; and, for the Mint at Philadelphia, an engraver; all to be appointed by the President, by and with the advice and consent of the Senate. |
| Superintendents of certain mints to perform duties of treasurer. | SEC. 3497. The superintendents of the mints at Philadelphia, San Francisco, and New Orleans shall be, and perform the duties of, treasurers of said mints respectively. |
| Ibid., s. 65. | |
| Salaries of officers of mints. | SEC. 3498. The officers of the several mints shall be entitled to the following salaries, to be paid monthly: |
| Ibid., s. 12, p. 426. | First. The superintendents of the mints at Philadelphia and San Francisco, to four thousand five hundred dollars a year each. |
| | Second. The assayers, melters and refiners, and the coiners of those mints, to three thousand dollars a year each. |
| | Third. The engraver of the Mint at Philadelphia, to three thousand dollars a year. |
| | Fourth. The superintendent of the mint at Carson City to three thousand dollars a year. |
| | Fifth. The assayer, the melter and refiner, and the coiner of the mint at Carson City, to two thousand five hundred dollars a year each. |
| Salaries of assistants, clerks, and laborers employed in the mints. | SEC. 3499. There shall be allowed to the assistants and clerks of the several mints such annual salaries as the Director of the Mint may, with the approbation of the Secretary of the Treasury, determine, and to the workmen employed therein such wages as may be customary and reasonable according to their respective stations and occupations, to be determined by the superintendent, and approved by the Director of the Mint. The salaries provided for in this and the preceding section, and the wages of workmen permanently engaged, shall be payable in monthly installments. |
| Ibid. | |
| Oath of office of officers, assistants, and clerks. | SEC. 3500. Every officer, assistant, and clerk appointed for any mint shall, before he enters upon the execution of his office, take an oath before some judge of the United States, or judge of some court of record of the State in which such mint is located, faithfully and diligently to perform the duties thereof; in addition to other official oaths prescribed by law, such oath, duly certified, shall be transmitted to the Secretary of the Treasury. The superintendent of each mint may require such oath from any of the employes of the mint. (See §§ 1756, 1757.) |
| Ibid., s. 10, p. 425. | |
| Bonds of officers, assistants, and clerks. | SEC. 3501. The superintendent, the assayer, the melter and refiner, and the coiner of each mint, before entering upon the execution of their respective offices, shall become bound to the United States, with one or more sureties, approved by the Secretary of the Treasury, in the sum of not less than ten nor more than fifty thousand dollars, with condition for the faithful and diligent performance of the duties of his office. Similar bonds may be required of the assistants and clerks, in such sums as the superintendent shall determine, with the approbation of the Director of the Mint; but the same shall not be construed to relieve the superintendent or other officers from liability to the United States for acts, omissions, or negligence of their subordinates or employes; and the Secretary of the Treasury may, at his discretion, increase the bonds of the superintendents. |
| Ibid., s. 11, p. 425. | |
| Who to act in absence of director, superintendent, or other officer. | SEC. 3502. Whenever any officer of a mint or assay-office shall be temporarily absent, on account of sickness or any other cause, it shall be lawful for the superintendent, with the consent of such officer, to appoint some person attached to the mint to act in the place of such officer during his absence; but all such appointments shall be forthwith reported to the Director of the Mint for his approval; and in all cases whatsoever the principal shall be responsible for the acts of his representative. In case of the temporary absence of the superintendent, the chief clerk shall act in his place; in case of the temporary absence of |
| Ibid., s. 9, p. 425. | |

the Director of the Mint the Secretary of the Treasury may designate some one to act in his place.

SEC. 3503. The superintendent of each mint shall have the control thereof, the superintendence of the officers and persons employed therein, and the supervision of the business thereof, subject to the approval of the Director of the Mint. He shall make reports to the Director of the Mint at such times and according to such forms as the Director may prescribe; which shall exhibit in detail, and under appropriate heads, the deposits of bullion, the amount of gold, silver, and minor coinage, and the amount of unparted, standard, and refined bars issued, and such other statistics and information as may be required.

General duties
of superintendents
of mints.

Ibid., s. 4, p. 424.

SEC. 3504. He shall keep and render, quarter-yearly, to the Director of the Mint, for the purpose of adjustment according to such forms as may be prescribed by the Secretary of the Treasury, regular and faithful accounts of his transactions with the other officers of the mint and the depositors; and shall also render to him a monthly statement of the ordinary expenses of the mint or assay-office under his charge. He shall also appoint all assistants, clerks, one of whom shall be designated "chief clerk," and workmen employed under his superintendence; but no person shall be appointed to employment in the offices of the assayer, melter and refiner, coiner, or engraver, except on the recommendation and nomination in writing of those officers, respectively. He shall forthwith report to the Director of the Mint the names of all persons appointed by him, the duties to be performed, the rate of compensation, the appropriation from which compensation is to be made, and the grounds of the appointment; and if the Director of the Mint shall disapprove the same, the appointment shall be vacated.

Ibid.

SEC. 3505. Any gold coins of the United States, if reduced in weight by natural abrasion not more than one-half of one per centum below the standard weight prescribed by law, after a circulation of twenty years, as shown by the date of coinage, and at a ratable proportion for any period less than twenty years, shall be received at their nominal value by the United States Treasury and its offices, under such regulations as the Secretary of the Treasury may prescribe for the protection of the Government against fraudulent abrasion or other practices.

Coins reduced in
weight by abra-
sion.

Ibid., s. 14, p. 426.

SEC. 3506. The superintendent of each mint shall receive and safely keep, until legally withdrawn, all moneys or bullion which shall be for the use or the expenses of the mint. He shall receive all bullion brought to the mint for assay or coinage; shall be the keeper of all bullion or coin in the mint, except while the same is legally in the hands of other officers; and shall deliver all coins struck at the mint to the persons to whom they shall be legally payable. From the report of the assayer and the weight of the bullion, he shall compute the value of each deposit, and also the amount of the charges or deductions, if any, of all which he shall give a detailed memorandum to the depositor; and he shall also give at the same time, under his hand, a certificate of the net amount of the deposit, to be paid in coins or bars of the same species of bullion as that deposited, the correctness of which certificate shall be verified by the assayer, who shall countersign the same, and in all cases of transfer of coin or bullion, shall give and receive vouchers, stating the amount and character of such coin or bullion.

Duties of super-
intendents in re-
spect to coin and
bullion.

Ibid., s. 4, p. 424.

SEC. 3507. The assayer shall assay all metals and bullion, whenever such assays are required in the operations of the mint; and shall make assays of coin or samples of bullion whenever required by the superintendent.

Duties of assay-
ers.

Ibid., s. 5, p. 425.

SEC. 3508. The melter and refiner shall execute all the operations which are necessary in order to form ingots of standard silver or gold, and alloys for minor coinage, suitable for the coiner, from the metals legally delivered to him for that purpose; and shall also execute all the operations which are necessary in order to form bars conformable in all respects to the law, from the gold and silver bullion delivered to him for that purpose. He shall keep a careful record of all transactions with

Duties of melt-
ers and refiners.

Ibid., s. 6, p. 425.

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| | the superintendent, noting the weight and character of the bullion, and shall be responsible for all bullion delivered to him until the same is returned to the superintendent and the proper vouchers obtained. |
| Duties of coiners. | SEC. 3509. The coiner shall execute all the operations which are necessary in order to form coins, conformable in all respects to the law, from the standard gold and silver ingots, and alloys for minor coinage, legally delivered to him for that purpose; and shall be responsible for all bullion delivered to him, until the same is returned to the superintendent and the proper vouchers obtained. |
| Ibid., s. 7, p. 425. | |
| Duties of engravers. | SEC. 3510. The engraver shall prepare from the original dies already authorized all the working-dies required for use in the coinage of the several mints, and, when new coins or devices are authorized, shall, if required by the Director of the Mint, prepare the devices, models, molds, and matrices, or original dies, for the same; but the Director of the Mint shall nevertheless have power, with the approval of the Secretary of the Treasury, to engage temporarily for this purpose the services of one or more artists, distinguished in their respective departments of art, who shall be paid for such service from the contingent appropriation for the Mint at Philadelphia. |
| Ibid., s. 8, p. 425. | |
| Gold coins of the United States and their weight. | SEC. 3511. The gold coins of the United States shall be a one-dollar piece, which, at the standard weight of twenty-five and eight-tenths grains, shall be the unit of value; a quarter-eagle, or two and a half dollar piece; a three-dollar piece; a half-eagle, or five-dollar piece; an eagle, or ten-dollar piece; and a double-eagle, or twenty-dollar piece. And the standard weight of the gold dollar shall be twenty-five and eight-tenths grains; of the quarter-eagle, or two and a half dollar piece, sixty-four and a half grains; of the three-dollar piece, seventy-seven and four-tenths grains; of the half-eagle, or five-dollar piece, one hundred and twenty-nine grains; of the eagle, or ten-dollar piece, two hundred and fifty-eight grains; of the double-eagle, or twenty-dollar piece, five hundred and sixteen grains. |
| Ibid., s. 14, p. 426. | |
| Recoinage of gold coins. | SEC. 3512. Any gold coins in the Treasury of the United States, when reduced in weight by natural abrasion more than one-half of one per centum below the standard weight prescribed by law, shall be recoined. |
| Ibid., s. 14, p. 426. | |
| Silver coins and their weight. | SEC. 3513. The silver coins of the United States shall be a trade-dollar, a half-dollar, or fifty-cent piece, a quarter-dollar, or twenty-five-cent piece, a dime, or ten-cent piece; and the weight of the trade-dollar shall be four hundred and twenty grains troy; the weight of the half-dollar shall be twelve grams and one-half of a gram; the quarter-dollar and the dime shall be, respectively, one-half and one-fifth of the weight of said half-dollar. |
| Ibid., s. 15, p. 427. | |
| Standard for gold and silver coins. | SEC. 3514. The standard for both gold and silver coins of the United States shall be such that of one thousand parts by weight nine hundred shall be of pure metal and one hundred of alloy. The alloy of the silver coins shall be of copper. The alloy of the gold coins shall be of copper, or of copper and silver; but the silver shall in no case exceed one-tenth of the whole alloy. (See § 5460.) |
| Ibid., s. 13, p. 426. | |
| Minor coins; their weight and alloy. | SEC. 3515. The minor coins of the United States shall be a five-cent piece, a three-cent piece, and a one-cent piece. The alloy for the five and three cent pieces shall be of copper and nickel, to be composed of three-fourths copper and one-fourth nickel. The alloy of the one-cent piece shall be ninety-five per centum of copper and five per centum of tin and zinc, in such proportions as shall be determined by the Director of the Mint. The weight of the piece of five cents shall be seventy-seven and sixteen-hundredths grains troy; of the three-cent piece, thirty grains; and of the one-cent piece, forty-eight grains. |
| Ibid., s. 16, p. 427. | |
| Issue of other coins prohibited. | SEC. 3516. No coins, either of gold, silver, or minor coinage, shall hereafter be issued from the Mint other than those of the denominations, standards, and weights set forth in this Title. (See §§ 5457-5462.) |
| Ibid., s. 17, p. 427. | |
| Inscriptions upon coins. | SEC. 3517. Upon the coins there shall be the following devices and legends: Upon one side there shall be an impression emblematic of liberty, with an inscription of the word "Liberty" and the year of the |
| Ibid., s. 18, p. 427. | |

coinage, and upon the reverse shall be the figure or representation of an eagle, with the inscriptions "United States of America" and "E Pluribus Unum," and a designation of the value of the coin; but on the gold dollar and three-dollar-piece, the dime, five, three, and one-cent piece, the figure of the eagle shall be omitted; and on the reverse of the silver trade-dollar the weight and the fineness of the coin shall be inscribed.

SEC. 3518. At the option of the owner gold or silver may be cast into bars of fine metal, or of standard fineness, or unparted, as he may prefer, with a stamp upon the same designating the weight and fineness, and with such devices impressed thereon as may be deemed expedient to prevent fraudulent imitation, and no such bars shall be issued of a less weight than five ounces.

Gold and silver bars.

Ibid., s. 19, p. 427.

SEC. 3519. Any owner of gold bullion may deposit the same at any mint, to be formed into coin or bars for his benefit. It shall be lawful, however, to refuse any deposit of less value than one hundred dollars, or any bullion so base as to be unsuitable for the operations of the Mint. In cases where gold and silver are combined, if either metal be in such small proportion that it cannot be separated advantageously, no allowance shall be made to the depositor for its value.

Coining gold bullion; when deposits may be refused.

Ibid., s. 20, p. 427.

SEC. 3520. Any owner of silver bullion may deposit the same at any mint, to be formed into bars, or into dollars of the weight of four hundred and twenty grains troy, designated in this Title as trade-dollars, and no deposit of silver for other coinage shall be received. Silver bullion contained in gold deposits, and separated therefrom, may, however, be paid for in silver coin, at such valuation as may be, from time to time, established by the Director of the Mint.

Silver bullion may be received for forming into bars or trade-dollars.

Ibid., s. 21, p. 427.

SEC. 3521. When bullion is deposited in any of the mints, it shall be weighed by the superintendent, and, when practicable, in the presence of the depositor, to whom a receipt shall be given, which shall state the description and weight of the bullion. When, however, the bullion is in such a state as to require melting, or the removal of base metals, before its value can be ascertained, the weight, after such operation, shall be considered as the true weight of the bullion deposited. The fitness of the bullion to be received shall be determined by the assayer, and the mode of melting by the melter and refiner.

Weighing bullion and ascertaining its value.

Ibid., s. 22, p. 428.

SEC. 3522. From every parcel of bullion deposited for coinage or bars, the superintendent shall deliver to the assayer a sufficient portion for the purpose of being assayed. The bullion remaining from the operations of the assay shall be returned to the superintendent by the assayer.

Assay of bullion.

Ibid., s. 23, p. 428.

SEC. 3523. The assayer shall report to the superintendent the quality or fineness of the bullion assayed by him, and such information as will enable him to compute the amount of the charges hereinafter provided for, to be made to the depositor.

Assayer to report to superintendent quality of bullion assayed.

Ibid., s. 24, p. 428.

SEC. 3524. The charge for converting standard gold bullion into coin shall be one-fifth of one per centum. The charges for converting standard silver into trade-dollars for melting and refining when bullion is below standard, for toughening when metals are contained in it which render it unfit for coinage, for copper used for alloy when the bullion is above standard, for separating the gold and silver when these metals exist together in the bullion, and for the preparation of bars, shall be fixed, from time to time, by the Director, with the concurrence of the Secretary of the Treasury, so as to equal but not exceed, in their judgment, the actual average cost to each mint and assay-office of the material, labor, wastage, and use of machinery employed in each of the cases aforementioned.

Charges for converting bullion, &c., into coin.

Ibid., s. 25, p. 428.

SEC. 3525. The assayer shall verify all calculations made by the superintendent of the value of deposits, and, if satisfied of the correctness thereof, shall countersign the certificate required to be given by the superintendent to the depositor.

Assayer to verify calculations of the value of deposits and countersign certificate.

Ibid., s. 26, p. 428.

Purchase of bullion for silver coinage, the silver-profit fund.

Ibid., s. 27, p. 428.

Paying out silver coins for gold coin authorized.

Ibid., s. 28, p. 428.

Purchase of metal for minor coinage; the minor-coinage profit-fund.

Ibid., s. 29, p. 429.

Delivery of minor coins; redemption.

Ibid., s. 30, p. 429.

SEC. 3526. In order to procure bullion for the silver coinage authorized by this Title, the superintendents, with the approval of the Director of the Mint, as to price, terms, and quantity, shall purchase such bullion with the bullion-fund. The gain arising from the coinage of such silver bullion into coin of a nominal value exceeding the cost thereof shall be credited to a special fund denominated the silver-profit fund. This fund shall be charged with the wastage incurred in the silver coinage, and with the expense of distributing such silver coins as hereinafter provided. The balance to the credit of this fund shall be from time to time, and at least twice a year, paid into the Treasury of the United States.

SEC. 3527. Silver coins other than the trade-dollar shall be paid out at the several mints, and at the assay-office in New York City, in exchange for gold coins at par, in sums not less than one hundred dollars. It shall be lawful, also, to transmit parcels of the same, from time to time, to the assistant treasurers, depositaries, and other officers of the United States, under general regulations proposed by the Director of the Mint, and approved by the Secretary of the Treasury. Nothing herein contained shall, however, prevent the payment of silver coins, at their nominal value, for silver parted from gold, as provided in this Title, or for change less than one dollar in settlement for gold deposits. But for two years after the twelfth day of February, eighteen hundred and seventy-three, silver coins shall be paid at the Mint in Philadelphia and the assay-office in New York City, for silver bullion purchased for coinage, under such regulations as may be prescribed by the Director of the Mint and approved by the Secretary of the Treasury.

SEC. 3528. For the purchase of metal for the minor coinage authorized by this Title, a sum not exceeding fifty thousand dollars in lawful money of the United States shall be transferred by the Secretary of the Treasury to the credit of the superintendent of the Mint at Philadelphia, at which establishment only, until otherwise provided by law, such coinage shall be carried on. The superintendent, with the approval of the Director of the Mint as to price, terms, and quantity, shall purchase the metal required for such coinage by public advertisement, and the lowest and best bid shall be accepted, the fineness of the metals to be determined on the Mint assay. The gain arising from the coinage of such metals into coin of a nominal value, exceeding the cost thereof, shall be credited to the special fund denominated the minor-coinage profit fund; and this fund shall be charged with the wastage incurred in such coinage, and with the cost of distributing said coins as hereinafter provided. The balance remaining to the credit of this fund, and any balance of profits accrued from minor coinage under former acts, shall be, from time to time, and at least twice a year, covered into the Treasury.

SEC. 3529. The minor coins authorized by this Title may, at the discretion of the Director of the Mint, be delivered in any of the principal cities and towns of the United States, at the cost of the Mint, for transportation, and shall be exchangeable at par at the Mint in Philadelphia, at the discretion of the superintendent, for any other coins of copper, bronze, or copper-nickel heretofore authorized by law. It shall be lawful for the Treasurer and the several assistant treasurers and depositaries of the United States to redeem, in lawful money, under such rules as may be prescribed by the Secretary of the Treasury, all copper, bronze, and copper-nickel coins authorized by law when presented in sums of not less than twenty dollars. Whenever, under this authority, these coins are presented for redemption in such quantity as to show the amount outstanding to be redundant, the Secretary of the Treasury is authorized and required to direct that such coinage shall cease until otherwise ordered by him.

SEC. 3530. Parcels of bullion shall be, from time to time, transferred by the superintendent to the melter and refiner. A careful record of these transfers, noting the weight and character of the bullion, shall be kept, and vouchers shall be taken for the delivery of the same, duly receipted by the melter and refiner. The bullion thus placed in the hands of the melter and refiner shall be subjected to the several processes which may be necessary to form it into ingots of the legal standard, and of a quality suitable for coinage.

Transfer of bullion for formation into ingots.

Ibid., s. 31, p. 429.

SEC. 3531. The ingots so prepared shall be assayed. If they prove to be within the limits allowed for deviation from the standard, the assayer shall certify the fact to the superintendent, who shall thereupon receipt for the same, and transfer them to the coiner.

Ingots to be assayed, and receipted for.

Ibid., s. 32, p. 429.

SEC. 3532. The superintendent shall, from time to time, deliver to the coiner ingots for the purpose of coinage. A careful record of these transfers, noting the weight and character of the bullion, shall be kept, and vouchers shall be taken for the delivery of the same, duly receipted by the coiner. The ingots thus placed in the hands of the coiner shall be subjected to the several processes necessary to make from them coins in all respects conformable to law.

Delivery of ingots to coiner for coinage.

Ibid., s. 35, p. 429.

SEC. 3533. No ingots shall be used for coinage which differ from the legal standard more than the following proportions, namely: In gold ingots, one thousandth; in silver ingots, three-thousandths; in minor-coinage alloys, twenty-five thousandths, in the proportion of nickel.

Standard of ingots used for coinage.

Ibid., s. 33, p. 429.

SEC. 3534. The melter and refiner shall prepare all bars required for the payment of deposits; but the fineness thereof shall be ascertained and stamped thereon by the assayer. The melter and refiner shall deliver such bars to the superintendent, who shall receipt for the same.

Preparation and stamping of bars for payment of deposits.

Ibid., s. 34, p. 429.

SEC. 3535. In adjusting the weights of the gold coins, the following deviations shall not be exceeded in any single piece: In the double-eagle and the eagle, one-half of a grain; in the half-eagle, the three-dollar piece, the quarter-eagle, and the one-dollar piece, one-fourth of a grain. And in weighing a number of pieces together, when delivered by the coiner to the superintendent, and by the superintendent to the depositor, the deviation from the standard weight shall not exceed one hundredth of an ounce in five thousand dollars in double-eagles, eagles, half-eagles, or quarter-eagles, in one thousand three-dollar pieces, and in one thousand one-dollar pieces.

Deviations allowed in adjusting weights of gold coins.

Ibid., s. 36, p. 430.

SEC. 3536. In adjusting the weight of the silver coins the following deviations shall not be exceeded in any single piece: In the dollar, the half and quarter dollar, and in the dime, one and one-half grains. And in weighing large number of pieces together, when delivered by the coiner to the superintendent, and by the superintendent to the depositor, the deviations from the standard weight shall not exceed two-hundredths of an ounce in one thousand dollars, half-dollars, or quarter-dollars, and one-hundredth of an ounce in one thousand dimes.

Of silver coins.

Ibid., s. 37, p. 430.

SEC. 3537. In adjusting the weight of the minor coins provided by this Title, there shall be no greater deviation allowed than three grains for the five-cent piece and two grains for the three and one-cent pieces.

Of minor coins.

Ibid., s. 38, p. 430.

SEC. 3538. The coiner shall, from time to time, as coins are prepared, deliver them to the superintendent, who shall receipt for the same, and who shall keep a careful record of their kind, number, and actual weight. In receiving coins it shall be the duty of the superintendent to ascertain, by the trial of a number of single pieces separately, whether the coins of that delivery are within the legal limits of the standard weight; and if his trials for this purpose shall not prove satisfactory, he shall cause all the coins of such delivery to be weighed separately, and such as are not of legal weight shall be defaced and delivered to the melter and refiner as standard bullion, to be again formed into ingots and recoinced; or the whole delivery may, if more convenient, be remelted.

Delivery of coins by coiner, and trial of pieces.

Ibid., s. 39, p. 430.

Trial-pieces to be sealed up and transmitted quarterly to the Mint at Philadelphia.

Ibid., s. 40, p. 430.

SEC. 3539. At every delivery of coins made by the coiner to a superintendent, it shall be the duty of such superintendent, in the presence of the assayer, to take indiscriminately a certain number of pieces of each variety for the annual trial of coins, the number for gold coins being not less than one piece for each one thousand pieces or any fractional part of one thousand pieces delivered; and for silver coins one piece for each two thousand pieces or any fractional part of two thousand pieces delivered. The pieces so taken shall be carefully sealed up in an envelope, properly labeled, stating the date of the delivery, the number and denomination of the pieces inclosed, and the amount of the delivery from which they were taken. These sealed parcels containing the reserved pieces shall be deposited in a pyx, designated for the purpose at each mint, which shall be kept under the joint care of the superintendent and assayer, and be so secured that neither can have access to its contents without the presence of the other, and the reserved pieces in their sealed envelopes from the coinage of each mint shall be transmitted quarterly to the Mint at Philadelphia. A record shall also be kept at the same time of the number and denomination of the pieces so taken for the annual trial of coins, and of the number and denomination of the pieces represented by them and so delivered, a copy of which record shall be transmitted quarterly to the Director of the Mint. Other pieces may, at any time, be taken for such tests as the Director of the Mint shall prescribe.

Disposal of clippings, &c.

Ibid., s. 41, p. 430.

SEC. 3540. The coiner shall, from time to time, deliver to the superintendent the clippings and other portions of bullion remaining after the process of coining; and the superintendent shall receipt for the same and keep a careful record of their weight and character.

Yearly settlement of accounts of coiner, melter and refiner.

Ibid., s. 42, p. 431.

SEC. 3541. The superintendent shall debit the coiner with the amount in weight of standard metal of all the bullion placed in his hands, and credit him with the amount in weight of all the coins, clippings, and other bullion returned by him to the superintendent. Once at least in every year, and at such time as the Director of the Mint shall appoint, there shall be an accurate and full settlement of the accounts of the coiner, and the melter and refiner, at which time those officers shall deliver up to the superintendent all the coins, clippings, and other bullion in their possession, respectively, accompanied by statements of all the bullion delivered to them since the last annual settlement, and all the bullion returned by them during the same period, including the amount returned for the purpose of settlement.

Allowance for wastage.

Ibid., s. 43, p. 431.

SEC. 3542. When all the coins, clippings, and other bullion have been delivered to the superintendent, it shall be his duty to examine the accounts and statements rendered by the coiner and the melter and refiner. The difference between the amount charged, and credited to each officer shall be allowed as necessary wastage, if the superintendent shall be satisfied that there has been a bona-fide waste of the precious metals, and if the amount shall not exceed, in the case of the melter and refiner, one-thousandth of the whole amount of gold, and one and one-half thousandths of the whole amount of silver delivered to him since the last annual settlement, and in the case of the coiner, one-thousandth of the whole amount of silver, and one-half thousandth of the whole amount of gold that has been delivered to him by the superintendent. All copper used in the alloy of gold and silver bullion shall be separately charged to the melter and refiner, and accounted for by him.

Statement of balance-sheet to be forwarded by superintendent to Director of Mints.

Ibid., s. 44, p. 431.

SEC. 3543. It shall also be the duty of the superintendent to forward a correct statement of his balance-sheet, at the close of such settlement, to the Director of the Mint; who shall compare the total amount of gold and silver bullion and coin on hand with the total liabilities of the mint. At the same time a statement of the ordinary expense account, and the moneys therein, shall also be made by the superintendent.

Delivery of coin or bars to depositor.

Ibid., s. 45, p. 431.

SEC. 3544. When the coins or bars which are the equivalent to any deposit of bullion are ready for delivery, they shall be paid to the depositor, or his order, by the superintendent; and the payments shall

be made, if demanded, in the order in which the bullion shall have been brought to the mint. In cases, however, where there is delay in manipulating a refractory deposit, or for any other unavoidable cause, the payment of subsequent deposits, the value of which is known, shall not be delayed thereby. In the denominations of coin delivered, the superintendent shall comply with the wishes of the depositor, except when impracticable or inconvenient to do so.

SEC. 3545. For the purpose of enabling the mints and the assay-office in New York to make returns to depositors with as little delay as possible, it shall be the duty of the Secretary of the Treasury to keep in such mints and assay-office, when the state of the Treasury will admit thereof, such an amount of public money, or bullion procured for the purpose, as he shall judge convenient and necessary, out of which those who bring bullion to the said mints and assay-office may be paid the value thereof, in coin or bars, as soon as practicable after the value has been ascertained. On payment thereof being made, the bullion so deposited shall become the property of the United States. The Secretary of the Treasury may, however, at any time withdraw the fund, or any portion thereof.

Payment in money to depositors when value ascertained.

Ibid., s. 47, p. 431.

SEC. 3546. Unparted bullion may be exchanged at any of the mints for fine bars, on such terms and conditions as may be prescribed by the Director of the Mint, with the approval of the Secretary of the Treasury. The fineness, weight, and value of the bullion received and given in exchange shall in all cases be determined by the mint assay. The charge to the depositor for refining or parting shall not exceed that allowed and deducted for the same operation in the exchange of unrefined for refined bullion.

Exchange of unparted bullion for fine bars.

Ibid., s. 46, p. 431.

SEC. 3547. To secure a due conformity in the gold and silver coins to their respective standards of fineness and weight, the judge of the district court for the eastern district of Pennsylvania, the Comptroller of the Currency, the assayer of the assay-office at New York, and such other persons as the President shall, from time to time, designate, shall meet as assay-commissioners, at the Mint in Philadelphia, to examine and test, in the presence of the Director of the Mint, the fineness and weight of the coins reserved by the several mints for this purpose, on the second Wednesday in February, annually, and may continue their meetings by adjournment, if necessary. If a majority of the commissioners fail to attend at any time appointed for their meeting, the Director of the Mint shall call a meeting of the commissioners at such other time as he may deem convenient. If it appears by such examination and test that these coins do not differ from the standard fineness and weight by a greater quantity than is allowed by law, the trial shall be considered and reported as satisfactory. If, however, any greater deviation from the legal standard or weight appears, this fact shall be certified to the President; and if, on a view of the circumstances of the case, he shall so decide, the officers implicated in the error shall be thenceforward disqualified from holding their respective offices.

Appointment and meeting of assay-commissioners.

Ibid., s. 48, p. 432.

SEC. 3548. For the purpose of securing a due conformity in weight of the coins of the United States to the provisions of this Title, the brass troy-pound weight procured by the minister of the United States at London, in the year eighteen hundred and twenty-seven, for the use of the Mint and now in the custody of the Mint at Philadelphia, shall be the standard troy pound of the Mint of the United States, conformably to which the coinage thereof shall be regulated.

Standard troy pound for the regulation of coinage.

Ibid., s. 49, p. 432.

SEC. 3549. It shall be the duty of the Director of the Mint to procure for each mint and assay-office, to be kept safely thereat, a series of standard weights corresponding to the standard troy pound of the Mint of the United States, consisting of a one-pound weight and the requisite subdivisions and multiples thereof, from the hundredth part of a grain to twenty-five pounds. The troy weights ordinarily employed in the transactions of such mints and assay-offices shall be regulated according to the above standards at least once in every year, under the inspection

Standard weights for mints and assay offices.

Ibid., s. 50, p. 432.

of the superintendent and assayer; and the accuracy of those used at the Mint at Philadelphia shall be tested annually, in the presence of the assay-commissioners, at the time of the annual examination and test of coins.

Yearly destruction of obverse working-dies.

SEC. 3550. The obverse working-dies at each mint shall, at the end of each calendar year, be defaced and destroyed by the coiner in the presence of the superintendent and assayer.

Ibid., s. 51, p. 432.

National and other medals may be struck at Mint at Philadelphia.

SEC. 3551. Dies of a national character may be executed by the engraver, and national and other medals struck by the coiner of the Mint at Philadelphia, under such regulations as the superintendent, with the approval of the Director of the Mint, may prescribe. Such work shall not, however, interfere with the regular coinage operations, and no private medal dies shall be prepared at any mint, or the machinery or apparatus thereof be used for that purpose.

Ibid., s. 52, p. 432.

Money arising from charges and deductions to be covered into Treasury.

SEC. 3552. The moneys arising from all charges and deductions on and from gold and silver bullion and the manufacture of medals, and from all other sources, except as provided by this Title, shall, from time to time, be covered into the Treasury, and no part of such deductions or medal charges, or profit on silver or minor coinage, shall be expended in salaries or wages. All expenditures of the mints and assay-offices, not herein otherwise provided for, shall be paid from appropriations made by law on estimates furnished by the Secretary of the Treasury.

Ibid., s. 53, p. 432.

Business of assay-office at New York.

SEC. 3553. The business of the United States assay-office at New York shall be in all respects similar to that of the mints, except that bars only, and not coin, shall be manufactured therein; and no metals shall be purchased for minor coinage. All bullion intended by the depositor to be converted into coins, of the United States, and silver bullion purchased for coinage, when assayed, parted, and refined, and its net value certified, shall be transferred to the Mint at Philadelphia, under such directions as shall be made by the Secretary of the Treasury, at the expense of the contingent fund of the Mint, and shall be there coined, and the proceeds returned to the assay-office. And the Secretary of the Treasury is hereby authorized to make the necessary arrangements for the adjustment of the accounts upon such transfers between the respective offices.

Ibid., s. 54, p. 433.

Appointment of officers at New York.

SEC. 3554. The officers of the assay-office at New York shall be a superintendent, an assayer, and a melter and refiner; each of whom shall be appointed by the President, by and with the advice and consent of the Senate.

Ibid.

Duties, &c., of officers at New York.

SEC. 3555. The duties of the superintendent, the assayer, and the melter and refiner of the assay-office at New York shall correspond to those of superintendents, assayers, and melters and refiners of mints; and all the provisions of this Title relating to mints and their officers, the duties and responsibilities of such officers, and others employed therein, the oaths to be taken, and the bonds and sureties to be given by them, shall extend, as far as the same may be applicable, to the assay-office at New York, and to its officers, clerks, and employés.

Ibid., s. 55, p. 433.

Salaries of officers at New York.

SEC. 3556. The officers of the assay-office at New York shall be entitled to the following salaries:

Ibid., s. 56, p. 433.

First. The superintendent, to four thousand five hundred dollars a year.

Second. The assayer, to three thousand dollars a year.

Third. The melter and refiner, to three thousand dollars.

Appointment and salaries of assistants and employés at New York.

SEC. 3557. The appointment and compensation of assistants, clerks, and workmen in the assay-office at New York shall be regulated in the same manner as is prescribed in regard to mints.

Ibid.

Business of mint at Denver and of assay-offices at

SEC. 3558. The business of the mint of the United States at Denver, while conducted as an assay-office, that of the United States assay-office at Boise City, and that of any other assay-offices hereafter established,

shall be confined to the receipt of gold and silver bullion, for melting and assaying, to be returned to depositors of the same, in bars, with the weight and fineness stamped thereon.

SEC. 3559. The officers of the assay-offices embraced by the preceding section shall be, when their respective services are required, an assayer and a melter; each of whom shall be appointed by the President, by and with the advice and consent of the Senate. Their salaries shall not exceed two thousand five hundred dollars a year each.

SEC. 3560. The assayer at each of the assay-offices embraced by section thirty-five hundred and fifty-eight, shall have general charge of the office; and may employ, under the direction of the Director of the Mint, such clerks, workmen, and laborers as may be authorized therefor by law; and shall discharge the duties of disbursing agent for the expenses of the office under his charge. The salaries paid to clerks shall not exceed one thousand eight hundred dollars a year each. Workmen and laborers shall receive such wages as are customary according to their respective stations and occupations.

SEC. 3561. Each officer and clerk appointed at either of the assay-offices embraced by section thirty-five hundred and fifty-eight shall, before entering upon the duties of his office, take an oath pursuant to the provisions of Title XIX, "PROVISIONS APPLYING TO SEVERAL CLASSES OF OFFICERS," and shall give a bond to the United States, with one or more sureties, satisfactory to the Director of the Mint or to one of the judges of the supreme court of the State or Territory in which the office to which he is appointed is located, conditioned for the faithful performance of his duties. [Sec §§ 1756, 1757.]

SEC. 3562. All provisions of law for the regulation of mints, the government of officers and persons employed therein, and for the punishment of all offenses connected with mints or coinage, shall extend to all assay-offices, as far as applicable. [Sec § 5460.]

SEC. 3563. The money of account of the United States shall be expressed in dollars or units, dimes or tenths, cents, or hundredths, and mills or thousandths, a dime being the tenth part of a dollar, a cent the hundredth part of a dollar, a mill the thousandth part of a dollar; and all accounts in the public offices and all proceedings in the courts shall be kept and had in conformity to this regulation.

SEC. 3564. The value of foreign coin as expressed in the money of account of the United States shall be that of the pure metal of such coin of standard value; and the values of the standard coins in circulation of the various nations of the world shall be estimated annually by the Director of the Mint, and be proclaimed on the first day of January by the Secretary of the Treasury.

SEC. 3565. In all payments by or to the Treasury, whether made here or in foreign countries, where it becomes necessary to compute the value of the sovereign or pound sterling, it shall be deemed equal to four dollars eighty-six cents and six and one-half mills, and the same rule shall be applied in appraising merchandise imported where the value is, by the invoice, in sovereigns or pounds sterling, and in the construction of contracts payable in sovereigns or pounds sterling; and this valuation shall be the par of exchange between Great Britain and the United States; and all contracts made after the first day of January, eighteen hundred and seventy-four, based on an assumed par of exchange with Great Britain of fifty-four pence to the dollar, or four dollars forty-four and four-ninths cents to the sovereign or pound sterling, shall be null and void.

SEC. 3566. All foreign gold and silver coins received in payment for moneys due to the United States shall, before being issued in circulation, be coined anew.

SEC. 3567. The pieces commonly known as the quarter, eighth, and sixteenth of the Spanish pillar-dollar, and of the Mexican dollar, shall be receivable at the Treasury of the United States, and its several offices, and at the several post-offices and land-offices, at the rates of valua-

Boise City and Charlotte.

Ibid., s. 57.

Appointment of officer at Denver, Boise City, and Charlotte.

Ibid., s. 57, p. 433.

Powers and duties of assayers at assay-offices.

Ibid., ss. 57, 58, p. 433.

Compensation of employes.

Bond and oath of officers and clerks.

Ibid., s. 58, p. 433.

Laws relating to mints extended to assay-offices.

Ibid., s. 60, p. 434.

Decimal system established.

2 April, 1792, c. 16, s. 20, v. 1, p. 250.

Value of foreign coins, how ascertained.

3 March, 1873, c. 268, v. 17, s. 1, p. 602.

Value of the sovereign or pound sterling.

Ibid., s. 2, p. 603.

Recoinage of foreign coins.

9 Feb., 1793, c. 5,

s. 3, v. 1, p. 301. 21 Feb., 1857, c. 56, s. 2, v. 11, p. 163.

Spanish and Mexican coins.

21 Feb., 1857, c. 56, s. 1, v. 11, p. 163.

tion following: the fourth of a dollar, or piece of two reals, at twenty cents; the eighth of a dollar, or piece of one real, at ten cents; and the sixteenth of a dollar, or half-real, at five cents.

Their transmission for re-coinage.

21 Feb., 1857, c. 56, s. 2, v. 11, p. 163.

Use of the metric system authorized.

28 July, 1866, c. 301, s. 1, v. 14, p. 339.

Authorized tables of weights and measures.

28 July, 1866, c. 301, s. 2, v. 14, pp. 339, 340.

SEC. 3568. The Director of the Mint, with the approval of the Secretary of the Treasury, may prescribe such regulations as are necessary and proper, to secure the transmission of the coins mentioned in the preceding section to the Mint for recoinage, and the turn or distribution of the proceeds thereof, when deemed expedient, and may prescribe such forms of account as are appropriate and applicable to the circumstances. The expenses incident to such transmission or distribution, and of recoinage, shall be charged against the account of silver profit and loss, and the net profits, if any, shall be paid, from time to time, into the Treasury.

SEC. 3569. It shall be lawful throughout the United States of America to employ the weights and measures of the metric system; and no contract or dealing, or pleading in any court, shall be deemed invalid or liable to objection because the weights or measures expressed or referred to therein are weights or measures of the metric system.

SEC. 3570. The tables in the schedule hereto annexed shall be recognized in the construction of contracts, and in all legal proceedings, as establishing, in terms of the weights and measures now in use in the United States, the equivalents of the weights and measures expressed therein in terms of the metric system; and the tables may lawfully be used for computing, determining, and expressing in customary weights and measures the weights and measures of the metric system.

MEASURES OF LENGTH.

| Metric denominations and values. | | Equivalents in denominations in use. |
|----------------------------------|------------------------------|---|
| Myriameter | 10,000 meters. | 6.2137 miles. |
| Kilometer | 1,000 meters. | 0.62137 miles, or 3,280 feet and 10 inches. |
| Hectometer | 100 meters. | 328 feet and 1 inch. |
| Dekameter | 10 meters. | 39.37 inches. |
| Meter | 1 meter. | 39.37 inches. |
| Decimeter | $\frac{1}{10}$ of a meter. | 3.937 inches. |
| Centimeter | $\frac{1}{100}$ of a meter. | 0.3937 inches. |
| Millimeter | $\frac{1}{1000}$ of a meter. | 0.0394 inches. |

MEASURES OF CAPACITY.

| Metric denominations and values. | | | Equivalents in denominations in use. | |
|----------------------------------|------------------|-------------------------------------|--------------------------------------|-------------------------|
| Names. | Num. of liters. | Cubic measure. | Dry measure. | Liquor or wine measure. |
| Kiloliter, or stere. | 1,000 | 1 cubic meter. | 1.308 cub. yards. | 264.17 gallons. |
| Hectoliter .. | 100 | $\frac{1}{10}$ of a cubic meter .. | 2 bushels and 3.35 pecks. | 26.417 gallons. |
| Dekaliter ... | 10 | 10 cubic decimeters .. | 9.08 quarts. | 2.6417 gallons. |
| Liter | 1 | 1 cubic decimeter .. | 0.908 quarts. | 1.0567 quarts. |
| Deciliter ... | $\frac{1}{10}$ | $\frac{1}{10}$ of a cub. decimeter. | 6.1022 cub. inch ... | 0.845 gills. |
| Centiliter ... | $\frac{1}{100}$ | 10 cubic centimeters. | 0.6102 cub. inch ... | 0.338 fluid ounces. |
| Milliliter ... | $\frac{1}{1000}$ | 1 cubic centimeter .. | 0.061 cub. inch ... | 0.27 fluid drams. |

MEASURES OF SURFACE.

| Metric denominations and values. | | Equivalents in denominations in use. |
|----------------------------------|-----------------------|--------------------------------------|
| Hectare | 10,000 square meters. | 2.471 acres. |
| Are | 100 square meters. | 119.6 square yards. |
| Centare | 1 square meter. | 1550 square inches. |

WEIGHTS.

| Metric denominations and values. | | | Equivalents in denominations in use. |
|----------------------------------|------------------|--|--------------------------------------|
| Names. | Number of grams. | Weight of what quantity of water at maximum density. | Avoirdupois weight. |
| Millier or tonneau.... | 1,000,000 | 1 cubic meter..... | 2204.6 pounds. |
| Quintal | 100,000 | 1 hectoliter..... | 220.46 pounds. |
| Myriagram | 10,000 | 10 liters | 22.046 pounds. |
| Kilogram or kilo | 1,000 | 1 liter..... | 2.2046 pounds. |
| Hectogram | 100 | 1 deciliter | 3.5274 ounces. |
| Dekagram | 10 | 10 cubic centimeters | 0.3527 ounces. |
| Gram | 1 | 1 cubic centimeter | 15.432 grains. |
| Decigram | $\frac{1}{10}$ | $\frac{1}{10}$ of a cubic centimeter..... | 1.5432 grains. |
| Centigram | $\frac{1}{100}$ | 10 cubic millimeters | 0.1543 grains. |
| Milligram..... | $\frac{1}{1000}$ | 1 cubic millimeter | 0.0154 grains. |

TITLE XXXVIII.

THE CURRENCY.

Sec.
 3571. United States notes.
 3572. Amount of fractional currency authorized.
 3573. No issue less than ten cents.
 3574. Form and redemption of fractional notes.
 3575. Preparation of fractional and other notes.
 3576. Portraits of living persons not to be placed on bonds or notes.

Sec.
 3577. Engraving and printing notes.
 3578. Expenses of issuing notes.
 3579. Re-issue of United States notes.
 3580. Replacing mutilated notes.
 3581. Destruction of notes.
 3582. Reduction of the currency suspended.
 3583. Restriction on notes less than one dollar.

United States notes.

3 March, 1863, c. 73, s. 3, v. 12, p. 710.
 17 Jan., 1863, Res. 9, v. 12, p. 822.
 c. 33, s. 1, v. 12, p. 345.

SEC. 3571. United States notes shall be of such denominations, not less than one dollar, as the Secretary of the Treasury may prescribe, shall not bear interest, shall be payable to bearer, and shall be in such form as the Secretary may deem best. [See §§ 5413, 5414, 5430-5434.]

Amount of fractional currency authorized.

30 June, 1864, c. 172, s. 5, v. 13, p. 220.

SEC. 3572. The whole amount of notes or stamps for the fractions of a dollar, issued as currency, shall not, at any time, exceed fifty millions of dollars.

No issue less than ten cents.

16 March, 1866, c. 81, s. 3, v. 14, p. 47.

SEC. 3573. No issue of fractional notes of the United States shall be of a less denomination than ten cents; and all issues of a less denomination shall, when paid into the Treasury or any designated depository of the United States, or redeemed or exchanged as now provided by law, be retained and canceled.

Form and redemption of fractional notes.

3 March, 1863, c. 73, s. 4, v. 12, p. 711.
 30 June, 1864, c. 172, s. 5, v. 13, p. 220.

SEC. 3574. The notes of the fractional currency shall be in such form, with such inscriptions, and with such safeguards against counterfeiting as the Secretary of the Treasury may deem best. They shall be exchangeable by the assistant treasurers and designated depositories for United States notes in sums of not less than three dollars; and shall be receivable for postage and revenue stamps, and for all dues to the United States, except customs, in sums not over five dollars, and shall be redeemed on presentation at the Treasury of the United States in such sums and under such regulations as the Secretary of the Treasury shall prescribe.

Preparation of notes.

30 June, 1864, c. 172, s. 5, v. 13, p. 220.
 3 March, 1863, c. 73, s. 4, v. 12, p. 711.

SEC. 3575. The Secretary of the Treasury may provide for the engraving and preparation, and for the issue of fractional and other notes, and shall make such regulations for the redemption of such notes when mutilated or defaced, and for the receipt of fractional notes in payment of debts to the United States, except for customs, in such sums, not over five dollars, as may appear to him expedient.

Portraits of living persons not to be placed on bonds or notes.

7 April, 1866, c. 28, s. 12, v. 14, p. 25.

SEC. 3576. No portrait shall be placed upon any of the bonds, securities, notes, fractional or postal currency of the United States, while the original of such portrait is living.

Engraving and printing notes.

11 July, 1862, c. 142, s. 2, v. 12, p. 532.

[See §§ 5430, 5453.]

SEC. 3577. The Secretary of the Treasury may cause notes to be engraved, printed, and executed, at the Department of the Treasury in Washington, and under his direction, if he deems it inexpedient to procure them to be engraved and printed by contract; and he may purchase and provide all the machinery and materials, and employ such persons and appoint such officers as are necessary for this purpose.

SEC. 3578. The necessary expenses of engraving, printing, preparing, and issuing the United States notes, Treasury notes, and fractional notes shall be paid out of any money in the Treasury not otherwise appropriated; but no extra compensation for preparing, signing, or issuing such notes shall be allowed to any officer whose salary is fixed by law.

Expenses of issuing notes.

30 June, 1864, c. 172, s. 9, v. 13, p. 221.

23 Dec., 1857, c. 73, s. 6, v. 12, p. 711.

1, s. 11, v. 11, p. 259. 3 March, 1863, c. 73, s. 6, v. 12, p. 711.

SEC. 3579. When any United States notes are returned to the Treasury, they may be re-issued, from time to time, as the exigencies of the public interest may require.

Re-issue of United States notes.

3 March, 1863, c. 73, s. 3, v. 12, p. 710. 11 July, 1862, c. 142, s. 1, v. 12, p. 532. 25 Feb. 1862, c. 33, s. 1, v. 12, p. 345.

SEC. 3580. When any United States notes returned to the Treasury are so mutilated or otherwise injured as to be unfit for use, the Secretary of the Treasury is authorized to replace the same with others of the same character and amounts.

Replacing mutilated notes.

17 March, 1862, c. 45, s. 4, v. 12, p. 370.

SEC. 3581. Mutilated United States notes, when replaced according to law, and all other notes which by law are required to be taken up, and not re-issued, when taken up, shall be destroyed in such manner and under such regulations as the Secretary of the Treasury may prescribe.

Destruction of notes.

17 March, 1862, c. 45, s. 4, v. 12, p. 370.

SEC. 3582. The authority given to the Secretary of the Treasury to make any reduction of the currency, by retiring and canceling United States notes, is suspended.

Reduction of the currency suspended.

4 Feb., 1868, c. 6, v. 15, p. 34. 12 April, 1866, c. 39, s. 1, v. 14, p. 31.

SEC. 3583. No person shall make, issue, circulate, or pay out any note, check, memorandum, token, or other obligation for a less sum than one dollar, intended to circulate as money or to be received or used in lieu of lawful money of the United States; and every person so offending shall be fined not more than five hundred dollars or imprisoned not more than six months, or both, at the discretion of the court.

Restriction on notes less than one dollar.

17 July, 1862, c. 196, s. 2, v. 12, p. 592.

TITLE XXXIX.

LEGAL TENDER.

Sec.

3584. Foreign coins.
 3585. Gold coins of the United States.
 3586. Silver coins of the United States.
 3587. Minor coins.

Sec.

3588. United States notes.
 3589. Demand Treasury-notes.
 3590. Interest-bearing notes.

Foreign coins.

21 Feb., 1857, c.
 36, s. 3, v. 11, p. 163.

Gold coins of the United States.

12 Feb., 1873, c.
 131, s. 14, v. 17, p.
 426.

Silver coins of the United States.

12 Feb., 1873, c.
 131, s. 15, v. 17, p. 427.

Minor coins.

12 Feb., 1873, c.
 131, s. 16, v. 17, p.
 427.

United States notes.

3 March, 1863, c.
 73, s. 3, v. 12, p. 711.
 25 Feb., 1862, c. 33, s. 1, v. 12, p. 345.—*Bank vs. Supervisors*, 7 Wall., 26; *Lane County vs. Oregon*, 7 Wall., 71; *Bronsau vs. Rhodes*, 7 Wall., 229; *Butler vs. Horwitz*, 7 Wall., 258; *Hepburn vs. Griswold*, 8 Wall., 603; *Knox vs. Lee*, 11 Wall., 682; *Legal Tender Cases*, *Knox vs. Lee*, 12 Wall., 457; *Dooley vs. Smith*, 13 Wall., 604; *Railroad Co. vs. Johnson*, 15 Wall., 195.

Demand Treasury notes.

17 March, 1862, c.
 45, s. 2, v. 12, p. 370.
 17 July, 1861, c.
 5, s. 1, v. 12, p. 259.

Interest-bearing notes.

3 March, 1863, c.
 73, s. 2, v. 12, p.
 710.
 30 June, 1864, c.
 172, s. 2, v. 13, p.
 218.

SEC. 3584. No foreign gold or silver coins shall be a legal tender in payment of debts.

SEC. 3585. The gold coins of the United States shall be a legal tender in all payments at their nominal value when not below the standard weight and limit of tolerance provided by law for the single piece, and, when reduced in weight below such standard and tolerance, shall be a legal tender at valuation in proportion to their actual weight.

SEC. 3586. The silver coins of the United States shall be a legal tender at their nominal value for any amount not exceeding five dollars in any one payment.

SEC. 3587. The minor coins of the United States shall be a legal tender, at their nominal value for any amount not exceeding twenty-five cents in any one payment.

SEC. 3588. United States notes shall be lawful money, and a legal tender in payment of all debts, public and private, within the United States, except for duties on imports and interest on the public debt.

17 Jan., 1863, Res. 9, v. 12, p. 823. 11 July, 1862, c. 142, s. 1, v. 12, p. 532. 25 Feb., 1862, c. 33, s. 1, v. 12, p. 345.—*Bank vs. Supervisors*, 7 Wall., 26; *Lane County vs. Oregon*, 7 Wall., 71; *Bronsau vs. Rhodes*, 7 Wall., 229; *Butler vs. Horwitz*, 7 Wall., 258; *Hepburn vs. Griswold*, 8 Wall., 603; *Knox vs. Lee*, 11 Wall., 682; *Legal Tender Cases*, *Knox vs. Lee*, 12 Wall., 457; *Dooley vs. Smith*, 13 Wall., 604; *Railroad Co. vs. Johnson*, 15 Wall., 195.

SEC. 3589. Demand Treasury notes authorized by the act of July seventeen, eighteen hundred and sixty-one, chapter five, and the act of February twelve, eighteen hundred and sixty-two, chapter twenty, shall be lawful money and a legal tender in like manner as United States notes.

12 Feb., 1862, c. 20, v. 12, p. 338. 25 Feb., 1862, c. 33, s. 1, v. 12, p. 345.

SEC. 3590. Treasury notes issued under the authority of the acts of March three, eighteen hundred and sixty-three, chapter seventy-three, and June thirty, eighteen hundred and sixty-four, chapter one hundred and seventy-two, shall be legal tender to the same extent as United States notes, for their face value, excluding interest: *Provided*, That Treasury notes issued under the act last named shall not be a legal tender in payment or redemption of any notes issued by any bank, banking association, or banker, calculated and intended to circulate as money.

TITLE XL.

THE PUBLIC MONEYS.

| Sec. | Sec. |
|--|--|
| 3591. The Treasury of the United States. | 3627. Execution against officer. |
| 3592. Certain mints and assay-offices to be depositories. | 3628. Execution against surety. |
| 3593. All public moneys subject to draft of Treasurer. | 3629. Levy to be a lien. |
| 3594. Superintendents at Carson and Boise City to be assistant treasurers. | 3630. Sale of lands, &c., on execution. |
| 3595. Appointment of assistant treasurers. | 3631. Conveyance of lands sold. |
| 3596. Their salaries. | 3632. Disposal of surplus. |
| 3597. Commissions and perquisites forbidden. | 3633. Penalty on disbursing officer failing to account. |
| 3598. Rooms, &c., for assistant treasurers. | 3634. Extent of application of provisions relating to distress-warrants. |
| 3599. To have charge of and perform their duties in rooms assigned. | 3635. Postponement of proceedings for non-accounting, when allowed. |
| 3600. Their bonds. | 3636. Injunction to stay distress-warrant. |
| 3601. Subordinate officers, clerks, &c., at Boston. | 3637. Proceedings on distress-warrant in circuit court. |
| 3602. Deputy assistant treasurer at New York. | 3638. Rights of United States reserved. |
| 3603. Subordinate officers, clerks, &c., at New York. | 3639. Duties of officers as custodians of public money. |
| 3604. Additional clerks, &c., at New York. | 3640. Transfer of moneys from depositories to Treasury. |
| 3605. Subordinate officers, &c., at Philadelphia. | 3641. Transfer of postal deposits. |
| 3606. At Baltimore. | 3642. Accounts of postal deposits. |
| 3607. At Saint Louis. | 3643. Entry of deposits, transfers, and payments. |
| 3608. At Charleston. | 3644. Public money subject to draft of Treasurer. |
| 3609. At New Orleans. | 3645. Regulations for presenting drafts. |
| 3610. At San Francisco. | 3646. Duplicates for lost or stolen checks. |
| 3611. At Chicago. | 3647. Duplicate check when officer who issued is dead. |
| 3612. At Cincinnati. | 3648. Advance of public moneys prohibited. |
| 3613. Deputies in case of sickness or absence. | 3649. Examination of depositories. |
| 3614. Bonds of special agents. | 3650. Examination of accounts of custodians of public moneys. |
| 3615. Collectors of public moneys to pay over. | 3651. Exchange of funds restricted. |
| 3616. Payment by marshals and district attorneys. | 3652. Premium on sales of public money to be accounted for. |
| 3617. Moneys to be deposited without deduction. | 3653. Expenses of fiscal agents. |
| 3618. Proceeds of sales of material. | 3654. Limit on extra compensation for making disbursements. |
| 3619. Penalty for withholding money. | 3655. Compensation of depositories. |
| 3620. Duty of disbursing officers. | 3656. Limit upon such compensation. |
| 3621. Penalty for failure to deposit when required. | 3657. Collectors to act as disbursing agents. |
| 3622. Accounts. | 3658. Appointment of special disbursing agents where no collector is authorized. |
| 3623. Distinct accounts required. | 3659. Investment of trust-funds. |
| 3624. Suits to recover moneys from officers. | |
| 3625. Distress-warrant. | |
| 3626. Contents of warrant. | |

SEC. 3591. The rooms provided in the Treasury building at the seat of Government for the use of the Treasurer of the United States, his assistants, and clerks, and occupied by them, and the fire-proof vaults and safes erected therein for the keeping of the public moneys in the possession and under the immediate control of the Treasurer, and such other apartments as are provided as places of deposit of the public money, shall be the Treasury of the United States.

SEC. 3592. The mints at Carson City, and at Denver, and the assay-office at Boisé City, shall be places of deposit for such public moneys as the Secretary of the Treasury may direct.

The Treasury of the United States.

6 Aug., 1846, c. 90, s. 1, v. 9, p. 59.

Certain mints and assay-offices to be depositories.

3 March, 1863, c. 96, s. 5, v. 12, p. 770. 21 April, 1862, c. 59, s. 5, v. 12, p. 383. 18 Feb., 1869, c. 33, s. 4, v. 15, p. 271. 12 Feb., 1873, c. 131, ss. 65, 66, v. 17, p. 435.

Public moneys subject to draft of the Treasurer.

SEC. 3593. All public moneys paid into any depository shall be subject to the draft of the Treasurer of the United States, drawn agreeably to appropriations made by law.

6 Aug., 1846, c. 90, s. 1, v. 9, p. 59.

Superintendent of mint at Carson and assay-office at Boisé City to be assistant treasurers.

SEC. 3594. The superintendent of the mint at Carson City, and the superintendent of the assay-office at Boisé City, shall be assistant treasurers of the United States, and shall respectively have the custody and care of all public moneys deposited therein, and shall perform all the duties required of them in reference to the receipt, safe-keeping, transfer, and disbursement of all such moneys, as provided by law.

3 March, 1863, c. 96, s. 5, v. 12, p. 770. 16 p. 485. 18 Feb., 1869, c. 33, s. 4, v. 15, p. 271.

21 April, 1862, c. 50, s. 5, v. 12, p. 383. 3 March, 1871, c. 113, s. 1, v. 12 Feb., 1873, c. 131, ss. 65, 66, v. 17, p. 435.

Appointment, &c., of assistant treasurers.

SEC. 3595. There shall be assistant treasurers of the United States, appointed from time to time by the President, by and with the advice and consent of the Senate, to serve for the term of four years, as follows:

6 Aug., 1846, c. 90, s. 5, v. 9, p. 60.

One at Boston.

7 April, 1868, c. 28, s. 14, v. 14, p. 26.

One at New York.

15 June, 1870, c. 12, s. 1, v. 16, p. 152.

One at Philadelphia.

12 Feb., 1873, c. 131, s. 65, v. 17, p. 435.

One at Baltimore.

One at Charleston.

One at New Orleans.

One at Saint Louis.

3 March, 1873, c. 229, s. 5, v. 17, p. 543.

One at San Francisco.

One at Cincinnati.

One at Chicago.

Salaries of assistant treasurers.

SEC. 3596. The assistant treasurers shall be entitled to the following salaries, to be paid quarter-yearly at the Treasury of the United States, to wit:

6 Aug., 1846, c. 90, s. 22, v. 9, p. 65.

First. The assistant treasurer at Boston, to five thousand dollars a year.

3 March, 1853, c. 98, s. 16, v. 10, p. 214.

Second. The assistant treasurer at New York, to eight thousand dollars a year.

3 March, 1855, c. 175, s. 1, v. 10, p. 656.

Third. The assistant treasurer at Philadelphia, to five thousand dollars a year.

7 April, 1866, c. 28, s. 14, v. 14, p. 26.

Fourth. The assistant treasurer at Baltimore, to five thousand dollars a year.

20 July, 1868, c. 179, s. 1, v. 15, p. 107.

Fifth. The assistant treasurer at Charleston, to four thousand dollars a year.

15 June, 1870, c. 129, s. 4, v. 16, p. 152.

Sixth. The assistant treasurer at New Orleans, to four thousand five hundred dollars a year.

12 Feb., 1873, c. 131, s. 65, v. 17, p. 435.

Seventh. The assistant treasurer at Saint Louis, to five thousand dollars a year.

3 March, 1873, c. 229, s. 8, v. 17, p. 543.

Eighth. The assistant treasurer at San Francisco, to six thousand dollars a year.

Ninth. The assistant treasurer at Cincinnati, to five thousand dollars a year.

Tenth. The assistant treasurer at Chicago, to five thousand dollars a year.

Receipt of commissions and perquisites forbidden.

SEC. 3597. The salaries named in the preceding section shall be in full for the services of the respective officers, and none of them shall charge or receive any commission, pay, or perquisite, for any official service of any character or description whatsoever. Every such officer who makes any such charge, or receives any such compensation, shall be deemed guilty of a misdemeanor, and shall be fined or imprisoned, or both.

6 Aug., 1846, c. 90, s. 22, v. 9, p. 65.

Rooms for use of assistant treasurers.

SEC. 3598. The rooms assigned by law to be occupied by the assistant treasurers, together with the fire-proof vaults therein, or connected therewith, shall be appropriated to the use of the assistant treasurers, and for the safe-keeping of the public moneys deposited with them, respectively.

6 Aug., 1846, c. 90, ss. 3, 4, v. 9, p. 59.

15 June, 1870, c. 129, s. 2, v. 16, p. 152.

SEC. 3599. The assistant treasurers shall have the charge and care of the rooms. Their care and the use of the rooms. the rooms, vaults, and safes assigned to them, respectively, and shall there perform the duties required of them relating to the receipt, safe-keeping, transfer, and disbursement of the public moneys.

6 Aug., 1846, c. 90, ss. 5, 7, v. 9, p. 60. 15 June, 1870, c. 129, s. 2, v. 16, p. 152.

SEC. 3600. All assistant treasurers, and all officers in any mint, or assay-office, authorized by law to act as assistant treasurers, shall, respectively, give bonds to the United States for the faithful discharge of the duties of their respective offices as assistant treasurers, according to law, and for such amounts as shall be directed by the Secretary of the Treasury, with sureties to the satisfaction of the Solicitor of the Treasury; and shall, from time to time, renew, strengthen, and increase their official bonds as the Secretary of the Treasury may direct.

Bonds of assistant treasurers.

6 Aug., 1846, c. 90, ss. 5, 7, v. 9, p. 60.

7 April, 1868, c. 28, s. 14, v. 14, p. 26.

15 June, 1870, c. 12, s. 1, v. 16, p. 152.

12 Feb., 1873, c. 223, s. 5, v. 17, p. 543.

Subordinate officers, &c., at Boston.

10 March, 1862, c. 48, s. 1, v. 12, p. 373.

23 July, 1866, c. 208, s. 1, v. 14, p. 202.

8 May, 1872, c. 140, s. 1, v. 17, p. 70.

3 March, 1873, c. 226, s. 1, v. 17, pp. 495, 496.

SEC. 3601. There shall be employed in the office of the assistant treasurer at Boston: One chief clerk, at two thousand seven hundred dollars a year; one paying-teller, at two thousand five hundred dollars; one chief interest-clerk, at two thousand five hundred dollars; one receiving-teller, at one thousand eight hundred dollars; one first book-keeper, at one thousand seven hundred dollars; one second book-keeper, "depositors'" accounts, at one thousand five hundred dollars; one stamp and new fractional-currency clerk, at one thousand eight hundred dollars; one specie-clerk, at one thousand five hundred dollars; two coupon-clerks, at one thousand four hundred dollars each; one fractional-currency redemption clerk, at one thousand two hundred dollars; one receipt-clerk, at one thousand two hundred dollars; one assistant book-keeper, at eight hundred dollars; one money-clerk, at one thousand dollars; one assistant currency-redemption clerk, at one thousand one hundred dollars; one assistant currency-redemption clerk, at one thousand dollars; one messenger and chief watchman, at one thousand and sixty dollars; two watchmen, at eight hundred and fifty dollars each; one assistant specie-clerk, at one thousand four hundred dollars.

SEC. 3602. The assistant treasurer at New York may, with the approval of the Secretary of the Treasury, appoint from among his clerks a competent person to be called the deputy assistant treasurer of the United States. Such deputy assistant treasurer, in addition to other duties performed by him, and the duties which he may be required to perform by the assistant treasurer, is authorized to witness the execution of all transfers of Government stock and powers of attorney, and to sign all bullion-receipts, with like effect as if the same were witnessed or signed by the assistant treasurer in person.

Deputy assistant treasurer at New York.

6 March, 1862, c. 37, s. 2, v. 12, p. 353.

SEC. 3603. There shall be employed in the office of the assistant treasurer at New York: One deputy assistant treasurer, at three thousand six hundred dollars a year; one cashier and chief clerk, at four thousand two hundred dollars; one chief of coin division, at four thousand dollars; one chief of note-paying division, at three thousand dollars; one chief of note-receiving division, at three thousand dollars; one chief of check-division, at three thousand dollars; one chief of registered-interest division, at two thousand eight hundred dollars; one chief of coupon-interest division, at two thousand five hundred dollars; one chief of fractional-currency division, at two thousand five hundred dollars; one chief of bond division, at two thousand four hundred dollars; one chief of canceled-check and record division, at two thousand dollars; two clerks, at two thousand four hundred dollars each; six clerks, at two thousand two hundred dollars each; ten clerks, at two thousand dollars each; nine clerks, at one thousand eight hundred dollars each; four clerks, at one thousand seven hundred dollars each; four clerks, at one thousand six hundred dollars each; ten clerks, at one thousand four hundred dollars each; three clerks, at one thousand two hundred dollars each; five messengers, at one thousand three hundred dollars each; one messenger, at one thousand two hundred dollars; one keeper of building, at one thousand eight hundred dollars; one chief detective,

Appointment and salaries of subordinate officers, &c., at New York.

6 March, 1862, c. 37, s. 1, v. 12, p. 353.

4 Aug., 1854, c. 242, s. 11, v. 10, p. 573.

3 March, 1873, c. 226, s. 1, v. 17, p. 495.

at one thousand eight hundred dollars; one assistant detective, at one thousand four hundred dollars; four hall-men, at one thousand dollars each; six watchmen, at seven hundred and thirty dollars each; one engineer, at one thousand dollars; one porter, at nine hundred dollars.

Appointment of other clerks, messengers, &c., at New York.

6 March, 1862, c. 37, s. 1, v. 12, p. 353.

SEC. 3604. The assistant treasurer at New York may appoint, from time to time, by and with the consent and approbation of the Secretary of the Treasury, such other clerks, messengers, and watchmen, in addition to those already employed by him, as the exigencies of the public business may require, at rates of compensation to be fixed by the Secretary of the Treasury, but such rates shall in no case exceed those allowed by law for the several persons similarly employed in the office of the said assistant treasurer.

Subordinate officers, &c., at Philadelphia.

3 March, 1863, c. 79, s. 12, v. 12, p. 753.

3 March, 1873, c. 226, s. 1, v. 17, p. 496.

SEC. 3605. There shall be employed in the office of the assistant treasurer at Philadelphia: One cashier and chief clerk, at two thousand seven hundred dollars a year; one chief book-keeper, at two thousand five hundred dollars; one chief interest-clerk, at one thousand nine hundred dollars; one assistant book-keeper, at one thousand eight hundred dollars; one coin-teller, at one thousand seven hundred dollars; one registered-interest clerk, at one thousand seven hundred dollars; one assistant coupon-clerk, at one thousand six hundred dollars; one fractional-currency clerk, at one thousand six hundred dollars; one assistant registered-loan clerk, at one thousand five hundred dollars; one assistant registered-loan clerk, at one thousand four hundred dollars; one assistant coin-teller, at one thousand four hundred dollars; one assistant fractional-currency clerk, at one thousand four hundred dollars; one receiving-teller, at one thousand three hundred dollars; one assistant receiving-teller, at one thousand two hundred dollars; one superintendent of building, at one thousand one hundred dollars; seven female counters, at nine hundred dollars each; four watchmen, at nine hundred and thirty dollars each.

At Baltimore.

15 June, 1870, c. 129, s. 5, v. 16, p. 152.

3 March, 1873, c. 226, s. 1, v. 17, p. 496.

SEC. 3606. There shall be employed in the office of the assistant treasurer at Baltimore: One cashier, at two thousand five hundred dollars a year; three clerks, at one thousand eight hundred dollars each; three clerks, at one thousand four hundred dollars each; two clerks, at one thousand two hundred dollars each; one messenger, at eight hundred and forty dollars; five vault-watchmen, at seven hundred and twenty dollars each.

At Saint Louis.

20 May, 1862, c. 76, s. 2, v. 12, p. 394.

3 March, 1873, c. 226, s. 1, v. 17, p. 496.

SEC. 3607. There shall be employed in the office of the assistant treasurer at Saint Louis: One chief clerk and teller, at two thousand five hundred dollars a year; one assistant teller, at one thousand eight hundred dollars; one book-keeper, at one thousand five hundred dollars; one assistant book-keeper, at one thousand two hundred dollars; one messenger, at one thousand dollars; and four watchmen, at seven hundred dollars each.

At Charleston.

8 May, 1872, c. 140, s. 1, v. 17, p. 71.

3 March, 1873, c. 226, s. 1, v. 17, p. 496.

SEC. 3608. There shall be employed in the office of the assistant treasurer at Charleston, South Carolina: One clerk, at one thousand eight hundred dollars a year; one clerk, at one thousand six hundred dollars; one assistant messenger, at seven hundred and twenty dollars; and two watchmen, at seven hundred and twenty dollars each.

At New Orleans.

25 June, 1864, c. 148, s. 7, v. 13, p. 161.

3 March, 1873, c. 226, s. 1, v. 17, p. 496.

SEC. 3609. There shall be employed in the office of the assistant treasurer at New Orleans: One chief clerk and cashier, at two thousand five hundred dollars a year; one clerk, at two thousand dollars; two clerks, at one thousand five hundred dollars each; one porter, at nine hundred dollars; and two watchmen, at seven hundred and twenty dollars each.

At San Francisco.

3 March, 1873, c. 226, s. 1, v. 17, p. 496.

SEC. 3610. There shall be employed in the office of the assistant treasurer at San Francisco: One cashier, at three thousand dollars a year; one book-keeper, at two thousand five hundred dollars; one assistant cashier, at two thousand dollars; one assistant book-keeper, at two thousand dollars; one stamp-clerk, at two thousand four hundred dollars; one clerk, at one thousand eight hundred dollars; three night-

watchmen, at one thousand five hundred dollars each; one day-watchman, at nine hundred and sixty dollars.

SEC. 3611. There shall be employed in the office of the assistant treasurer at Chicago: One cashier, at two thousand five hundred dollars a year; one clerk, at one thousand eight hundred dollars; two clerks, at one thousand five hundred dollars each; one clerk, at one thousand two hundred dollars; one messenger, at eight hundred and forty dollars; and one watchman, at seven hundred and twenty dollars.

SEC. 3612. There shall be appointed in the office of the assistant treasurer at Cincinnati: One cashier, at two thousand dollars a year; one clerk, at one thousand eight hundred dollars; one clerk, at one thousand five hundred dollars; two clerks, at one thousand two hundred dollars each; two clerks, at one thousand dollars each; one messenger, at six hundred dollars; two watchmen, one at seven hundred and twenty dollars, and one at two hundred and forty dollars.

SEC. 3613. In case of the sickness or unavoidable absence of any assistant treasurer or depositary from his office, he may, with the approval of the Secretary of the Treasury, authorize the chief clerk, or some other clerk employed therein, to act in his place, and to discharge all the duties required by law of such assistant treasurer or depositary. The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct, in like cases, of the assistant treasurer or depositary, respectively, for whom he acts.

SEC. 3614. Whenever it becomes necessary for the head of any Department or office to employ special agents, other than officers of the Army or Navy, who may be charged with the disbursement of public moneys, such agents shall, before entering upon duty, give bond in such form and with such security as the head of the Department or office employing them may approve.

SEC. 3615. All collectors and receivers of public money of every description, within the District of Columbia, shall, as often as they may be directed by the Secretary of the Treasury or the Postmaster-General so to do, pay over to the Treasurer of the United States, at the Treasury, all public moneys collected by them or in their hands. All such collectors and receivers of public moneys within the cities of New York, Boston, Philadelphia, New Orleans, San Francisco, Baltimore, Charleston, and Saint Louis shall, upon the same direction, pay over to the assistant treasurers in their respective cities, at their offices, respectively, all the public moneys collected by them, or in their hands; to be safely kept by the respective depositaries, until otherwise disposed of according to law. It shall be the duty of the Secretary and Postmaster-General, respectively, to direct such payments by the collectors and receivers at all the said places, at least as often as once in each week, and as much oftener as they may think proper. [See § 5490.]

SEC. 3616. All marshals, district attorneys, and other persons than those mentioned in the preceding section, having public money to pay to the United States, may pay the same to any depositary constituted by or in pursuance of law, which may be designated by the Secretary of the Treasury. [See §§ 5504, 5505.]

SEC. 3617. The gross amount of all moneys received from whatever source for the use of the United States, except as otherwise provided in the next section, shall be paid by the officer or agent receiving the same into the Treasury, at as early a day as practicable, without any abatement or deduction on account of salary, fees, costs, charges, expenses, or claim of any description whatever. But nothing herein shall affect any provision relating to the revenues of the Post-Office Department.

At Chicago.

3 March, 1873, c. 229, s. 9, v. 17, p. 543.
3 March, 1873, c. 226, s. 1, v. 17, p. 496.

At Cincinnati.

Ibid.

Deputies in case of sickness or absence.

13 Feb., 1865, c. 32, v. 13, p. 427.

Bond of special agents.

4 Aug., 1854, c. 242, s. 14, v. 10, p. 573.

Collectors of public moneys to pay over.

6 Aug., 1846, c. 90, s. 9, v. 9, p. 61.
12 Feb., 1873, c. 131, s. 63, v. 17, p. 435.

How marshals and district attorneys may pay into Treasury.

6 Aug., 1846, c. 90, s. 15, v. 9, p. 62.
8 July, 1870, c. 230, s. 111, v. 16, p. 216.

Moneys to be deposited without deduction.

3 March, 1849, c. 110, s. 1, v. 9, p. 398.
28 Sept., 1850, c. 78, s. 3, v. 9, p. 507.

Proceeds of sales
of material.

3 May, 1872, c.
140, s. 5, v. 17, p. 83.
20 April, 1866, c.
63, ss. 1, 2, v. 14, p.
40.

3 March, 1847, c.
48, s. 1, v. 9, p. 171.

28 July, 1866, c.
299, s. 25, v. 14, p.
336.

8 June, 1872, c. 348, v. 17, p. 337.

Penalty for
withholding
money.

18 July, 1866, c.
201, s. 40, v. 14, p.
187.

Duty of disbursing
officers.

14 June, 1866, c.
122, s. 1, v. 14, p. 64.

Penalty for fail-
ure to deposit mon-
ey when required.

3 March, 1857, c.
114, s. 3, v. 11, p. 249.

Accounts.

17 July, 1862, c.
199, s. 1, v. 12, p.
593.

2 March, 1867,
Res. 48, v. 14, p. 571.

15 July, 1870, c.
295, s. 15, v. 16, p.
334.

Distinct accounts
required.

3 March, 1869, c.
28, s. 1, v. 2, p. 535.

SEC. 3618. All proceeds of sales of old material, condemned stores, supplies, or other public property of any kind, except the proceeds of the sale or leasing of marine hospitals, or of the sales of revenue-cutters, or of the sales of commissary stores to the officers and enlisted men of the Army, or of the sale of condemned Navy clothing, or of sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, shall be deposited and covered into the Treasury as miscellaneous receipts, on account of "proceeds of Government property," and shall not be withdrawn or applied, except in consequence of a subsequent appropriation made by law.

SEC. 3619. Every officer or agent who neglects or refuses to comply with the provisions of section thirty-six hundred and seventeen shall be subject to be removed from office, and to forfeit to the United States any share or part of the moneys withheld, to which he might otherwise be entitled.

SEC. 3620. It shall be the duty of every disbursing officer having any public money intrusted to him for disbursement, to deposit the same with the Treasurer or some one of the assistant treasurers of the United States, and to draw for the same only as it may be required for payments to be made by him in pursuance of law; and all transfers from the Treasurer of the United States to a disbursing officer shall be by draft or warrant on the Treasury or an assistant treasurer of the United States. In places, however, where there is no treasurer or assistant treasurer, the Secretary of the Treasury may, when he deems it essential to the public interest, specially authorize in writing the deposit of such public money in any other public depository, or, in writing, authorize the same to be kept in any other manner, and under such rules and regulations as he may deem most safe and effectual to facilitate the payments to public creditors. [See § 5488.]

SEC. 3621. Every person who shall have moneys of the United States in his hands or possession shall pay the same to the Treasurer, an assistant treasurer, or some public depository of the United States, and take his receipt for the same, in duplicate, and forward one of them forthwith to the Secretary of the Treasury. [See § 5492.]

SEC. 3622. Every officer or agent of the United States who receives public money which he is not authorized to retain as salary, pay, or emolument, shall render his accounts monthly. Such accounts, with the vouchers necessary to the correct and prompt settlement thereof, shall be sent by mail, or otherwise, to the Bureau to which they pertain, within ten days after the expiration of each successive month, and, after examination there, shall be passed to the proper accounting officer of the Treasury for settlement. Disbursing officers of the Navy shall, however, render their accounts and vouchers direct to the proper accounting officer of the Treasury. In case of the non-receipt at the Treasury, or proper Bureau, of any accounts within a reasonable and proper time thereafter, the officer whose accounts are in default shall be required to furnish satisfactory evidence of having complied with the provisions of this section. The Secretary of the Treasury may, if in his opinion the circumstances of the case justify and require it, extend the time hereinbefore prescribed for the rendition of accounts. Nothing herein contained shall, however, be construed to restrain the heads of any of the Departments from requiring such other returns or reports from the officer or agent, subject to the control of such heads of Department, as the public interest may require. [See § 5491.]

SEC. 3623. All officers, agents, or other persons, receiving public moneys, shall render distinct accounts of the application thereof, according to the appropriation under which the same may have been advanced to them.

SEC. 3624. Whenever any person accountable for public money, neglects or refuses to pay into the Treasury the sum or balance reported to be due to the United States, upon the adjustment of his account, the First Comptroller of the Treasury shall institute suit for the recovery of the same, adding to the sum stated to be due on such account, the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced and judgment obtained thereon, and an interest of six per centum per annum, from the time of receiving the money until it shall be repaid into the Treasury.

SEC. 3625. Whenever any collector of the revenue, receiver of public money, or other officer who has received the public money before it is paid into the Treasury of the United States, fails to render his account, or pay over the same in the manner or within the time required by law, it shall be the duty of the First Comptroller of the Treasury to cause to be stated the account of such officer, exhibiting truly the amount due to the United States, and to certify the same to the Solicitor of the Treasury, who shall issue a warrant of distress against the delinquent officer and his sureties, directed to the marshal of the district in which such officer and his sureties reside. Where the officer and his sureties reside in different districts, or where they, or either of them, reside in a district other than that in which the estate of either may be, which it is intended to take and sell, then such warrant shall be directed to the marshals of such districts, respectively.

ray's Lessee *vs.* Hoboken Co., 18 How., 272; *U. S. vs.* Maurice, 2 Brock, 96; *U. S. vs.* Gilp., 339.

SEC. 3626. The warrant of distress shall specify the amount with which such delinquent is chargeable, and the sums, if any, which have been paid.

SEC. 3627. The marshal authorized to execute any warrant of distress shall, by himself or by his deputy, proceed to levy and collect the sum remaining due, by distress and sale of the goods and chattels of such delinquent officer; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town and county where the goods or chattels were taken, or in the town or county where the owner of such goods or chattels may reside. If the goods and chattels be not sufficient to satisfy the warrant, the same may be levied upon the person of such officer, who may be committed to prison, there to remain until discharged by due course of law.

SEC. 3628. If the delinquent officer absconds, or if goods and chattels belonging to him cannot be found sufficient to satisfy the warrant, the marshal or his deputy shall proceed, notwithstanding the commitment of the delinquent officer, to levy and collect the sum which remains due by such delinquent, by the distress and sale of the goods and chattels of his sureties; having given ten days' previous notice of such intended sale, by affixing an advertisement of the articles to be sold at two or more public places in the town or county where the goods or chattels were taken, or in the town or county where the owner resides.

SEC. 3629. The amount due by any delinquent officer is declared to be a lien upon the lands, tenements, and hereditaments of such officer and his sureties, from the date of a levy in pursuance of the warrant of distress issued against him or them, and a record thereof made in the office of the clerk of the district court of the proper district, until the same is discharged according to law.

SEC. 3630. For want of goods and chattels of a delinquent officer, or his sureties, sufficient to satisfy any warrant of distress issued pursuant to the foregoing provisions, the lands, tenements, and hereditaments of such officer and his sureties, or so much thereof as may be necessary for that purpose, after being advertised for at least three weeks in not less than three public places in the county or district where such real estate is situate, before the time of sale, shall be sold by the marshal of such district or his deputy.

Suits to recover money from officers, regulated.

3 March, 1797, c. 20, s. 1, v. 1, p. 512.

Distress-warrant.

15 May, 1820, c. 107, s. 2, v. 3, p. 592.
29 May, 1830, c. 153, s. 1, v. 4, p. 414.

U. S. vs. Kirkpatrick, 9 Wh., 720; *U. S. vs.* Van Zandt, 11 Wh., 184; *U. S. vs.* Nicholl, 12 Wh., 505; *Dox vs.* Postmaster-General, 1 Pet., 325; *U. S. vs.* Nourse, 9 Pet., 8; *Cary vs.* Curtis, 3 How., 246; *Murray's Lessee vs.* Hoboken Co., 18 How., 272; *U. S. vs.* Maurice, 2 Brock, 96; *Ex parte* Randolph, 2 Brock, 447; *Armstrong vs.* U. S., Gilp., 339.

Contents of warrant.

Ibid.
Execution against officer.

15 May, 1820, c. 107, s. 2, v. 3, p. 593.

Execution against surety.

15 May, 1820, c. 107, s. 2, v. 3, p. 593.

Levy to be a lien.

15 May, 1820, c. 107, s. 2, v. 3, p. 593.

Sale of lands regulated.

15 May, 1820, c. 107, s. 2, v. 3, p. 593.

Conveyance
of lands.

Ibid.

Disposal of sur-
plus.

Ibid.

Failure of dis-
bursing officer to
account; penalty.

15 May, 1820, c.
107, s. 3, v. 3, p. 594.
29 May, 1830, c.
153, s. 1, v. 4, p. 414.

Extent of appli-
cation of provision
for distress-war-
rants.

15 May, 1820, c.
107, s. 3, v. 3, p. 594.

Postponement of
proceedings for
non-accounting, al-
lowed.

15 May, 1820, c. 107, s. 3, v. 3, p. 594.

Injunction to
stay distress-war-
rant.

15 May, 1820, c.
107, ss. 4, 5, v. 3, p.
595.

Proceedings on
distress in circuit
court.

15 May, 1820, c.
107, ss. 4, 6, v. 3, p.
595.

10 April, 1869, c.
22, s. 2, v. 16, p. 44.

SEC. 3631. For all lands, tenements, or hereditaments sold in pursuance of the preceding section, the conveyance of the marshal or his deputy, executed in due form of law, shall give a valid title against all persons claiming under such delinquent officer or his sureties.

SEC. 3632. All moneys which may remain of the proceeds of sales, after satisfying the warrant of distress, and paying the reasonable costs and charges of the sale, shall be returned to such delinquent officer or surety, as the case may be.

SEC. 3633. Whenever any officer employed in the civil, military, or naval service of the Government, to disburse the public money appropriated for those branches of the public service, respectively, fails to render his accounts, or to pay over, in the manner and in the times required by law, or by the regulations of the Department to which he is accountable, any sum of money remaining in his hands, it shall be the duty of the First or Second Comptroller of the Treasury, as the case may be, who shall be charged with the revision of the accounts of such officer, to cause to be stated and certified the account of such delinquent officer to the Solicitor of the Treasury, who is hereby authorized and required immediately to proceed against such delinquent officer, in the manner directed in the six preceding sections.

SEC. 3634. All the provisions relating to the issuing of a warrant of distress against a delinquent officer shall extend to every officer of the Government charged with the disbursement of the public money, and to their sureties, in the same manner and to the same extent as if they were herein described and enumerated.

SEC. 3635. With the approval of the Secretary of the Treasury, the institution of proceedings by a warrant of distress may be postponed, for a reasonable time, in cases where, in his opinion, the public interest will sustain no injury by such postponement.

SEC. 3636. Any person who considers himself aggrieved by any warrant of distress issued under the foregoing provisions may prefer a bill of complaint to any district judge of the United States, setting forth therein the nature and extent of the injury of which he complains; and thereupon the judge may grant an injunction to stay proceedings on such warrant altogether, or for so much thereof as the nature of the case requires. But no injunction shall issue till the party applying for it gives bond, with sufficient security, in a sum to be prescribed by the judge, for the performance of such judgment as may be awarded against him; nor shall the issuing of such injunction in any manner impair the lien produced by the issuing of the warrant. And the same proceedings shall be had on such injunction as in other cases, except that no answer shall be necessary on the part of the United States; and if, upon dissolving the injunction, it appears to the satisfaction of the judge that the application for the injunction was merely for delay, the judge may add to the lawful interest assessed on all sums found due against the complainant such damages as, with such lawful interest, shall not exceed the rate of ten per centum a year. Such injunction may be granted or dissolved by the district judge either in or out of court.

SEC. 3637. When the district judge refuses to grant an injunction to stay proceedings on a distress-warrant, as aforesaid, or dissolves such injunction after it is granted, any person who considers himself aggrieved by the decision in the premises may lay before the circuit justice, or circuit judge of the circuit within which such district lies, a copy of the proceeding had before the district judge; and thereupon the circuit justice or circuit judge may grant an injunction, or permit an appeal, as the case may be, if, in his opinion, the equity of the case requires it. The same proceedings, subject to the same conditions, shall be had upon such injunction in the circuit court as are prescribed in the district court.

SEC. 3638. Nothing contained in the provisions of this Title relating to distress-warrants shall be construed to take away or impair any right or remedy which the United States might have, by law, for the recovery of taxes, debts, or demands.

SEC. 3639. The Treasurer of the United States, all assistant treasurers, and those performing the duties of assistant treasurer, all collectors of the customs, all surveyors of the customs, acting also as collectors, all receivers of public moneys at the several land-offices, all postmasters, and all public officers of whatsoever character, are required to keep safely, without loaning, using, depositing in banks, or exchanging for other funds than as specially allowed by law, all the public money collected by them, or otherwise at any time placed in their possession and custody, till the same is ordered, by the proper Department or officer of the Government, to be transferred or paid out; and when such orders for transfer or payment are received, faithfully and promptly to make the same as directed, and to do and perform all other duties as fiscal agents of the Government which may be imposed by any law, or by any regulation of the Treasury Department made in conformity to law. The President is authorized, if in his opinion the interest of the United States requires the same, to regulate and increase the sums for which bonds are, or may be, required by law, of all district attorneys, collectors of customs, naval officers, and surveyors of customs, navy agents, receivers and registers of public lands, paymasters in the Army, commissary-general, and by all other officers employed in the disbursement of the public moneys, under the direction of the War or Navy Departments. [See §§ 5489-5497.]

SEC. 3640. The Secretary of the Treasury may, except as provided in the next section, transfer the moneys in the hands of any depository of public moneys to the Treasury of the United States to the credit of the Treasurer; and he may transfer moneys in the hands of one depository to any other depository, as the safety of the public moneys and the convenience of the public service shall seem to him to require.

SEC. 3641. The Postmaster-General may transfer money belonging to the postal service between the Treasurer, assistant treasurers, and designated depositories, at his discretion, and as the safety of the public money and the convenience of the service may require.

SEC. 3642. Every depository shall keep his account of the money paid to or deposited with him, belonging to the Post Office Department, separate and distinct from the account kept by him of other public moneys so paid or deposited.

SEC. 3643. All persons charged by law with the safe-keeping, transfer, and disbursement of the public moneys, other than those connected with the Post-Office Department, are required to keep an accurate entry of each sum received and of each payment or transfer.

SEC. 3644. All moneys paid into the Treasury of the United States shall be subject to the draft of the Treasurer. And for the purpose of payments on the public account the Treasurer is authorized to draw upon any of the depositories, as he may think most conducive to the public interest and to the convenience of the public creditors. Each depository so drawn upon shall make returns to the Treasury and Post-Office Departments of all moneys received and paid by him, at such times and in such forms as shall be directed by the Secretary of the Treasury or the Postmaster-General.

SEC. 3645. It shall be the duty of the Secretary of the Treasury to issue and publish regulations to enforce the speedy presentation of all Government drafts, for payment, at the place where payable, and to prescribe the time, according to the different distances of the depositories from the seat of Government, within which all drafts upon them, respectively, shall be presented for payment; and, in default of such presentation, to direct any other mode and place of payment which he may deem proper; but, in all these regulations and direc-

Rights of United States reserved.

15 May, 1820, c. 107, s. 9, v. 3, p. 596.

Duties of officers as custodians of public moneys.

6 Aug., 1846, c. 90, s. 6, v. 9, p. 60.

3 March, 1857, c. 114, s. 2, v. 11, p. 249.

3 July, 1852, c. 54, s. 7, v. 10, p. 12.

3 March, 1863, c. 96, s. 5, v. 12, p. 770.

4 July, 1864, c. 24, s. 5, v. 13, p. 383.

21 April, 1862, c. 59, s. 5, v. 12, p. 382.

18 Feb., 1869, c. 33, s. 4, v. 15, p. 271.

Transfer of moneys from depositories to Treasury authorized.

6 Aug., 1846, c. 90, s. 10, v. 9, p. 61.

Transfer of postal deposits.

8 June, 1872, c. 335, s. 56, v. 17, p. 292.

Accounts of postal deposits.

6 Aug., 1846, c. 90, s. 10, v. 9, p. 61.

Entry of each deposit, transfer, and payment.

6 Aug., 1846, c. 90, s. 16, v. 9, p. 63.

Public moneys in Treasury and depositories subject to draft of Treasurer.

6 Aug., 1846, c. 90, s. 10, v. 9, p. 61.

Regulations for presentation of drafts.

Ibid., s. 31, p. 65.

tions, it shall be his duty to guard, as far as may be, against those drafts being used or thrown into circulation as a paper currency or a medium of exchange. [See §§ 5495, 5496.]

Duplicates for
lost or stolen checks
authorized.

2 Feb., 1872, c.
12, s. 1, v. 17, p. 29.

SEC. 3646. Whenever any original check is lost, stolen, or destroyed, disbursing officers and agents of the United States are authorized, after the expiration of six months, and within three years from the date of such check, to issue a duplicate check; and the Treasurer, assistant treasurers, and designated depositaries of the United States are directed to pay such duplicate checks, upon notice and proof of the loss of the original checks, under such regulations in regard to their issue and payment, and upon the execution of such bonds, with sureties, to indemnify the United States, as the Secretary of the Treasury shall prescribe. This section shall not apply to any check exceeding in amount the sum of one thousand dollars.

Duplicate check
when officer who
issued is dead.

7 Feb., 1872, c. 12,
s. 2, v. 17, p. 29.

SEC. 3647. In case the disbursing officer or agent by whom such lost, destroyed, or stolen original check was issued, is dead, or no longer in the service of the United States, it shall be the duty of the proper accounting officer, under such regulations as the Secretary of the Treasury shall prescribe, to state an account in favor of the owner of such original check for the amount thereof, and to charge such amount to the account of such officer or agent.

Advances of public
moneys prohibited.

31 Jan., 1823, c.
9, s. 1, v. 3, p. 723.

Williams vs. U. S.,
1 How., 290; *The
Floyd Acceptances*,
7 Wall., 666; *U. S.
vs. Cutter*, 2 Curt.,
617.

SEC. 3648. No advance of public money shall be made in any case whatever. And in all cases of contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previously to such payment. It shall, however, be lawful, under the special direction of the President, to make such advances to the disbursing officers of the Government as may be necessary to the faithful and prompt discharge of their respective duties, and to the fulfillment of the public engagements. The President may also direct such advances as he may deem necessary and proper, to persons in the military and naval service employed on distant stations, where the discharge of the pay and emoluments to which they may be entitled cannot be regularly effected. [See § 1563.]

Examination of
depositaries.

6 Aug., 1846, c.
90, s. 11, v. 9, p. 62.

SEC. 3649. The Secretary of the Treasury is authorized to cause examinations to be made of the books, accounts, and money on hand, of the several depositaries; and for that purpose to appoint special agents, as occasion may require, with such compensation, not exceeding six dollars per day and traveling expenses, as he may think reasonable, to be fixed and declared at the time of each appointment. The agent selected to make these examinations shall be instructed to examine as well the books, accounts, and returns of the officer, as the money on hand, and the manner of its being kept, to the end that uniformity and accuracy in the accounts, as well as safety to the public moneys, may be secured thereby.

Examination of
accounts of custo-
dians of public
moneys.

Ibid., s. 12.

SEC. 3650. In addition to the examinations provided for in the preceding section, it shall be the duty of each naval officer and surveyor, as a check upon the assistant treasurers, or the collector of the customs, of their respective districts; of each register of a land-office, as a check upon the receiver of his land-office; and of the director and superintendent of each mint and branch-mint, when separate officers, as a check upon the treasurers, respectively, of the mints, or the persons acting as such, at the close of each quarter of the year, and as much oftener as they are directed by the Secretary of the Treasury to do so, to examine the books, accounts, returns, and money on hand, of the assistant treasurers, collectors, receivers of land-offices, treasurers of the Mint and each branch-mint, and persons acting as such, and to make a full, accurate, and faithful return of their condition to the Secretary of the Treasury.

SEC. 3651. No exchange of funds shall be made by any disbursing officer or agent of the Government, of any grade or denomination whatsoever, or connected with any branch of the public service, other than an exchange for gold, silver, United States notes, and national-bank notes; and every such disbursing officer, when the means for his disbursements are furnished to him in gold, silver, United States notes, or national-bank notes, shall make his payments in the money so furnished; or when they are furnished to him in drafts, shall cause those drafts to be presented at their place of payment, and properly paid according to law, and shall make his payments in the money so received for the drafts furnished, unless, in either case, he can exchange the means in his hands for gold and silver at par. And it shall be the duty of the head of the proper Department immediately to suspend from duty any disbursing officer or agent who violates the provisions of this section, and forthwith to report the name of the officer or agent to the President, with the fact of the violation, and all the circumstances accompanying the same, and within the knowledge of the Secretary, to the end that such officer or agent may be promptly removed from office, or restored to his trust and the performance of his duties, as the President may deem just and proper.

SEC. 3652. No officer of the United States shall, either directly or indirectly, sell or dispose of to any person, for a premium, any Treasury note, draft, warrant, or other public security, not his private property, or sell or dispose of the avails or proceeds of such note, draft, warrant, or security, in his hands for disbursement, without making return of such premium, and accounting therefor by charging the same in his accounts to the credit of the United States; and any officer violating this section shall be forthwith dismissed from office.

SEC. 3653. The officers, respectively, whose duty it is made by this Title to receive, keep, or disburse the public moneys, as the fiscal agents of the Government, may be allowed any necessary additional expenses for clerks, fire-proof chests or vaults, or other necessary expenses of safe-keeping, transferring, or disbursing the moneys; but all such expenses of every character shall be first expressly authorized by the Secretary of the Treasury, whose directions upon all the above subjects, by way of regulation and otherwise, so far as authorized by law, shall be strictly followed by all the officers.

SEC. 3654. No extra compensation exceeding one-eighth of one per centum shall in any case be allowed or paid to any officer, person, or corporation for disbursing moneys appropriated to the construction of any public building.

SEC. 3655. The depositaries which have been or may be designated by the Secretary of the Treasury to receive payments and give receipts or certificates of deposit for public money from miscellaneous sources, other than the transactions of the respective offices for which they are or may be commissioned, may be paid in full compensation for receiving, safely keeping, and paying out such public money, at the rate of one-half of one per centum for the first one hundred thousand dollars; one-fourth of one per centum for the second one hundred thousand dollars; and one-eighth of one per centum for all sums over two hundred thousand dollars. Any sum which may have been allowed to such depositary for rent or any other contingent expenses in respect to the custody of such public money shall be deducted from such compensation, before any payment shall be made therefor.

SEC. 3656. No compensation shall be allowed for the services mentioned in the preceding section, when the emoluments of the office of which the designated depositary is in commission amount to the maximum compensation fixed by law; nor shall the amount allowed to any of the designated depositaries for such services, when added to the emoluments of the office of which he is in commission, be more than sufficient to make the maximum compensation fixed by law.

Exchange of funds restricted.

6 Aug., 1846, c. 90, s. 20, v. 9, p. 64.
22 Feb., 1862, c. 33, s. 1, v. 12, p. 345.
11 July, 1862, c. 142, s. 1, v. 12, p. 532.
3 March, 1863, c. 73, s. 3, v. 12, p. 710.
3 June, 1864, c. 106, s. 23, v. 13, p. 106.
U. S. vs. City Bank, 6 McLean, 130.

Premium on sales of public moneys to be accounted for.

6 Aug., 1846, c. 90, s. 21, v. 9, p. 65.

Expenses of fiscal agents.

6 Aug., 1846, c. 90, s. 13, v. 9, p. 62.

Limit upon extra compensation for making disbursements.

3 March, 1869, c. 123, v. 15, p. 312.
Compensation of depositaries.

2 March, 1853, c. 89, s. 1, v. 10, p. 172.

Limit upon compensation.

Ibid.

Collectors to act
as disbursing
agents.

12 June, 1858, c.
154, s. 17, v. 11, p.
327.

Appointment of
special disbursing
agents, where no
collector is author-
ized.

28 July, 1866, c.
302, v. 14, p. 341.

Investment of
trust-funds.

11 Sept., 1841, c.
25, s. 2, v. 5, p. 465.

SEC. 3657. The collectors of customs in the several collection-districts are required to act as disbursing agents for the payment of all moneys that are or may hereafter be appropriated for the construction of custom-houses, court-houses, post-offices, and marine hospitals; with such compensation, not exceeding one-quarter of one per centum, as the Secretary of the Treasury may deem equitable and just. [See § 255.]

SEC. 3658. Where there is no collector at the place of location of any public work specified in the preceding section, the Secretary of the Treasury may appoint a disbursing agent for the payment of all moneys appropriated for the construction of any such public work, with such compensation as he may deem equitable and just.

SEC. 3659. All funds held in trust by the United States, and the annual interest accruing thereon, when not otherwise required by treaty, shall be invested in stocks of the United States, bearing a rate of interest not less than five per centum per annum.

TITLE XLI.

APPROPRIATIONS.

| Sec. | Sec. |
|---|---|
| 3660. Manner of communicating estimates. | 3676. Appropriations for Navy controlled by Secretary; for each Bureau to be kept separately. |
| 3661. Estimates for printing and binding. | 3677. Appropriations for Department of Agriculture, how controlled. |
| 3662. Estimates for salaries. | 3678. Application of moneys appropriated. |
| 3663. Requisites of estimates for appropriations for public works. | 3679. No expenditures beyond appropriations. |
| 3664. What additional explanations are required. | 3680. Restrictions on appropriations for contingent expenses of Congress. |
| 3665. Amount of outstanding appropriation to be designated. | 3681. Expenses of commissions and inquiries. |
| 3666. Items of expenditure to be specified in estimates and accounts. | 3682. Contingent, &c., expenses. |
| 3667. Estimates of claims, &c., on Navy pension-fund. | 3683. Restriction on purchasing from contingent fund. |
| 3668. Estimates by Postmaster-General. | 3684. Buildings under Department of the Treasury. |
| 3669. Estimates to be submitted to Congress. | 3685. Light-houses. |
| 3670. What statements shall accompany estimates. | 3686. Foreign hydrographic surveys. |
| 3671. Estimates of expenses of collecting internal revenue. | 3687. Collecting revenue from customs. |
| 3672. Sales of public property to be included in book of estimates. | 3688. Public debt, interest on. |
| 3673. Drafts for War and Navy Departments. | 3689. Permanent indefinite appropriations. |
| 3674. Restriction of payments on account of postal service. | 3690. Expenditure of balances of appropriations. |
| 3675. Form of drawing and charging warrants. | 3691. Disposal of balances after two years. |
| | 3692. Proceeds of certain sales of material. |

SEC. 3660. The heads of Departments, in communicating estimates of expenditures and appropriations to Congress, or to any of the committees thereof, shall specify, as nearly as may be convenient, the sources from which such estimates are derived, and the calculations upon which they are founded, and shall discriminate between such estimates as are conjectural in their character and such as are framed upon actual information and applications from disbursing officers. They shall also give references to any law or treaty by which the proposed expenditures are, respectively, authorized, specifying the date of each, and the volume and page of the Statutes at Large, or of the Revised Statutes, as the case may be, and the section of the act in which the authority is to be found.

SEC. 3661. The head of each of the Executive Departments, and every other public officer who is authorized to have printing and binding done at the Congressional Printing-Office for the use of his Department or public office, shall include in his annual estimate for appropriations for the next fiscal year such sum or sums as may to him seem necessary "for printing and binding, to be executed under the direction of the Congressional Printer."

SEC. 3662. All estimates for the compensation of officers authorized by law to be employed shall be founded upon the express provisions of law, and not upon the authority of executive distribution.

SEC. 3663. Whenever any estimate submitted to Congress by the head of a Department asks an appropriation for any new specific expenditure, such as the erection of a public building, or the construction of any public work, requiring a plan before the building or work can be properly completed, such estimate shall be accompanied by full plan and detailed estimates of the cost of the whole work. All subsequent estimates for any such work shall state the original estimated cost, the aggregate amount theretofore appropriated for the same, and the

Manner of communicating estimates.

26 Aug., 1842, c. 202, s. 14, v. 5, p. 525.

Estimates for printing and binding.

8 May, 1872, c. 140, s. 2, v. 17, p. 82.

Estimates for salaries.

3 March, 1855, c. 175, s. 8, v. 10, p. 670.

Requisites for estimates for appropriation for public works.

17 June, 1844, c. 105, s. 2, v. 5, p. 693.

3 March, 1855, c. 175, s. 8, v. 10, p. 670.

What additional explanations are required.

Ibid.

Amount of outstanding appropriations to be designated.

2 June, 1858, c. 82, s. 2, v. 11, p. 308.

Items of expenditure to be specified in estimates and accounts.

22 June, 1860, c. 181, s. 1, v. 12, p. 81.

amount actually expended thereupon, as well as the amount asked for the current year for which such estimate is made. And if the amount asked is in excess of the original estimate, the full reasons for the excess, and the extent of the anticipated excess, shall be also stated. [See § 3734.]

SEC. 3664. Whenever the head of a Department, being about to submit to Congress the annual estimates of expenditures required for the coming year, finds that the usual items of such estimates vary materially in amount from the appropriation ordinarily asked for the object named, and especially from the appropriation granted for the same objects for the preceding year, and whenever new items not theretofore usual are introduced into such estimates for any year, he shall accompany the estimates by minute and full explanations of all such variations and new items, showing the reasons and grounds upon which the amounts are required, and the different items added.

SEC. 3665. The head of each Department, in submitting to Congress his estimates of expenditures required in his Department during the year then approaching, shall designate not only the amount required to be appropriated for the next fiscal year, but also the amount of the outstanding appropriation, if there be any, which will probably be required for each particular item of expenditure.

SEC. 3666. The estimates for expenditures required by the Department of the Navy for the following purposes shall be given in detail, and the expenditures made under appropriations therefor shall be accounted for so as to show the disbursements of each Bureau under each respective appropriation:

- First. Freight and transportation.
- Second. Printing and stationery.
- Third. Advertising in newspapers.
- Fourth. Books, maps, models, and drawings.
- Fifth. Purchase and repair of fire-engines and machinery.
- Sixth. Repairs of and attending to steam-engines in navy-yards.
- Seventh. Purchase and maintenance of horses and oxen, and driving teams.
- Eighth. Carts, timber-wheels, and the purchase and repair of workmen's tools.
- Ninth. Postage of public letters.
- Tenth. Fuel, oil, and candles for navy-yards and shore-stations.
- Eleventh. Pay of watchmen and incidental labor not chargeable to any other appropriation.
- Twelfth. Transportation to, and labor attending the delivery of provisions and stores on foreign stations.
- Thirteenth. Wharfage, dockage, and rent.
- Fourteenth. Traveling expenses of officers and others under orders.
- Fifteenth. Funeral expenses.
- Sixteenth. Store and office rent, fuel, commissions, and pay of clerks to navy-agents and store-keepers.
- Seventeenth. Flags, awnings, and packing-boxes.
- Eighteenth. Premiums and other expenses of recruiting.
- Nineteenth. Apprehending deserters.
- Twentieth. Per-diem pay to persons attending courts-martial, courts of inquiry, and other services authorized by law.
- Twenty-first. Pilotage and towage of vessels, and assistance to vessels in distress.
- Twenty-second. Bills of health and quarantine expenses of vessels of the United States Navy in foreign ports.

Estimate of claims, &c., on Navy pension fund.

17 July, 1870, c. 238, v. 16, p. 222.

SEC. 3667. The Secretary of the Navy shall annually submit to Congress estimates of the claims and demands chargeable upon and payable out of the naval pension fund.

SEC. 3668. The Postmaster-General shall submit to Congress at each annual session an estimate of the amount that will be required for the ensuing fiscal year, under each of the following heads :

Estimates by
Postmaster-General.

- First. Transportation of the mails.
- Second. Compensation of postmasters.
- Third. Compensation of clerks in post-offices.
- Fourth. Compensation of letter-carriers.
- Fifth. Compensation of blank-agents and assistants.
- Sixth. Mail depredations and special agents.
- Seventh. Postage-stamps and envelopes.
- Eighth. Ship, steamboat, and way letters.
- Ninth. Dead letters.
- Tenth. Mail-bags.
- Eleventh. Mail locks, keys, and stamps.
- Twelfth. Wrapping-paper.
- Thirteenth. Office-furniture.
- Fourteenth. Advertising.
- Fifteenth. Balances to foreign countries.
- Sixteenth. Rent, light, and fuel for post-offices.
- Seventeenth. Stationery.
- Eighteenth. Miscellaneous.

8 June, 1872, c.
335, s. 9, v. 17, p.
286.

Such estimates shall show the sums paid under each head, and the names of the persons to whom payments are made out of the miscellaneous fund; but the names of persons employed in detecting depredations on the mail, and of other confidential agents, need not be disclosed.

SEC. 3669. All annual estimates for the public service shall be submitted to Congress through the Secretary of the Treasury, and shall be included in the book of estimates prepared under his direction.

Estimates to be
submitted to Con-
gress.

2 Sept., 1789, c. 12, s. 2, v. 1, p. 65. 10 March, 1800, c. 58, v. 2, pp. 79, 80. 7 Jan., 1846, Res. 2, v. 9, p. 108. 4 Aug., 1854, c. 242, s. 15, v. 10, p. 573. 18 May, 1865, c. 85, s. 4, v. 14, p. 49.

SEC. 3670. The Secretary of the Treasury shall annex to the annual estimates of the appropriations required for the public service, a statement of the appropriations for the service of the year, which may have been made by former acts.

What statements
shall accompany
estimates.

1 May, 1820, c. 52,
s. 8, v. 3, p. 568.

SEC. 3671. The Commissioner of Internal Revenue shall estimate in detail, by collection-districts, the expense of assessing and the expense of the collection of internal revenue, and submit the same to Congress at the commencement of each regular session.

Estimates of ex-
penses of collecting
internal revenue.

3 May, 1869, c.
121, s. 1, v. 15, p. 290.

SEC. 3672. A detailed statement of the proceeds of all sales of old material, condemned stores, supplies, or other public property of any kind shall be included in the appendix to the book of estimates.

Statement of pro-
ceeds of sales of old
material.

8 May, 1872, c. 140, s. 5, v. 17, p. 83.

SEC. 3673. All moneys appropriated for the use of the War and Navy Departments shall be drawn from the Treasury, by warrants of the Secretary of the Treasury, upon the requisitions of the Secretaries of those Departments, respectively, countersigned by the Second Comptroller of the Treasury, and registered by the proper Auditor. [See §§ 273, 277.]

Drafts for War
and Navy Depart-
ments.

7 May, 1822, c. 90,
s. 3, v. 3, p. 689.

3 March, 1817, c.
45, ss. 5, 9, v. 3, p. 367.

SEC. 3674. Payments of money out of the Treasury on account of the postal service shall be in pursuance of appropriations made by law, by warrants of the Postmaster-General, registered and countersigned by the Auditor for the Post-Office Department, and expressing on their face the appropriation to which they should be charged.

Restriction on
payments on ac-
count of the postal
service.

8 June, 1872, c.
355, s. 47, v. 17, p.
291.

SEC. 3675. All warrants drawn by the Secretary of the Treasury, upon the Treasurer of the United States, shall specify the particular appropriation to which the same should be charged; and the moneys paid by virtue of such warrants shall, in conformity therewith, be

Form of drawing
and charging war-
rants.

3 March, 1809, c.
28, s. 1, v. 2, p. 535.

2 Sept., 1789, c. 13, s. 6, v. 1, p. 67. charged to such appropriation in the books of the Secretary, First Comptroller, and Register.

Appropriation for Navy controlled by Secretary; for each Bureau to be kept separately. SEC. 3676. All appropriations for specific, general, and contingent expenses of the Navy Department shall be under the control and expended by the direction of the Secretary of the Navy, and the appropriation for each Bureau shall be kept separate in the Treasury.

5 July, 1862, c. 134, s. 5, v. 12, p. 511.

For Department of Agriculture, how controlled. SEC. 3677. The Commissioner of Agriculture shall direct and superintend the expenditure of all money appropriated to the Department and render accounts thereof.

15 May, 1862, c. 72, s. 3, v. 12, p. 388.

Applications of moneys appropriated. SEC. 3678. All sums appropriated for the various branches of expenditure in the public service shall be applied solely to the objects for which they are respectively made, and for no others.

3 March, 1809, c. 28, s. 1, v. 2, p. 535. 12 Feb., 1868, c. 8, s. 2, v. 15, p. 36.

No expenditures beyond appropriations. SEC. 3679. No Department of the Government shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract for the future payment of money in excess of such appropriations. [See §§ 3733, 5503.]

12 July, 1870, c. 251, s. 7, v. 16, p. 251.

Restrictions on use of appropriations for contingent expenses of Congress. SEC. 3680. No part of the appropriations which may be at any time made for the contingent expenses of either House of Congress shall be applied as extra allowance to any clerk, messenger, or attendant of the two Houses, or either of them, or as payment or compensation to any clerk, messenger, or other attendant of the two Houses, or either of them, unless such clerk, messenger, or other attendant be so employed by a resolution of one of the Houses; or to any other than the ordinary expenditures of the Senate and House of Representatives.

12 June, 1858, c. 154, s. 5, v. 11, p. 326.

3 March, 1845, c. 71, s. 2, v. 5, p. 763.

Expenses of commissions and inquiries. SEC. 3681. No accounting or disbursing officer of the Government shall allow or pay any account or charge whatever, growing out of, or in any way connected with, any commission or inquiry, except courts-martial or courts of inquiry in the military or naval service of the United States, until special appropriations shall have been made by law to pay such accounts and charges. This section, however, shall not extend to the contingent fund connected with the foreign intercourse of the Government, placed at the disposal of the President.

26 Aug., 1842, c. 202, s. 25, v. 5, p. 533.

Restrictions on contingent, &c., appropriations. SEC. 3682. No moneys appropriated for contingent, incidental, or miscellaneous purposes shall be expended or paid for official or clerical compensation.

12 July, 1870, c. 251, s. 3, v. 16, p. 250.

Upon purchases from contingent funds. SEC. 3683. No part of the contingent fund appropriated to any Department, Bureau, or office, shall be applied to the purchase of any articles except such as the head of the Department shall deem necessary and proper to carry on the business of the Department, Bureau, or office, and shall, by written order, direct to be procured.

26 Aug., 1842, c. 202, s. 19, v. 5, p. 527.

Buildings under control of Treasury Department. SEC. 3684. All appropriations for public buildings under the control of the Treasury Department shall be available immediately upon the approval of the act containing such appropriations. [See §§ 335, 3733, 5503.]

10 June, 1872, c. 415, s. 1, v. 17, p. 352.

Light-houses. SEC. 3685. Appropriations for establishing light-houses shall be available for expenditure for two years after acts of State legislatures ceding jurisdiction over sites take effect. This section shall not, however, apply to general appropriations for light-house purposes. In no case shall any special appropriation be available for more than two years without further provision of law. [See § 355.]

10 June, 1872, c. 415, s. 1, v. 17, p. 355.

SEC. 3686. All appropriations made for the preparation or publication of foreign hydrographic surveys shall only be applicable to their object, upon the approval by the Secretary of the Navy, after a report from three competent naval officers, to the effect that the original data for proposed charts are such as to justify their publication; and it is hereby made the duty of the Secretary of the Navy to order a board of three naval officers to examine and report upon the data, before he shall approve of any application of money to the preparation or publication of such charts or hydrographic surveys.

Foreign hydrographic surveys.

21 Feb., 1861, c. 49, s. 7, v. 12, p. 150.

PERMANENT ANNUAL APPROPRIATIONS.

SEC. 3687. There is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of two million seven hundred and fifty thousand dollars, for the expenses of collecting the revenue from customs for each half year, in addition to such sums as may be received from fines, penalties, and forfeitures connected with the customs, and from fees paid into the Treasury by customs officers, and from storage, cartage, drayage, labor, and services.

Collecting revenue from customs.

3 March, 1871, c. 115, s. 2, v. 16, p. 521.

SEC. 3688. There is appropriated annually, out of the receipts for duties on imported merchandise, a sum, for the payment of the public debt, equal to the interest on all bonds belonging to the sinking fund.

Public debt.

14 July, 1870, c. 256, s. 6, v. 16, pp. 273, 274.

SEC. 3689. There are appropriated, out of any moneys in the Treasury not otherwise appropriated, for the purposes hereinafter specified, such sums as may be necessary for the same respectively; and such appropriations shall be deemed permanent annual appropriations.

Permanent indefinite appropriations.

MISCELLANEOUS.

Salaries and expenses southern claims commission:

To pay the salaries and actual expenses of office-rent, furniture, fuel, stationery, and printing of the southern claims commission.

3 March, 1871, c. 116, ss. 5, 6, v. 16, p. 525.

EXECUTIVE.

UNDER THE TREASURY DEPARTMENT.

Return of the proceeds of captured and abandoned property:

For the return of proceeds from the sale of captured and abandoned property in insurrectionary districts, to the owners thereof, who may, to the satisfaction of the Court of Claims, prove their right to and ownership of said property.

12 March, 1863, c. 120, s. 3, v. 12, p. 820.

Consular receipts:

For the proceeds of the personal estates of American citizens who die abroad, to be paid to the legal representatives of the said deceased party upon proper demand and proof.

14 Apr., 1792, c. 24, s. 2, v. 1, p. 255.

Payment for land sold for direct taxes:

To repay to purchasers evicted through failure of title from lands sold to them in insurrectionary districts for direct taxes.

9 May, 1872, c. 145, s. 2, v. 17, p. 89.
8 June, 1872, c. 337, s. 9, v. 17, p. 332.

Payment for coin, &c., destroyed at Chicago:

For the adjustment of the accounts of the collector of customs and ex-officio depository at Chicago, to allow him a proper credit for moneys held by him and destroyed by fire in said city on the ninth and tenth days of October, eighteen hundred and seventy-one.

10 June, 1872, c. 415, s. 7, v. 17, p. 369.

Refunding money for lands redeemed, (direct-tax laws):

For refunding the principal and interest of the purchase-money of lands redeemed after the sale of the same, under "An act further to amend an act entitled 'An act for the collection of direct taxes in the insurrectionary districts within the United States, and for other purposes,' approved June 7, 1862."

3 March, 1865, c. 87, s. 7, v. 13, p. 502.

25 Feb., 1867, Res.
23, s. 4, v. 14, p. 568.

Refunding taxes illegally collected under the direct-tax laws :
To refund to persons money collected from them without warrant of law, as in payment of dues under the direct-tax laws.

25 Feb., 1871, c.
100, s. 66, v. 16, p.
458.

Salaries and expenses of steamboat inspectors :
Out of the revenues received into the Treasury from the inspection of steam-vessels and the licensing of the officers of such vessels; for the payment of the salaries of all supervising inspectors, local inspectors, assistant inspectors, supervising inspector-general, and clerks, together with their traveling and other expenses when on official duty, and for all instruments, books, blanks, stationery, furniture, and other things necessary to carry into effect the provisions of Title "REGULATION OF STEAM-VESSELS."

9 Feb., 1847, c. 7,
v. 9, p. 123.

Interest on the public debt :
For payment of interest on the public debt, under the several acts authorizing the same.

Ibid.
1 July, 1862, c.
120, s. 5, v. 12, p. 492.
2 July, 1864, c.
216, ss. 7, 8, v. 13, p. 359.
23 May, 1872, c.
197, v. 17, p. 156.

Bonds issued to Pacific Railway :
For payment of interest on bonds issued by authority of law to Pacific Railway.

Expenses of national loan :
To pay the expenses of the issue, re-issue, transfer, delivery, redemption, and destruction of securities, legal-tender notes, fractional currency, checks, certificates, commissions, and for any plate and seal engraving and printing required by the Treasury Department, one per centum of the amount of legal-tender notes, fractional currency, and securities issued during each fiscal year.

14 July, 1870, c.
256, s. 2, v. 16, p. 272.
20 June, 1871, c.
23, v. 16, p. 399.

Refunding the national debt :
Of one-half of one per centum of the amount of bonds authorized under the act of July fourteen, eighteen hundred and seventy, to pay the expenses of preparing, issuing, and disposing of the same.

25 Feb., 1862, c.
33, s. 5, v. 12, p. 346.

Sinking fund :
Of one per centum of the entire debt of the United States, to be set apart as a sinking fund for the purchase or payment of the public debt, in such manner as the Secretary of the Treasury shall from time to time direct.

23 July, 1866, c.
208, s. 12, v. 14, p.
208.

Refunding moneys erroneously received and covered :
To refund moneys received and covered into the Treasury before the payment of legal and just charges against the same.

15 July, 1870, c.
292, s. 11, v. 16, p.
310.

Compensation of persons employed in insurrectionary States, (internal revenue :)
To pay such persons as were actually employed in the insurrectionary States, in connection with the Treasury Department, as officers of the United States, during the years eighteen hundred and sixty-five and eighteen hundred and sixty-six.

1 July, 1862, c.
117, s. 116, v. 12, p.
468.

Allowances and drawbacks, (internal revenue :)
Indefinite appropriation to pay allowance or drawback on articles on which any internal duty or tax shall have been paid when said articles are exported under the act of July one, eighteen hundred and sixty-two, chapter one hundred and nineteen. [See §§ 3441, 5396.]

30 June, 1864, c.
173, s. 44, v. 13, p.
239.

Refunding taxes illegally collected, (internal revenue :)
To refund and pay back duties erroneously or illegally assessed or collected under the internal-revenue laws.

Ibid., s. 161, v. 13,
p. 294.
6 June, 1872, c.
315, s. 41, v. 17, p.
257.

Redemption of stamps, (internal revenue :)
Of such sum of money as may be necessary to repay the amount or value paid for internal-revenue stamps which may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or which through mistake may have been improperly or unnecessarily used.

16 Oct. 1837, c.
10, s. 2, v. 5, p. 207.

Debentures and other charges, (customs :)
To pay debentures and other charges arising from duties, the revenue remaining in the hands of the collecting officers not being sufficient to pay said debentures.

Debentures and drawbacks, (customs:)

3 March, 1849, c.
110, s. 2, v. 9, p. 398.

For the payment of debentures or drawbacks, bounties, and allowances, which are or may be authorized and payable according to laws authorizing them: *Provided*, The collectors of customs shall be the disbursing agents to pay the same.

Distributive shares of fines, penalties, and forfeitures, (customs:)

2 March, 1867, c.
108, s. 1, v. 14, p.
546.

For the payment, under the direction of the Secretary of the Treasury, of the distributive shares of fines, penalties, and forfeitures under the customs laws.

Repayment of excess of deposits for unascertained duties, (customs:)

30 June, 1864, c.
171, s. 16, v. 13, p.
215.

To repay to importers the excess of deposits for unascertained duties, or duties or other moneys paid under protest.

Refunding duties on goods destroyed, (customs:)

28 March, 1854, c.
30, s. 8, v. 10, p. 273.

For refunding duties paid or accruing on goods, wares, or merchandise injured or destroyed by accidental fire or other casualty, while in the custody of the officers of customs, in any public or private warehouse, or in the appraisers' stores undergoing appraisal, in pursuance of law or regulations of the Treasury Department, or after their arrival within the limits of any port of entry of the United States, and before the same have been landed under the supervision of the officers of the customs, or while in transportation under bond from the port of entry to any other port of the United States.

Marine-hospital establishment, (customs:)

16 July, 1798, c.
77, s. 1, v. 1, p. 605.

Of the moneys collected from masters or owners of vessels of the United States, at the rate of forty cents per month for every seaman employed, to constitute a general fund to be used for the benefit and convenience of sick and disabled American seamen.

2 March, 1799, c.
36, ss. 1, 2, v. 1, p.
729.1 March, 1843, c. 49, v. 5, p. 602.
ss. 5, 6, v. 16, p. 170.

20 July, 1846, c. 60, s. 1, v. 9, p. 38.

3 March, 1802, c.
51, s. 1, v. 2, p. 192.
29 June, 1870, c. 169.

Of the proceeds of leases and sales of marine-hospital buildings, and lands appertaining thereto, for the marine-hospital establishment.

20 April, 1866, c.
63, s. 1, v. 14, p. 40.

Refunding duties, (customs:)

3 March, 1871, c.
114, s. 4, v. 16, p. 514.

To refund to parties entitled to refund of duties, under the twenty-sixth section of the act of July fourteen, eighteen hundred and seventy, and joint resolution approved January thirty, eighteen hundred and seventy-one.

6 June, 1872, c.
315, s. 11, v. 17, p.
238.

Refunding proceeds of goods seized and sold, (customs:)

10 June, 1872, c.
425, v. 17, p. 381.

To refund the proceeds of goods, wares, and merchandise seized and sold for having been illegally imported into the United States.

2 April, 1844, c. 8,
s. 2, v. 5, p. 653.

Refunding proceeds of unclaimed merchandise, (customs:)

2 March, 1799, c.
22, s. 56, v. 1, p. 670.

To repay to claimants the overplus received from the sale of unclaimed merchandise, on due proof of their property and entitlement.

Refunding duty on tea and coffee, (customs:)

1 May, 1872, c.
131, s. 1, v. 17, p. 59.

To refund the duties which may have been paid on all tea and coffee in bonded warehouses on the first day of July, eighteen hundred and seventy-two.

Drawback on certain articles imported into the district of Chicago, (customs:)

5 April, 1872, c.
88, s. 2, v. 17, p. 51.

For the payment of a drawback of the import duties paid on all materials, except lumber, imported to be and actually used in buildings erected on the site of buildings burned by the fire in Chicago.

Refunding certain discriminating duties, (customs:)

14 Feb., 1873, c.
137, v. 17, p. 437.

To refund the duties which may have been paid under the provisions of section twenty-five hundred and two on merchandise imported in French vessels from countries other than France, and which was on shipboard and bound to the United States on the fifth day of November, eighteen hundred and seventy-two.

UNDER THE WAR DEPARTMENT.

28 July, 1866, c.
296, s. 12, v. 14, p.
322.

22 April, 1872, c.
114, v. 17, p. 55.

21 March, 1866, c.
21, s. 5, v. 14, p. 10.

23 Jan., 1873, c.
51, s. 1, v. 17, p. 417.

3 March, 1851, c.

25, s. 7, v. 9, p. 596.

5 July, 1862, c.
133, s. 2, v. 12, p.
508.

3 March, 1849, c.

129, ss. 2, 6, v. 9, pp.
415, 416.

3 March, 1863, c.
78, s. 5, v. 12, p. 743.

12 April, 1871, c.

12, ss. 1, 2, v. 17, pp.
641, 642.

2 March, 1867, c.

169, s. 13, v. 14, p.
480.

2 March, 1867, c.

170, s. 7, v. 14, p.
487.

18 May, 1872, c.

172, s. 2, v. 17, p.
134.

Bounty to soldiers:

For payment of bounties to soldiers, or their widows or legal heirs, under the twelfth, thirteenth, fourteenth, fifteenth, and sixteenth sections of "An act making appropriations for sundry civil expenses of the Government for the year ending June thirty, eighteen hundred and sixty-seven, and for other purposes."

Support of National Asylum for Disabled Volunteer Soldiers:

Of all stoppages or fines adjudged against volunteer officers and soldiers by sentence of court-martial or military commission, over and above the amount necessary for the re-imbursement of the Government or individuals, all forfeitures on account of desertion from such service, and all moneys due such deceased officers and soldiers which are or may be unclaimed for three years after the death of such officers and soldiers, to be repaid upon the demand of the heirs or legal representatives of such deceased officers and soldiers, to be used for the establishment and support of the National Asylum for Disabled Volunteer Soldiers. [See § 4825.]

Soldiers' Home:

Of all stoppages or fines adjudged against soldiers by sentence of court-martials, over and above any amount that may be due for the re-imbursement of Government or of individuals; all forfeitures on account of desertion; and all moneys belonging to the estates of deceased soldiers, which now are or may hereafter be unclaimed for the period of three years subsequent to the death of said soldier or soldiers, to be repaid by the commissioners of the institution, upon the demand of the heirs or legal representatives of the deceased.

Horses and other property lost in military service:

To pay for horses, mules, oxen, wagons, carts, sleighs, harness, steam-boats, and other vessels, railroad-engines and railroad-cars, killed, lost, captured, destroyed, or abandoned while in the military service under the provisions of Title "DEBTS DUE BY OR TO THE UNITED STATES."

Payment to certain military organizations in Kansas:

To pay to the members of the military organizations known as the Westport Police Guards, Hickman's Mills Company, and Companies A, B, C, D, and E, of the Kansas City Station Guards, under private act of April twelve, eighteen hundred and seventy-one, chapter twelve, the pay and allowances of volunteers in the service of the United States.

Tax on salaries:

For the payment of the tax on salaries and compensation, where no other appropriation is available, in order to show the true receipts of the Government, under the operations of this section, upon the books of the Treasury Department.

Traveling expenses of California and Nevada volunteers:

To pay for the traveling expenses of such California and Nevada volunteers as were discharged in New Mexico, Arizona, or Utah, and at points distant from the place or places of enlistment, such proportionate sum, according to the distance traveled, as has been paid to the troops of other States similarly situated.

Allowance for reduction of wages under eight-hour law:

Of such sum as may be required in the settlement of all accounts for the services of laborers, workmen, and mechanics employed by or on behalf of the Government, between the twenty-fifth day of June, eighteen hundred and sixty-eight, the date of the act constituting eight hours a day's work for all such laborers, workmen, and mechanics, and the nineteenth day of May, eighteen hundred and sixty-nine, the date of the proclamation of the President concerning such pay, to settle and pay for the same without reduction on account of reduction of hours of labor by said act, when it shall be made to appear that such was the sole cause of the reduction of wages. [See § 3738.]

UNDER THE NAVY DEPARTMENT.

Indemnity to seamen and marines for lost clothing:

To allow and pay to each person, not an officer, employed on a vessel of the United States, sunk or otherwise destroyed, and whose personal effects have been lost, a sum not exceeding sixty dollars. In the event of the death of the person, this sum is to be paid to his proper legal representatives.

4 July, 1864, c. 248, ss. 2, 3, v. 13, p. 390.

Prize-money to captors:

For one moiety of the proceeds of prizes captured by vessels of the United States, to be distributed to the officers and crews thereof, in conformity to the provisions of Title "PRIZE;" also, the proceeds of derelict and salvage cases adjudged by the courts of the United States to salvors.

30 June, 1864, c. 174, s. 16, v. 13, p. 311.

UNDER THE INTERIOR DEPARTMENT.

Deposits by individuals for surveying public lands:

Of the amount deposited by individuals under the provisions of Title "THE PUBLIC LANDS," to pay the cost and expenses incident to the survey of lands, not mineral or reserved, upon which they have settled, any excess of the sums so deposited, over and above the actual cost of surveys, comprising all expenses incident thereto, for which they were severally deposited, to be repaid to the depositors, respectively.

30 May, 1862, c. 86, s. 10, v. 12, p. 410.

Five, three, and two per centum fund to States, (lands:)

To pay to the States of Missouri, Michigan, Florida, Iowa, Wisconsin, Minnesota, Oregon, and Nevada, five per centum of the net proceeds of sales of all public lands lying within their limits, for the purpose of education, or of making public roads and improvements, in pursuance of the acts of March sixth, eighteen hundred and twenty, chapter twenty-two; of June twenty-third, eighteen hundred and thirty-six, chapter one hundred and twenty-one; of March third, eighteen hundred and forty-five, chapter seventy-five; of March third, eighteen hundred and forty-five, chapter seventy-six; of August sixth, eighteen hundred and forty-six, chapter fifty-three; of February twenty-sixth, eighteen hundred and fifty-seven, chapter sixty; of February fourteenth, eighteen hundred and fifty-nine, chapter thirty-three; of February twenty-eighth, eighteen hundred and fifty-nine, chapter sixty-five; and of March twenty-first, eighteen hundred and sixty-four, chapter thirty-six.

1 July, 1864, Res. 60, v. 13, p. 414.

Indemnity for swamp-lands to States:

To pay to the States the proceeds of swamp-lands within their limits which may have been erroneously sold by the United States.

6 March, 1820, c. 22, s. 6, v. 3, p. 547.
23 June, 1836, c. 121, s. 5, v. 5, p. 60.
3 March, 1845, c. 75, s. 1, v. 5, p. 788.
3 March, 1845, c. 76, s. 6, v. 5, p. 790.
6 Aug., 1846, c. 53, s. 3, v. 9, p. 179.
26 Feb., 1857, c. 60, s. 5, v. 11, p. 167.
14 Feb., 1859, c. 33, s. 4, v. 11, p. 384.
28 Feb., 1859, c. 65, s. 1, v. 11, p. 388.
21 March, 1864, c. 36, s. 10, v. 13, p. 32.

Refunding money for lands erroneously sold:

To pay to the purchaser or purchasers the sum or sums of money received for lands erroneously sold by the United States.

2 March, 1855, c. 147, s. 2, v. 10, p. 634.

Survey of Vigil and Saint Vrain land-claims:

To pay the expenses for the survey of the Vigil and Saint Vrain land-claims.

12 Jan., 1825, c. 5, s. 1, v. 4, p. 80.
25 Feb., 1825, c. 13, s. 3, v. 4, p. 91.
28 Feb., 1859, c. 64, s. 1, v. 11, p. 387.

Instructing the blind:

To pay for the instruction of the indigent blind children formerly instructed in the "Columbia Institution for the Instruction of the Deaf, Dumb, and Blind," in Maryland, or some other State. [See § 4569.]

25 Feb., 1869, c. 47, s. 2, v. 15, p. 275.

Payment of interest to North Carolina Cherokees:

To pay each member of every family of the Cherokee Nation of Indians that remained in the State of North Carolina at the time of the treaty of New Echota, May twenty-third, eighteen hundred and thirty-six, interest at the rate of six per centum per annum on a sum equal to fifty-three dollars and thirty-three cents for each individual member, as aforesaid.

23 Feb., 1865, c. 50, s. 2, v. 13, p. 436.

29 July, 1848, c. 118, s. 4, v. 9, p. 264.

Survey of the Nolan private land-claim in Colorado:

To pay the expenses for the survey of the Nolan land-claim.

1 July, 1870, c. 202, s. 3, v. 16, p. 646.

10 Aug., 1846, c.
178, s. 2, v. 9, p. 102.

Smithsonian Institution :

To pay for the erection of buildings and expenses of the Smithsonian Institution, being six per centum on the fund derived from the bequest of James Smithson.

JUDICIAL.

SUPREME COURT OF THE UNITED STATES.

2 March, 1867, c.
168, s. 10, v. 14, p.
471.

Salaries justices, &c., Supreme Court :

To pay the reporter of the Supreme Court for three hundred copies of the second volume of the decisions of the court. [See §§ 681, 682.]

MISCELLANEOUS.

28 Feb., 1871, c.
99, s. 14, v. 16, p.
438.

Fees of supervisors of elections :

To pay supervisors of elections compensation apart from and in excess of all fees allowed by law for the performance of any duty as circuit-court commissioner.

Expenditure of
balances of appro-
priations.

12 July, 1870, c.
251, s. 5, v. 16, p.
251.

SEC. 3690. All balances of appropriations contained in the annual appropriation bills and made specifically for the service of any fiscal year, and remaining unexpended at the expiration of such fiscal year, shall only be applied to the payment of expenses properly incurred during that year; or to the fulfillment of contracts properly made within that year; and balances not needed for such purposes shall be carried to the surplus fund. This section, however, shall not apply to appropriations known as permanent or indefinite appropriations. [See § 3085.]

Disposal of bal-
ances after two
years.

Ibid., s. 6.

SEC. 3691. All balances of appropriations which shall have remained on the books of the Treasury, without being drawn against in the settlement of accounts, for two years from the date of the last appropriation made by law, shall be reported by the Secretary of the Treasury to the Auditor of the Treasury, whose duty it is to settle accounts thereunder, and the Auditor shall examine the books of his Office, and certify to the Secretary whether such balances will be required in the settlement of any accounts pending in his Office; and if it appears that such balances will not be required for this purpose, then the Secretary may include such balances in his surplus-fund warrant, whether the head of the proper Department shall have certified that it may be carried into the general Treasury or not. But no appropriation for the payment of the interest or principal of the public debt, or to which a longer duration is given by law, shall be thus treated.

Proceeds of cer-
tain sales, &c., of
material.

8 May, 1872, c.
140, s. 5, v. 17, p. 83.
3 March, 1847, c.
48, s. 1, v. 9, p. 171.
20 Apr., 1866, c. 63,
ss. 1, 2, v. 14, p. 40.

SEC. 3692. All moneys received from the leasing or sale of marine hospitals, or the sale of revenue-cutters, or from the sale of commissary stores to the officers and enlisted men of the Army, or from sales of condemned clothing of the Navy, or from sales of materials, stores, or supplies to any exploring or surveying expedition authorized by law, shall respectively revert to that appropriation out of which they were originally expended, and shall be applied to the purposes for which they are appropriated by law.

28 July, 1866, c. 299, s. 25, v. 14, p. 336. 8 June, 1872, c. 348, v. 17, p. 337.

TITLE XLII.

THE PUBLIC DEBT.

| Sec. | Sec. |
|---|--|
| 3693. Payment in coin. | 3702. Duplicate for bonds destroyed, &c. |
| 3694. Application of coin paid for duties. Sinking-fund. | 3703. Indemnity for destroyed, &c., bonds. |
| 3695. Cancellation of bonds redeemed or paid. | 3704. Duplicate of lost registered bond may be issued. |
| 3696. Addition to sinking-fund. | 3705. Indemnity for such missing bond. |
| 3697. Redemption of six per cent. bonds. | 3706. Exchange of registered for coupon bonds. |
| 3698. Payment of interest. | 3707. Credit to officers for stolen notes. |
| 3699. Anticipation of interest. | 3708. Imitating United States securities, or printing business cards, &c., on them; penalty. |
| 3700. Purchase of coin. | |
| 3701. Exemption from taxation. | |

SEC. 3693. The faith of the United States is solemnly pledged to the payment in coin or its equivalent of all the obligations of the United States not bearing interest, known as United States notes, and of all the interest-bearing obligations of the United States, except in cases where the law authorizing the issue of any such obligation has expressly provided that the same may be paid in lawful money or other currency than gold and silver. But none of the interest-bearing obligations not already due shall be redeemed or paid before maturity, unless at such time United States notes are convertible into coin at the option of the holder, or unless at such time bonds of the United States bearing a lower rate of interest than the bonds to be redeemed can be sold at par in coin. The faith of the United States is also solemnly pledged to make provisions at the earliest practicable period for the redemption of the United States notes in coin.

SEC. 3694. The coin paid for duties on imported goods shall be set apart as a special fund, and shall be applied as follows:

First. To the payment in coin of the interest on the bonds and notes of the United States.

Second. To the purchase or payment of one per centum of the entire debt of the United States, to be made within each fiscal year, which is to be set apart as a sinking-fund, and the interest of which shall in like manner be applied to the purchase or payment of the public debt, as the Secretary of the Treasury shall from time to time direct.

Third. The residue to be paid into the Treasury.

SEC. 3695. All bonds applied to the sinking-fund, and all other United States bonds redeemed or paid by the United States, shall be canceled and destroyed. A detailed record of the bonds so canceled and destroyed shall be first made in the books of the Treasury Department. The amount of the bonds of each class that have been canceled and destroyed shall be deducted respectively from the amount of each class of the outstanding debt of the United States.

SEC. 3696. In addition to other amounts that may be applied to the redemption or payment of the public debt, an amount equal to the interest on all bonds belonging to the sinking-fund shall be applied, as the Secretary of the Treasury shall from time to time direct, to the payment of the public debt.

SEC. 3697. The Secretary of the Treasury is authorized, with any coin in the Treasury which he may lawfully apply to such purpose, or which may be derived from the sale of any of the bonds which he may be authorized to dispose of for that purpose, to pay at par and cancel any six per centum bonds of the United States of the kind known as five-twenty bonds, which have become or shall hereafter become redeemable by the

Payment in coin.
18 March, 1869, c.
1, v. 16, p. 1.

Application of
coin paid for duties.
Payment of in-
terest on public
debt.

25 Feb., 1862, c. 33, s. 5, v. 12, p. 346.

Sinking-fund.

Cancellation of
bonds redeemed or
paid.

14 July, 1870, c.
256, s. 6, v. 16, p.
273.

Addition to sink-
ing-fund.

Ibid.

Redemption of
six per cent. bonds.

Ibid. s. 4.

terms of their issue. But the particular bonds so to be paid and canceled shall in all cases be indicated and specified by class, date, and number, in the order of their numbers and issue, beginning with the first numbered and issued, in a public notice to be given by the Secretary of the Treasury, and, in three months after the date of such public notice, the interest on the bonds so selected and advertised to be paid shall cease.

Payment of interest.

9 Feb., 1847, c. 7, v. 9, p. 123.

Anticipation of interest.

17 March, 1864, Res. No. 20, v. 13, p. 404.

Purchase of coin.

17 March, 1862, c. 45, s. 1, v. 12, p. 370.

Exemption from taxation.

30 June, 1864, c. 172, s. 1, v. 13, p. 218. 28 Jan., 1865, c. 22, s. 1, v. 13, p. 425. 3 March, 1865, c. 77, s. 2, v. 13, p. 469. 14 July, 1870, c. 256, s. 1, v. 16, p. 272. 3 March, 1864, c. 17, s. 1, v. 13, p. 13. 3 March, 1863, c. 73, s. 1, v. 12, p. 710. 25 Feb., 1862, c. 33, s. 2, v. 12, p. 346.—Bank vs. Supervisors, 7 Wall., 26.

Duplicate for bonds destroyed.

1 June, 1872, c. 254, s. 1, v. 17, p. 196.

Indemnity for destroyed bond.

Ibid., s. 2.

Duplicate of lost registered bond may be issued.

3 March, 1871, Res. 49, v. 16, p. 600.

SEC. 3698. The Secretary of the Treasury shall cause to be paid, out of any money in the Treasury not otherwise appropriated, any interest falling due, or accruing, on any portion of the public debt authorized by law.

SEC. 3699. The Secretary of the Treasury may anticipate the payment of interest on the public debt, by a period not exceeding one year, from time to time, either with or without a rebate of interest upon the coupons, as to him may seem expedient; and he is authorized to dispose of any gold in the Treasury of the United States, not necessary for the payment of interest of the public debt. The obligation to create the sinking-fund shall not, however, be impaired thereby.

SEC. 3700. The Secretary of the Treasury may purchase coin with any of the bonds or notes of the United States, authorized by law, at such rates and upon such terms as he may deem most advantageous to the public interest.

SEC. 3701. All stocks, bonds, Treasury notes, and other obligations of the United States, shall be exempt from taxation by or under State or municipal or local authority.

SEC. 3702. Whenever it appears to the Secretary of the Treasury, by clear and unequivocal proof, that any interest-bearing bond of the United States has, without bad faith upon the part of the owner, been destroyed, wholly or in part, or so defaced as to impair its value to the owner, and such bond is identified by number and description, the Secretary of the Treasury shall, under such regulations and with such restrictions as to time and retention for security or otherwise as he may prescribe, issue a duplicate thereof, having the same time to run, bearing like interest as the bond so proved to have been destroyed or defaced, and so marked as to show the original number of the bond destroyed and the date thereof. But when such destroyed or defaced bonds appear to have been of such a class or series as has been or may, before such application, be called in for redemption, instead of issuing duplicates thereof, they shall be paid, with such interest only as would have been paid if they had been presented in accordance with such call.

SEC. 3703. The owner of such destroyed or defaced bond shall surrender the same, or so much thereof as may remain, and shall file in the Treasury a bond in a penal sum of double the amount of the destroyed or defaced bond, and the interest which would accrue thereon until the principal becomes due and payable, with two good and sufficient sureties, residents of the United States, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim upon such destroyed or defaced bond.

SEC. 3704. Whenever it is proved to the Secretary of the Treasury, by clear and satisfactory evidence, that any duly registered bond of the United States, bearing interest, issued for valuable consideration in pursuance of law, has been lost or destroyed, so that the same is not held by any person as his own property, the Secretary shall issue a duplicate of such registered bond, of like amount, and bearing like interest and marked in the like manner as the bond so proved to be lost or destroyed.

SEC. 3705. The owner of such missing bond shall first file in the Treasury a bond in a penal sum equal to the amount of such missing bond, and the interest which would accrue thereon, until the principal thereof becomes due and payable, with two good and sufficient sureties, residents of the United States, to be approved by the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any claim because of the lost or destroyed bond.

Indemnity for missing bond.

Ibid.

SEC. 3706. The Secretary of the Treasury is hereby authorized to issue, upon such terms and under such regulations as he may from time to time prescribe, registered bonds in exchange for and in lieu of any coupon-bonds which have been or may be lawfully issued; such registered bonds to be similar in all respects to the registered bonds issued under the acts authorizing the issue of the coupon-bonds offered for exchange.

Exchange of registered for coupon bonds.

30 June, 1864, c. 172, s. 7, v. 13, p. 220.

SEC. 3707. When any officer or agent duly authorized to receive, redeem, or cancel any Treasury notes issued by authority of law, shall receive, or pay, any Treasury note which has been previously received or redeemed by any officer or agent having authority to receive or redeem such note, and which has subsequently thereto been purloined and put into circulation, the Secretary of the Treasury, upon full and satisfactory proof that the same has been received or paid in good faith, and in the exercise of ordinary prudence, may allow a credit for the amount of such note, to the officer or agent so receiving or paying the same.

Credit to officers for stolen notes.

10 Aug., 1846, c. 180, s. 2, v. 9, p. 107.

SEC. 3708. It shall not be lawful to design, engrave, print, or in any manner make or execute, or to utter, issue, distribute, circulate, or use, any business or professional card, notice, placard, circular, handbill, or advertisement, in the likeness or similitude of any bond, certificate of indebtedness, certificate of deposit, coupon, United States note, Treasury note, fractional note, or other obligation or security of the United States which has been or may be issued under or authorized by any act of Congress heretofore passed or which may hereafter be passed; or to write, print, or otherwise impress upon any such instrument, obligation, or security, any business or professional card, notice, or advertisement, or any notice or advertisement of any matter or thing whatever. Any person violating this section shall be liable to a penalty of one hundred dollars, recoverable one-half to the use of the informer.

Imitating United States securities, or printing business cards, &c., on them; penalty.

5 Feb., 1867, c. 26, ss. 2, 3, v. 14, p. 383.

[See §§ 5413, 5414.]

TITLE XLIII.

PUBLIC CONTRACTS.

| Sec. | Sec. |
|---|--|
| 3709. Advertisements for proposals. | 3728. Home manufactures to be preferred. |
| 3710. Opening bids. | 3729. Bunting. |
| 3711. Inspection of fuel in District of Columbia. | 3730. Relinquishment of reservations on deliveries. |
| Appointment of inspectors, &c. | 3731. Name of contractor to appear on supplies. |
| 3712. Appointment of inspectors, &c., to be notified to accounting officers. | 3732. Unauthorized contracts prohibited. |
| 3713. No payment without certificates. | 3733. No contract to exceed appropriation. |
| 3714. Contracts for the military or naval service, how controlled. | 3734. Restrictions on commencement of new buildings. |
| 3715. Contracts for Army subsistence. | 3735. Contracts limited to one year. |
| 3716. Advertisements for contracts for supplies for Quartermaster's Department. | 3736. Restriction on purchases of land. |
| 3717. Separate proposals for works, &c., required. | 3737. No transfer of contract. |
| 3718. Naval supplies to be furnished by contract. | 3738. Eight hours to be a day's work. |
| 3719. Guarantee. | 3739. Members of Congress not to be interested in contracts. |
| 3720. Record of bid and report to Congress. | 3740. What interest members of Congress may have. |
| 3721. Purchase without advertisements. | 3741. Stipulation that no member of Congress has an interest. |
| 3722. What bids may be rejected, &c. | 3742. Penalty against officer for making contract with a member of Congress. |
| Opening bids. | 3743. Deposit of contracts. |
| 3723. Contracts for foreign supplies for the Navy. | 3744. Contracts to be in writing. |
| 3724. Rejection of excessive bids. | 3745. Oath to contract. |
| 3725. Hemp. | 3746. Penalty for omitting returns. |
| 3726. Preserved meats, &c. | 3747. Instructions. |
| 3727. Flour and bread. | |

Advertisements for proposals.

2 March, 1861, c. 84, s. 10, v. 12, p. 220.

U.S. vs. Speed, 8 Wall., 77; *Childs vs. U.S.*, 4 Ct. Clms., 176; *Mason vs. U.S.*, 4 Ct. Clms., 495; *Wentworth vs. U.S.*, 5 Ct. Clms., 302.

Opening bids.

31 Jan., 1868, Res. 8, v. 15, p. 246.

Inspection of fuel in District of Columbia.

11 July, 1870, c. 243, s. 1, v. 16, p. 229.

Appointment of inspectors, &c.

SEC. 3709. All purchases and contracts for supplies or services, in any of the Departments of the Government, except for personal services, shall be made by advertising a sufficient time previously for proposals respecting the same, when the public exigencies do not require the immediate delivery of the articles, or performance of the service. When immediate delivery or performance is required by the public exigency, the articles or service required may be procured by open purchase or contract, at the places and in the manner in which such articles are usually bought and sold, or such services engaged, between individuals.

SEC. 3710. Whenever proposals for supplies have been solicited, the parties responding to such solicitation shall be duly notified of the time and place of opening the bids, and be permitted to be present either in person or by attorney, and a record of each bid shall then and there be made.

SEC. 3711. It shall not be lawful for any officer or person in the civil, military, or naval service of the United States in the District of Columbia to purchase anthracite or bituminous coal or wood for the public service except on condition that the same shall, before delivery, be inspected and weighed or measured by some competent person to be appointed by the head of the Department or chief of the branch of the service for which the purchase is made. The person so appointed shall, before entering upon the duty of inspector, weigher, and measurer, and to the satisfaction of the appointing officer, give bond, with not less than two sureties, in the penal sum of five thousand dollars, and with condition that each ton of coal weighed by him shall consist of two thousand two hundred and forty pounds, and that each cord of wood to be

so measured shall be of the standard measure of one hundred and twenty-eight cubic feet. The inspector, weigher, and measurer so appointed shall be entitled to receive from the vendors of fuel weighed and measured by him twenty cents for each ton of coal weighed, and nine cents for each cord of wood measured by him. Each load or parcel of wood or coal weighed and measured by him shall be accompanied by his certificate of the number of tons or pounds of coal and the number of cords or parts of cords of wood in each load or parcel.

SEC. 3712. The proper accounting officer of the Treasury shall be furnished with a copy of the appointment of each inspector, weigher, and measurer appointed under the preceding section.

Appointments to be notified to accounting officer.

Ibid, s. 2.

No payment without certificate.

Ibid.

SEC. 3713. It shall not be lawful for any accounting officer to pass or allow to the credit of any disbursing officer in the District of Columbia any money paid by him for purchase of anthracite or bituminous coal or for wood, unless the voucher therefor is accompanied by a certificate of the proper inspector, weigher, and measurer that the quantity paid for has been determined by such officer.

SEC. 3714. All purchases and contracts for supplies or services for the military and naval service shall be made by or under the direction of the chief officers of the Departments of War and of the Navy, respectively. [See §§ 512-515.]

Contracts for the military or naval service, how controlled.

16 July, 1798, c.

85, s. 3, v. 1, p. 610.—U. S. *vs.* Adams, 7 Wall., 463; Parish *vs.* U. S., 8 Wall., 489.

Contracts for Army subsistence.

SEC. 3715. Contracts for subsistence supplies for the Army, made by the Commissary-General, on public notice, shall provide for a complete delivery of such articles, on inspection, at such places as shall be stipulated.

14 April, 1818, c. 61, s. 7, v. 3, p. 427.

3 March, 1835, c. 49, s. 1, v. 4, p. 780. 2 March, 1861, c. 84, s. 10, v. 12, p. 220.

Advertisements for supplies for Quartermaster's Department.

SEC. 3716. The Quartermaster's Department of the Army, in obtaining supplies for the military service, shall state in all advertisements for bids for contracts that a preference shall be given to articles of domestic production and manufacture, conditions of price and quality being equal, and that such preference shall be given to articles of American production and manufacture produced on the Pacific coast, to the extent of the consumption required by the public service there. In advertising for Army supplies the Quartermaster's Department shall require all articles which are to be used in the States and Territories of the Pacific coast to be delivered and inspected at points designated in those States and Territories; and the advertisements for such supplies shall be published in newspapers of the cities of San Francisco, in California, and Portland, in Oregon.

13 July, 1866, c. 176, s. 4, v. 14, p. 92.

SEC. 3717. Whenever the Secretary of War invites proposals for any works, or for any material or labor for any works, there shall be separate proposals and separate contracts for each work, and also for each class of material or labor for each work.

Separate proposals required for works, &c.

23 June, 1866, c. 138, s. 3, v. 14, p. 73.

Naval supplies to be furnished by contract.

SEC. 3718. All provisions, clothing, hemp, and other materials of every name and nature, for the use of the Navy, and the transportation thereof, when time will permit, shall be furnished by contract, by the lowest bidder, as follows: In the case of provisions, clothing, hemp, and other materials, the Secretary of the Navy shall advertise, once a week, for at least four weeks, in one or more of the principal papers published in the place where such articles are to be furnished, for sealed proposals for furnishing the same, or the whole of any particular class thereof, specifying the classes of materials and referring bidders to the several chiefs of Bureaus, who will furnish them with printed schedules, giving a full description of each and every article, with dates of delivery, and so forth. In the case of transportation of such articles, he shall advertise for a period of not less than five days. All such proposals shall be kept sealed until the day specified in such advertisement

3 March, 1843, c. 83, v. 5, p. 617.

28 Sept., 1850, c.

80, s. 1, v. 9, p. 513.

5 Aug., 1854, c.

268, s. 1, v. 10, p.

585.

17 April, 1866, c.

45, s. 4, v. 14, p. 38.

for opening the same, when they shall be opened by or under the direction of the officer making such advertisement, in the presence of at least two persons. The person offering to furnish any class of such articles, and giving satisfactory security for the performance thereof, under a forfeiture not exceeding twice the contract price in case of failure, shall receive a contract for furnishing the same.

Guarantee of bid.

10 Aug., 1846, c.
176, s. 6, v. 9, p. 101.

SEC. 3719. Every proposal for naval supplies invited by the Secretary of the Navy, under the preceding section, shall be accompanied by a written guarantee, signed by one or more responsible persons, to the effect that he or they undertake that the bidder, if his bid is accepted, will, at such time as may be prescribed by the Secretary of the Navy, give bond, with good and sufficient sureties, to furnish the supplies proposed; and no proposal shall be considered, unless accompanied by such guarantee. If, after the acceptance of a proposal, and a notification thereof to the bidder, he fails to give such bond within the time prescribed by the Secretary of the Navy, the Secretary shall proceed to contract with some other person for furnishing the 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 supplies, for the whole period of the proposal, to be charged up against the bidder and his guarantor; 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 such persons.

Record of bid
and report to Con-
gress.

3 March, 1843, c.
83, v. 5, p. 617.

SEC. 3720. All such proposals for naval supplies shall be preserved and recorded, and reported by the Secretary of the Navy to Congress at the commencement of every regular session. The report shall contain a schedule embracing the offers by classes, indicating such as have been accepted. In case of a failure to supply the articles or to perform the work by the person entering into such contract, he and his sureties shall be liable for the forfeiture specified in such contract, as liquidated damages, to be sued for in the name of the United States.

Purchases without
advertisements.

3 March, 1845, c.
77, s. 3, v. 5, p. 794.
3 March, 1847, c.
48, s. 2, v. 9, p. 172.
3 Aug., 1848, c.
121, s. 11, v. 9, p.
272.
2 March, 1865, c.
74, s. 7, v. 13, p. 467.

SEC. 3721. The provisions which require that supplies shall be purchased by the Secretary of the Navy from the lowest bidder, after advertisement, shall not apply to ordnance, gunpowder, or medicines, or the supplies which it may be necessary to purchase out of the United States for vessels on foreign stations, or bunting delivered for the use of the Navy, or tobacco, or butter or cheese destined for the use of the Navy, or things contraband of war. Contracts for butter and cheese for the use of the Navy may be made for periods longer than one year, if, in the opinion of the Secretary of the Navy, economy and the quality of the ration will be promoted thereby. The Secretary of the Navy may enter into contracts for tobacco, from time to time, as the service requires, for a period not exceeding four years; and in making such contracts he shall not be restricted to the lowest bidder, unless, in his opinion, economy and the best interests of the service will be thereby promoted.

What bids may
be rejected.

3 March, 1863,
Res. 32, s. 2, v. 12,
p. 823.

SEC. 3722. The chief of any Bureau of the Navy Department, in contracting for naval supplies, shall be at liberty to reject the offer of any person who, as principal or surety, has been a defaulter in any previous contract with the Navy Department. Parties who have made default as principals or sureties in any former contract shall not be received as sureties on other contracts; nor shall the copartners of any firm be received as sureties for such firm or for each other; nor, in contracts with the same Bureau, shall one contractor be received as surety for another. Every contract shall require the delivery of a specified quantity, and no bids having nominal or fictitious prices shall be considered. If more than one bid be offered by any one party, by or in the name of his or their clerk, partner, or other person, all such bids may be rejected; and no person shall be received as a contractor who is not a manufacturer of, or regular dealer in, the articles which he offers to supply. All persons

Opening bids.

offering bids shall have the right to be present when the bids are opened and inspect the same.

SEC. 3723. No chief of a Bureau shall make any contract for supplies for the Navy, to be executed in a foreign country, except it be on first advertising for at least thirty days in two daily newspapers of the city of New York, inviting sealed bids for furnishing the supplies desired; which bids shall be opened in the presence of the Secretary of the Navy and the heads of two Bureaus; and contracts shall in all cases be awarded to the lowest bidder; and paymasters for the Navy on foreign stations shall render, when practicable, with their accounts, an official certificate from the resident consul, or commercial or consular agent of the United States, if there be one, to be furnished gratuitously, vouching that all purchases and expenditures made by the paymasters were made at the ruling market-prices of the place at the time of purchase or expenditure.

SEC. 3724. Where articles are advertised and bid for in classes, and in the judgment of the Secretary of the Navy any one or more articles appear to be bid for at excessive or unreasonable prices, exceeding ten per centum above their fair market-value, he shall be authorized to reject such bid.

SEC. 3725. All hemp, or preparations of hemp, used for naval purposes by the Government of the United States, shall be of American growth or manufacture, when the same can be obtained of as good quality and at as low a price as foreign hemp.

SEC. 3726. The Secretary of the Navy is authorized to procure the preserved meats, pickles, butter, and desiccated vegetables, in such manner and under such restrictions and guarantees as in his opinion will best insure the good quality of said articles.

SEC. 3727. The Secretary of the Navy is authorized to purchase, in such manner as he shall deem most advantageous to the Government, the flour required for naval use; and to have the bread for the Navy baked from this flour by special contract under naval inspection.

SEC. 3728. The Secretary of the Navy, in making contracts and purchases of articles for naval purposes, shall give the preference, all other things, including price and quality, being equal, to articles of the growth, production, and manufacture of the United States. In purchasing fuel for the Navy, or for naval stations and yards, the Secretary of the Navy shall have power to discriminate and purchase, in such manner as he may deem proper, that kind of fuel which is best adapted to the purpose for which it is to be used.

SEC. 3729. The Secretary of War, the Secretary of the Navy, and the Secretary of the Treasury may enter into contract, in open market, for bunting of American manufacture, as their respective services require, for a period not exceeding one year, and at a price not exceeding that at which an article of equal quality can be imported.

SEC. 3730. The Secretary of the Navy may relinquish and pay all reservations of the ten per centum upon deliveries made under contracts with the Navy Department, where these reservations have arisen and the contracts have been afterward extended, or where the contracts have been completed after the time of delivery, by and with the consent of the Department, or where the contracts have been dissolved by the like consent, or have been terminated, or an extension thereof has been prevented by operation of law, where no injury has been sustained by the public service.

SEC. 3731. Every person who shall furnish supplies of any kind to the Army or Navy shall be required to mark and distinguish the same with the name of the contractor furnishing such supplies, in such manner as the Secretary of War and the Secretary of the Navy may, respectively, direct; and no supplies of any kind shall be received, unless so marked and distinguished.

Contracts for foreign supplies for the Navy.

3 March, 1871, c. 117, s. 3, v. 16, p. 535.

Rejection of excessive bids.

4 July, 1864, c. 252, s. 7, v. 13, p. 394.

Hemp.

14 July, 1862, c. 163, s. 11, v. 12, p. 554.

Preserved meats, &c.

18 July, 1861, c. 7, s. 7, v. 12, p. 265.

Flour and bread.

3 March, 1863, c. 118, s. 4, v. 12, p. 818.

Home manufactures to be preferred.

28 Sept., 1850, c. 80, s. 1, v. 9, pp. 513, 515.

Bunting.

2 March, 1865, c. 74, s. 7, v. 13, p. 467.

Relinquishment of reservations on deliveries.

17 June, 1844, c. 107, s. 5, v. 5, p. 703.

Name of contractor to appear on supplies.

17 July, 1862, c. 200, s. 15, v. 12, p. 596.

If unauthorized contracts prohibited.

2 March, 1861, c. 84, s. 10, v. 12, p. 220.

The Floyd Acceptances, 7 Wall., 666.

No contract to exceed appropriation.

25 July, 1868, c. 233, s. 3, v. 15, p. 177.

Restrictions on commencement of new buildings.

15 July, 1870, c. 292, v. 16, p. 296.

Contracts limited to one year.

31 Jan., 1868, Res. No. 8, v. 15, p. 246.

Restriction on purchases of land.

1 May, 1820, c. 52, s. 7, v. 3, p. 568.

Neilson vs. Lagow, 12 How., 98.

No transfer of contract.

17 July, 1862, c. 200, s. 14, v. 12, p. 596.

Wheelan vs. U. S., 5 Ct. Clms., 504.

Eight hours to be a day's work.

28 June, 1868, c. 72, v. 15, p. 77.

Members of Congress not to be interested in contracts.

21 April, 1808, c. 48, s. 1, v. 2, p. 484.

What interest members of Congress may have.

Ibid., s. 2.

SEC. 3732. No contract or purchase on behalf of the United States shall be made, unless the same is authorized by law or is under an appropriation adequate to its fulfillment, except in the War and Navy Departments, for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year.

SEC. 3733. No contract shall be entered into for the erection, repair, or furnishing of any public building, or for any public improvement which shall bind the Government to pay a larger sum of money than the amount in the Treasury appropriated for the specific purpose. [See § 5503.]

SEC. 3734. Before any new buildings for the use of the United States are commenced, the plans and full estimates therefor shall be prepared and approved by the Secretary of the Treasury, the Postmaster-General, and the Secretary of the Interior; and the cost of each building shall not exceed the amount of such estimate. [See § 3663.]

SEC. 3735. It shall not be lawful for any of the Executive Departments to make contracts for stationery or other supplies for a longer term than one year from the time the contract is made.

SEC. 3736. No land shall be purchased on account of the United States, except under a law authorizing such purchase.

SEC. 3737. No contract or order, or any interest therein, shall be transferred by the party to whom such contract or order is given to any other party, and any such transfer shall cause the annulment of the contract or order transferred, so far as the United States are concerned. All rights of action, however, for any breach of such contract by the contracting parties, are reserved to the United States.

SEC. 3738. Eight hours shall constitute a day's work for all laborers, workmen, and mechanics who may be employed by or on behalf of the Government of the United States. [See § 3689.]

SEC. 3739. No member of or Delegate to Congress shall directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract or agreement made or entered into in behalf of the United States, by any officer or person authorized to make contracts on behalf of the United States. Every person who violates this section shall be deemed guilty of a misdemeanor, and shall be fined three thousand dollars. All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced on the part of the United States, in consideration of any such contract or agreement, it shall be forthwith repaid; and in case of refusal or delay to repay the same, when demanded, by the proper officer of the Department under whose authority such contract or agreement shall have been made or entered into, every person so refusing or delaying, together with his surety or sureties, shall be forthwith prosecuted at law for the recovery of any such sum of money so advanced.

SEC. 3740. Nothing contained in the preceding section shall extend, or be construed to extend, to any contract or agreement, made or entered into, or accepted, by any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any member of Congress, where the same are ready for delivery, and payment therefor is made, at the time of making or entering into the contract or agreement.

SEC. 3741. In every such contract or agreement to be made or entered into, or accepted by or on behalf of the United States, there shall be inserted an express condition that no member of Congress shall be admitted to any share or part of such contract or agreement, or to any benefit to arise thereupon.

SEC. 3742. Every officer who, on behalf of the United States, directly or indirectly makes or enters into any contract, bargain, or agreement in writing or otherwise, other than such as are hereinbefore excepted, with any member of Congress, shall be deemed guilty of a misdemeanor, and shall be fined three thousand dollars.

SEC. 3743. All contracts to be made, by virtue of any law, and requiring the advance of money, or in any manner connected with the settlement of public accounts, shall be deposited in the office of the First Comptroller of the Treasury of the United States, within ninety days after their respective dates.

SEC. 3744. It shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior, to cause and require every contract made by them severally on behalf of the Government, or by their officers under them appointed to make such contracts, to be reduced to writing, and signed by the contracting parties with their names at the end thereof; a copy of which shall be filed by the officer making and signing the contract in the Returns Office of the Department of the Interior, as soon after the contract is made as possible, and within thirty days, together with all bids, offers, and proposals to him made by persons to obtain the same, and with a copy of any advertisement he may have published inviting bids, offers, or proposals for the same. All the copies and papers in relation to each contract shall be attached together by a ribbon and seal, and marked by numbers in regular order, according to the number of papers composing the whole return. [See §§ 512-515.]

SEC. 3745. It shall be the further duty of the officer, before making his return, according to the preceding section, to affix to the same his affidavit in the following form, sworn to before some magistrate having authority to administer oaths: "I do solemnly swear (or affirm) that the copy of contract hereto annexed is an exact copy of a contract made by me personally with ———; that I made the same fairly without any benefit or advantage to myself, or allowing any such benefit or advantage corruptly to the said ———, or any other person; and that the papers accompanying include all those relating to the said contract, as required by the statute in such case made and provided."

SEC. 3746. Every officer who makes any contract, and fails or neglects to make return of the same, according to the provisions of the two preceding sections, unless from unavoidable accident or causes not within his control, shall be deemed guilty of a misdemeanor, and shall be fined not less than one hundred dollars nor more than five hundred, and imprisoned not more than six months.

SEC. 3747. It shall be the duty of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Interior to furnish every officer appointed by them with authority to make contracts on behalf of the Government with a printed letter of instructions, setting forth the duties of such officer, under the two preceding sections, and also to furnish therewith forms, printed in blank, of contracts to be made, and the affidavit of returns required to be affixed thereto, so that all the instruments may be as nearly uniform as possible.

Stipulation that no member of Congress has an interest.

Ibid., s. 3.

Penalty against officer for making contract with a member of Congress.

Ibid., s. 4.

Deposit of contracts.

16 July, 1798, c. 85, s. 6, v. 1, p. 610.

Contracts to be in writing.

2 June, 1862, c. 93, s. 1, v. 12, p. 411.

Lindsley vs. U. S., 4 Ct. Clms., 359; Burchiel vs. U. S., 4 Ct. Clms., 549; Bernheimer vs. U. S., 5 Ct. Clms., 65.

Oath to contract.

Ibid., s. 2.

Penalty for omitting returns.

Ibid., s. 3.

Instructions.

Ibid., s. 5.

TITLE XLIV.

THE PUBLIC PROPERTY.

Sec.

3748. Uniforms and equipments.
 3749. Solicitor of Treasury may rent or sell unproductive lands or property.
 3750. To have charge of property transferred to the United States.
 3751. To release land in certain cases.

Sec.

3752. Power to obtain releases.
 3753. Releasing property from attachment.
 3754. Payment.
 3755. Preservation, sale, &c., of abandoned property.

Uniforms and equipments.

3 March, 1863, c. 75, s. 23, v. 12, p. 735.

SEC. 3748. The clothes, arms, military outfits, and accouterments furnished by the United States to any soldier shall not be sold, bartered, exchanged, pledged, loaned, or given away; and no person not a soldier, or duly authorized officer of the United States, who has possession of any such clothes, arms, military outfits, or accouterments, so furnished, and which have been the subjects of any such sale, barter, exchange, pledge, loan, or gift, shall have any right, title, or interest therein; but the same may be seized and taken wherever found by any officer of the United States, civil or military, and shall thereupon be delivered to any quartermaster, or other officer authorized to receive the same. The possession of any such clothes, arms, military outfits, or accouterments by any person not a soldier or officer of the United States shall be presumptive evidence of such a sale, barter, exchange, pledge, loan, or gift.

Solicitor of Treasury may rent or sell unproductive lands or property.

3 March, 1863, c. 76, s. 9, v. 12, p. 740.

SEC. 3749. The Solicitor of the Treasury is authorized, with the approval of the Secretary of the Treasury, to rent, for a period not exceeding three years, or to sell, at public sale, any unproductive lands, or other property of the United States acquired under judicial process or otherwise in the collection of debts, after advertising the time, place, and conditions of such sale for three months preceding the same in some newspaper published in the vicinity thereof, in such manner and upon such terms as may, in his judgment, be most advantageous to the public interest. [See §§ 3208, 3740.]

To have charge of property transferred to the United States.

29 May, 1830, c. 153, s. 1, v. 4, p. 414.
 2 March, 1867, c. 169, s. 4, v. 14, p. 472.

SEC. 3750. The Solicitor of the Treasury shall have charge of all lands and other property which have been or may be assigned, set off, or conveyed to the United States in payment of debts, and of all trusts created for the use of the United States in payment of debts due them; and of the sale and disposal of lands assigned or set off to the United States in payment of debts, or vested in them by mortgage or other security for the payment of debts: *Provided*, That this section shall not apply to real estate which has been or shall be assigned, set off, or conveyed to the United States, in payment of debts arising under the internal-revenue laws, nor to trusts created for the use of the United States, in payment of such debts due them. [See § 3208.]

To release lands in certain cases.

Ibid.

SEC. 3751. In cases where real estate has become the property of the United States, by conveyance, extent, or otherwise, in payment of a debt, and such debt is afterward fully paid in money, and the same has been received by the United States, the Solicitor of the Treasury may release by deed or otherwise convey the same real estate to the debtor from whom it was taken, if he is living, or, if such debtor is dead, to his heirs or devisees, or such person as they may appoint: *Provided*, That this section shall not apply to real estate so acquired by the United States in payment of any debt arising under the internal-revenue laws.

Power to obtain releases.

28 April, 1828, c. 41, s. 3, v. 4, p. 264.

SEC. 3752. Whenever any lands have been or shall be conveyed to individuals or officers, for the use or benefit of the United States, the President is authorized to obtain from such person a release of his interest to the United States.

SEC. 3753. Whenever any property owned or held by the United States, or in which the United States have or claim an interest, shall, in any judicial proceeding under the laws of any State, district, or Territory, be seized, arrested, attached, or held for the security or satisfaction of any claim made against such property, the Secretary of the Treasury, in his discretion, may direct the Solicitor of the Treasury to cause a stipulation to be entered into by the proper district attorney for the discharge of such property from such seizure, arrest, attachment, or proceeding, to the effect that upon such discharge, the person asserting the claim against such property shall become entitled to all the benefits of this and the following section. Nothing herein contained shall, however, be considered as recognizing or conceding any right to enforce by seizure, arrest, attachment, or any judicial process, any claim against any property of the United States, or against any property held, owned, or employed by the United States, or by any Department thereof, for any public use, or as waiving any objection to any proceeding instituted to enforce any such claim.

SEC. 3754. In all cases where a stipulation is entered into under the preceding section, and, in consequence thereof, the property is discharged, and final judgment is afterward given in the court of last resort to which the Secretary of the Treasury may deem proper to cause such proceedings to be carried, affirming the claim for the security or satisfaction of which such proceedings have been instituted, and the right of the person asserting the same to enforce it against such property by means of such proceedings, notwithstanding the claims of the United States thereto, such final judgment shall be deemed, to all intents and purposes, a full and final determination of the rights of such person, and shall entitle such person, as against the United States, to such rights as he would have had in case possession of such property had not been changed. Whenever such claim is for the payment of money, and the same is by such judgment found to be due, the presentation of a duly authenticated copy of the record of such judgment and proceedings shall be sufficient evidence to the proper accounting officers for the allowance thereof; and the same shall thereupon be allowed and paid out of any moneys in the Treasury not otherwise appropriated. The amount so to be allowed and paid shall not, however, exceed the value of the interest of the United States in the property in question.

SEC. 3755. The Secretary of the Treasury is authorized to make such contracts and provisions as he may deem for the interest of the Government, for the preservation, sale, or collection of any property, or the proceeds thereof, which may have been wrecked, abandoned, or become derelict, being within the jurisdiction of the United States, and which ought to come to the United States, or of any moneys, dues, and other interests lately in the possession of or due to the so-called Confederate States, or their agents, and now belonging to the United States, which are now withheld or retained by any person, corporation, or municipality whatever, and which ought to have come into the possession and custody of, or been collected or received by, the United States; and in such contracts to allow such compensation to any person giving information thereof, or who shall actually preserve, collect, surrender, or pay over the same, as the Secretary of the Treasury may deem just and reasonable. No costs or claim shall, however, become chargeable to the United States in so obtaining, preserving, collecting, receiving, or making available property, debts, dues, or interests, which shall not be paid from such moneys as shall be realized and received from the property so collected, under each specific agreement.

Releasing property from attachment.

11 June, 1864, c. 117, v. 13, p. 122.

Payment.

Ibid.

Preservation, sale, &c., of abandoned property.

21 June, 1870, Res. No. 75, v. 16, p. 380.

TITLE XLV.

PUBLIC PRINTING, ADVERTISEMENTS, AND
PUBLIC DOCUMENTS.

Sec.
 3756. Joint Committee on Public Printing.
 3757. Removal of delays.
 3758. Congressional Printer.
 3759. Salary, bond.
 3760. Duties.
 3761. Foremen.
 3762. Clerks.
 3763. Employés.
 3764. Work at night.
 3765. Interest in printing and contracts prohibited.
 3766. Estimates for paper.
 3767. Advertisements for paper.
 3768. Specifications of advertisements.
 3769. Samples.
 3770. Award of contracts.
 3771. Time for performing contracts.
 3772. Approval of contract.
 3773. Comparison of paper with standard.
 3774. Disputes as to quality.
 3775. Default of contractor.
 3776. Contractor charged with increased cost.
 3777. Report of default, suit on bond.
 3778. Purchase in open market.
 3779. Engraving for Congress.
 3780. Engraving when to be advertised.
 3781. Lithographing for Land-Office.
 3782. Engraving; execution of contracts; payment.
 3783. Accountability for and issue of material.
 3784. Frauds of Congressional Printer.
 3785. Only Government printing and binding allowed.
 3786. Printing required to be done at Government Printing-Office.
 3787. Binding at Treasury Department.
 3788. Heads of Bureaus not to print reports, except, &c.
 3789. Orders and requisitions for printing.
 3790. Style and form of work for Departments.
 3791. Bills and joint resolutions, number of.
 3792. Documents, usual number.
 3793. Extra copies, motion to print.
 3794. Notice of order to print.
 3795. Extra copies costing more than five hundred dollars.

Sec.
 3796. Extra copies for the Library.
 3797. Mail contracts and bids when to be printed.
 3798. Number of copies of certain documents to be printed and bound.
 3799. Documents for foreign exchange.
 3800. Biennial Register.
 3801. Congressional Directory.
 3802. Accounts with Departments for printing.
 3803. Copies of statutes for printing.
 3804. Copy of postal conventions for printing.
 3805. Printing of laws and resolutions.
 3806. Printing of postal conventions.
 3807. Laws, number to be printed for use of Senate and House.
 3808. Number to be printed for distribution.
 3809. Extra copies of any document, how sold.
 3810. Printed documents, when to be delivered.
 3811. Report on national banks.
 3812. Statement of exports and imports.
 3813. Documents to be delivered at Interior Department.
 3814. Annual estimates for Register of the Treasury.
 3815. Quarterly account.
 3816. Advances to Congressional Printer.
 3817. Settlement of accounts.
 3818. Moneys from sales.
 3819. Foremen's monthly statement.
 3820. Report to Secretary of the Interior.
 3821. Report to Congress.
 3822. Estimates submitted to Congress.
 3823. Clerk of House to select newspapers in certain States, &c.
 3824. Heads of Departments and judges to be notified and to publish only in such papers.
 3825. Rates of pay in all the States for publishing the laws.
 3826. Advertisements in Washington, D. C.
 3827. Mail-route advertisements in D. C.
 3828. No advertisement without authority.

Joint Committee
on Public Printing.

26 Aug., 1852, c.
91, s. 12, v. 10, pp.
34, 35.

Removal of de-
lays.

Ibid.

SEC. 3756. There shall be a Joint Committee on Public Printing, consisting of three members of the Senate, appointed by the President of the Senate, and three members of the House of Representatives, appointed by the Speaker of the House, who shall have the powers hereinafter stated.

SEC. 3757. The Joint Committee on Public Printing shall have power to adopt such measures as may be deemed necessary to remedy any neglect or delay in the execution of the public printing, but no arrangement entered into by them shall take effect until it has been approved by that House of Congress to which the printing belongs, or by both Houses when the printing delayed relates to the business of both.

SEC. 3758. The Senate shall elect a person, who must be a practical printer, and versed in the art of book-binding, to take charge of and manage the Government Printing Office. He shall be deemed an officer of the Senate, and shall be called the "Congressional Printer."

Congressional Printer.

22 Feb., 1867, c. 59, ss. 1, 2, v. 14, p. 91, s. 2, v. 10, p. 30.

SEC. 3759. The Congressional Printer shall receive a salary at the rate of four thousand dollars a year, and shall give bond, for the faithful discharge of his duties, in the penal sum of eighty thousand dollars, with two sureties to be approved by the Secretary of the Interior.

Salary, bond.

Ibid.
12 Jan., 1866, Res. No. 2, s. 1, v. 14, p. 347.

Duties.

23 June, 1860, Res. No. 25, ss. 2, 3, 6, v. 12, pp. 117, 118.
22 Feb., 1867, c. 59, s. 2, v. 14, p. 398.

SEC. 3760. It shall be the duty of the Congressional Printer to purchase all materials and machinery which may be necessary for the Government Printing Office; to take charge of all matter which is to be printed, engraved, lithographed, or bound; to keep an account thereof in the order in which it is received, and to cause the work to be promptly executed; to superintend all printing and binding done at the Government Printing Office, and to see that the sheets or volumes are promptly delivered to the officer who is authorized to receive them. The receipt of such officer shall be a sufficient voucher of their delivery.

SEC. 3761. There shall be a foreman of printing and a foreman of binding, who must be practically and thoroughly acquainted with their respective trades. They shall be appointed by the Congressional Printer, and shall each receive a salary at the rate of two thousand one hundred dollars a year.

Foremen.

23 June, 1860, Res. No. 25, s. 2, v. 12, p. 117.

8 May, 1872, c. 140, s. 1, v. 17, p. 64.

Clerks.

23 June, 1860, c. 205, s. 1, v. 12, p. 93.
26 April, 1866, c. 140, s. 3, v. 17, p. 83.

SEC. 3762. The Congressional Printer may employ four clerks at an annual salary of eighteen hundred dollars each; and one clerk at an annual salary of fourteen hundred dollars, to have charge of the accounts with the Departments and public offices.

68, v. 14, p. 41. 8 May, 1872, c.

SEC. 3763. The Congressional Printer may employ, at such rates of wages as he may deem for the interest of the Government and just to the persons employed, such proof-readers, compositors, pressmen, binders, laborers, and other hands, as may be necessary for the execution of the orders for public printing and binding authorized by law; but he shall not, at any time, employ in the office more hands than the absolute necessities of the public work may require.

Employés.

23 June, 1860, c. 205, s. 1, v. 12, p. 93.
26 April, 1866, c. 68, s. 1, v. 14, p. 41.
3 March, 1853, c. 96, s. 1, v. 10, p. 183.
3 March, 1855, c. 20 July, 1868, c. 176, s.

175, s. 1, v. 10, p. 651. 23 June, 1860, Res. No. 25, s. 2, v. 12, p. 117. 1, v. 15, p. 95.

SEC. 3764. The Congressional Printer shall cause work to be done on the public printing, in the Government Printing Office, at night as well as through the day, during the session of Congress, when the exigencies of the public service require it.

Work at night.

26 Aug., 1852, c. 91, s. 10, v. 10, p. 34.

SEC. 3765. Neither the Congressional Printer, nor the foreman of printing, nor the foreman of binding, shall, during his continuance in office, have any interest, direct or indirect, in the publication of any newspaper or periodical, or in any printing, binding, engraving, or lithographing of any kind, or in any contract for furnishing paper or other material connected with the public printing, binding, lithographing, or engraving; and for every violation of this section, the party offending shall, on conviction before any court of competent jurisdiction, be imprisoned in the penitentiary for a term of not less than one nor more than five years, and shall be fined in the sum of five hundred dollars.

Interest in printing and contracts prohibited.

23 June, 1860, Res. No. 25, s. 10, v. 12, pp. 119, 120.

SEC. 3766. The Congressional Printer shall, at the beginning of each session of Congress, submit to the Joint Committee on Public Printing estimates of the quantity of paper of all descriptions which will be required for the public printing during the ensuing year.

Estimates for paper.

27 July, 1866, c. 287, s. 4, v. 14, p. 305.

SEC. 3767. The Joint Committee on Public Printing shall fix upon standards of paper for the different descriptions of public printing, and the Congressional Printer shall, under their direction, advertise in two newspapers, published in each of the cities of Boston, New York, Philadelphia, Baltimore, Washington, and Cincinnati, for sealed proposals to furnish the Government with paper of the quality and in the quantity specified in the advertisement.

Advertisements for paper.

27 July, 1866, c. 287, s. 4, v. 14, p. 305.

Specifications of advertisements.

27 July, 1866, c. 287, s. 4, v. 14, p. 305.

Samples.

27 July, 1866, c. 287, s. 4, v. 14, p. 305.

Award of contracts.

27 July, 1866, c. 287, s. 4, v. 14, p. 305.

Time for performing contracts.

27 July, 1866, c. 287, s. 4, v. 14, p. 305.

Approval of contract.

27 July, 1866, c. 287, s. 4, v. 14, p. 305.

Comparison of paper with standard.

27 July, 1866, c. 287, s. 5, v. 14, p. 306.

Disputes as to quality.

27 July, 1866, c. 287, s. 5, v. 14, p. 306.

Default of contractor.

27 July, 1866, c. 287, s. 5, v. 14, p. 306.

Contractor charged with increased cost.

27 July, 1866, c. 287, s. 5, v. 14, p. 306.

Report of default; suit on bond.

27 July, 1866, c. 287, s. 5, v. 14, p. 306.

Purchases in open market.

27 July, 1866, c. 287, s. 5, v. 14, p. 306.

SEC. 3768. The advertisement shall specify the minimum portion of each quality of paper required for either three months, six months, or one year, as the Joint Committee on Public Printing may determine; but when the minimum portion so specified exceeds, in any case, one thousand reams, it shall state that proposals will be received for one thousand reams or more.

SEC. 3769. The Congressional Printer shall furnish samples of the standard papers to applicants therefor.

SEC. 3770. The sealed proposals to furnish paper shall be opened in presence of the Joint Committee on Public Printing, and the contracts shall be awarded by them to the lowest and best bidder for the interest of the Government; but they shall not consider any proposal which is not accompanied by satisfactory evidence that the person making it is a manufacturer of or dealer in the description of paper which he proposes to furnish.

SEC. 3771. The award of each contract for furnishing paper shall designate a reasonable time for filling it.

SEC. 3772. No contract for furnishing paper shall be valid until it has been approved by the joint committee, if made under their direction, or by the Secretary of the Interior, if made under his direction, according to the provisions of section thirty-seven hundred and seventy-five.

SEC. 3773. The Congressional Printer shall compare every lot of paper delivered by any contractor with the standard of quality, and shall not accept any paper which does not conform to it or is not of the stipulated weight.

SEC. 3774. In case of difference of opinion between the Congressional Printer and any contractor for paper, respecting its quality, the matter of difference shall be determined by the Joint Committee on Public Printing.

SEC. 3775. If any contractor shall fail to comply with his contract, either as to time of delivery, or as to quantity, quality, or weight of paper, the Congressional Printer shall report such default to the Joint Committee on Public Printing, when Congress is in session, or to the Secretary of the Interior, when Congress is not in session; and he shall, under the direction of the committee, or of the Secretary of the Interior, as the case may be, enter into a new contract with the lowest and best bidder for the interest of the Government, among those whose proposals were rejected at the last opening of bids; or he shall advertise for new proposals, under the regulations hereinbefore stated; and, during the interval which may thus occur, he shall, under the direction of the Joint Committee on Public Printing, or of the Secretary of the Interior, as above provided, purchase in open market, at the lowest market-price, all paper necessary for the public printing.

SEC. 3776. In case of the default of any contractor to furnish paper, he and his securities shall be responsible for any increase of cost to the Government in procuring a supply of such paper, which may be consequent upon such default.

SEC. 3777. The Congressional Printer shall report every such default, with a full statement of all the facts in the case, to the Solicitor of the Treasury, who shall prosecute the defaulting contractor and his securities upon their bond, in the circuit court of the United States, in the district in which such defaulting contractor resides.

SEC. 3778. The Joint Committee on Public Printing, or, during the recess of Congress, the Secretary of the Interior, may authorize the Congressional Printer to make purchases of paper in open market, whenever they may deem the quantity required so small, or the want so immediate, as not to justify advertisement for proposals.

SEC. 3779. Whenever any charts, maps, diagrams, views, or other engravings are required, to illustrate any document ordered to be printed by either House of Congress, such engravings shall be procured by the Congressional Printer, under the direction and supervision of the committee on printing of the House ordering the same.

Engraving for Congress.

23 June, 1860, Res. No. 25, s. 8, v. 12, p. 119.

SEC. 3780. When the probable total cost of the maps or plates accompanying one work or document exceeds two hundred and fifty dollars, the lithographing or engraving thereof shall be awarded to the lowest and best bidder, after advertisement by the Congressional Printer, under the direction of the Joint Committee on Public Printing. But the committee may authorize him to make immediate contracts for lithographing or engraving whenever, in their opinion, the exigencies of the public service do not justify advertisement for proposals.

Engraving, when to be advertised.

25 June, 1864, c. 155, s. 9, v. 13, p. 186.

SEC. 3781. The Congressional Printer may contract for the lithographing of the maps of the several States and Territories accompanying the annual report of the Commissioner of the General Land-Office, except the connected map of the public lands east and west of the Mississippi River, accompanying the annual report of the Commissioner for the year eighteen hundred and sixty-two, with the additions thereto which may be made from time to time.

Lithographing for Land-Office.

6 Jan., 1863, Res. No. 2, s. 1, v. 12, p. 822.

SEC. 3782. The Congressional Printer shall preserve in his office samples of the paper on which any engravings or lithographs are to be furnished by contract, and he shall not receive any engraving or lithograph which is not printed on paper equal to the sample, or which is not executed in the proper manner or in the quantity contracted for, or within the time specified in the contract, unless, for special reasons, he may have extended the time. The contractor shall not be paid except upon the certificate of the Congressional Printer that the requisites have been complied with.

Engraving; execution of contracts; payment.

3 March, 1853, c. 97, s. 1, v. 10, p. 190.

SEC. 3783. The Congressional Printer shall charge himself with, and be accountable for, all material received for the public use. The foremen of printing and binding shall make out estimates of the amount and kind of material required for their respective departments, and file written requisitions therefor when it is needed. The Congressional Printer shall furnish the same to them on these requisitions, as it may be required for the public service, and they shall receipt to him and be held accountable for all material so received.

Accountability for and issue of material.

23 June, 1860, Res. No. 25, ss. 2, 4, v. 12, pp. 117, 118.

SEC. 3784. If the Congressional Printer shall, by himself or through others, corruptly collude or have any secret understanding with any person to defraud the United States, or whereby the United States shall be made to sustain a loss, contrary to the intent of the provisions of this Title, he shall, on conviction thereof before any court of competent jurisdiction, forfeit his office, and be imprisoned in the penitentiary for a term of not less than three nor more than seven years, and fined in the sum of three thousand dollars.

Frauds of Congressional Printer.

23 June, 1860, Res. No. 25, s. 11, v. 12, p. 120.

SEC. 3785. No printing or binding which is not provided for by law shall be executed at the Government Printing Office.

Only public printing and binding allowed.

23 June, 1860, Res. No. 25, s. 5, v. 12, p. 118.

SEC. 3786. All printing, binding, and blank-books for the Senate or House of Representatives, and the Executive and Judicial Departments, shall be done at the Government Printing Office, except in cases otherwise provided by law.

Printing required to be done at Government Printing-Office.

23 June, 1860, Res. No. 25, s. 1, v. 12, p. 118. 2 March, 1867, c. 167, s. 10, v. 14, p. 467. 20 July, 1868, c. 177, s. 1, v. 15, p. 111.

SEC. 3787. Registered bonds and written records may be bound at the Treasury Department.

Binding at Treasury Department.

20 July, 1868, c. 177, s. 1, v. 15, p. 111.

SEC. 3788. No officer in charge of any Bureau or office in any Department shall cause to be printed, at the public expense, any report he may make to the President or to the head of the Department, except as provided for in this Title.

Heads of Bureaus not to print reports, except, &c.

31 Aug., 1852, c. 108, s. 8, v. 10, p. 92.

Orders and requisitions for printing.

14 March, 1864, c. 30, s. 1, v. 13, p. 25.
3 June, 1864, c. 107, s. 1, v. 13, p. 118.
3 March, 1871, c. 115, v. 16, p. 517.

Style and form of work for Departments.

25 June, 1864, c. 155, s. 12, v. 13, p. 184.

Bills and joint resolutions.

3 Feb., 1864, Res. No. 11, v. 13, p. 402.

Documents, usual number.

3 March, 1859, c. 80, s. 3, v. 11, p. 422.
25 July, 1868, Res. No. 72, v. 15, p. 260.

Extra copies, motion to print.

26 Aug., 1852, c. 91, s. 12, v. 10, p. 35.

Notice of order to print.

3 March, 1859, c. 80, s. 3, v. 11, p. 422.

Extra copies costing more than five hundred dollars.

12 July, 1870, c. 251, s. 1, v. 16, p. 233.

Extra copies for the Library.

25 July, 1868, Res. No. 72, v. 15, p. 260.

Mail contracts and bids, when to be printed.

25 June, 1864, c. 155, s. 6, v. 13, p. 185.

Number of copies of certain documents to be printed and bound.

Ibid., s. 1, p. 184.

Ibid., s. 4, p. 185.

27 July, 1866, c. 257, s. 2, v. 14, p. 305.

SEC. 3789. No printing or binding shall be done, or blank-books furnished, for either House of Congress, except on the written order of the Secretary of the Senate, or of the Clerk of the House of Representatives, respectively; or for any of the Executive Departments, except on a written requisition by the head of such Department, or one of his assistants.

SEC. 3790. The forms and style in which the printing or binding ordered by any of the Departments shall be executed, the materials and size of type to be used, shall be determined by the Congressional Printer, having proper regard to economy, workmanship, and the purposes for which the work is needed.

SEC. 3791. There shall be printed seven hundred and fifty copies of every bill or joint resolution ordered by either House of Congress, or required by any rule thereof to be printed, unless a different number shall be specifically ordered.

SEC. 3792. Fifteen hundred and fifty copies of any document ordered by Congress shall be printed, and that number shall be known as the usual number. No greater number shall be printed unless ordered by either House, or as hereinafter provided.

SEC. 3793. All motions to print extra copies of any bill, report, or other public document, shall be referred to the Committee on Printing of the House in which such motion is made.

SEC. 3794. The House first ordering a document to be printed shall immediately notify the other House of such order.

SEC. 3795. All propositions in either House of Congress for printing extra copies of documents, the cost of which exceeds five hundred dollars, shall be by concurrent resolution, which shall, upon its transmission from either House, be immediately referred to the Committee on Printing of the House to which it is sent.

SEC. 3796. The Congressional Printer shall, when so directed by the Joint Committee on the Library, print, in addition to the usual number, either fifty or one hundred copies, as he may be directed, of all documents printed by order of either House of Congress, or of any Department or Bureau of the Government.

SEC. 3797. The annual report of the Postmaster-General of offers received and contracts for conveying the mail shall not be printed, unless specially ordered by either House of Congress.

SEC. 3798. Of the documents named in this section there shall be printed and bound, in addition to the usual number for Congress, the following numbers of copies, namely:

First. Of the documents accompanying the annual reports of the Executive Departments, one thousand copies for the use of the members of the Senate, and two thousand copies for the use of the members of the House of Representatives.

Second. Of the President's message, the annual reports of the Executive Departments, and the abridgment of accompanying documents, unless otherwise ordered by either House, ten thousand copies for the use of the members of the Senate, and twenty-five thousand copies for the use of the members of the House of Representatives. [See § 75.]

Third. Of papers relating to foreign affairs, accompanying the annual message of the President, two thousand copies for the use of the members of the Senate and four thousand copies for the use of the members of the House of Representatives.

Fourth. Of the "Commercial Relations," annually prepared under the directions of the State Department, two thousand copies for the use of the members of the Senate, and three thousand copies for the use of the members of the House of Representatives. [See § 208.]

25 June, 1864, c. 154, s. 5, v. 13, p. 185.

Fifth. Of the annual report on the statistics of commerce and navigation, exports and imports, merchandise in transit, manufactures, and registered and enrolled vessels, prepared by the Special Commissioner of the Revenue, two thousand copies for the use of the members of the Senate, and six thousand one hundred and fifty copies for the use of the members of the House of Representatives. [See §§ 336, 340.]

3 March, 1863, Res. No. 27, s. 3, v. 12, p. 826.

Sixth. Of the public journals of the Senate and of the House of Representatives, fifteen hundred and fifty copies.

27 Dec., 1813, Res. No. 1, v. 3, p. 140.

Res. No. 5, v. 5, p. 717. 28 Jan., 1857, Res. 5, s. 2, v. 11, p. 253.

SEC. 3799. Of the documents printed by order of either House, there shall be printed and bound fifty additional copies for the purpose of exchange in foreign countries. [See § 87.]

Documents for foreign exchange.

20 July, 1840, Res. No. 5, v. 5, p. 409.

SEC. 3800. Of the Biennial Register, compiled under the direction of the Secretary of the Interior, there shall be printed and bound seven hundred and fifty copies. [See §§ 510, 511.]

Biennial Register.

2 March, 1861, c. 87, s. 4, v. 12, p. 245.

27 April, 1816, Res. No. 6, v. 3, p. 342.

SEC. 3801. The first edition of the Congressional Directory for each session shall be printed and ready for distribution within one week after the commencement thereof. [See § 77.]

Congressional Directory.

14 Feb., 1865, Res. No. 15, v. 13, p. 568.

SEC. 3802. Whenever Congress makes an appropriation for any Department or public office, to be expended "for printing and binding to be executed under the direction of the Congressional Printer," the Congressional Printer shall cause an account to be opened with such Department or public office, on which he shall charge for all printing and binding ordered by the head thereof, at prices established in pursuance of law; and it shall not be lawful for him to cause to be executed any printing or binding the value of which exceeds the amount appropriated for such purpose.

Accounts with Departments for printing.

8 May, 1872, c. 140, s. 3, v. 17, p. 83.

SEC. 3803. The Secretary of State shall furnish the Congressional Printer with a correct copy of every act and joint resolution as soon as possible after its approval by the President of the United States, or after it shall have become a law in accordance with the Constitution without such approval; and also of every treaty between the United States and any foreign government after it shall have been duly ratified and proclaimed by the President, and of every postal convention made between the Postmaster-General, by and with the advice and consent of the President, on the part of the United States, and equivalent officers of foreign governments on the part of their respective countries.

Copies of statutes for printing.

9 March, 1868, c. 22, s. 1, v. 15, p. 40.

SEC. 3804. The Postmaster-General shall transmit a copy of every postal convention to the Secretary of State for the purpose of being printed, and the printed copy thereof shall be revised by the Post-Office Department instead of by the Secretary of State.

Copies of postal conventions for printing.

9 March, 1868, c. 22, s. 4, v. 15, p. 40.

SEC. 3805. The Congressional Printer on receiving from the Secretary of State a copy of any act or joint resolution, or treaty, shall immediately cause an accurate printed copy thereof to be executed and sent in duplicate to the Secretary of State, for revision. On the return of one of the revised duplicates, he shall at once have the marked corrections made, and cause to be printed, and sent to the Secretary of State, any number of copies which he may order, not exceeding five hundred, and to be printed separately, and sent to the two Houses of Congress, the usual number.

Printing of laws and resolutions.

Ibid., s. 2.

SEC. 3806. The Congressional Printer, on receiving from the Postmaster-General a copy of any postal convention between the Postmaster-General, on the part of the United States, and an equivalent officer of

Printing of postal conventions.

Ibid., s. 4.

any foreign government, shall immediately cause an accurate printed copy thereof to be executed and sent in duplicate to the Postmaster-General. On the return of one of the revised duplicates, he shall at once have the marked corrections made, and cause to be printed, and sent to the Postmaster-General, any number of copies which he may order, not exceeding five hundred, and to be printed separately, and sent to the two Houses of Congress, the usual number.

Laws, number to be printed for Senate and House.

25 June, 1864, c. 155, s. 7, v. 13, p. 185.

Number printed for distribution.

20 April, 1818, c. 80, s. 4, v. 3, p. 439.

5 Feb., 1859, c. 22, s. 1, v. 11, p. 379.

Extra copies of any document, how sold.

25 June, 1864, c. 155, s. 10, v. 13, p. 186.

3 March, 1871, c. 113, s. 1, v. 16, p. 478.

Printed documents, when to be delivered.

25 June, 1864, c. 155, s. 4, v. 13, p. 185.

Report on national banks.

30 Jan., 1863, c. 14, s. 2, v. 12, p. 637.

Statement of exports and imports.

3 March, 1863, Res. No. 27, s. 3, v. 12, p. 826.

Documents to be delivered at Interior Department.

5 Feb., 1859, c. 22, s. 1, v. 11, p. 379.

Annual estimates for Register of the Treasury.

23 June, 1860, Res. No. 25, s. 9, v. 12, p. 119.

Quarterly account.

Ibid., s. 3, p. 118.

SEC. 3807. At the close of each session of Congress there shall be printed and bound for the use of the Senate three thousand, and for the use of the House of Representatives ten thousand copies of all acts and resolutions so furnished, with a complete alphabetical index, prepared under the direction of the Joint Committee on Public Printing.

SEC. 3808. The Secretary of the Interior shall cause to be published, at the close of every session of Congress, and as soon as practicable, eleven thousand copies of the acts and resolutions passed by Congress, the amendments to the Constitution adopted, and all public treaties and postal conventions made and ratified since the then last publication of the laws.

SEC. 3809. If any person desiring extra copies of any document printed at the Government Printing Office by authority of law shall, previous to its being put to press, notify the Congressional Printer of the number of copies wanted, and shall pay to him, in advance, the estimated cost thereof, and ten per centum thereon, the Congressional Printer may, under the direction of the Joint Committee on Public Printing, furnish the same.

SEC. 3810. The annual reports of the Executive Departments and the accompanying documents shall be delivered by the printer to the proper officers of each House of Congress at the first meeting thereof; and the President's message, the reports of the Executive Departments, and the abridgment of accompanying documents, shall be so delivered on or before the third Wednesday in December next after the meeting of Congress, or as soon thereafter as may be practicable.

SEC. 3811. When the annual report of the Secretary of the Treasury upon the national banks is completed, or while it is in process of completion, if thereby the business may be sooner dispatched, the work of printing shall be commenced, under the superintendence of the Secretary, and the whole shall be printed and ready for delivery on or before the first day of December next after the close of the year to which the report relates.

SEC. 3812. The Secretary of the Treasury shall furnish a condensed statement of the aggregate amount of the exports to and imports from foreign countries to the Congressional Printer, on or before the first day of November of each year.

SEC. 3813. The Congressional Printer shall deliver to the Secretary of the Interior, at the room in the Interior Department set apart for that purpose, all books and documents directed by law to be printed for the use of the Government, except such as are directed to be printed for the particular use of Congress, or of either House thereof, or of the President, or of any of the Departments.

SEC. 3814. The Congressional Printer shall prepare and submit to the Register of the Treasury, annually, in time to have the same embraced in the estimates from that Department, detailed estimates of the amount which will be required for salaries, wages, engraving, lithographing, binding, materials, and any other necessary expense of said printing-office for the ensuing fiscal year.

SEC. 3815. The Congressional Printer shall render to the Secretary of the Treasury, quarterly, a full account of all purchases made by him, and of all printing and binding done in the Government Printing-Office for each House of Congress and for each of the executive and judicial departments.

SEC. 3816. There shall be advanced to the Congressional Printer, from time to time, as the public service may require it, and under such rules as the Secretary of the Treasury may prescribe, a sum of money not exceeding, at any time, two-thirds of the penalty of his bond, to enable him to pay for work and material.

SEC. 3817. The Congressional Printer shall settle the account of his receipts and disbursements in the manner required of other disbursing officers.

SEC. 3818. The moneys received from sales of extra copies of documents, and from sales of paper-shavings and imperfections, shall be deposited by the Congressional Printer in the Treasury of the United States, to the credit of the appropriations for public printing, binding, and paper, respectively, as designated by him, and shall be subject to his requisition in the manner prescribed by law.

SEC. 3819. The foremen of printing and binding shall make out and deliver to the Congressional Printer monthly statements of the work done in their respective offices, together with monthly pay-rolls, which shall contain the names of the persons employed, the rate of compensation of and amount due to each, and the service for which it is due.

SEC. 3820. The Congressional Printer shall keep a true account of all paper received from contractors, and of all paper used in the Public Printing-Office, and shall, at the end of each fiscal year, report to the Secretary of the Interior the amount of each class consumed in said office, and the works or publications in which the same was used.

SEC. 3821. The Congressional Printer shall, on the first day of each session, or as soon thereafter as may be practicable, report to Congress the exact condition, and the amount and cost of the public printing, binding, lithographing, and engraving; the amount and cost of all paper purchased for the same; a detailed statement of proposals made and contracts entered into for the purchase of paper and other materials, and for lithographing and engraving; of all payments made, during the preceding year, under his direction; of the amount of work ordered and done, with a general classification thereof, for each Department, and a detailed statement of each account with the Departments or public officers; a detailed statement of the number of hands employed in the establishment, and the time each has been employed; and such further information, touching all matters connected with the printing-office, as may be in his possession.

SEC. 3822. The Congressional Printer shall also submit to Congress, at the beginning of each session, detailed estimates of the sums required for the support of the Government Printing-Office.

SEC. 3823. The Clerk of the House of Representatives shall select in Virginia, South Carolina, North Carolina, Georgia, Florida, Alabama, Mississippi, Louisiana, Texas, and Arkansas, one or more newspapers, not exceeding the number allowed by law, in which such treaties and laws of the United States as may be ordered for publication in newspapers according to law shall be published, and in some one or more of which so selected all such advertisements as may be ordered for publication in said districts by any United States court or judge thereof, or by any officer of such courts, or by any executive officer of the United States, shall be published, the compensation for which, and other terms of publication, shall be fixed by said Clerk at a rate not exceeding two dollars per page for the publication of treaties and laws, and not exceeding one dollar per square of eight lines of space, for the publication of advertisements, the accounts for which shall be adjusted by the proper accounting officers, and paid in the manner now authorized by law in the like cases. [See §§ 70, 204.]

SEC. 3824. The Clerk shall notify each head of the several Executive Departments, and each judge of the United States courts therein, of the papers selected by him in accordance with the provisions of the preceding section, and thereafter it shall be the duty of the several executive officers charged therewith to furnish to such selected papers

Advances to Congressional Printer.

Ibid.

Settlement of accounts.

Ibid.

Moneys from sales, &c.

23 June, 1864, c. 155, s. 10, v. 13, p. 186.

Foremen's monthly statements.

23 June, 1860, Res. No. 25, s. 2, v. 12, p. 117.

Report to the Secretary of the Interior.

Ibid., s. 7.

Report to Congress.

22 June, 1860, Res. No. 25, ss. 2, 9, v. 12, pp. 117, 119.

14 March, 1864, c. 30, s. 1, v. 13, p. 25.

27 July, 1866, c. 287, s. 4, v. 14, p. 305.

20 Feb., 1861, c. 44, s. 1, v. 12, p. 135.

3 March, 1865, Res. No. 32, v. 13, p. 572.

8 May, 1872, c. 140, s. 3, v. 17, p. 83.

Estimates submitted to Congress.

20 Feb., 1861, c. 44, s. 1, v. 12, p. 135.

Clerk of House to select newspapers in certain States to publish laws, &c.

2 March, 1867, c. 167, s. 7, v. 14, p. 466.

29 March, 1867, c. 13, s. 2, v. 15, p. 7.

Heads of Departments and judges to be notified, and to publish only in such newspapers.

Ibid.

only, an authentic copy of the publications to be made as aforesaid; and no money appropriated shall be paid for any publications or advertisements hereafter to be made in said districts, nor shall any such publication or advertisement be ordered by any department or public officer otherwise than as herein provided. [See § 553.]

Rates of pay in all the States for publishing laws.

29 March, 1867, c. 13, s. 3, v. 15, p. 8.

Advertisements in Washington, D. C.

2 March, 1867, c. 167, s. 10, v. 14, p. 467.

20 July, 1868, c. 176, ss. 2, 4, v. 15, p. 110.

29 March, 1867, c. 13, s. 2, v. 15, p. 7.

SEC. 3825. The rates fixed in section thirty-eight hundred and twenty-three, to be paid for the publication of the treaties and laws of the United States in the States therein designated, shall also be paid for the same publications in all the States not designated in that section. [See § 79.]

SEC. 3826. All advertisements, notices, and proposals for contracts for all the Executive Departments of the Government, and the laws passed by Congress and executive proclamations and treaties to be published in the District of Columbia, Maryland, and Virginia, shall hereafter be advertised by publication in the three daily papers published in the District of Columbia having the largest circulation, one of which shall be selected by the Clerk of the House of Representatives, and in no others. The charges for such publications shall not be higher than such as are paid by individuals for advertising in said papers, and the same publications shall be made in each of the said papers equally as to frequency: *Provided*, That no advertisement to any State, district, or Territory, other than the District of Columbia, Maryland, or Virginia, shall be published in the papers designated, unless at the direction first made of the proper head of a Department: *And provided further*, That this section shall not be construed to allow a greater compensation for the publication of the laws passed by Congress and executive proclamations and treaties in the papers of the District of Columbia than is provided by law for such publications in other papers.

Mail-route advertisements in D. C.

3 March, 1873, c. 231, s. 1, v. 17, p. 557.

No advertisement without authority.

15 July, 1870, c. 292, s. 2, v. 16, p. 308.

SEC. 3827. No payment shall be made to any newspaper published in the District of Columbia for advertising any other mail-routes than those in Virginia and Maryland.

SEC. 3828. No advertisement, notice, or proposal for any Executive Department of the Government, or for any Bureau thereof, or for any office therewith connected, shall be published in any newspaper whatever, except in pursuance of a written authority for such publication from the head of such Department; and no bill for any such advertising, or publication, shall be paid, unless there be presented, with such bill, a copy of such written authority.

TITLE XLVI.

THE POSTAL SERVICE.

CHAPTER ONE.

POST-OFFICES AND POSTMASTERS.

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| Sec. | Sec. |
| 3829. Establishment of post-offices. | 3846. Money to be safely kept. |
| 3830. Appointment and removal of postmasters. | 3847. Custody of Government money in the hands of postmasters. |
| 3831. Residence of postmaster. | 3848. Frequent deposits of revenue. |
| 3832. Effect of omission to take oath. | 3849. Report of delinquencies. |
| 3833. Suits and prosecutions in State courts. | 3850. Postmasters not to be contractors. |
| 3834. Bond of postmaster. | 3851. Postmasters not to be lottery-agents. |
| 3835. Application of payments made after giving new bond. | 3852. Salaries of postmasters. |
| 3836. Limit of time of sureties' liability. | 3853. Salaries at new offices. |
| 3837. Renewing bond. | 3854. Re-adjusting salaries. |
| 3838. Sureties on bond, how released. | 3855. Basis for re-adjusting salaries. |
| 3839. Post-offices to be kept open. | 3856. Orders changing salaries. |
| 3840. Making up the mail. | 3857. Limit of pay of postmasters. |
| 3841. Arrival and departure of the mail. | 3858. No employé to receive fees. |
| 3842. Records at post-offices. | 3859. Allowances at distributing-offices. |
| 3843. Quarterly accounts of receipts. | 3860. Expenses at post-offices. |
| 3844. Quarterly accounts to be sworn to. | 3861. Deductions out of receipts |
| 3845. Neglect to render accounts; penalty. | 3862. Deductions to be audited. |
| | 3863. Extra labor at offices. |
| | 3864. Discontinuing offices. |

SEC. 3829. The Postmaster-General shall establish post-offices at all such places on post-roads established by law as he may deem expedient, and he shall promptly certify such establishment to the Sixth Auditor. And every person who, without authority from the Postmaster-General, sets up or professes to keep any office or place of business bearing the sign, name, or title of post-office, shall, for every such offense, be liable to a penalty of not more than five hundred dollars.

SEC. 3830. Postmasters of the fourth and fifth class shall be appointed and may be removed by the Postmaster-General, and all others shall be appointed and may be removed by the President, by and with the advice and consent of the Senate, and shall hold their offices for four years unless sooner removed or suspended according to law. All appointments and removals shall be notified to the Sixth Auditor.

SEC. 3831. Every postmaster shall reside within the delivery of the office to which he is appointed.

SEC. 3832. Every person employed in the postal service shall be subject to all penalties and forfeitures for violation of the laws relating to such service whether he has taken the oath of office or not.

SEC. 3833. All causes of action arising under the postal laws may be sued, and all offenders against the same may be prosecuted, before the justices of the peace, magistrates, or other judicial courts of the several States and Territories having competent jurisdiction by the laws thereof, to the trial of claims and demands of as great value, and of prosecutions where the punishments are of as great extent; and such justices, magistrates, or judiciary shall take cognizance thereof, and proceed to judgment and execution as in other cases. [See §§ 5463-5480.]

SEC. 3834. Every postmaster, before entering upon the duties of his office, shall give bond, with good and approved security, and in such penalty as the Postmaster-General shall deem sufficient, conditioned for the faithful discharge of all duties and trusts imposed on him either by

Establishment of post-offices.

8 June, 1872, c. 335, ss. 61, 62, v. 17, p. 292.

Ware vs. U. S., 4, Wall., 633.

Appointment and removal of postmasters.

Ibid., s. 63.

Residence of postmaster.

Ibid., s. 64, p. 293.

Effect of omission to take oath.

Ibid., s. 16, p. 287.

Suits and prosecutions in State courts.

Ibid., s. 305, p. 323.

Bond of postmaster.

Ibid., s. 65, p. 293.

law or the rules and regulations of the Department; and where an office is designated as a money-order office, the bond of the postmaster shall contain an additional condition for the faithful performance of all duties and obligations in connection with the money-order business. On the death, resignation, or removal of a postmaster, his bond shall be delivered to the Sixth Auditor. The bond of any married woman who may be appointed postmaster shall be binding upon her and her sureties, and she shall be liable for misconduct in office as if she were sole.

Application or payments made after giving new bond.

Ibid., s. 60, p. 292.

Limit of time of sureties' liability.

Ibid., s. 28, p. 289.

Postmaster General *vs.* Rice, Gilp., 554; Postmaster General *vs.* Fendall, 1 McLean, 217; *U. S. vs.* Mark's sureties, 3 Wall. C. C., 358.

SEC. 3835. Whenever any postmaster is required to execute a new bond, all payments made by him after the execution of such new bond may, if the Postmaster-General or the Sixth Auditor deem it just, be applied first to discharge any balance which may be due from such postmaster under his old bond.

SEC. 3836. Whenever the office of any postmaster becomes vacant, the Postmaster-General or the President shall supply such vacancy without delay, and the Postmaster-General shall promptly notify the Sixth Auditor of the change; and every postmaster and his sureties shall be responsible under their bond for the safe-keeping of the public property of the post-office, and the due performance of the duties thereof, until the expiration of the commission, or until a successor has been duly appointed and qualified, and has taken possession of the office; except that in cases where there is a delay of sixty days in supplying a vacancy, the sureties may terminate their responsibility by giving notice, in writing, to the Postmaster-General, such termination to take effect ten days after sufficient time shall have elapsed to receive a reply from the Postmaster-General; and the Postmaster-General may, when the exigencies of the service require, place such office in charge of a special agent until the vacancy can be regularly filled; and when such special agent shall have taken charge of such post-office, the liability of the sureties of the postmaster shall cease.

Renewing bond.

Ibid., s. 66, p. 293.

SEC. 3837. Whenever any of the sureties of a postmaster notify the Postmaster-General of their desire to be released from their suretyship, or when the Postmaster-General deems a new bond necessary, he shall require the postmaster to execute such new bond, with security. When accepted by the Postmaster-General, the new bond shall be as valid as the bond given upon the original appointment of such postmaster, and the sureties in the prior bond shall be released from responsibility for all acts or defaults of the postmaster which may be done or committed subsequent to the last day of the quarter in which such new bond shall be executed and accepted.

Sureties on bond; how released.

Ibid., s. 67, p. 293.

SEC. 3838. If on the settlement of the account of any postmaster it shall appear that he is indebted to the United States, and suit therefor shall not be instituted within three years after the close of such account, the sureties on his bond shall not be liable for such indebtedness.

Post-offices to be kept open.

Ibid., s. 68, p. 293.

SEC. 3839. Every postmaster shall keep an office in which one or more persons shall be on duty during such hours of each day as the Postmaster-General may direct, for the purpose of receiving, delivering, making up, and forwarding all mail-matter received thereat.

Making up the mail.

Ibid., s. 69, p. 293.

SEC. 3840. All letters brought to any post-office half an hour before the time for the departure of the mail shall be forwarded therein; but at offices where, in the opinion of the Postmaster-General, more time for making up the mail is required, he may prescribe accordingly, not exceeding one hour.

Arrival and departure of the mail.

Ibid., s. 70, p. 293.

SEC. 3841. The Postmaster-General shall furnish to the postmasters at the termination of each route a schedule of the time of arrival and departure of the mail at their offices, respectively, to be posted in a conspicuous place in the office; and he shall also give them notice of any change in the arrival and departure that may be ordered; and he shall cause to be kept and returned to the Department, at short and regular intervals, registers, showing the exact times of the arrivals and departures of the mail.

SEC. 3842. Every postmaster shall keep a record, in such form as the Postmaster-General shall direct, of all postage-stamps, envelopes, postal books, blanks, and property received from his predecessor, or from the Department or any of its agents; of all receipts in money for postages and box-rents, and of all other receipts on account of the postal service, and of any other transactions which may be required by the Postmaster-General; and these records shall be preserved and delivered to his successor, and shall be at all times subject to examination by any special agent of the Department.

Records at post-offices.

Ibid., s. 71, p. 293.

SEC. 3843. Every postmaster shall render to the Postmaster-General, under oath, and in such form as the latter shall prescribe, a quarterly account of all moneys received or charged by him or at his office, for postage, rent of boxes or other receptacles for mail-matter, or by reason of keeping a branch office, or for the delivery of mail-matter in any manner whatever.

Quarterly accounts of receipts.

Ibid., s. 72, p. 293.

SEC. 3844. The Postmaster-General may require a sworn statement to accompany each quarterly account of a postmaster, to the effect that such account contains a true statement of the entire amount of postage, box-rents, charges, and moneys collected or received at his office during the quarter; that he has not knowingly delivered, or permitted to be delivered, any mail-matter on which the postage was not at the time paid; that such account exhibits truly and faithfully the entire receipts collected at his office, and which, by due diligence, could have been collected; and that the credits he claims are just and right.

Quarterly accounts to be sworn to.

Ibid., s. 73, p. 294.

SEC. 3845. Whenever any postmaster neglects to render his accounts for one month after the time, and in the form and manner prescribed by law and the regulations of the Postmaster-General, he and his sureties shall forfeit and pay double the amount of the gross receipts at such office during any previous or subsequent equal period of time; and if, at the time of trial, no account has been rendered, they shall be liable to a penalty of such sum as the court and jury shall estimate to be equivalent thereto, to be recovered in an action on the bond.

Neglect to render accounts; penalty.

Ibid., s. 74.

SEC. 3846. Postmasters shall keep safely, without loaning, using, depositing in an unauthorized bank, or exchanging for other funds, all the public money collected by them, or which may come into their possession, until it is ordered by the Postmaster-General to be transferred or paid out.

Money to be safely kept.

Ibid., s. 75.

SEC. 3847. Any postmaster, having public money belonging to the Government, at an office within a county where there are no designated depositaries, treasurers of mints, or Treasurer or assistant treasurers of the United States, may deposit the same, at his own risk and in his official capacity, in any national bank in the town, city, or county where the said postmaster resides; but no authority or permission is or shall be given for the demand or receipt by the postmaster, or any other person, of interest, directly or indirectly, on any deposit made as herein described; and every postmaster who makes any such deposit shall report quarterly to the Postmaster-General the name of the bank where such deposits have been made, and also state the amount which may stand at the time to his credit.

Custody of Government money in hands of postmasters.

3 March, 1873, c. 272, v. 17, p. 604.

SEC. 3848. The postmaster at Washington, and postmasters at cities where there is an assistant treasurer, shall deposit the postal revenues and all money accruing at their office, with such assistant treasurer, as often as once a week at least, and as much oftener as the Postmaster-General may direct.

Frequent deposits of revenues.

8 June, 1872, c. 335, s. 76, v. 17, p. 294.

SEC. 3849. Every postmaster shall promptly report to the Postmaster-General every delinquency, neglect, or malpractice of the contractors, their agents or carriers, which comes to his knowledge.

Report of delinquencies.

Ibid., s. 77.

SEC. 3850. No postmaster, assistant postmaster, or clerk employed in any post-office shall be a contractor or concerned in any contract for carrying the mail.

Postmasters not to be contractors.

Ibid., s. 78.

Postmasters not
to be lottery
agents.

Ibid., s. 79.

Salaries of post-
masters.

Ibid., s. 80.

Salaries at new
offices.

Ibid., s. 81.

Re-adjusting sala-
ries.

Ibid., s. 82, p. 296.

Basis of re-ad-
justing salaries.

Ibid., s. 83.

Orders changing
salaries.

Ibid., s. 84.

Limit of pay of
postmasters.

Ibid., s. 85.

No employé to
receive fees.

Ibid., s. 14, p. 287.

SEC. 3851. No postmaster shall act as agent for any lottery-office, or under any color of purchase, or otherwise, vend lottery-tickets; nor shall he receive or send any lottery-scheme, circular, or ticket free of postage. For any violation of this section the offender shall be liable to a penalty of fifty dollars.

SEC. 3852. The compensation of postmasters shall be a fixed annual salary, for rating which they shall be divided into five classes, exclusive of the postmaster at New York city, whose salary shall be six thousand dollars per annum. The salary of postmasters of the first class shall not be more than four thousand dollars nor less than three thousand dollars; of the second class, less than three thousand dollars, but not less than two thousand dollars; of the third class, less than two thousand dollars, but not less than one thousand dollars; of the fourth class, less than one thousand dollars, but not less than two hundred dollars; of the fifth class, less than two hundred dollars; and the salaries of the first, second, and third classes shall be in even hundreds of dollars; of the fourth class, in even tens of dollars; and of the fifth class, in even dollars.

SEC. 3853. At all newly established offices, the Postmaster-General may temporarily fix the salary until the returns of such office shall enable him to properly adjust the same, but the compensation shall in no case be thus temporarily fixed at more than the salary of an office of the fifth class.

SEC. 3854. The salaries of postmasters shall be re-adjusted by the Postmaster-General once in two years, and in special cases as much oftener as he may deem expedient; and when the quarterly returns of any postmaster of the third, fourth, or fifth class show that the salary allowed is twenty per centum less than it would be on the basis of commission, the Postmaster-General shall re-adjust the same.

SEC. 3855. In re-adjusting the salary of a postmaster, the amount thereof shall be ascertained by adding, to the whole amount of box-rents, commissions on the other postal revenues of the office at the following rates: On the first one hundred dollars or less, sixty per centum; on all over one hundred dollars, and not over four hundred dollars, fifty per centum; on all over four hundred dollars, and not over two thousand four hundred dollars, forty per centum; on all over two thousand four hundred dollars, fifteen per centum. And in order to ascertain the amount of the postal receipts of each office, the Postmaster-General shall require postmasters to state, under oath, at such times and for such periods as he may deem necessary in each case, the amount of stamps canceled, the amount of box-rents received, the amount of unpaid postages collected, and the amount of postage on printed and other mailable matter. Whenever, by reason of the extension of free delivery of letters, the box-rents of any post-office are decreased, the Postmaster-General may allow, out of the receipts of such office, a sum sufficient to maintain the salary thereof at the amount at which it had been fixed before the decrease in box-rents.

SEC. 3856. The Postmaster-General shall make all orders assigning or charging the salaries of postmasters in writing, and record them in his journal, and notify the change to the Sixth Auditor; and any change made in such salaries shall not take effect until the first day of the quarter next following such order. But in cases of an extraordinary crease or decrease in the business of any post-office, the Postmaster-General may adjust the salary of the postmaster at such post-office, to take effect from the first day of the quarter or period the returns for which form the basis of re-adjustment.

SEC. 3857. No postmaster shall, under any pretense whatever, have, receive, or retain for himself, in the aggregate, more than the amount of his salary and his commission on the money-order business as herein-after provided.

SEC. 3858. No person employed in the postal service shall receive any fees or perquisites on account of the duties to be performed by virtue of his appointment.

SEC. 3859. The Postmaster-General may designate offices at the intersection of mail-routes as distributing or separating offices; and where any such office is of the third, fourth, or fifth class he may make a reasonable allowance to the postmaster for the necessary cost of clerical services arising from such duties.

Allowances at distributing offices.

Ibid., s. 86, p. 295.

SEC. 3860. The Postmaster-General may allow to the postmaster at New York City, and to the postmasters at offices of the first and second classes, out of the surplus revenues of their respective offices, that is to say, the excess of box-rents and commissions over and above the salary assigned to the office, a reasonable sum for the necessary cost of rent, fuel, lights, furniture, stationery, printing, clerks, and necessary incidentals, to be adjusted on a satisfactory exhibit of the facts, and no such allowance shall be made except upon the order of the Postmaster-General.

Expenses at post-offices.

Ibid., s. 87.

SEC. 3861. The salary of a postmaster, and such other expenses of the postal service authorized by law as may be incurred by him, and for which appropriations have been made, may be deducted out of the receipts of his office, under the direction of the Postmaster-General.

Deductions out of receipts.

Ibid., s. 88.

SEC. 3862. Vouchers for all deductions made by a postmaster out of the receipts of his office, on account of the expenses of the postal service, shall be submitted for examination and settlement to the Sixth Auditor, and no such deduction shall be valid unless found to be in conformity with law.

Deductions to be audited.

Ibid., s. 89.

SEC. 3863. Whenever unusual business accrues at any post-office, the Postmaster-General shall make a special order allowing reasonable compensation for clerical service, and a proportionate increase of salary to the postmaster during the time of such extraordinary business.

Extra labor at offices.

Ibid., s. 90, p. 296.

U. S. *vs.* Wright, 11 Wall., 648.

SEC. 3864. The Postmaster-General may discontinue any post-office where the safety and security of the postal service and revenues are endangered from any cause whatever, or where the efficiency of the service requires such discontinuance, and he shall promptly certify such discontinuance to the Sixth Auditor.

Discontinuing offices.

Ibid., s. 91.

Reese *vs.* U. S., 8 Wall., 38.

CHAPTER TWO.

CARRIERS, BRANCH OFFICES, AND RECEIVING-BOXES.

Sec.

3865. Letter-carrier delivery.

3866. Salaries to carriers.

3867. Uniform for carriers; penalty for unauthorized wearing.

3868. Receiving-boxes.

3869. Injuring receiving-boxes; penalty.

3870. Bonds of carriers.

Sec.

3871. Branch offices.

3872. Rate of postage on newspapers.

3873. Extra postage on carriers' fees prohibited.

3874. Expenses of carriers and branch offices

Letter-carrier delivery.

8 June, 1872, c.

335, s. 92, v. 17, p. 296.

3 March, 1873, c.

231, s. 1, v. 17, p.

557.

Salaries to carriers.

8 June, 1872, c.

335, s. 93, v. 17, p.

296.

SEC. 3865. Letter-carriers shall be employed for the free delivery of mail-matter, as frequently as the public convenience may require, at every place containing a population of fifty thousand within the delivery of its post-office; and may be so employed at every place containing a population of not less than twenty thousand within the delivery of its post-office.

SEC. 3866. The salary of letter-carriers shall be fixed by the Postmaster-General, and shall not exceed eight hundred dollars per annum; but on satisfactory evidence of diligence, fidelity, and experience, he may increase their salary to any sum not exceeding one thousand dollars a year each; and in San Francisco, California, he may pay such additional salaries to carriers as will secure the services of competent persons.

Uniform for carriers; penalty for unauthorized wearing.

Ibid., s. 94.

Receiving-boxes.

Ibid., s. 95.

Injuring receiving-boxes, penalty.

Ibid., s. 96.

Bonds of carriers.

Ibid., s. 97.

Branch offices.

Ibid., s. 98.

Rate of postage on newspapers.

Ibid., s. 99.

Extra postage or carriers' fees prohibited.

Ibid., s. 100.

Expenses of carriers and branch offices.

Ibid., s. 101.

SEC. 3867. The Postmaster-General may prescribe a uniform dress to be worn by letter-carriers, and any person not connected with the letter-carrier branch of the postal service who shall wear the uniform which may be prescribed shall, for every such offense, be punishable by a fine of not more than one hundred dollars, or by imprisonment for not more than six months, or both.

SEC. 3868. The Postmaster-General may establish, in places where letter-carriers are employed, and in other places where, in his judgment, the public convenience requires it, receiving-boxes for the deposit of mail-matter, and shall cause the matter deposited therein to be collected as often as public convenience may require.

SEC. 3869. Every person who willfully and maliciously injures, tears down, or destroys any letter-box, pillar-box, or other receptacle established by the Postmaster-General for the safe deposit of matter for the mail or for delivery, or who willfully and maliciously assaults any letter-carrier, when in uniform, while engaged on his route in the discharge of his duty as a letter-carrier, and every person who willfully aids or assists therein, shall for every such offense be punishable by a fine of not less than one hundred dollars, and not more than one thousand, or by imprisonment for not less than one year and not more than three.

SEC. 3870. Every letter-carrier shall give bonds, with sureties, to be approved by the Postmaster-General, for the safe custody and delivery of all mail-matter, and the faithful account and payment of all money received by him.

SEC. 3871. The Postmaster-General, when the public convenience requires it, may establish within any post-office delivery one or more branch offices for the receipt and delivery of mail-matter and the sale of stamps and envelopes; and he shall prescribe the rules and regulations for the government thereof. But no letter shall be sent for delivery to any branch office contrary to the request of the party to whom it is addressed.

SEC. 3872. The rate of postage on newspapers, excepting weeklies, periodicals not exceeding two ounces in weight, and circulars, when the same are deposited in a letter-carrier office for delivery by the office or its carriers, shall be uniform at one cent each; but periodicals weighing more than two ounces shall be subject to a postage of two cents each, and these rates shall be prepaid by stamps.

SEC. 3873. No extra postage or carriers' fees shall be charged or collected upon any mail-matter collected or delivered by carriers.

SEC. 3874. All expenses of letter-carriers, branch offices, and receiving-boxes, or incident thereto, shall be kept and reported in a separate account, and shall be shown in comparison with the proceeds from postage on local mail-matter at each office, and the Postmaster-General shall be guided in the expenditures for this branch of the service by the income derived therefrom.

CHAPTER THREE.

MAIL-MATTER.

| Sec. | Sec. |
|--|--|
| 3875. Division of mail-matter. | 3887. Inclosing letters in printed matter ; penalty. |
| 3876. First-class matter. | 3888. Carrying newspapers out of mail. |
| 3877. Second-class matter. | 3889. Delivery of newspapers by route-agents. |
| 3878. Third-class matter. | 3890. Detaining letters ; penalty. |
| 3879. Limit of weight of mail-package. | 3891. Detaining, opening, or destroying letters ; penalty. |
| 3880. Metric postal balances. | 3892. Intercepting or secreting letters ; penalty. |
| 3881. Wrapping and securing matter. | 3893. Obscene books, &c., not to be carried in mail ; penalty. |
| 3882. Removing wrappers. | 3894. Gift enterprises, &c., circulars not mailable ; penalty. |
| 3883. Newspapers to be dried and in wrappers. | 3895. Letters seized to be returned to sender. |
| 3884. Papers and periodicals to one address. | |
| 3885. Notice of refusal to receive newspapers. | |
| 3886. Inclosures in regular printed matter. | |

SEC. 3875. Mailable matter shall be divided into three classes :

First. Letters.

Second. Regular printed matter.

Third. Miscellaneous matter.

SEC. 3876. Mailable matter of the first class shall embrace all correspondence, wholly or partly in writing, except book-manuscripts and corrected proof-sheets passing between authors and publishers.

SEC. 3877. Mailable matter of the second class shall embrace all matter exclusively in print, and regularly issued at stated periods from a known office of publication, without addition by writing, mark, or sign.

SEC. 3878. Mailable matter of the third class shall embrace all pamphlets, occasional publications, transient newspapers, magazines, handbills, posters, unsealed circulars, prospectuses, books, book-manuscripts, proof-sheets, corrected proof-sheets, maps, prints, engravings, blanks, flexible patterns, samples of merchandise not exceeding twelve ounces in weight, sample cards, phonographic paper, letter envelopes, postal envelopes and wrappers, cards, plain and ornamental paper, photographic representations of different types, seeds, cuttings, bulbs, roots, scions, and all other matter which may be declared mailable by law, and all other articles not above the weight prescribed by law, which are not, from their form or nature, liable to destroy, deface, or otherwise injure the contents of the mail-bag or the person of any one engaged in the postal service. All liquids, poisons, glass, explosive materials, and obscene books shall be excluded from the mails. All matter of the third class, excepting books and other printed matter, book-manuscripts, proof-sheets, and corrected proof-sheets, packages of seeds, cuttings, bulbs, roots, and scions, shall not exceed twelve ounces in weight, and packages of seeds, cuttings, bulbs, roots, and scions, shall not exceed four pounds in weight ; and all matter of the third class shall be subject to examination and to rates of postage as hereinafter provided. Samples of metals, ores, and mineralogical specimens shall not exceed twelve ounces in weight, and shall be subject to examination and to rates of postage as hereinafter provided.

SEC. 3879. No package weighing more than four pounds shall be received for conveyance by mail, except books published or circulated by order of Congress.

SEC. 3880. The Postmaster-General shall furnish to the post-offices exchanging mails with foreign countries, and to such other offices as he may deem expedient, postal balances denominated in grams of the metric system, fifteen grams of which shall be the equivalent for postal purposes, of one half-ounce avoirdupois, and so on in progression.

Division of mail-matter.

Ibid., s. 130.

First-class matter.

Ibid., s. 131.

Second-class matter.

Ibid., s. 132.

Third-class matter.

8 June, 1872, c. 335, s. 133, v. 17, p. 300.

9 Jan., 1873, c. 21, v. 17, p. 406.

Limit of weight of mail-package.

Ibid., s. 134.

Metric postal balances.

27 July, 1863, c. 281, v. 14, p. 301.

8 June, 1872, c. 335, s. 135, v. 17, p. 301.

Wrapping and securing matter.

8 June, 1872, c. 335, s. 136, v. 17, p. 301.

Removing wrappers.

Ibid., s. 137.

Newspapers to be dried and in wrappers.

Ibid., s. 138.

Papers and periodicals to one address.

Ibid., s. 139.

Notice of refusal to receive newspapers.

Ibid., s. 140.

Inclosures in regular printed matter.

Ibid., s. 141.

Inclosing letters in printed matter; penalty.

Ibid., s. 142.

Carrying newspapers out of mail.

Ibid., s. 143.

Delivery of newspapers by route-agents.

Ibid., s. 144.

Detaining letters; penalty.

Ibid., s. 145.

Detaining, opening, or destroying letters; penalty.

Ibid., s. 146, p. 302.

SEC. 3881. The Postmaster-General may prescribe by regulation the manner of wrapping and securing for the mails all matter not charged with letter-postage, so that it may be conveniently examined by postmasters; and if not so wrapped and secured, it shall be subject to letter-postage.

SEC. 3882. Postmasters at the office of delivery may remove the wrappers and envelopes from mail-matter not charged with letter-postage, when it can be done without destroying them, for the purpose of ascertaining whether there is upon or connected with any such matter anything which would authorize or require the charge of a higher rate of postage thereon.

SEC. 3883. No newspapers shall be received to be conveyed by mail unless they are sufficiently dried and inclosed in proper wrappers.

SEC. 3884. Where packages of newspapers or other periodicals are received at a post-office, directed to one address, and a list of the names of the subscribers to whom they belong, with the postage for a quarter in advance, is handed to the postmaster, he shall deliver such papers or periodicals to their respective owners.

SEC. 3885. Postmasters shall notify the publisher of any newspaper, or other periodical, when any subscriber shall refuse to take the same from the office, or neglect to call for it for the period of one month.

SEC. 3886. Publishers of newspapers and periodicals may print or write, upon their publications sent to regular subscribers, the address of the subscriber, and the date when the subscription expires, and may inclose therein bills and receipts for subscriptions thereto, without subjecting such publications to extra postage.

SEC. 3887. Any person who shall inclose or conceal any letter, memorandum, or other thing in any mail-matter not charged with letter-postage, or make any writing or memorandum thereon, and deposit or cause the same to be deposited for conveyance by mail at a less rate than letter postage, shall, for every such offense, be liable to a penalty of five dollars; and such mail-matter or inclosure shall not be delivered until the postage is paid thereon at letter-rates. But no extra postage shall be charged for a card printed or impressed upon an envelope or wrapper.

SEC. 3888. Contractors or mail-carriers may convey, out of the mail, newspapers for sale or distribution to subscribers.

SEC. 3889. The Postmaster-General may provide by order the terms upon which route-agents may receive from publishers or any news agents in charge thereof, and deliver the same as directed, if presented and called for at the mail-car or steamer, packages of newspapers and other periodicals not received from or intended for delivery at any post-office.

SEC. 3890. Any postmaster who shall unlawfully detain in his office any letter or other mail-matter, the posting of which is not prohibited by law, with intent to prevent the arrival and delivery of the same to the person to whom it is addressed, shall be punishable by a fine of not more than five hundred dollars, and by imprisonment for not more than six months, and he shall be forever thereafter incapable of holding the office of postmaster.

SEC. 3891. Any person employed in any department of the postal service, who shall unlawfully detain, delay, or open any letter, packet, bag, or mail of letters intrusted to him, or which has come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any mail-carrier, mail messenger, route-agent, letter-carrier, or other person employed in any department of the postal service, or forwarded through or delivered from any post-office or branch post-office established by authority of the Postmaster-General; or who shall secrete, embezzle, or destroy any such letter, packet, bag, or mail of letters, although it does not contain any security for or assurance relat-

ing to money or other thing of value, shall be punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than one year, or by both.

SEC. 3892. Any person who shall take any letter, postal card, or packet, although it does not contain any article of value or evidence thereof, out of a post-office or branch post-office, or from a letter or mail carrier, or which has been in any post-office or branch post-office or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with a design to obstruct the correspondence, or pry into the business or secrets of another, or shall secrete, embezzle, or destroy the same, shall, for every such offense, be punishable by a fine of not more than five hundred dollars, or by imprisonment at hard labor for not more than one year, or by both.

SEC. 3893. No obscene, lewd, or lascivious book, pamphlet, picture, paper, print, or other publication of an indecent character, or any article or thing designed or intended for the prevention of conception or procuring of abortion, nor any article or thing intended or adapted for any indecent or immoral use or nature, nor any written or printed card, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, or how, or of whom, or by what means either of the things before mentioned may be obtained or made, nor any letter upon the envelope of which, or postal card upon which indecent or scurrilous epithets may be written or printed, shall be carried in the mail; and any person who shall knowingly deposit, or cause to be deposited, for mailing or delivery, any of the hereinbefore mentioned articles or things, or any notice or paper containing any advertisement relating to the aforesaid articles or things, and any person who, in pursuance of any plan or scheme for disposing of any of the hereinbefore mentioned articles or things, shall take, or cause to be taken, from the mail any such letter or package, shall be deemed guilty of a misdemeanor, and shall, for every offense, be fined not less than one hundred dollars, nor more than five thousand dollars, or imprisoned at hard labor not less than one year nor more than ten years, or both. [See § 1785.]

SEC. 3894. No letter or circular concerning illegal lotteries, so-called gift-concerts, or other similar enterprises, offering prizes, or concerning schemes devised and intended to deceive and defraud the public for the purpose of obtaining money under false pretenses, shall be carried in the mail. Any person who shall knowingly deposit or send anything to be conveyed by mail in violation of this section shall be punishable by a fine of not more than five hundred dollars nor less than one hundred dollars, with costs of prosecution.

SEC. 3895. All letters, packets, or other matter which may be seized or detained for violation of law shall be returned to the owner or sender of the same, or otherwise disposed of as the Postmaster-General may direct.

Intercepting or secreting letters; penalty.

Ibid., s. 147.

U. S. vs. Lancaster, 2 McLean, 431.
U. S. vs. Pond, 2 Curt., 265.

Obscene books, scurrilous and disloyal letters, and lottery circulars not mailable; penalty.

Ibid., ss. 148, 149.
3 March, 1873, c. 158, s. 2, v. 17, p. 599.

Gift enterprise, &c., circulars not mailable; penalty.

8 June, 1872, c. 335, ss. 148, 149, v. 17, p. 302.

Letters seized to be returned to senders.

Ibid., s. 302, v. 17, p. 323.

CHAPTER FOUR.

POSTAGE.

| Sec. | Sec. |
|---|---|
| 3896. Prepayment of postage. | 3904. Drop-letter postage. |
| 3897. Third-class matter. | 3905. Postage on regular printed matter. |
| 3898. Disposal of partly paid and unpaid letters. | 3906. Certain postage to be paid quarterly. |
| 3899. Fraudulent receipt of postage; penalty. | 3907. Postage on packages of small papers. |
| 3900. Postage to be paid before delivery. | 3908. Postage to regular dealers. |
| 3901. Box-rents to be prepaid. | 3909. Affidavit of publishers; penalty. |
| 3902. Unpaid soldiers' and sailors' letters. | 3910. Postage on transient, &c., matter. |
| 3903. Postage on letters and letter-matter. | 3911. Clothing to soldiers by mail. |
| | 3912. Postage on foreign mail-matter. |
| | 3913. Postage on irregular sea-letters. |

SEC. 3896. Postage on all mail-matter must be prepaid by stamps at the time of mailing, unless herein otherwise provided for.

Prepayment of postage.

Ibid., s. 150, p. 302.

Third-class matter.

3 Jan., 1873, c. 21, v. 17, p. 407.

Disposal of partly paid and unpaid letters.

8 June, 1872, c. 335, ss. 151, 152, v. 17, p. 302.

Fraudulent receipts of postage; penalty.

Ibid., s. 296, p. 322.

Postage to be paid before delivery.

Ibid., s. 153, p. 303.

Box-rents to be prepaid.

Ibid., s. 154.

Unpaid soldiers' and sailors' letters.

Ibid., s. 155.

Postage on letters and letter-matter.

Ibid., s. 156.

Drop-letter postage.

Ibid., s. 157.

Postage on regular printed matter.

Ibid., s. 158.

Certain postage to be paid quarterly.

Ibid., s. 159.

Postage on packages of small papers.

Ibid., s. 160.

Postage to regular dealers.

8 June, 1872, c. 335, s. 161, v. 17, p. 303.

Ibid., s. 161.

SEC. 3897. All mail-matter of the third class must be prepaid in full in postage-stamps at the office of mailing.

SEC. 3898. All mail-matter deposited for mailing, on which one full rate of postage has been paid as required by law, shall be forwarded to its destination, charged with any portion of the proper postage which may be unpaid, to be collected on delivery. But if any mail-matter, on which by law the postage is required to be prepaid at the mailing-office, shall by inadvertence reach its destination without any prepayment, double the prepaid rates shall be charged and collected on delivery.

SEC. 3899. If any postmaster, or other person authorized by the Postmaster-General to receive the postage of letters, shall fraudulently demand or receive any rate of postage, or gratuity, or reward, other than is provided by this section, for the postage of letters or packets, he shall be punishable by a fine of one hundred dollars.

SEC. 3900. No mail-matter shall be delivered until the postage due thereon has been paid.

SEC. 3901. No box at any post-office shall be assigned to the use of any person until the rent thereof has been paid for at least one quarter in advance, for which the postmaster shall give a receipt.

SEC. 3902. The Postmaster-General may provide by regulation for transmitting unpaid and duly certified letters of soldiers, sailors, and marines in the service of the United States, to their destination.

SEC. 3903. On all mail-matter which is wholly or partly in writing, except book-manuscripts and corrected proofs passing between authors and publishers, and local or drop letters; on all printed matter which is so marked as to convey any other or further information than is conveyed by the original print, except the correction of mere typographical errors; on all matter which is sent in violation of law or the regulations of the Department respecting inclosures; and on all matter to which no specific rate of postage is assigned, postage shall be charged at the rate of three cents for each half-ounce or fraction thereof.

SEC. 3904. Letters commonly known as drop or local letters, delivered through the post-office or its carriers, shall be charged with postage at the rate of two cents where the system of free delivery is established, and one cent where such system is not established, for each half-ounce or fraction thereof.

SEC. 3905. On newspapers and other periodical publications, not exceeding four ounces in weight, sent from a known office of publication to regular subscribers, postage shall be charged at the following rates per quarter, namely: On publications issued less frequently than once a week, at the rate of one cent for each issue; issued once a week, five cents; and five cents additional for each issue more frequent than once a week. And an additional rate shall be charged for each additional four ounces or fraction thereof in weight.

SEC. 3906. On newspapers and other periodicals sent from a known office of publication to regular subscribers, the postage shall be paid before delivery, for not less than one quarter, nor more than one year; which payment may be made either at the office of mailing or delivery, commencing at any time; and the postmaster shall account for such postage in the quarter in which it is received.

SEC. 3907. The Postmaster-General may provide by regulations for carrying small newspapers, issued less frequently than once a week, in packages to one address, from a known office of publication to regular subscribers, at the rate of one cent for each four ounces or fraction thereof.

SEC. 3908. Persons known as regular dealers in newspapers and periodicals may receive and transmit by mail such quantities of either as they may require, and pay the postage thereon as received, at the same rates, pro rata, as regular subscribers to such publications who pay quarterly in advance.

SEC. 3909. The Postmaster-General may prescribe, by regulation, an affidavit, in form, to be taken by the publisher, or by the clerk, agent, or servant of the publisher, of any newspaper or other periodical which may by law be sent to regular subscribers without prepayment of postage at the mailing-office, to the effect that neither he nor any other proprietor, clerk, agent, or employé within his knowledge will send, cause or permit to be sent through the mail, without prepayment by postage-stamps, any copies of such newspaper or other periodical (naming it) except to bona-fide and regular subscribers thereto; and if any such newspaper or other periodical shall be thus unlawfully sent, with the knowledge or consent of such proprietor, or his agent, clerk, or servant in charge of such business, or if such affidavit shall, when required by the Postmaster-General or any special agent of the Post-Office Department, be refused, the person guilty of the offense, or refusing to make the affidavit, shall be liable to a penalty of fifty dollars in each case.

Affidavits of publishers; penalty.

Ibid., s. 162.

SEC. 3910. On mailable matter of the third class, except as herein stated, postage shall be charged at the rate of one cent for each two ounces or fraction thereof. Double these rates shall be charged for books, samples of metals, ores, minerals, and merchandise.

Postage on transient, &c., matter.

Ibid., s. 163, p. 304.

SEC. 3911. Packages of woolen, cotton, or linen clothing, not exceeding two pounds in weight, may be sent through the mail to any non-commissioned officer or private in the Army of the United States, if prepaid, at the rate of one cent for each one ounce or fraction thereof, subject to such regulations as the Postmaster-General may prescribe.

Clothing to soldiers by mail.

Ibid., s. 164.

SEC. 3912. The rate of United States postage on mail-matter sent to or received from foreign countries with which different rates have not been established by postal convention or other arrangement, when forwarded by vessels regularly employed in transporting the mail, shall be ten cents for each half-ounce or fraction thereof on letters, unless reduced by order of the Postmaster-General; two cents each on newspapers; and not exceeding two cents per each two ounces, or fraction thereof, on pamphlets, periodicals, books, and other printed matter, which postage shall be prepaid on matter sent and collected on matter received; and to avoid loss to the United States in the payment of balances, the Postmaster-General may collect the unpaid postage on letters from foreign countries in coin or its equivalent.

Postage on foreign mail-matter.

Ibid., s. 165.

SEC. 3913. All letters conveyed by vessels not regularly employed in carrying the mail shall, if for delivery within the United States, be charged with double postage, to cover the fee paid to the vessel.

Postage on irregular sea-letters.

Ibid., s. 166.

CHAPTER FIVE.

POSTAGE-STAMPS AND ENVELOPES.

Sec.

3914. Postage-stamps.

3915. Stamped envelopes.

3916. Postal cards.

3917. Improvements in stamps and envelopes.

3918. Sale of stamps at post-offices.

3919. Stamps and envelopes at a discount.

3920. Selling stamps at more than face; penalty.

Sec.

3921. Stamps to be defaced.

3922. Removing stamps from mail matter.

3923. Re-use of stamps; penalty.

3924. Removal and re-use of old stamps by employé; penalty.

3925. The same by persons not in post-office employ.

SEC. 3914. The Postmaster-General shall prepare postage-stamps of suitable denominations, which, when attached to mail-matter, shall be evidence of the payment of the postage thereon.

Postage-stamps.

8 June, 1872, c. 335, s. 163, v. 17, p. 304.

SEC. 3915. The Postmaster-General shall provide suitable letter and newspaper envelopes, with such water-marks or other guards against counterfeits as he may deem expedient, and with postage-stamps with such device and of such suitable denominations as he may direct, im-

Stamped envelopes.

Ibid., s. 169.

pressed thereon; and such envelopes shall be known as "stamped envelopes," and shall be sold, as nearly as may be, at the cost of procuring them, with the addition of the value of the postage-stamps impressed thereon; but no stamped envelope furnished by the Government shall contain any lithographing or engraving, nor any printing except a printed request to return the letter to the writer. Letters and papers inclosed in such stamped envelopes shall, if the postage-stamp is of a denomination sufficient to cover the postage properly chargeable thereon, pass in the mail as prepaid matter.

Postal cards.

Ibid., s. 170.

SEC. 3916. To facilitate letter correspondence, and to provide for the transmission in the mails, at a reduced rate of postage, of messages, orders, notices, and other short communications, either printed or written in pencil or ink, the Postmaster-General is authorized and directed to furnish and issue to the public, with postage-stamps impressed upon them, "postal cards," manufactured of good stiff paper, of such quality, form, and size as he shall deem best adapted for general use; which cards shall be used as a means of postal intercourse, under rules and regulations to be prescribed by the Postmaster-General, and when so used shall be transmitted through the mails at a postage charge of one cent each, including the cost of their manufacture.

Improvements in stamps and envelopes.

Ibid., s. 171.

SEC. 3917. The Postmaster-General may, from time to time, adopt such improvements in postage-stamps and stamped envelopes as he may deem advisable; and when any such improvement is adopted it shall be subject to all the provisions herein respecting postage-stamps or stamped envelopes.

Sale of stamps at post-offices.

Ibid., s. 172.

SEC. 3918. Postage-stamps and stamped envelopes shall be furnished by the Postmaster-General to all postmasters, and shall be kept for sale at all post-offices; and each postmaster shall be held accountable for all such stamps and envelopes furnished to him.

Stamps and envelopes at a discount.

Ibid., s. 173, p. 305.

SEC. 3919. Postage-stamps and stamped envelopes may be sold at a discount to certain designated agents, who will agree to sell again without discount, under rules to be prescribed by the Postmaster-General; but the quantities of each sold to any one agent at one time shall not exceed one hundred dollars in value, and the discount shall not exceed five per centum on the face value of the stamps, nor the same per centum on the current price of the envelopes when sold in less quantities.

Selling stamps at more than face; penalty.

Ibid., s. 174.

SEC. 3920. Postage-stamps shall not be sold for any larger sum than the value indicated on their face, nor stamped envelopes for more than is charged therefor by the Post-Office Department for like quantities. Any person connected with the postal service who shall violate this provision shall be punishable by a fine of not less than ten dollars, nor more than five hundred.

Stamps to be defaced.

Ibid., s. 175.

SEC. 3921. Postage-stamps affixed to all mail-matter or the stamped envelopes in which the same is inclosed, shall, when deposited for mailing or delivery, be defaced by the postmaster at the mailing-office, in such manner as the Postmaster-General may direct; and if any mail matter shall be forwarded without the stamps or envelopes being so defaced, the postmaster at the office of delivery shall deface them, and report the delinquent postmaster to the Postmaster-General.

Removing stamps from mail-matter; penalty.

Ibid., s. 176.

SEC. 3922. Any person employed in any branch of the postal service who shall wilfully and unlawfully remove from any mail-matter any postage-stamp affixed thereto in payment of the postage, shall be punishable by a fine of not more than one hundred dollars, or by imprisonment for not more than six months.

Re-use of stamps; penalty.

Ibid., s. 177.

SEC. 3923. Any person who shall use or attempt to use, in payment of the postage on any mail-matter conveyed by mail or otherwise, any postage-stamp or stamped envelope, or any stamp cut from any such stamped envelope, which has been before used for a like purpose, shall be liable to a penalty of fifty dollars.

SEC. 3924. If any person employed in any department of the Post-Office Establishment of the United States shall willfully and knowingly use, or cause to be used, in prepayment of postage, any postage-stamp, postal card, or stamped envelope issued, or which may hereafter be issued, by authority of any act of Congress, or of the Postmaster-General, which has already been once used for a like purpose, or shall remove, or attempt to remove, the canceling or defacing marks from any such postage-stamp, or stamped envelope, or postal-card, with intent to use or cause the use of the same a second time, or to sell, or offer to sell, the same, or shall remove from letters or other mail matter deposited in or received at a post-office the stamps attached to the same in payment of postage, with intent to use the same a second time for a like purpose, or to sell, or offer to sell, the same, every such offender shall be deemed guilty of felony, and shall be imprisoned for not less than one year nor more than three years.

Removal and re-use of old stamps by employé; penalty.

Ibid., s. 297, p. 322.

SEC. 3925. If any person, although not employed in any department of the Post-Office Establishment, shall commit any of the offenses described in the preceding section, every such person shall be deemed guilty of a misdemeanor, and be punishable by imprisonment for not less than six months nor more than one year, or by a fine of not less than one hundred dollars nor more than five hundred dollars, for each offense, or by both.

The same by persons not in post-office employ.

Ibid., s. 298.

CHAPTER SIX.

REGISTERED LETTERS.

Sec.

3926. System of registration authorized.

3927. Registered matter and fees.

3928. Receipt for delivery of registered matter.

Sec.

3929. Registered letters to lotteries, &c., may be returned.

SEC. 3926. For the greater security of valuable mail-matter, the Postmaster-General may establish a uniform system of registration. But the Post-Office Department or its revenue shall not be liable for the loss of any mail-matter on account of its having been registered.

System of registration authorized.

8 June, 1872, c. 335, ss. 126, 129, v. 17, p. 300.

SEC. 3927. Mail-matter shall be registered only on the application of the party posting the same, and the fee therefor shall not exceed twenty cents in addition to the regular postage, to be, in all cases, prepaid; and all such fees shall be accounted for in such manner as the Postmaster-General shall direct. But letters upon the official business of the Post-Office Department which require registering shall be registered free of charge, and pass through the mails free of charge.

Registered matter and fees.

Ibid., s. 127.

SEC. 3928. A receipt shall be taken upon the delivery of any registered mail-matter, showing to whom and when the same was delivered, which shall be returned to the sender, and be received in the courts as prima-facie evidence of such delivery.

Receipt for delivery of registered matter.

Ibid., s. 128.

SEC. 3929. The Postmaster-General may, upon evidence satisfactory to him that any person is engaged in conducting any fraudulent lottery, gift-enterprise, or scheme for the distribution of money or of any real or personal property, by lot, chance, or drawing of any kind, or in conducting any other scheme or device for obtaining money through the mails by means of false or fraudulent pretenses, representations, or promises, instruct postmasters at any post-offices at which registered letters arrive directed to any such person, to return all such registered letters to the postmasters at the offices at which they were originally mailed, with the word "fraudulent" plainly written or stamped upon the outside of such letters; and all such letters so returned to such postmasters shall be by them returned to the writers thereof, under such regulations as the Post-

Registered letters to lotteries, &c., may be returned.

Ibid., s. 300, p. 322.

master-General may prescribe. But nothing contained in this Title shall be so construed as to authorize any postmaster or other person to open any letter not addressed to himself.

CHAPTER SEVEN.

UNCLAIMED, DEAD, AND REQUEST LETTERS.

Sec.

- 3930. Advertising letters.
- 3931. Advertising foreign letters.
- 3932. Registry of letters containing fractional currency.
- 3933. Posting lists of advertised letters.
- 3934. Pay for advertising letters.
- 3935. Charge on advertised letters.

Sec.

- 3936. Return of undelivered letters.
- 3937. Unpaid letters to dead-letter office.
- 3938. Proceeds of valuable dead letters.
- 3939. Request letters to be returned.
- 3940. Forwarding letters from one office to another.

Advertising letters.

8 June, 1872, c. 335, s. 188, v. 17, p. 307.

SEC. 3930. The Postmaster-General may direct the publication of the list of non-delivered letters at any post-office by a written list posted in some public place, or, when he shall deem it for the public interest, he may direct the publication of such list in the daily or weekly newspaper regularly published within the post-office delivery which has the largest circulation within such delivery; and where no daily paper is published within the post-office delivery, such list may be published in the daily newspaper of any adjoining delivery having the largest circulation within the delivery of the post-office publishing the list; and in case of dispute as to the circulation of competing newspapers, the postmaster shall receive evidence and decide upon the fact. Such list shall be published as frequently as the Postmaster-General may deem proper, but not oftener than once a week.

Advertising foreign letters.

Ibid., s. 189.

SEC. 3931. The list of non-delivered letters addressed to foreign-born persons may be published in a newspaper printed in the language most used by them, which shall be selected in the manner prescribed in the preceding section.

Registry of letters containing fractional currency.

Ibid., s. 190, p. 307.

SEC. 3932. Under such regulations as the Postmaster-General may prescribe, all postmasters are authorized to register in the manner prescribed by law, but without payment of any registration fee, all letters containing fractional or other currency of the United States, which shall be by them sent by mail to the Treasurer of the United States for redemption; and the postmaster at the city of Washington, in the District of Columbia, shall register, in like manner, without charge, all letters containing new currency returned for currency redeemed, which shall be received by him from the Treasurer, in sealed packages, marked with the word "register" over the official signature of the said Treasurer.

Posting lists of advertised letters.

Ibid., s. 191, p. 308.

Pay for advertising letters.

Ibid., s. 192, p. 308.

Charge on advertised letters.

Ibid., s. 193, p. 308.

Return of undelivered letters.

Ibid., s. 194, p. 308.

SEC. 3933. Every postmaster shall post, in a conspicuous place in his office, a copy of each list of non-delivered letters immediately after its publication.

SEC. 3934. The compensation for publishing the list of non-delivered letters shall in no case exceed one cent for each letter so published.

SEC. 3935. All letters published as non-delivered shall be charged with one cent in addition to the regular postage, to be accounted for as part of the postal revenue.

SEC. 3936. The Postmaster-General may regulate the period during which undelivered letters shall remain in any post-office, and when they shall be returned to the dead-letter office; and he may make regulations for their return from the dead-letter office to the writers, when they cannot be delivered to the parties addressed.

SEC. 3937. All domestic letters deposited in any post-office for mailing, on which the postage is wholly unpaid or paid less than one full rate as required by law, except letters lawfully free, and duly certified letters of soldiers, sailors, and marines in the service of the United States, shall be sent by the postmaster to the dead-letter office in Washington. But in large cities and adjacent districts of dense population, having two or more post-offices within a distance of three miles of each other, any letter mailed at one of such offices and addressed to a locality within the delivery of another of such offices, which shall have been inadvertently prepaid at the drop or local letter rate of postage only, may be forwarded to its destination through the proper office, charged with the amount of the deficient postage, to be collected on delivery.

Unpaid letters to dead-letter office.

Ibid., s. 195, p. 308.

SEC. 3938. Dead letters containing valuable inclosures shall be registered in the dead-letter office; and when they cannot be delivered to the party addressed nor to the writer, the contents thereof shall be disposed of, and a careful account shall be kept of the amount realized in each case, which shall be subject to reclamation by either the party addressed or the sender, for four years from the registry thereof; and all other letters of value or of importance to the party addressed or to the writer, and which cannot be returned to either, shall be disposed of as the Postmaster-General may direct.

Proceeds of valuable dead-letters.

Ibid., s. 196, p. 308.

SEC. 3939. When the writer of any letter on which the postage is prepaid shall indorse upon the outside thereof his name and address, such letter shall not be advertised, but after remaining uncalled for at the office to which it is directed thirty days, or the time the writer may direct, shall be returned to him without additional charge for postage, and if not then delivered shall be treated as a dead letter.

Request to be returned.

Ibid., s. 198, p. 308.

SEC. 3940. Prepaid letters shall be forwarded from one post-office to another, at the request of the party addressed, without additional charge for postage.

Forwarding letters from one office to another.

Ibid., s. 199.

CHAPTER EIGHT.

CONTRACTS FOR CARRYING THE MAIL.

| Sec. | Sec. |
|---|--|
| 3941. Advertising for proposals. | 3952. Release of bidder. |
| 3942. Contracts with railways without advertising. | 3953. Bids to be accompanied by certified check. |
| 3943. Contracts for carrying home-mails by owners of vessels. | 3954. Penalty for failure to enter into contract. |
| 3944. Proposals to be sealed; how to be opened. | 3955. New sureties. |
| 3945. Guarantee of proposals. | 3956. Limit of time of contract. |
| 3946. Oath to accompany bid. | 3957. Changing terms of contract. |
| 3947. Certificate of the postmaster as to the sufficiency of guarantor. | 3958. Notice of intention to change terms of contract. |
| 3948. Bids to be recorded and preserved. | 3959. Payment on contract. |
| 3949. Contracts to lowest bidder. | 3960. Pay for additional regular service. |
| 3950. Combination to prevent bids. | 3961. Allowance for additional expedition. |
| 3951. Failure of bidder to give bond; proceedings. | 3962. Fining mail-contractors. |
| | 3963. Mail-contracts not assignable. |

SEC. 3941. Before making any contract for carrying the mail, other than those hereinafter excepted, the Postmaster-General shall give public notice by advertising once a week for six weeks in one or more, not exceeding five, newspapers published in the State or Territory where the service is to be performed, one of which shall be published at the seat of government of such State or Territory; and such notice shall describe the route, the time at which the mail is to be made up, the time at which it is to be delivered, and the frequency of the service; and the Postmaster-General shall direct, by special order in each case, the newspapers in which mail-lettings, or other proposals relative to the business of his Department, shall be advertised, and no publisher shall be paid for such

Advertising for proposals.

8 June, 1872, c. 335, s. 243, v. 17, p. 313.

advertisements without having been requested by the Postmaster-General to publish the same. [See § 3827.]

Contracts with
railways without
advertising.

SEC. 3942. The Postmaster-General may enter into contracts for carrying the mail, with railway companies, without advertising for bids therefor.

8 June, 1872, c. 335, s. 265, v. 17, p. 316.

Contracts for
carrying home-
mails by owners of
vessels.

SEC. 3943. The Postmaster-General may contract with the owner or master of any steamboat plying upon the waters of the United States, or of any steamship or other vessel plying between ports of the United States, for carrying the mail for any length of time less than four years, and without advertising for proposals therefor, whenever the public interest and convenience will thereby be promoted; but the price paid for such service shall in no case be greater than the average price paid under the last preceding or then existing regular contract on the same route.

Ibid., s. 264.

Proposals to be
sealed, how to be
opened.

SEC. 3944. Proposals for carrying the mail shall be delivered sealed, and so kept until the bidding is closed, and shall then be opened and marked in the presence of the Postmaster-General, and one of the assistant postmasters-general, or of two of the assistant postmasters-general, or of any other two officers of the Department, to be designated by the Postmaster-General; and any bidder may withdraw his bid at any time before twenty-four hours previous to the time fixed for the opening of proposals, by serving upon the Postmaster-General, or the second assistant postmaster-general, notice in writing of such withdrawal.

Ibid., s. 244, p.
313.

Guarantee of
proposals.

SEC. 3945. Every proposal for carrying the mail shall be accompanied by a written guarantee, signed by one or more responsible persons, and undertaking that, within such time after the bid is accepted as the Postmaster-General may prescribe, the bidder will enter into an obligation, with good and sufficient sureties, to perform the service proposed; and no proposals shall be considered unless accompanied by such guarantee.

Ibid., s. 245.

Oath to accom-
pany bid.

SEC. 3946. Each bid for carrying the mail shall hereafter have affixed to it the oath of the bidder, taken before an officer qualified to administer oaths, that he has the pecuniary ability to fulfill his obligations, and that the bid is made in good faith and with the intention to enter into contract and perform the service, in case his bid shall be accepted; and that the signatures of his guarantors are genuine, and that he believes the guarantors pecuniarily responsible for and able to pay all damages the United States shall suffer by reason of the bidder's failing to perform his obligations as such bidder.

Ibid., s. 246.

Certificate of the
postmaster as to
sufficiency of guar-
antor.

SEC. 3947. Any postmaster or other officer of the Post Office Department who shall affix his signature to the certificate of sufficiency of guarantors or sureties before the guarantee or contract is signed by the guarantors or sureties, or shall knowingly make any false or illusory certificate, shall be forthwith dismissed from office, and shall be deemed guilty of a misdemeanor, and be punishable by a fine of not more than one thousand dollars, or by imprisonment for not more than one year, or by both.

Ibid., s. 247.

Bids to be re-
corded and pre-
served.

SEC. 3948. The Postmaster-General shall have recorded, in a book to be kept for that purpose, a true and faithful abstract of all proposals made to him for carrying the mail, giving the name of the party offering, the terms of the offer, the sum to be paid, and the time the contract is to continue; and he shall put on file and preserve the originals of all such proposals.

Ibid., s. 248.

Contracts to low-
est bidder.

SEC. 3949. All contracts for carrying the mail shall be in the name of the United States, and shall be awarded to the lowest bidder tendering sufficient guarantees for faithful performance, without other reference to the mode of transportation than may be necessary to provide for the due celerity, certainty, and security thereof; but the Postmaster-General shall not be bound to consider the bid of any person who has willfully or negligently failed to perform a former contract.

Ibid., s. 249.

SEC. 3950. No contract for carrying the mail shall be made with any person who has entered, or proposed to enter, into any combination to prevent the making of any bid for carrying the mail, or who has made any agreement, or given or performed, or promised to give or perform, any consideration whatever to induce any other person not to bid for any such contract; and if any person so offending is a contractor for carrying the mail, his contract may be annulled; and for the first offense the person so offending shall be disqualified to contract for carrying the mail for five years, and for the second offense shall be forever disqualified.

Combinations to prevent bids.

Ibid., s. 250.

SEC. 3951. After any regular bidder or contractor for the transportation of the mail upon any route shall have failed to enter into contract, and commence the performance thereof as herein provided, the Postmaster-General shall proceed to contract with the next lowest bidder for such service, who will enter into a contract and perform the same, unless the Postmaster-General shall consider such bid too high, in which case he shall re-advertise such service. And in all cases of regular contracts hereafter made the contract may, in the discretion of the Postmaster-General, be continued in force beyond its express terms for a period not exceeding six months, until a new contract with the same or other contractors shall be made by the Postmaster-General. The Postmaster-General may contract, without advertisement, for a period not to exceed twelve months, for the carriage of the mail on such route during the time that shall necessarily elapse between the failure of either of the accepted bidders to enter into a contract and the time when the next accepted bidder under the old or a new advertisement shall enter upon his contract; and the difference between the price proposed in the accepted bid and that paid for intermediate service shall be charged to the failing bidder or bidders, and may be recovered in the name of the United States for the use of the Post-Office Department, in an action on the case. And when the contract shall be made and concluded, the difference between the accepted bid of the failing bidders and the amount payable under the contract for the service of two years shall be forthwith charged against the failing bidder or bidders; and an action for such sum in the nature of liquidated damages shall accrue to the United States for the use of the Post-Office Department immediately upon the execution of the final contract. And both causes of action mentioned in this section may be joined in one suit.

Failure of bidder to give bond; proceedings.

Ibid., s. 251.

SEC. 3952. No bidder for carrying the mail shall be released from his obligation under his bid or proposal, notwithstanding an award made to a lower bidder, until a contract for the designated service shall have been duly executed by such lower bidder and his sureties, and accepted, and the service entered upon by the contractor to the satisfaction of the Postmaster-General.

Release of bidder.

Ibid., s. 252.

SEC. 3953. Hereafter all bidders upon every mail-route for the transportation of the mails upon the same, where the annual compensation for the service on such route at the time exceeds the sum of five thousand dollars, shall accompany their bids with a certified check or draft, payable to the order of the Postmaster-General upon some solvent national bank, which check or draft shall not be less than five per centum on the amount of the annual pay on such route at the time such bid is made; and in case of new service, not less than five per centum of the amount of one year's pay proposed in such bid, if the bid exceed five thousand dollars per annum. In case any bidder, on being awarded any such contract, shall fail to execute the same, with good and sufficient sureties, according to the terms on which such bid was made and accepted, and enter upon the performance of the service to the satisfaction of the Postmaster-General, such bidder shall forfeit the amount so deposited to the United States, and the same shall forthwith be paid into the Treasury for the use of the Post-Office Department; but if such contract shall be duly executed and the service entered upon to the satisfaction of the Postmaster-General, such draft or check so deposited shall be returned to the bidder.

Bids to be accompanied by certified check.

Ibid., s. 253.

Penalty for failure to enter into contract.

Ibid., s. 254, p. 315.

New sureties.

Ibid., s. 255.

Limit of time of contract.

Ibid., s. 256.

Changing terms of contract.

Ibid., s. 257.

Notice of intention to change terms of contract.

Ibid., s. 258.

Payment on contract.

Ibid., s. 259.

Pay for additional regular service.

Ibid., s. 260.

Allowance for additional expedition.

Ibid., s. 261.

Fining mail-contractors.

Ibid., s. 266, p. 316.

Mail-contracts not assignable.

Ibid., s. 271.

SEC. 3954. Any person or persons bidding for the transportation of the mails upon any route which may be advertised to be let, and receiving an award of the contract for such service, who shall wrongfully refuse or fail to enter into contract with the Postmaster-General in due form, and perform the service described in his or their bid or proposal, shall be deemed guilty of a misdemeanor, and be punishable by a fine of not more than five thousand dollars, and by imprisonment for not more than twelve months.

SEC. 3955. The Postmaster-General, whenever he may deem it consistent with the public interest, may accept new surety upon any contract existing or hereafter made for carrying the mails, in substitution for and release of any existing surety.

SEC. 3956. No contract for carrying the mail shall be made for a longer term than four years, and no contract for carrying the mail on the sea shall be made for a longer term than two years.

SEC. 3957. Whenever, by reason of any error, omission, or other cause, any route which should properly be advertised for the regular letting is omitted, it shall be the duty of the Postmaster-General to advertise the same as soon as the error or omission shall be discovered, and the proposals for such route shall be opened as soon as possible after the other proposals in the same contract section; and the contract made under such supplementary advertisement shall run, as nearly as possible, from the beginning to the end of the regular contract term, and, during the time necessarily lost by reason of such error, omission, or other cause, the Postmaster-General shall provide for the carrying of the mail on such route at as low rate as possible, without advertising.

SEC. 3958. Whenever it becomes necessary to change the terms of an existing contract for carrying the mail otherwise than as provided in the preceding section, notice thereof shall be given and proceedings had thereon the same as at the letting of original contracts.

SEC. 3959. No person whose bid for carrying the mail is accepted shall receive any pay until he has executed his contract according to law and the regulations of the Department.

SEC. 3960. Compensation for additional service in carrying the mail shall not be in excess of the exact proportion which the original compensation bears to the original service; and when any such additional service is ordered, the sum to be allowed therefor shall be expressed in the order, and entered upon the books of the Department; and no compensation shall be paid for any additional regular service rendered before the issuing of such order.

SEC. 3961. No extra allowance shall be made for any increase of expedition in carrying the mail unless thereby the employment of additional stock and carriers is made necessary, and in such case the additional compensation shall bear no greater proportion to the additional stock and carriers necessarily employed than the compensation in the original contract bears to the stock and carriers necessarily employed in its execution.

SEC. 3962. The Postmaster-General may make deductions from the pay of contractors, for failures to perform service according to contract, and impose fines upon them for other delinquencies. He may deduct the price of the trip in all cases where the trip is not performed; and not exceeding three times the price if the failure be occasioned by the fault of the contractor or carrier.

SEC. 3963. No contractor for transporting the mail within or between the United States and any foreign country shall assign or transfer his contract, and all such assignments or transfers shall be null and void.

CHAPTER NINE.

CARRYING THE MAIL.

| Sec. | Sec. |
|---|--|
| 3964. What are post-roads. | 3982. Private expresses prohibited; penalty. |
| 3965. Provisions for carrying the mail. | 3983. Carrying person acting as express; penalty. |
| 3966. Mail to every court-house. | 3984. Sending letters by private express; penalty. |
| 3967. Carrying the mail on canals. | 3985. Carrying letters out of the mail over post-route; penalty. |
| 3968. Carrying the mail on plank-roads. | 3986. Carrying letters out of the mail on board vessel; penalty. |
| 3969. Carrying the mail on waters of the United States. | 3987. Foreign letters not to be carried, except; oath. |
| 3970. Carrying home-mail in steamships. | 3988. Vessels to deliver letters at post-office; oath; penalty. |
| 3971. Extending line of posts; compensation. | 3989. Searching vessels for letters. |
| 3972. Selecting post-roads. | 3990. Seizing and detaining letters. |
| 3973. Change of post-road terminus. | 3991. Disposal of seizures. |
| 3974. Discontinuing service on post-roads. | 3992. Conveying letters without compensation. |
| 3975. Contracts for service over routes not established by law. | 3993. Letters in stamped envelopes may be carried out of the mail. |
| 3976. United States vessels to carry mails; oath; penalty. | 3994. Separating letter-mail for expedition. |
| 3977. Delivery of letters by master of steamboat to postmaster. | 3995. Obstructing the mail; penalty. |
| 3978. Mail-carrying by vessel not in mail-service. | 3996. Delaying the mail at a ferry; penalty. |
| 3979. Claiming to be carriers of United States mail; penalty. | |
| 3980. Prepaid way-letters to be received. | |
| 3981. Illegal carrying by carriers and others; penalty. | |

SEC. 3964. The following are established post-roads:

All the waters of the United States, during the time the mail is carried thereon.

All railroads or parts of railroads which are now or hereafter may be in operation.

All canals, during the time the mail is carried thereon.

All plank-roads during the time the mail is carried thereon.

The road on which the mail is carried to supply any court-house which may be without a mail, and the road on which the mail is carried under contract made by the Postmaster-General for extending the line of posts to supply mails to post-offices not on any established route, during the time such mail is carried thereon.

All letter-carrier routes established in any city or town for the collection and delivery of mail matters. [See §2476.]

SEC. 3965. The Postmaster-General shall provide for carrying the mail on all post-roads established by law, as often as he, having due regard to productiveness and other circumstances, may think proper.

SEC. 3966. The Postmaster-General shall cause a mail to be carried from the nearest post-office on any established post-road to the court-house of any county in the United States which is without a mail.

SEC. 3967. The Postmaster-General may contract for carrying the mail on the navigable canals of the several States, when, in his opinion, the public interest or convenience requires it.

SEC. 3968. The Postmaster-General may contract for carrying the mail on any plank-road in the United States, when the public interest or convenience requires it.

SEC. 3969. The Postmaster-General may cause the mail to be carried in any steamboat or other vessel used as a packet on any of the waters of the United States.

SEC. 3970. The Postmaster-General may, if he deem it for the public interest, make contracts for any period not exceeding one year, for carrying the mails in steamships between any of the ports of the United States.

What are post-roads.

8 June, 1872, c. 335, ss. 200-205, v. 17, pp. 308, 309.

Provisions for carrying the mail.

Ibid., s. 215, p. 309.

Mail to every court-house.

Ibid., s. 216, p. 309.

Carrying the mail on canals.

Ibid., s. 217, p. 310.

Carrying the mail on plank-roads.

Ibid., s. 218, p. 310.

Carrying the mail on waters of the United States.

Ibid., s. 219, p. 310.

Carrying home-mail in steamships.

Ibid., s. 220, p. 310.

Extending line of posts; compensation.

Ibid., s. 221, p. 310.

Selecting post-roads.

Ibid., s. 206, p. 309.

Change of post-road terminus.

Ibid., s. 207.

Discontinuing service on post-road.

Ibid., s. 208.

Contract for service over routes not established by law.

Ibid., s. 209.

United States vessels to carry mails; oath; penalty.

Ibid., s. 222, p. 310.

Delivery of letters by master of steamboat to postmaster.

Ibid., s. 223.

Mail-carrying by vessels not in mail service.

Ibid., s. 224.

Claiming to be carriers of the United States mail; penalty.

Ibid., s. 225.

SEC. 3971. The Postmaster-General may enter into contracts for extending the line of posts to supply mails to post-offices not on any established route, and, as a compensation for carrying the mail under such contracts, may allow not exceeding two-thirds of the salary paid to the postmaster at such special offices.

SEC. 3972. When there is more than one road between places designated by law for a post-road, the Postmaster-General may direct which shall be considered the post-road.

SEC. 3973. The Postmaster-General may change the terminus of post-roads connecting with or intersecting railways when the service can be thereby improved.

SEC. 3974. Whenever, in the opinion of the Postmaster-General, the postal service cannot be safely continued, the revenues collected, or the laws maintained on any post-road, he may discontinue the service on such road or any part thereof until the same can be safely restored.

SEC. 3975. The Postmaster-General may, when he deems it advisable, contract for the transportation of the mails to and from any post-office; but where such service is performed over a route not established by law, he shall report the same to Congress at its meeting next thereafter, and such service shall cease at the end of the next session of Congress, unless such route is established a post-route by Congress.

SEC. 3976. The master of any vessel of the United States bound from any port therein to any foreign port, or from any foreign port to any port of the United States, shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department, or any diplomatic or consular officer of the United States abroad, shall offer; and he shall promptly deliver the same, on arriving at the port of destination, to the proper officer, for which he shall receive two cents for every letter so delivered; and upon the entry of every such vessel returning from any foreign port, the master thereof shall make oath that he has promptly delivered all the mail placed on board said vessel before clearance from the United States; and if he shall fail to make such oath the vessel shall not be entitled to the privileges of a vessel of the United States. [See § 4203.]

SEC. 3977. The master of any steamboat passing between ports or places in the United States, and arriving at any such port or place where there is a post-office, shall deliver to the postmaster, within three hours after his arrival, if in the day-time, and if at night, within two hours after the next sunrise, all letters and packets brought by him, or within his power or control and not relating to the cargo, addressed to or destined for such port or place, for which he shall receive from the postmaster two cents for each letter or packet so delivered, unless the same is carried under a contract for carrying the mail; and for every failure to so deliver such letters and packets, the master or owner of the steamboat shall be liable to a penalty of one hundred and fifty dollars.

SEC. 3978. The Postmaster-General may pay, to the master or owner of any vessel not regularly employed in carrying the mail, two cents for each letter carried by such vessel between ports or places in the United States, or from any foreign port to any port in the United States; but all such letters shall be deposited in the post-office at the port of arrival.

SEC. 3979. Any person who shall paint, print, or in any manner place upon or attach to any steamboat or other vessel, or any stage-coach or other vehicle, not actually used in carrying the mail, the words "United States mail," or any words, letters, or characters of like import; or any person who shall give notice, by publishing in any newspaper or otherwise, that any steamboat or other vessel, or any stage-coach or other vehicle, is used in carrying the mail, when the same is not actually so used; or any person willfully aiding or abetting therein, shall, for every such offense, be punishable by a fine of not less than one hundred dollars nor more than five hundred dollars.

SEC. 3980. Every route-agent, postal clerk, or other carrier of the mail shall receive any mail-matter presented to him, if properly prepaid by stamps, and deliver the same for mailing at the next post-office at which he arrives; but no fees shall be allowed him therefor.

SEC. 3981. Any person concerned in carrying the mail, who shall collect, receive, or carry any letter or packet, or cause or procure the same to be done, contrary to law, shall, for every such offense, be punishable by a fine of not more than fifty dollars.

SEC. 3982. No person shall establish any private express for the conveyance of letters or packets, or in any manner cause or provide for the conveyance of the same by regular trips or at stated periods, over any post-route which is or may be established by law, or from any city, town, or place to any other city, town, or place between which the mail is regularly carried; and every person so offending, or aiding or assisting therein, shall for each offense be liable to a penalty of one hundred and fifty dollars.

SEC. 3983. The owner of every stage-coach, railway-car, steamboat, or other vehicle or vessel, which shall, with the knowledge of any owner, in whole or in part, or with the knowledge or connivance of the driver, conductor, master, or other person having charge of the same, convey any person acting or employed as a private express for the conveyance of letters or packets, and actually in possession of the same for the purpose of conveying them, contrary to the spirit, true intent, and meaning of this Title, shall, for every such offense, be liable to a penalty of one hundred and fifty dollars.

SEC. 3984. No person shall transmit by private express or other unlawful means, or deliver to any agent of such unlawful express, or deposit, or cause to be deposited, at any appointed place, for the purpose of being transmitted, any letter or packet; and for every such offense the party offending shall be liable to a penalty of fifty dollars.

SEC. 3985. No stage-coach, railway-car, steamboat, or other vehicle or vessel which regularly performs trips at stated periods on any post-route, or from any city, town, or place to any other city, town, or place, between which the mail is regularly carried, shall carry, otherwise than in the mail, any letters or packets, except such as relate to some part of the cargo of such steamboat or other vessel, or to some article carried at the same time by the same stage-coach, railway-car, or other vehicle, except as provided in section three thousand nine hundred and ninety-three; and for every such offense the owner of the stage-coach, railway-car, steamboat, or other vehicle or vessel shall be liable to a penalty of one hundred dollars; and the driver, conductor, master, or other person having charge thereof, and not at the time owner of the whole or any part thereof, shall for every such offense be liable to a penalty of fifty dollars.

SEC. 3986. No person shall carry any letter or packet on board any vessel which carries the mail otherwise than in such mail, except as provided in section three thousand nine hundred and ninety-three; and for every such offense the party offending shall be liable to a penalty of fifty dollars.

SEC. 3987. No vessel departing from the United States for any foreign port shall receive on board or convey any letter or packet originating in the United States which has not been regularly received from the post-office at the port of departure, and which does not relate to the cargo of such vessel, except as provided in section three thousand nine hundred and ninety-three; and every collector, or other officer of the port empowered to grant clearances, shall require from the master of such vessel, as a condition of clearance, an oath that he has not received on board, has not under his care or control, and will not receive or convey any letter or packet contrary to the provisions of this section.

Prepaid way-letters to be received.

Ibid., s. 226.

Illegal carrying by carriers and others, penalty.

Ibid., s. 227, p. 311.

Private expresses prohibited; penalty.

Ibid., s. 228.

Carrying person acting as express; penalty.

Ibid., s. 229.

Sending letters by private express; penalty.

Ibid., s. 230.

Carrying letters out of the mail over post-routes; penalty.

Ibid., s. 231.

Carrying letters out of the mail on board vessel; penalty.

Ibid., s. 232.

Foreign letters not to be carried, except; oath.

Ibid., s. 233.

Vessels to deliver letters at post-office; oath; penalty.

Ibid., s. 234.

SEC. 3988. No vessel arriving within any port or collection-district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered at the nearest post-office, and the master thereof has signed and sworn to the following declaration, before the collector or other proper customs officer:

"I, A. B., master of the ———, arriving from ———, and now lying in the port of ———, do solemnly swear (or affirm) that I have, to the best of my knowledge and belief, delivered, at the post-office at ———, every letter, and every bag, packet, or parcel of letters, which were on board the said vessel during her last voyage, or which were in my possession or under my power or control."

And any master who shall break bulk before he has delivered such letters shall be liable to a penalty of not more than one hundred dollars, recoverable, one-half to the officer making the seizure, and the other to the use of the United States.

Searching vessels for letters.

Ibid., s. 235, p. 312.

SEC. 3989. Any special agent of the Post-Office Department, when instructed by the Postmaster-General to make examinations and seizures, and the collector or other customs officer of any port, without special instructions, shall carefully search all vessels for letters which may be on board or which have been conveyed contrary to law.

Seizing and detaining letters.

Ibid., s. 236.

SEC. 3990. Any special agent of the Post-Office Department, collector, or other customs officer, or United States marshal or his deputy, may at all times seize all letters and bags, packets or parcels, containing letters which are being carried contrary to law on board any vessel or on any post-route, and convey the same to the nearest post-office, or may, by the direction of the Postmaster-General or Secretary of the Treasury, detain them until two months after the final determination of all suits and proceedings which may, at any time within six months after such seizure, be brought against any person for sending or carrying such letters.

Disposition of seizures.

Ibid., s. 237.

SEC. 3991. Every package or parcel seized by any special agent of the Post-Office Department, collector, or other customs officer, or United States marshal or his deputies, in which any letter is unlawfully concealed, shall be forfeited to the United States, and the same proceedings may be had to enforce the forfeiture as are authorized in respect to goods, wares, and merchandise forfeited for violation of the revenue laws; and all laws for the benefit and protection of customs officers making seizures for violating revenue laws shall apply to officers making seizures for violating the postal laws. [See Title xxxiv, Chap. 10.]

Conveying letters without compensation.

Ibid., s. 238.

SEC. 3992. Nothing herein contained shall be construed to prohibit the conveyance or transmission of letters or packets by private hands without compensation, or by special messenger employed for the particular occasion only.

Letters in stamped envelopes may be carried out of the mail.

Ibid., s. 239.

SEC. 3993. All letters inclosed in stamped envelopes, if the postage-stamp is of a denomination sufficient to cover the postage that would be chargeable thereon if the same were sent by mail, may be sent, conveyed, and delivered otherwise than by mail, provided such envelope shall be duly directed and properly sealed, so that the letter cannot be taken therefrom without defacing the envelope, and the date of the letter or of the transmission or receipt thereof shall be written or stamped upon the envelope. But the Postmaster-General may suspend the operation of this section upon any mail-route where the public interest may require such suspension.

Separating letter-mail for expedition.

Ibid., s. 240.

SEC. 3994. When the amount of mail-matter to be carried on any mail-route is so great as to seriously retard the progress or endanger the security of the letter-mail, or materially increase the cost of carriage at the ordinary rate of speed, the Postmaster-General may provide for the separate carriage of the letter-mail at the usual rate of speed; but the other mail-matter shall not be delayed any more than is absolutely necessary, having due regard to the cost of expedition and the means at his disposal for affecting the same.

SEC. 3995. Any person who shall knowingly and willfully obstruct or retard the passage of the mail, or any carriage; horse, driver, or carrier carrying the same, shall, for every such offense, be punishable by a fine of not more than one hundred dollars.

Obstructing the mail; penalty.

Ibid., s. 241.

U. S. *vs.* Kirby, 7 Wall., 482.

SEC. 3996. Any ferryman who shall delay the passage of the mail by willful neglect or refusal to transport the same across any ferry shall, for every ten minutes such mail may be so delayed, be liable to a penalty of ten dollars.

Delaying the mail at a ferry; penalty.

Ibid., s. 242, p. 313.

CHAPTER TEN.

RAILWAY-SERVICE.

Sec.

3997. Railway-routes to be classified.

3998. Rates of pay for carrying mail on railways.

3999. When mail may be carried on railway routes by horse-express.

4000. Railway-companies to carry mail on any train.

Sec.

4001. Pay for carrying mail on railways receiving Government aid.

4002. Conditions of railway-service.

4003. Refusal to provide postal cars.

4004. Additional pay.

4005. Length and fitting of cars.

SEC. 3997. The Postmaster-General shall arrange the railway-routes on which the mail is carried, including those in which the service is partly by railway and partly by steamboat, into three classes, according to the size of the mails, the speed at which they are carried, and the frequency and importance of the service, so that each railway company shall receive, as far as practicable, a proportionate and just rate of compensation, according to the service performed.

Railway-routes to be classified.

Ibid., s. 210, p. 309.

SEC. 3998. The pay for carrying the mail on any railway of the first class shall not exceed three hundred dollars per mile per annum; on any railway of the second class it shall not exceed one hundred dollars per mile per annum; and on any railway of the third class it shall not exceed fifty dollars per mile per annum; but if one-half the service on any railway is required to be performed in the night-time, the Postmaster-General may pay twenty-five per centum in addition to the above maximum rates.

Rates of pay for carrying mail on railways.

Ibid., s. 211.

SEC. 3999. If the Postmaster-General is unable to contract for carrying the mail on any railway-route at a compensation not exceeding the maximum rates herein provided, or for what he may deem a reasonable and fair compensation, he may separate the letter-mail from the other mail, and contract, either with or without advertising, for carrying such letter-mail by horse-express or otherwise, at the greatest speed that can reasonably be obtained, and for carrying the other mail in wagons, or otherwise, at a slower rate of speed.

When mail may be carried on railway routes by horse-express.

Ibid., s. 212.

SEC. 4000. Every railway company carrying the mail shall carry on any train which may run over its road, and without extra charge therefor, all mailable matter directed to be carried thereon, with the person in charge of the same.

Railway company to carry matter on any train.

Ibid., s. 213.

SEC. 4001. All railway companies to which the United States have furnished aid by grant of lands, right of way, or otherwise, shall carry the mail at such prices as Congress may by law provide; and, until such price is fixed by law, the Postmaster-General may fix the rate of compensation.

Pay for carrying mail on railways receiving Government aid.

Ibid., s. 214.

SEC. 4002. The Postmaster-General is authorized and directed to re-adjust the compensation hereafter to be paid for the transportation of mails on railroad-routes upon the conditions and at the rates hereinafter mentioned:

Conditions of railway service.

3 March, 1873, c. 231, s. 1, v. 17, p. 558.

First. That the mails shall be conveyed with due frequency and speed; and that sufficient and suitable room, fixtures, and furniture, in a car or apartment properly lighted and warmed, shall be provided for route-agents to accompany and distribute the mails.

Second. That the pay per mile per annum shall not exceed the following rates, namely: On routes carrying their whole length an average weight of mails per day of two hundred pounds, fifty dollars; five hundred pounds, seventy-five dollars; one thousand pounds, one hundred dollars; one thousand five hundred pounds, one hundred and twenty-five dollars; two thousand pounds, one hundred and fifty dollars; three thousand five hundred pounds, one hundred and seventy-five dollars; five thousand pounds, two hundred dollars, and twenty-five dollars additional for every additional two thousand pounds, the average weight to be ascertained, in every case, by the actual weighing of the mails for such a number of successive working-days, not less than thirty, at such times, after June thirtieth, eighteen hundred and seventy-three, and not less frequently than once in every four years, and the result to be stated and verified in such form and manner as the Postmaster-General may direct.

Refusal to provide postal cars.

3 March, 1873, c. 231, s. 1, v. 17, p. 558.

Additional pay for postal cars.

Ibid.

Length and fitting of cars.

Ibid.

SEC. 4003. In case any railroad-company now furnishing railway post-office cars shall refuse to provide such cars, such company shall not be entitled to any increase of compensation under the provisions of the next section.

SEC. 4004. Additional pay may be allowed for every line comprising a daily trip each way of railway post-office cars, at a rate not exceeding twenty-five dollars per mile per annum for cars forty feet in length; and thirty dollars per mile per annum for forty-five-foot cars; and forty dollars per mile per annum for fifty-foot cars; and fifty dollars per mile per annum for fifty-five to sixty-foot cars.

SEC. 4005. The length of cars required for such post-office railway-car service shall be determined by the Post-Office Department, and all such cars shall be properly fitted up, furnished, warmed, and lighted for the accommodation of clerks to accompany and distribute the mails.

CHAPTER ELEVEN.

FOREIGN MAIL-SERVICE.

Sec.

4006. Foreign mail-transportation contracts.

4007. Contracts for carrying mails between the United States and foreign countries.

4008. Foreign mail, how transported.

4009. Pay for transporting foreign mail.

4010. Fine of mail-contractors for delay.

4011. Discontinuing foreign mail-transportation contracts.

Sec.

4012. Transportation of Canadian mail through the United States.

4013. Offenses against foreign mail *in transitu*.

4014. Payment of postage by consuls.

4015. Rates of postage on letters carried in any foreign vessel.

4016. Letters carried in a foreign vessel to be deposited in a post-office.

Foreign mail-transportation contracts.

8 June, 1872, c. 335, s. 263, v. 17, p. 315.

SEC. 4006. The Postmaster-General, after advertising for proposals, may enter into contracts or make suitable arrangements for transporting the mail through any foreign country, between any two points in the United States, and such transportation shall be by the speediest, safest, and most economical route; and all contracts therefor may be revoked whenever any new road or canal shall be opened affording a speedier, more economical, and equally safe transportation between the same points; but in case of the revocation of any such contract, a fair indemnity shall be awarded to the contractor.

SEC. 4007. The Postmaster-General may, after advertising for proposals, enter into contracts for the transportation of the mail between the United States and any foreign country whenever the public interests will thereby be promoted.

Contracts for carrying mails between United States and foreign countries.

Ibid., s. 267, p. 316.

SEC. 4008. The mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, shall be transported in steamships; but the Postmaster-General may have such transportation performed by sailing-vessels when the service can be facilitated thereby.

Foreign mail, how transported.

Ibid., s. 268.

SEC. 4009. For transporting the mail between the United States and any foreign port, or between ports of the United States touching at a foreign port, the Postmaster-General may allow as compensation, if by a United States steamship, any sum not exceeding the sea and United States inland postage; and if by a foreign steamship or by a sailing-vessel, any sum not exceeding the sea-postage, on the mail so transported.

Pay for transporting foreign mail.

Ibid., s. 269.

SEC. 4010. The Postmaster-General may impose fines on contractors for transporting the mail between the United States and any foreign country, for any unreasonable or unnecessary delay in the departure of such mail, or the performance of the trip; but the fine for any one default shall not exceed one-half the contract price for the trip.

Fine of mail-contractors for delay.

Ibid., s. 270.

SEC. 4011. Every contract for transporting the mail between the United States and any foreign country shall contain, besides the usual stipulation for the right of the Postmaster-General to discontinue the same, the further stipulation that it may be terminated by Congress.

Discontinuing foreign mail-transportation contracts.

Ibid., s. 272.

SEC. 4012. The Postmaster-General may, by and with the advice and consent of the President, make any arrangements which may be deemed just and expedient for allowing the mails of Canada, or any other country adjoining the United States, to be transported over the territory of the United States from one point in such country to any other point in the same, at the expense of the country to which the mail belongs, upon obtaining a like privilege for the transportation of the United States mail through the country to which the privilege is granted; but such privilege may at any time be annulled by the President or Congress from and after one month succeeding the day on which notice of the act of the President or Congress is given to the chief executive or head of the post-office department of the country whose privilege is to be annulled.

Transportation of Canadian, &c., mail through the United States.

Ibid., s. 273.

SEC. 4013. Every foreign mail shall, while being transported across the territory of the United States under the provisions of the preceding section, be deemed and taken to be a mail of the United States, so far as to make any violation thereof, or depredation thereon, or offense in respect thereto, or any part thereof, an offense of the same grade, and punishable in the same manner and to the same extent as though the mail was a mail of the United States; and in any indictment for any such offense, the mail, or any part thereof, may be alleged to be, and on the trial of any such indictment it shall be deemed and held to be, a mail or part of a mail of the United States.

Offenses against foreign mail in transitu.

Ibid., s. 274, p. 317.

SEC. 4014. The Postmaster-General or the Secretary of State is hereby authorized to empower the consuls of the United States to pay the foreign postage on such letters destined for the United States as may be detained at the ports of foreign countries for the non-payment of postage, which postage shall be by the consul marked as paid by him, and the amount thereof shall be collected in the United States as other postage, on the delivery of the letters, and repaid to said consul, or credited on his account at the State Department.

Payment of postage by consuls.

Ibid., s. 275.

SEC. 4015. The Postmaster-General, under the direction of the President of the United States, is hereby authorized and empowered to charge upon, and collect from, all letters and other mailable matter carried to or from any port of the United States, in any foreign packet-ship or other vessel, the same rate or rates of charge for American post-

Rates of postage on letters carried in any foreign vessel.

Ibid., s. 276.

age which the government to which such foreign packet or other vessel belongs imposes upon letters and other mailable matter conveyed to or from such foreign country in American packets or other vessels as the postage of such government, and at any time to revoke the same; and all custom-house officers and other United States agents designated or appointed for that purpose shall enforce or carry into effect the foregoing provision, and aid or assist in the collection of such postage, and to that end it shall be lawful for such officers and agents, on suspicion of fraud, to open and examine, in the presence of two or more respectable persons, being citizens of the United States, any package or packages supposed to contain mailable matter found on board such packets or other vessels or elsewhere, and to prevent, if necessary, such packets or other vessels from entering, breaking bulk, or making clearance until such letters or other mailable matter are duly delivered into the United States post-office. [See §§ 4203, 4212.]

Letters carried in a foreign vessel to be deposited in a post-office.

Ibid., s. 277.

SEC. 4016. All letters or other mailable matter conveyed to or from any part of the United States by any foreign vessel, except such sealed letters, relating to such vessel, or any part of the cargo thereof, as may be directed to the owners or consignees of the vessel, shall be subject to postage-charge, whether addressed to any person in the United States or elsewhere, provided they are conveyed by the packet or other ship of a foreign country imposing postage on letters or mailable matter conveyed to or from such country by any vessel of the United States; and such letters or other mailable matter carried in foreign vessels, except such sealed letters, relating to the vessel, or any part of the cargo thereof, as may be directed to the owners or consignees, shall be delivered into the United States post-office by the master of such vessel when arriving, and be taken from a United States post-office when departing, and the postage paid thereon, justly chargeable by this Title, and for refusing or failing to do so, or for conveying such letters or any letters intended to be conveyed in any vessel of such foreign country over or across the United States, or any portion thereof, the party offending shall be punishable by a fine of not more than one thousand dollars for each offense.

CHAPTER TWELVE.

SPECIAL, LOCAL, AND ROUTE AGENTS.

Sec.

4017. Special agents; their salary and allowance.

4018. When special agents to give bond.

4019. Assistant Postmasters-General, &c., as special agents.

4020. Railway-service agents and their pay.

4021. Resident agents on Isthmus of Panama, &c.

Sec.

4022. Agents on mail-steamers to foreign ports.

4023. Postal agencies in China and Japan.

4024. Route-agents.

4025. Clerks in railway post-offices.

4026. Searches authorized.

Special agents, their salary and allowances.

8 June, 1872, c. 335, ss. 31, 32, v. 17, p. 289.

When special agents to give bond.

Ibid., s. 33.

SEC. 4017. The Postmaster-General may employ two special agents for the Pacific coast, and such number of other special agents as the good of the service and the safety of the mail may require. Such agents shall be entitled to a salary at the rate of not more than one thousand six hundred dollars a year each, and shall each be allowed for traveling and incidental expenses, while actually employed in the service, a sum not exceeding five dollars a day.

SEC. 4018. Whenever a special agent is required to collect or disburse any public money, he shall, before entering upon such duty, give bond in such sum and form, and with such security, as the Postmaster-General may approve.

SEC. 4019. The Postmaster-General may employ, when the service requires it, the Assistant Postmasters-General and superintendents in his Department as special agents; and he may allow them therefor not exceeding the amount expended by them as necessary traveling expenses while so employed.

Assistant Postmasters-General, &c., as special agents.

Ibid., s. 34.

SEC. 4020. The Postmaster-General may appoint two agents to superintend the railway postal-service, each of whom shall be paid out of the appropriation for the transportation of the mail, a salary at the rate of two thousand five hundred dollars a year, with an allowance for traveling and incidental expenses, while actively employed in the service, of not more than five dollars a day; and the Sixth Auditor shall charge to the appropriation for mail transportation the salary and per diem of the assistant superintendents of the postal railway-service; and to the appropriation for the free-delivery system the salary and per diem of the special agent detailed for that service; and the salary and per diem of the special agents employed in the money-order service shall be paid out of the proceeds of that service.

Railway-service agents and their pay.

Ibid., s. 35.

SEC. 4021. The Postmaster-General may establish resident mail-agencies at the ports of Panama and Aspinwall, in New Granada; Havana, in Cuba; at Saint Thomas, and at such other foreign ports at which United States mail-steamers touch to land and receive mails, as may, in his judgment, promote the efficiency of the foreign mail-service; and may pay the agents employed by him at such ports, out of the appropriation for transportation of the mail, a reasonable compensation for their services, and the necessary expenses for office-rent, clerk-hire, office-furniture, and other incidentals, to be allowed him at each of such agencies.

Resident agents on Isthmus of Panama, &c.

Ibid., s. 36.

SEC. 4022. The Postmaster-General may appoint an agent in charge of the mail on board of each of the mail-steamers on the routes between San Francisco, Japan, and China; between San Francisco and Honolulu, in the Hawaiian Islands, and between New York and Rio Janeiro, who shall be allowed, out of the appropriation for transportation of the mail, a salary of two thousand dollars a year each.

Agents on mail-steamers to foreign ports.

Ibid., s. 37.

SEC. 4023. The Postmaster-General may establish, in connection with the mail-steamship service to Japan and China, a general postal agency at Shanghai, in China, or at Yokohama, in Japan, with such branch agencies at any other ports in China and Japan as he shall deem necessary for the prompt and efficient management of the postal service in those countries; and he may pay the postal agents employed thereat a reasonable compensation for their services, in addition to the necessary expenses for rent, furniture, clerk-hire, and incidental expenses.

Postal agencies in China and Japan.

Ibid., s. 38, p. 290.

SEC. 4024. The Postmaster-General may employ as many route-agents as may be necessary for the prompt and safe transportation of the mail, each of whom shall be paid, out of the appropriation for transportation of the mail, a salary at the rate of not less than nine hundred nor more than one thousand two hundred dollars a year each.

Route-agents.

Ibid., s. 39.

SEC. 4025. The Postmaster-General may appoint clerks for the purpose of assorting and distributing the mail in railway post-offices, each of whom shall be paid, out of the appropriation for transportation of the mail, a salary at the rate of not more than one thousand four hundred dollars a year each to the head clerks, nor more than one thousand two hundred dollars a year each to the other clerks.

Clerks in railway post-offices.

Ibid., s. 40.

SEC. 4026. The Postmaster-General may, by a letter of authorization under his hand, to be filed among the records of his Department, empower any special agent or other officer of the Post-Office Establishment to make searches for mailable matter transported in violation of law; and the agent or officer so authorized may open and search any car or vehicle passing, or having lately before passed, from any place at which there is a post-office of the United States to any other such place, or any box, package, or packet, being, or having lately before been, in such car or vehicle, or any store or house, other than a dwelling-house, used or occupied by any common carrier or transportation company, in which

Searches authorized.

Ibid., s. 299, p. 322.

such box, package, or packet may be contained, whenever such agent or officer has reason to believe that mailable matter, transported contrary to law, may therein be found.

CHAPTER THIRTEEN.

THE MONEY-ORDER SYSTEM.

| Sec. | Sec. |
|--|--|
| 4027. Money-order system established. | 4040. Replacing lost orders. |
| 4028. Foreign money-order exchanges. | 4041. Payment of money-orders issued in favor of lotteries, &c., may be suspended. |
| 4029. Issuing money-orders. | 4042. Transfer of money-order funds. |
| 4030. Issuing order before payment; penalty. | 4043. Transfer by warrant to money-order funds. |
| 4031. Who to act during the absence of postmaster. | 4044. Report of money-order funds. |
| 4032. Amount of orders and fees. | 4045. What to be money-order funds. |
| 4033. Blank applications for orders. | 4046. Embezzlement of money-order funds; penalty; explanation. |
| 4034. Orders to be on printed blanks. | 4047. Pay for issuing and paying money-orders. |
| 4035. Notice of orders drawn to be sent. | 4048. Money-order incidentals. |
| 4036. Order to be good for one year. | |
| 4037. Indorsement of orders. | |
| 4038. Changes and modification of orders. | |
| 4039. Repayment of orders. | |

Money-order system established.

8 June, 1872, c. 335, s. 102, v. 17, p. 297.

Foreign money-order exchanges.

Ibid., s. 103, p. 297.

Issuing money-orders.

1 June, 1872, c. 256, s. 2, v. 17, p. 201.

8 June, 1872, c. 335, s. 104, v. 17, p. 297.

Issuing order before payment; penalty.

8 June, 1872, c. 335, s. 105, v. 17, p. 297.

Who to act during absence of postmaster.

Ibid., s. 106, p. 297.

SEC. 4027. To promote public convenience, and to insure greater security in the transfer of money through the mail, the Postmaster-General may establish and maintain, under such rules and regulations as he may deem expedient, a uniform money-order system, at all suitable post-offices, which shall be designated as "money-order offices."

SEC. 4028. The Postmaster-General may conclude arrangements with the post departments of foreign governments, with which postal conventions have been, or may be, concluded, for the exchange, by means of postal orders, of small sums of money, not exceeding fifty dollars in amount, at such rates of exchange, and compensation to postmasters, and under such rules and regulations as he may deem expedient; and the expenses of establishing and conducting such system of exchange may be paid out of the proceeds of the money-order business.

SEC. 4029. The postmaster of every city where branch post-offices or stations are established and in operation, subject to his supervision, is authorized, under the direction of the Postmaster-General, to issue, or to cause to be issued, by any of his assistants or clerks in charge of branch post-offices or stations, postal money-orders, payable at his own or at any other money-order office, or at any branch post-office or station of his own, or of any other money-order office, as the remitters thereof may direct; and the postmaster and his sureties shall, in every case, be held accountable upon his official bond for all moneys received by him or his designated assistants or clerks in charge of stations, from the issue of money-orders, and for all moneys which may come into his or their hands, or be placed in his or their custody by reason of the transaction by them of money-order business.

SEC. 4030. Any postmaster who issues a money-order without having previously received the money therefor shall be deemed guilty of a misdemeanor, and shall be fined not less than fifty nor more than five hundred dollars.

SEC. 4031. In case of the sickness or unavoidable absence from his office of the postmaster of any money-order post-office, he may, with the approval of the Postmaster-General, authorize the chief clerk, or some other clerk employed therein, to act in his place, and to discharge all the duties required by law of such postmaster; and the official bond given by the principal of the office shall be held to cover and apply to

the acts of the person appointed to act in his place in such cases; and such acting officer shall, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases of the postmaster for whom he shall act.

SEC. 4032. No money-order shall be issued for more than fifty dollars, and the fees therefor shall be, for orders not exceeding ten dollars, five cents; exceeding ten and not exceeding twenty dollars, ten cents; exceeding twenty and not exceeding thirty dollars, fifteen cents; exceeding thirty and not exceeding forty dollars, twenty cents; exceeding forty dollars, twenty-five cents.

Amount of orders and fees.

Ibid., s. 107, p. 298.

SEC. 4033. The Postmaster-General shall supply money-order offices with blank forms of application for money-orders, which each applicant shall fill up with his name, the name and address of the party to whom the order is to be paid, the amount and the date of application; and all such applications shall be preserved by the postmaster receiving them for such time as the Postmaster-General may prescribe.

Blank applications for orders.

Ibid., s. 108.

SEC. 4034. The Postmaster-General shall furnish money-order offices with printed or engraved forms for money-orders, and no order shall be valid unless it be drawn upon such form.

Orders to be on printed blanks.

Ibid., s. 109.

SEC. 4035. The postmaster issuing a money-order shall send a notice thereof by mail, without delay, to the postmaster on whom it is drawn.

Notice of orders drawn to be sent.

Ibid., s. 110.

SEC. 4036. No money-order shall be valid and payable unless presented to the postmaster on whom it is drawn within one year after its date; but the Postmaster-General, on the application of the remitter or payee of any such order, may cause a new order to be issued in lieu thereof.

Order to be good for one year.

Ibid., s. 111.

SEC. 4037. The payee of a money-order may, by his written indorsement thereon, direct it to be paid to any other person, and the postmaster on whom it is drawn shall pay the same to the person thus designated, provided he shall furnish such proof as the Postmaster-General may prescribe that the indorsement is genuine, and that he is the person empowered to receive payment; but more than one indorsement shall render an order invalid and not payable, and the holder, to obtain payment, must apply in writing to the Postmaster-General for a new order in lieu thereof, returning the original order, and making such proof of the genuineness of the indorsements as the Postmaster-General may require.

Indorsement of orders.

Ibid., s. 112.

SEC. 4038. After a money-order has been issued, if the purchaser desires to have it modified or changed, the postmaster who issued the order shall take it back and issue another in lieu of it, for which a new fee shall be exacted.

Changes and modification of orders.

Ibid., s. 113.

SEC. 4039. The postmaster issuing a money-order shall repay the amount of it upon the application of the person who obtained it, and the return of the order; but the fee paid for it shall not be returned.

Repayment of orders.

Ibid., s. 114.

SEC. 4040. Whenever a money-order has been lost, the Postmaster-General, upon the application of the remitter or payee of such order, may cause a duplicate thereof to be issued, without charge, providing the party losing the original shall furnish a certificate from the postmaster by whom it was payable that it has not been, and will not thereafter be, paid; and a similar certificate from the postmaster by whom it was issued that it has not been, and will not thereafter be, repaid.

Replacing lost orders.

Ibid., s. 115.

SEC. 4041. The Postmaster-General may, upon evidence satisfactory to him that any person is engaged in conducting any fraudulent lottery, gift-enterprise, or scheme for the distribution of money, or of any real or personal property, by lot, chance, or drawing of any kind, or in conducting any other scheme or device for obtaining money through the mails by means of false or fraudulent pretenses, representations, or promises, forbid the payment, by any postmaster, to any such person of any postal money-order drawn to his order or in his favor, and may provide by regulations for the return, to the remitter, of the sums named in such money-orders. But this shall not authorize any person to open any letter not addressed to himself.

Payment of money-orders issued in favor of lotteries, &c., may be suspended.

Ibid., s. 300, p. 323.

Transfer of money order funds.

Ibid., ss. 117, 118, p. 299.

Transfer by warrant to money-order funds.

Ibid., s. 118.

Report of money-order funds.

Ibid., s. 119.

What to be money-order funds.

Ibid., s. 121.

Embezzlement of money-order funds penalty; explanation.

8 June, 1872, c. 335, s. 122, v. 17, p. 299.

3 March, 1873, c. 272, v. 17, p. 604.

Pay for issuing and paying money-orders.

8 June, 1872, c. 335, s. 123, v. 17, p. 300.

SEC. 4042. All payments and transfers to and from money-order offices shall be under the direction of the Postmaster-General. He may transfer money-order funds from one postmaster to another; and from the postal revenue to the money-order funds; and he may transfer money-order funds to creditors of the Department, to be replaced by equivalent transfers from the postal revenues.

SEC. 4043. The Postmaster-General may transfer to the postmaster at any money-order office, by warrant on the Treasury, countersigned by the Sixth Auditor, and payable out of the postal revenues, such sum as may be required over and above the current revenues at his office to pay the money-orders drawn upon him.

SEC. 4044. The Postmaster-General shall require each postmaster at a money-order office to render to the Post-Office Department weekly, semi-weekly, or daily accounts of all money-orders issued and paid; of all fees received for issuing them; of all transfers and payments made from money-order funds; and of all money received to be used for the payment of money-orders or on account of money-order business.

SEC. 4045. All money received for the sale of money-orders, including all fees thereon, all money transferred from the postal revenues to the money-order funds, all money transferred or paid from the money-order funds to the service of the Post-Office Department, and all money-order funds transferred from one postmaster to another, shall be deemed and taken to be money-order funds and money in the Treasury of the United States. And it shall be the duty of the assistant treasurer of the United States to open, at the request of the Postmaster-General, an account of "money-order funds" deposited by postmasters to the credit of the Postmaster-General, and of drafts against the amount so deposited, drawn by him and countersigned by the Sixth Auditor.

SEC. 4046. Every postmaster, assistant, clerk, or other person employed in or connected with the business or operations of any money-order office who converts to his own use, in any way whatever, or loans, or deposits in any bank, except as authorized by this Title, or exchanges for other funds, any portion of the money-order funds, shall be deemed guilty of embezzlement; and any such person, as well as every other person advising or participating therein, shall, for every such offense, be imprisoned for not less than six months nor more than ten years, and be fined in a sum equal to the amount embezzled; and any failure to pay over or produce any money-order funds intrusted to such person shall be taken to be prima-facie evidence of embezzlement; and upon the trial of any indictment against any person for such embezzlement, it shall be prima-facie evidence of a balance against him to produce a transcript from the money-order account-books of the Sixth Auditor. But nothing herein contained shall be construed to prohibit any postmaster depositing, under the direction of the Postmaster-General, in a national bank designated by the Secretary of the Treasury for that purpose, to his own credit as postmaster, any money-order or other funds in his charge, nor prevent his negotiating drafts or other evidences of debt through such bank, or through United States disbursing officers, or otherwise, when instructed or required to do so by the Postmaster-General, for the purpose of remitting surplus money-order funds from one post-office to another, to be used in payment of money-orders. Disbursing officers of the United States shall issue, under regulations to be prescribed by the Secretary of the Treasury, duplicates of lost checks drawn by them in favor of any postmaster on account of money-order or other public funds received by them from some other postmaster.

SEC. 4047. Postmasters at money-order offices may be allowed, as compensation for issuing and paying money-orders, not exceeding one-third of the whole amount of fees collected on orders issued, and one-fourth of one per centum on the gross amount of orders paid at their respective offices, provided such compensation, together with the postmaster's salary, shall not exceed four thousand dollars per annum, except in the case of the postmaster at New York City.

SEC 4048. The Postmaster-General may pay out of the proceeds of the money-order business the cost of stationery and such incidental expenses as are necessary for the transaction of that business.

Money-order incidentals.

Ibid., s. 124.

CHAPTER FOURTEEN.

ACCOUNTS AND REVENUES.

| Sec. | Sec. |
|---|---|
| 4049. Manner of keeping accounts. | 4056. Transfer of debts to contractors. |
| 4050. Miscellaneous and money-order receipts. | 4057. Suits to recover wrongful or fraudulent payments. |
| 4051. Postal revenue to be accounted for. | 4058. Delivery of stolen money to owner. |
| 4052. Box-holders may provide lock-boxes. | 4059. Disposal of fines, penalties, and forfeitures. |
| 4053. Neglect to deposit postal revenues. | 4060. Accounts to be preserved two years. |
| 4054. Revenues to be appropriated for postal service. | 4061. Disposal of uncalled-for printed matter. |
| 4055. Payments, how made; advances. | |

SEC. 4049. The accounts of the postal service shall be kept in such a manner as to exhibit separately the amount of revenue derived from the following sources respectively:

Manner of keeping accounts.

8 June, 1872, c. 335, s. 41, v. 17, p. 290.

First. Letter-postage.

Second. Book, newspaper, and pamphlet postage.

Third. Registered letters.

Fourth. Box-rents and branch offices.

Fifth. Postage-stamps and envelopes.

Sixth. Dead letters.

Seventh. Fines and penalties.

Eighth. Revenue from money-order business.

Ninth. Miscellaneous.

And they shall exhibit separately the amount of expenditure made for each of the following objects respectively:

First. Transportation of the mail.

Second. Compensation of postmasters.

Third. Compensation of letter-carriers.

Fourth. Compensation of clerks for post-offices.

Fifth. Compensation of blank-agents and assistants.

Sixth. Mail depredations and special agents.

Seventh. Postage-stamps and envelopes.

Eighth. Ship, steamboat, and way letters.

Ninth. Dead-letters.

Tenth. Mail-bags.

Eleventh. Mail locks and keys.

Twelfth. Post-marking and canceling stamps.

Thirteenth. Wrapping-paper.

Fourteenth. Twine.

Fifteenth. Letter-balances.

Sixteenth. Office-furniture.

Seventeenth. Advertising.

Eighteenth. Balances to foreign countries.

Nineteenth. Rent, light, and fuel for post-offices.

Twentieth. Stationery.

Twenty-first. Miscellaneous. [See § 3668.]

SEC. 4050. Unclaimed money in dead letters for which no owner can be found; all money taken from the mail by robbery, theft, or otherwise, which may come into the hands of any agent or employé of the United States, or any other person whatever; all fines and penalties imposed for any violation of the postal laws, except such part as may by law belong to the informer or party prosecuting for the same; and all money derived from the sale of waste paper or other public property

Miscellaneous and money-order receipts.

Ibid., s. 42.

of the Post-Office Department, shall be deposited in the Treasury, under the direction of the Postmaster-General, as part of the postal revenue. And the Postmaster-General shall cause to be placed to the credit of the Treasurer of the United States, for the service of the Post-Office Department, the net proceeds of the money-order business; and the receipts of the Post-Office Department derived from this source during each quarter shall be entered by the Sixth Auditor in the accounts of such Department, under the head of "revenue from money-order business."

Postal revenue to be accounted for.

Ibid., s. 43.

SEC. 4051. All postages, box-rents, and other receipts at post-offices, shall be accounted for as part of the postal revenues; and each postmaster shall be charged with and held accountable for any part of the same, accruing at his office, which he has neglected to collect, the same as if he had collected it.

Box-holders may provide lock-boxes.

Ibid., s. 44.

SEC. 4052. Postmasters may allow box-holders who desire to do so to provide lock-boxes or drawers for their own use, at their own expense, which lock-boxes or drawers, upon their erection in any post-office, shall become the property of the United States, and be subject to the direction and control of the Post-Office Department, and shall pay a rental at least equal to that of other boxes in the same office, or, if there be no other boxes in such office, of boxes in other offices of the same class, which rental shall be accounted for as other box-rents.

Neglect to deposit postal revenues.

Ibid., s. 45, p. 291.

SEC. 4053. Any officer, agent, postmaster, clerk, or other person employed in any branch of the postal service having temporary custody of any money taken from dead letters; any money derived from the sale of waste paper or other public property of the Post-Office Department; or any money derived from any other source which by law is part of the postal revenues, who shall willfully neglect to deposit the same in the Treasury of the United States, or in some other depository authorized to receive the same, shall be deemed guilty of embezzlement, and be punishable by a fine of not more than double the sum so retained, or by imprisonment for not more than three years, or both. And any person intrusted by law with the sale of postage-stamps or stamped envelopes, who shall refuse or neglect to account for the same, or who shall pledge or hypothecate or unlawfully dispose of them, for any purpose whatever, shall be deemed guilty of embezzlement, and shall be punishable by the like fine and imprisonment as are provided in this section for the embezzlement of money.

Revenues to be appropriated for postal service.

Ibid., s. 46.

SEC. 4054. The money required for the postal service in each year shall be appropriated by law out of the revenues of the service.

[See §§ 3641-3644.]

Payments, how made; advances.

Ibid., s. 48.

SEC. 4055. All payments on account of the postal service shall be made to persons to whom the same shall be certified to be due by the Sixth Auditor; but advances of necessary sums to defray expenses may be made by the Postmaster-General to agents employed to investigate mail depredations, examine post routes and offices, and on other like services, to be charged to them by the Auditor, and to be accounted for in the settlement of their accounts. [See § 3674.]

Transfer of debts to contractors.

Ibid., s. 49.

SEC. 4056. The Postmaster-General may transfer debts due to the Department from postmasters and others to such contractors as have given bonds, with security, to refund any money that may come into their hands over and above the amount found due them on the settlement of their accounts; but such transfers shall only be in satisfaction of legal demands for which appropriations have been made.

Suits to recover wrongful or fraudulent payments.

Ibid., s. 50.

SEC. 4057. In all cases where money has been paid out of the funds of the Post-Office Department under the pretense that service has been performed therefor, when, in fact, such service has not been performed, or as additional allowance for increased service actually rendered, when the additional allowance exceeds the sum which, according to law, might rightfully have been allowed therefor, and in all other cases where money of the Department has been paid to any person in consequence of fraudulent representations, or by the mistake, collusion, or misconduct of any

officer or other employé in the postal service, the Postmaster-General shall cause suit to be brought to recover such wrong or fraudulent payment or excess, with interest thereon.

SEC. 4058. Whenever the Postmaster-General is satisfied that money or property stolen from the mail, or the proceeds thereof, has been received at the Department, he may, upon satisfactory evidence as to the owner, deliver the same to him:

Delivery of stolen money to owner.

Ibid., s. 51.

SEC. 4059. All penalties and forfeitures imposed for any violation of law affecting the Post-Office Department for its revenue or property shall be recoverable, one-half to the use of the person informing and prosecuting for the same, and the other half to be paid into the Treasury for the use of the Post-Office Department, unless a different disposal is expressly prescribed. All fines collected for violations of such laws shall be paid into the Treasury for the use of the Post-Office Department. [See § 958.]

Disposal of fines, penalties, and forfeitures.

8 June, 1872, c. 335, ss. 57, 317, v. 17, pp. 292, 325.

SEC. 4060. The Postmaster-General may dispose of any quarterly returns of mails sent or received, preserving the accounts-current and all accompanying vouchers, and use such portions of the proceeds as may be necessary to defray the cost of separating and disposing of them; but the accounts shall be preserved entire for at least two years.

Accounts to be preserved two years.

Ibid., s. 58, p. 292.

SEC. 4061. The Postmaster-General may provide, by regulations, for disposing of printed and mailable matter which may remain in any post-office, or in the Department, not called for by the party addressed; but if the publisher of any refused or uncalled-for newspaper or other periodical shall pay the postage due thereon, such newspaper or other periodical shall be excepted from the operation of such regulations.

Disposal of uncalled-for printed matter.

Ibid., s. 59.

[See Title ix, "The Post-Office Department," §§ 888-414.]

TITLE XLVII.

FOREIGN RELATIONS.

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| <p>Sec. 4062. Penalty for violating safe conduct or assaulting public minister. 4063. Process against ministers and their domestics void. 4064. Penalty for suing out or executing such process. 4065. When process may be issued against persons in service of ministers. 4066. Public access to list of names of ministers' servants. 4067. Removal of alien enemies. 4068. Time for removal. 4069. Jurisdiction of United States courts over alien enemies. 4070. Duties of marshals in removing alien enemies. 4071. Taking testimony to be used in foreign countries. 4072. Witness need not criminate himself. 4073. Punishment of witness for contempt. 4074. Fees and mileage of witnesses. 4075. Passports, how granted. 4076. To be issued to citizens only. 4077. Returns of passports issued. 4078. False passports. 4079. Powers of foreign consuls over disputes between seamen. 4080. Arrest of seamen on application of consul. 4081. Commitment and discharge. 4082. Power of United States consular officers to solemnize marriages. 4083. Judicial authority of United States ministers and consuls in certain countries. 4084. Their jurisdiction of crimes. 4085. Jurisdiction in civil cases. 4086. Jurisdiction, how exercised and enforced. 4087. Arrest, trial, and sentence of criminals. 4088. Powers of consular officers in uncivilized countries. 4089. Decisions of consuls; appeal to minister. 4090. Jurisdiction of ministers in capital cases, &c. 4091. Appellate jurisdiction of ministers in certain countries. 4092. Appeals from consular courts in China and Japan. 4093. When appeal allowed to circuit court in California. 4094. Appeal from minister's decisions in civil cases.</p> | <p>Sec. 4095. In criminal cases. 4096. Circuit court for California to hear appeals. 4097. Evidence in consular courts, how taken. 4098. Compromise, or reference of civil cases to be encouraged. 4099. Certain criminal cases may be settled. 4100. Aid of civil authorities may be invoked. 4101. Punishments by fine or imprisonment. 4102. For murder, insurrection, or rebellion. 4103. Execution of criminals. 4104. Punishment of contempts. 4105. Decisions of consul sitting alone in criminal cases. 4106. Associates may be called by consuls in criminal trials. 4107. Associates in civil cases. 4108. Where jurisdiction of ministers may be exercised. 4109. Jurisdiction of minister when appellate and when original. 4110. Responsibility of diplomatic and consular officers. 4111. Marshals of consular courts. 4112. Execution and return of process. 4113. Marshal's bond. 4114. Snits on marshal's bond. 4115. Production of original bond. 4116. Process against marshal, how executed. 4117. Ministers to make regulations for consular courts. 4118. Publication of regulations. 4119. Transmission to Secretary of State. 4120. Fees for judicial services. 4121. Expenses of prisons in foreign countries. 4122. In China. 4123. In Japan. 4124. Court-house in Jeddo. 4125. Provisions of Title extended to Turkey. 4126. To Persia. 4127. To Tripoli, Tunis, Morocco, and Muscat. 4128. Judicial duties when to devolve on Secretary of State. 4129. Provisions of Title further extended. 4130. Definition of words "minister" and "consul."</p> |
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Penalty for violating safe conduct or assaulting public minister.

30 April, 1790, c. 9, s. 28, v. 1, p. 118.

U. S. vs. Ortega, 11 Wh., 467.

SEC. 4062. Every person who violates any safe conduct or passport duly obtained and issued under authority of the United States; or who assaults, strikes, wounds, imprisons, or in any other manner offers violence to the person of a public minister, in violation of the law of nations, shall be imprisoned for not more than three years, and fined, at the discretion of the court.

SEC. 4063. Whenever any writ or process is sued out or prosecuted by any person in any court of the United States, or of a State, or by any judge or justice, whereby the person of any public minister of any foreign prince or state, authorized and received as such by the President, or any domestic or domestic servant of any such minister, is arrested or imprisoned, or his goods or chattels are distrained, seized, or attached, such writ or process shall be deemed void. [See § 687.]

U. S. *vs.* Benner, Bald., 234; U. S. *vs.* Lafontaine, 4 Cr. C. C., 173.

SEC. 4064. Whenever any writ or process is sued out in violation of the preceding section, every person by whom the same is obtained or prosecuted, whether as party or as attorney or solicitor, and every officer concerned in executing it, shall be deemed a violator of the laws of nations, and a disturber of the public repose, and shall be imprisoned for not more than three years, and fined at the discretion of the court.

SEC. 4065. The two preceding sections shall not apply to any case where the person against whom the process is issued is a citizen or inhabitant of the United States, in the service of a public minister, and the process is founded upon a debt contracted before he entered upon such service; nor shall the preceding section apply to any case where the person against whom the process is issued is a domestic servant of a public minister, unless the name of the servant has, before the issuing thereof, been registered in the Department of State, and transmitted by the Secretary of State to the marshal of the District of Columbia, who shall upon receipt thereof post the same in some public place in his office.

SEC. 4066. All persons shall have resort to the list of names so posted in the marshal's office, and may take copies without fee.

SEC. 4067. Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States, by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of fourteen years and upward, who shall be within the United States, and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed, as alien enemies. The President is authorized, in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject, and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety.

SEC. 4068. When an alien who becomes liable as an enemy, in the manner prescribed in the preceding section, is not chargeable with actual hostility, or other crime against the public safety, he shall be allowed, for the recovery, disposal, and removal of his goods and effects, and for his departure, the full time which is or shall be stipulated by any treaty then in force between the United States and the hostile nation or government of which he is a native citizen, denizen, or subject; and where no such treaty exists, or is in force, the President may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality.

SEC. 4069. After any such proclamation has been made, the several courts of the United States, having criminal jurisdiction, and the several justices and judges of the courts of the United States, are authorized, and it shall be their duty, upon complaint against any alien enemy resi-

Process against ministers and their domestics void.

30 April, 1790, c. 9, s. 25, v. 1, p. 117.

Ex parte Cabrera, 1 Wash. C. C., 232; U. S. *vs.* Lafontaine, 4 Cr. C. C., 173.

Penalty for suing out or executing such process.

Ibid., s. 26.

When process may be issued against persons in service of ministers.

Ibid., s. 27.

Public access to list of names of ministers' servants.

Ibid.

Removal of alien enemies.

6 July, 1798, c. 66, s. 1, v. 1, p. 577.

Brown vs. U. S., 8 Cr., 110; *Passenger Cases*, 7 How., 513; *Lockington vs. Smith*, Pet. C. C., 466.

Time for removal.

Ibid.

6 July, 1812, c. 130, v. 2, p. 781.

Jurisdiction of United States courts over alien enemies.

6 July, 1798, c. 66, s. 2, v. 1, p. 577.

dent and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President may have established, to cause such alien to be duly apprehended and conveyed before such court, judge, or justice; and after a full examination and hearing on such complaint, and sufficient cause appearing, to order such alien to be removed out of the territory of the United States, or to give sureties for his good behavior, or to be otherwise restrained, conformably to the proclamation or regulations established as aforesaid, and to imprison, or otherwise secure such alien, until the order which may be so made shall be performed.

Duties of marshal in removing alien enemies.

6 July, 1798, c. 66, s. 3, v. 1, p. 578.

Lockington vs. Smith, Pet. C. C., 466.

Taking testimony to be used in foreign countries.

3 March, 1863, c. 95, s. 1, v. 12, p. 769.

3 March, 1873, c. 245, s. 1, v. 17, p. 581.

Witness need not criminate himself.

3 March, 1873, c. 245, s. 2, v. 17, p. 581.

Punishment of witness for contempt.

3 March, 1863, c. 95, s. 2, v. 12, p. 769.

Fees and mileage of witnesses.

Ibid., s. 3.

Passports, how granted.

30 May, 1866, c. 102, v. 14, p. 54.

SEC. 4070. When an alien enemy is required by the President, or by order of any court, judge, or justice, to depart and to be removed, it shall be the duty of the marshal of the district in which he shall be apprehended to provide therefor, and to execute such order in person, or by his deputy, or other discreet person to be employed by him, by causing a removal of such alien out of the territory of the United States; and for such removal the marshal shall have the warrant of the President, or of the court, judge, or justice ordering the same, as the case may be.

SEC. 4071. The testimony of any witness residing within the United States, to be used in any suit for the recovery of money or property depending in any court in any foreign country with which the United States are at peace, and in which the government of such foreign country shall be a party or shall have an interest, may be obtained, to be used in such suit. If a commission or letters rogatory to take such testimony, together with specific written interrogatories, accompanying the same, and addressed to such witness, shall have been issued from the court in which such suit is pending, on producing the same before the district judge of any district where the witness resides or shall be found, and on due proof being made to such judge that the testimony of any witness is material to the party desiring the same, such judge shall issue a summons to such witness requiring him to appear before the officer or commissioner named in such commission or letters rogatory, to testify in such suit. And no witness shall be compelled to appear or to testify under this section except for the purpose of answering such interrogatories so issued and accompanying such commission or letters: *Provided*, That when counsel for all the parties attend the examination, they may consent that questions in addition to those accompanying the commission or letters rogatory may be put to the witness, unless the commission or letters rogatory exclude such additional interrogatories. The summons shall specify the time and place at which the witness is required to attend, which place shall be within one hundred miles of the place where the witness resides or shall be served with such summons.

SEC. 4072. No witness shall be required, on such examination or any other under letters rogatory, to make any disclosure or discovery which shall tend to criminate him either under the laws of the State or Territory within which such examination is had, or any other, or any foreign state.

SEC. 4073. If any person shall refuse or neglect to appear at the time and place mentioned in the summons issued, in accordance with section forty hundred and seventy-one, or if upon his appearance he shall refuse to testify, he shall be liable to the same penalties as would be incurred for a like offense on the trial of a suit in the district court of the United States.

SEC. 4074. Every witness who shall so appear and testify shall be allowed, and shall receive from the party at whose instance he shall have been summoned, the same fees and mileage as are allowed to witnesses in suits depending in the district courts of the United States.

SEC. 4075. The Secretary of State may grant and issue passports, and cause passports to be granted, issued, and verified in foreign countries by such diplomatic or consular officers of the United States, and under such rules as the President shall designate and prescribe for and on be-

half of the United States; and no other person shall grant, issue, or verify any such passport. Where a legation of the United States is established in any country, no person other than the diplomatic representative of the United States at such place shall be permitted to grant or issue any passport, except in the absence therefrom of such representative. [See § 212.]

SEC. 4076. No passport shall be granted or issued to or verified for any other persons than citizens of the United States.

To be issued to citizens only.

SEC. 4077. All persons who shall be authorized to grant, issue, or verify passports, shall make return of the same to the Secretary of State, in such manner and as often as he shall require; and such returns shall specify the names and all other particulars of the persons to whom the same shall be granted, issued, or verified, as embraced in such passport.

Ibid.
Returns of passports issued.

Ibid.

SEC. 4078. If any person acting, or claiming to act, in any office or capacity, under the United States, or any of the States of the United States, who shall not be lawfully authorized so to do, shall grant, issue, or verify any passport or other instrument in the nature of a passport, to or for any citizen of the United States, or to or for any person claiming to be or designated as such in such passport or verification, or if any consular officer who shall be authorized to grant, issue, or verify passports shall knowingly and willfully grant, issue, or verify any such passport to or for any person not a citizen of the United States, he shall be imprisoned for not more than one year, or fined not more than five hundred dollars, or both; and may be charged, proceeded against, tried, convicted, and dealt with therefor in the district where he may be arrested or in custody.

False passports.

Ibid.

SEC. 4079. Whenever it is stipulated by treaty or convention between the United States and any foreign nation that the consul-general, consuls, vice-consuls, or consular or commercial agents of each nation, shall have exclusive jurisdiction of controversies, difficulties, or disorders arising at sea or in the waters or ports of the other nation, between the master or officers and any of the crew, or between any of the crew themselves, of any vessel belonging to the nation represented by such consular officer, such stipulations shall be executed and enforced within the jurisdiction of the United States as hereinafter declared. But before this section shall take effect as to the vessels of any particular nation having such treaty with the United States, the President shall be satisfied that similar provisions have been made for the execution of such treaty by the other contracting party, and shall issue his proclamation to that effect, declaring this section to be in force as to such nation. [See § 5250.]

Powers of foreign consuls over disputes between seamen.

11 June, 1864, c. 116, s. 1, v. 13, p. 121.

SEC. 4080. In all cases within the purview of the preceding section the consul-general, consul, or other consular or commercial authority of such foreign nation charged with the appropriate duty in the particular case, may make application to any court of record of the United States, or to any judge thereof, or to any commissioner of a circuit court, setting forth that such controversy, difficulty, or disorder has arisen, briefly stating the nature thereof, and when and where the same occurred, and exhibiting a certified copy or extract of the shipping-articles, roll, or other proper paper of the vessel, to the effect that the person in question is of the crew or ship's company of such vessel; and further stating and certifying that such person has withdrawn himself, or is believed to be about to withdraw himself, from the control and discipline of the master and officers of the vessel, or that he has refused, or is about to refuse, to submit to and obey the lawful jurisdiction of such consular or commercial authority in the premises; and further stating and certifying that, to the best of the knowledge and belief of the officer certifying, such person is not a citizen of the United States. Such application shall be in writing and duly authenticated by the consular or other sufficient official seal. Thereupon such court, judge, or commis-

Arrest of seamen on application of consul.

11 June, 1864, c. 116, s. 2, v. 13, p. 121.

sioner shall issue his warrant for the arrest of the person so complained of, directed to the marshal of the United States for the appropriate district, or in his discretion to any person, being a citizen of the United States, whom he may specially depute for the purpose, requiring such person to be brought before him for examination at a certain time and place.

Commitment
and discharge.

Ibid.

SEC. 4081. If, on such examination, it is made to appear that the person so arrested is a citizen of the United States, he shall be forthwith discharged from arrest, and shall be left to the ordinary course of law. But if this is not made to appear, and such court, judge, or commissioner finds, upon the papers hereinbefore referred to, a sufficient prima-facie case that the matter concerns only the internal order and discipline of such foreign vessel, or, whether in its nature civil or criminal, does not affect directly the execution of the laws of the United States, or the rights and duties of any citizen of the United States, he shall forthwith, by his warrant, commit such person to prison, where prisoners under sentence of a court of the United States may be lawfully committed, or, in his discretion, to the master or chief officer of such foreign vessel, to be subject to the lawful orders, control, and discipline of such master or chief officer, and to the jurisdiction of the consular or commercial authority of the nation to which such vessel belongs, to the exclusion of any authority or jurisdiction in the premises of the United States or any State thereof. No person shall be detained more than two months after his arrest, but at the end of that time shall be set at liberty and shall not again be arrested for the same cause. The expenses of the arrest and the detention of the person so arrested shall be paid by the consular officers making the application.

Power of United
States consular of-
ficers to solemnize
marriages.

22 June, 1860, c.
179, s. 31, v. 12, p. 79.

SEC. 4082. Marriages in presence of any consular officer of the United States in a foreign country, between persons who would be authorized to marry if residing in the District of Columbia, shall be valid to all intents and purposes, and shall have the same effect as if solemnized within the United States. And such consular officers shall, in all cases, give to the parties married before them a certificate of such marriage, and shall send another certificate thereof to the Department of State, there to be kept; such certificates shall specify the names of the parties, their ages, places of birth, and residence.

Judicial authori-
ty of United States
ministers and cons-
uls in certain
countries.

22 June, 1860, c.
179, s. 1, v. 12, p. 72.

28 July, 1866, c.
296, s. 11, v. 14, p. 322.

1 July, 1870, c.
194, s. 1, v. 16, p. 183.

Their jurisdic-
tion of crimes.

22 June, 1860, c.
179, s. 2, v. 12, p. 72.

SEC. 4083. To carry into full effect the provisions of the treaties of the United States with China, Japan, Siam, Egypt, and Madagascar, respectively, the minister and the consuls of the United States, duly appointed to reside in each of those countries, shall, in addition to other powers and duties imposed upon them, respectively, by the provisions of such treaties, respectively, be invested with the judicial authority herein described, which shall appertain to the office of minister and consul, and be a part of the duties belonging thereto, wherein, and so far as, the same is allowed by treaty.

SEC. 4084. The officers mentioned in the preceding section are fully empowered to arraign and try, in the manner herein provided, all citizens of the United States charged with offenses against law, committed in such countries, respectively, and to sentence such offenders in the manner herein authorized; and each of them is authorized to issue all such processes as are suitable and necessary to carry this authority into execution.

Jurisdiction in
civil cases.

Ibid., s. 3, p. 73.

SEC. 4085. Such officers are also invested with all the judicial authority necessary to execute the provisions of such treaties, respectively, in regard to civil rights, whether of property or person; and they shall entertain jurisdiction in matters of contract, at the port where, or nearest to which, the contract was made, or at the port at which, or nearest to which, it was to be executed, and in all other matters, at the port where, or nearest to which, the cause of controversy arose, or at the port where, or nearest to which, the damage complained of was sustained, provided such port be one of the ports at which the United States are represented

by consuls. Such jurisdiction shall embrace all controversies between citizens of the United States, or others, provided for by such treaties, respectively.

SEC. 4086. Jurisdiction in both criminal and civil matters shall, in all cases, be exercised and enforced in conformity with the laws of the United States, which are hereby, so far as is necessary to execute such treaties, respectively, and so far as they are suitable to carry the same into effect, extended over all citizens of the United States in those countries, and over all others to the extent that the terms of the treaties, respectively, justify or require. But in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies, the common law and the law of equity and admiralty shall be extended in like manner over such citizens and others in those countries; and if neither the common law, nor the law of equity or admiralty, nor the statutes of the United States, furnish appropriate and sufficient remedies, the ministers in those countries, respectively, shall, by decrees and regulations which shall have the force of law, supply such defects and deficiencies.

SEC. 4087. Each of the consuls mentioned in section forty hundred and eighty-three, at the port for which he is appointed, is authorized upon facts within his own knowledge, or which he has good reason to believe true, or upon complaint made or information filed in writing and authenticated in such way as shall be prescribed by the minister, to issue his warrant for the arrest of any citizen of the United States charged with committing in the country an offense against law; and to arraign and try any such offender; and to sentence him to punishment in the manner herein prescribed.

SEC. 4088. The consuls and commercial agents of the United States at islands or in countries not inhabited by any civilized people, or recognized by any treaty with the United States, are authorized to try, hear, and determine all cases in regard to civil rights, whether of person or property, where the real debt or damages do not exceed the sum of one thousand dollars, exclusive of costs, and upon full hearing of the allegations and evidence of both parties, to give judgment according to the laws of the United States, and according to the equity and right of the matter, in the same manner as justices of the peace are now authorized and empowered where the United States have exclusive jurisdiction. They are also invested with the powers conferred by the provisions of sections forty hundred and eighty-six and forty hundred and eighty-seven for trial of offenses or misdemeanors.

SEC. 4089. Any consul when sitting alone may also decide all cases in which the fine imposed does not exceed five hundred dollars, or the term of imprisonment does not exceed ninety days; but in all such cases, if the fine exceeds one hundred dollars, or the term of imprisonment for misdemeanor exceeds sixty days, the defendants or any of them, if there be more than one, may take the case, by appeal, before the minister, if allowed jurisdiction, either upon errors of law or matters of fact, under such rules as may be prescribed by the minister for the prosecution of appeals in such cases.

SEC. 4090. Capital cases for murder or insurrection against the government of either of the countries hereinbefore mentioned, by citizens of the United States, or for offenses against the public peace amounting to felony under the laws of the United States, may be tried before the minister of the United States in the country where the offense is committed if allowed jurisdiction; and every such minister may issue all manner of writs, to prevent the citizens of the United States from enlisting in the military or naval service of either of the said countries, to make war upon any foreign power with whom the United States are at peace, or in the service of one portion of the people against any other portion of the same people; and he may carry out this power by a resort to such force belonging to the United States, as may at the time be within his reach.

Jurisdiction, how exercised and enforced.

Ibid., s. 4.

Arrest, trial, and sentence of criminals.

22 June, 1860, c. 179, s. 7, v. 12, p. 74.

Powers of consular officers in uncivilized countries.

22 June, 1860, c. 179, s. 30, v. 12, p. 78.

Decisions of consuls; appeal to minister.

22 June, 1860, c. 179, s. 9, v. 12, p. 74.

Jurisdiction of ministers over certain offenses against foreign governments.

22 June, 1860, c. 179, s. 24, v. 12, p. 77.

Appellate jurisdiction of ministers in certain countries.

22 June, 1860, c. 179, s. 13, v. 12, p. 75.

Appeals from consular courts in China and Japan.

1 July, 1870, c. 194, s. 4, v. 16, p. 184.

When appeal allowed to circuit court for California.

Ibid., s. 5.

Appeal from minister's decisions in civil cases.

Ibid., s. 6.

In criminal cases.

Ibid., s. 3.

Circuit court for California to hear appeals.

Ibid., s. 7.

Evidence in consular courts, how taken.

Ibid., s. 12, p. 75.

Compromise or reference of civil cases, to be encouraged.

22 June, 1860, c. 179, s. 19, v. 12, p. 76.

SEC. 4091. Each of the ministers mentioned in section forty hundred and eighty-three shall, in the country to which he is appointed, be fully authorized to hear and decide all cases, criminal and civil, which may come before him, by appeal, under the provisions of this Title, and to issue all processes necessary to execute the power conferred upon him; and he is fully empowered to decide finally any case upon the evidence which comes up with it, or to hear the parties further, if he thinks justice will be promoted thereby; and he may also prescribe the rules upon which new trials may be granted, either by the consuls or by himself, if asked for upon sufficient grounds.

SEC. 4092. On any final judgment in a consular court of China or Japan, where the matter in dispute exceeds five hundred dollars and does not exceed two thousand five hundred dollars, exclusive of costs, an appeal shall be allowed to the minister in such country, as the case may be. But the appellant shall comply with the conditions established by general regulations. And the ministers are hereby authorized and required to receive, hear, and determine such appeals.

SEC. 4093. On any final judgment in any consular court of China or Japan, where the matter in dispute, exclusive of costs, exceeds the sum of two thousand five hundred dollars, an appeal shall be allowed to the circuit court for the district of California, and upon such appeal a transcript of the libel, bill, answer, depositions, and all other proceedings in the cause shall be transmitted to the circuit court, and no new evidence shall be received on the hearing of the appeal; and the appeal shall be subject to the rules, regulations, and restrictions prescribed in law for writs of error from district courts to circuit courts.

SEC. 4094. On any final judgment of the minister to China, or to Japan, given in the exercise of original jurisdiction, where the matter in dispute, exclusive of costs, exceeds two thousand five hundred dollars, an appeal shall be allowed to the circuit court, as provided in the preceding section.

SEC. 4095. When any final judgment of the minister to China, or to Japan, is given in the exercise of original or of appellate criminal jurisdiction, the person charged with the crime or offense, if he considers the judgment erroneous in point of law, may appeal therefrom to the circuit court for the district of California; but such appeal shall not operate as a stay of proceedings, unless the minister certifies that there is probable cause to grant the same, when the stay shall be such as the interests of justice may require.

SEC. 4096. The circuit court for the district of California is authorized and required to receive, hear, and determine the appeals provided for in this Title, and its decisions shall be final.

SEC. 4097. In all cases, criminal and civil, the evidence shall be taken down in writing in open court, under such regulations as may be made for that purpose; and all objections to the competency or character of testimony shall be noted, with the ruling in all such cases, and the evidence shall be part of the case.

SEC. 4098. It shall be the duty of the ministers and the consuls in the countries mentioned in section forty hundred and eighty-three, to encourage the settlement of controversies of a civil character, by mutual agreement, or to submit them to the decision of referees agreed upon by the parties; and the minister in each country shall prepare a form of submission for such cases, to be signed by the parties, and acknowledged before the consul. When parties have so agreed to refer, the referees may, after suitable notice of the time and place of meeting for the trial, proceed to hear the case, and a majority of them shall have power to decide the matter. If either party refuses or neglects to appear, the referees may proceed ex parte. After hearing any case such referees may deliver their award, sealed, to the consul, who, in court, shall open the same; and if he accepts it, he shall indorse the fact, and judgment shall be ren-

dered thereon, and execution issue in compliance with the terms thereof. The parties, however, may always settle the same before return thereof is made to the consul.

SEC. 4099. In all criminal cases which are not of a heinous character, it shall be lawful for the parties aggrieved or concerned therein, with the assent of the minister in the country, or consul, to adjust and settle the same among themselves, upon pecuniary or other considerations.

SEC. 4100. The ministers and consuls shall be fully authorized to call upon the local authorities to sustain and support them in the execution of the powers confided to them by treaty, and on their part to do and perform whatever is necessary to carry the provisions of the treaties into full effect, so far as they are to be executed in the countries, respectively.

SEC. 4101. In all cases, except as herein otherwise provided, the punishment of crime provided for by this Title shall be by fine or imprisonment, or both, at the discretion of the officer who decides the case, but subject to the regulations herein contained, and such as may hereafter be made. It shall, however, be the duty of such officer to award punishment according to the magnitude and aggravation of the offense. Every person who refuses or neglects to comply with the sentence passed upon him shall stand committed until he does comply, or is discharged by order of the consul, with the consent of the minister in the country.

SEC. 4102. Insurrection or rebellion against the government of either of those countries, with intent to subvert the same, and murder, shall be capital offenses, punishable with death; but no person shall be convicted of either of those crimes, unless the consul and his associates in the trial all concur in opinion, and the minister also approves of the conviction. But it shall be lawful to convict one put upon trial for either of these crimes, of a less offense of a similar character, if the evidence justifies it, and to punish, as for other offenses, by fine or imprisonment, or both.

SEC. 4103. Whenever any person is convicted of either of the crimes punishable with death, in either of those countries, it shall be the duty of the minister to issue his warrant for the execution of the convict, appointing the time, place, and manner; but if the minister is satisfied that the ends of public justice demand it, he may from time to time postpone such execution; and if he finds mitigating circumstances which authorize it, he may submit the case to the President for pardon.

SEC. 4104. No fine imposed by a consul for a contempt committed in presence of the court, or for failing to obey a summons from the same, shall exceed fifty dollars; nor shall the imprisonment exceed twenty-four hours for the same contempt.

SEC. 4105. Any consul, when sitting alone for the trial of offenses or misdemeanors, shall decide finally all cases where the fine imposed does not exceed one hundred dollars, or the term of imprisonment does not exceed sixty days.

SEC. 4106. Whenever, in any case, the consul is of opinion that, by reason of the legal questions which may arise therein, assistance will be useful to him, or whenever he is of opinion that severer punishments than those specified in the preceding sections will be required, he shall summon, to sit with him on the trial, one or more citizens of the United States, not exceeding four, and in capital cases not less than four, who shall be taken by lot from a list which had previously been submitted to and approved by the minister, and shall be persons of good repute and competent for the duty. Every such associate shall enter upon the record his judgment and opinion, and shall sign the same; but the consul shall give judgment in the case. If the consul and his associates concur in opinion, the decision shall, in all cases, except of capital offenses and except as provided in the preceding section, be final. If any of the associates differ in opinion from the consul, the case, without further proceedings, together with the evidence and opinions, shall be referred to the minister for his adjudication, either by entering up judgment therein,

Certain criminal cases may be settled.

Ibid., s. 18.

Aid of local authorities may be invoked.

22 June, 1860, c. 179, s. 20, v. 12, p. 76.

Punishments by fine or imprisonment.

22 June, 1860, c. 179, s. 14, v. 12, p. 75.

For murder, insurrection, or rebellion.

Ibid., s. 15.

Execution of criminals.

Ibid.

Punishment of contempts.

22 June, 1860, c. 179, s. 8, v. 12, p. 74.

Decisions of consul sitting alone in criminal cases.

Ibid.

Associates may be called by consul in criminal trials.

Ibid., s. 10.

or by remitting the same to the consul with instructions how to proceed therewith.

Associates in
civil cases.

Ibid., s. 11.

SEC. 4107. Each of the consuls mentioned in section four thousand and eighty-three shall have at the port for which he is appointed, jurisdiction as herein provided, in all civil cases arising under such treaties, respectively, wherein the damages demanded do not exceed the sum of five hundred dollars; and, if he sees fit to decide the same without aid, his decision thereon shall be final. But whenever he is of opinion that any such case involves legal perplexities, and that assistance will be useful to him, or whenever the damages demanded exceed five hundred dollars, he shall summon, to sit with him on the hearing of the case, not less than two nor more than three citizens of the United States, if such are residing at the port, who shall be taken from a list which had previously been submitted to and approved by the minister, and shall be of good repute and competent for the duty. Every such associate shall note upon the record his opinion, and also, in case he dissents from the consul, such reasons therefor as he thinks proper to assign; but the consul shall give judgment in the case. If the consul and his associates concur in opinion, the judgment shall be final. If any of the associates differ in opinion from the consul, either party may appeal to the minister, under such regulations as may exist; but if no appeal is lawfully claimed, the decision of the consul shall be final.

Where jurisdiction
of ministers
may be exercised.

22 June, 1860, c.
179, s. 27, v. 12, p.
78.

Jurisdiction of
minister, when ap-
pellate and when
original.

Ibid.

SEC. 4108. The jurisdiction allowed by treaty to the ministers, respectively, in the countries named in section four thousand and eighty-three shall be exercised by them in those countries, respectively, wherever they may be.

SEC. 4109. The jurisdiction of such ministers in all matters of civil redress, or of crimes, except in capital cases for murder or insurrection against the governments of such countries, respectively, or for offenses against the public peace amounting to felony under the laws of the United States, shall be appellate only: *Provided*, That in cases where a consular officer is interested, either as party or witness, such minister shall have original jurisdiction.

Responsibility of
diplomatic and
consular officers.

22 June, 1860, c.
179, s. 23, v. 12, p. 76.

Marshals of con-
sular courts.

22 June, 1860, c.
179, s. 25, v. 12, p. 77.

SEC. 4110. All such officers shall be responsible for their conduct to the United States, and to the laws thereof, not only as diplomatic or consular officers, but as judicial officers, when they perform judicial duties, and shall be held liable for all negligences and misconduct as public officers.

SEC. 4111. The President is authorized to appoint marshals for such of the consular courts in those countries as he may think proper, not to exceed seven in number, namely: one in Japan, four in China, one in Siam, and one in Turkey, each of whom shall receive a salary of one thousand dollars a year, in addition to the fees allowed by the regulations of the ministers, respectively, in those countries.

Execution and
return of process.

Ibid.

SEC. 4112. It shall be the duty of the marshals, respectively, to execute all process issued by the minister of the United States in those countries, respectively, or by the consul at the port at which they reside, and to make due return thereof to the officer by whom it was issued, and to conform in all respects to the regulations prescribed by the ministers, respectively, in regard to their duties.

Marshal's bond.

Ibid.

SEC. 4113. Each marshal, before entering upon the duties of his office, shall give bond for the faithful performance thereof in a penal sum not to exceed ten thousand dollars, with two sureties to be approved by the Secretary of State. Such bond shall be transmitted to the Secretary of the Treasury, and a certified copy thereof be lodged in the office of the minister.

Suits on mar-
shal's bond.

Ibid.

SEC. 4114. Whenever any person desires to bring suit upon the bond of any such marshal, it shall be the duty of the Secretary of the Treasury, or of the minister having custody of a copy of the same, to give to the person so applying a certified copy thereof, upon which suit may be brought and prosecuted with the same effect as could be done upon the

original: *Provided*, The Secretary of the Treasury, or the minister to whom the application is made, is satisfied that there is probable cause of action against the marshal.

SEC. 4115. Upon a plea of non est factum, verified upon oath, or any other good cause shown, the court or the consul or minister trying the cause may require the original bond of the marshal in those countries to be produced; and it shall be the duty of the Secretary of the Treasury to forward the original bond to the court, or consul, or minister requiring the same.

SEC. 4116. All rules, orders, writs, and processes of every kind which are intended to operate or be enforced against any of the marshals, in any of the countries named in this Title, shall be directed to and executed by such persons as may be appointed for that purpose by the minister or consul issuing the same.

SEC. 4117. In order to organize and carry into effect the system of jurisprudence demanded by such treaties, respectively, the ministers, with the advice of the several consuls in each of the countries, respectively, or of so many of them as can be conveniently assembled, shall prescribe the forms of all processes to be issued by any of the consuls; the mode of executing and the time of returning the same; the manner in which trials shall be conducted, and how the records thereof shall be kept; the form of oaths for Christian witnesses, and the mode of examining all other witnesses; the costs to be allowed to the prevailing party, and the fees to be paid for judicial services; the manner in which all officers and agents to execute process, and to carry this Title into effect, shall be appointed and compensated; the form of bail-bonds, and the security which shall be required of the party who appeals from the decision of a consul; and shall make all such further decrees and regulations from time to time, under the provisions of this Title, as the exigency may demand.

SEC. 4118. All such regulations, decrees, and orders shall be plainly drawn up in writing, and submitted, as hereinbefore provided, for the advice of the consuls, or as many of them as can be consulted without prejudicial delay or inconvenience, and such consul shall signify his assent or dissent in writing, with his name subscribed thereto. After taking such advice, and considering the same, the minister in each of those countries may, nevertheless, by causing the decree, order, or regulation to be published with his signature thereto, and the opinions of his advisers inscribed thereon, make it binding and obligatory, until annulled or modified by Congress; and it shall take effect from the publication or any subsequent day thereto named in the act.

SEC. 4119. All such regulations, orders, and decrees shall, as speedily as may be after publication, be transmitted by the ministers, with the opinion of their advisers, as drawn up by them severally, to the Secretary of State, to be laid before Congress for revision.

SEC. 4120. It shall be the duty of the minister in each of those countries to establish a tariff of fees for judicial services, which shall be paid by such parties, and to such persons, as the minister shall direct; and the proceeds shall, as far as is necessary, be applied to defray the expenses incident to the execution of this Title; and regular accounts, both of receipts and expenditures, shall be kept by the minister and consuls and transmitted annually to the Secretary of State.

SEC. 4121. The President, when provision is not otherwise made, is authorized to allow, in the adjustment of the accounts of each of the ministers or consuls, the actual expenses of the rent of suitable buildings or parts of buildings to be used as prisons for American convicts in those countries, not to exceed in any case the rate of six hundred dollars a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed, in any case, the sum of eight hundred dollars per annum. But no more than one prison shall be hired in Japan, four in China, one in Turkey, and one in Siam, at such port or ports as the minister, with the sanction of the President, may desig-

Production of original bond.

Ibid.

Process against marshal, how executed.

Ibid.

Ministers to make regulations for consular courts.

22 June, 1860, c. 179, s. 5, v. 13, p. 73.

Publication of regulations.

Ibid.

Transmission to Secretary of State.

Ibid., s. 6.

Fees for judicial services.

22 June, 1860, c. 179, s. 17, v. 12, p. 75.

Expenses of prisons in foreign countries.

22 June, 1860, c. 179, s. 26, v. 12, p. 77.
3 March, 1869, c. 125, s. 7, v. 15, p. 322.

nate, and the entire expense of prison and prison-keepers at the consulate of Bangkok, in Siam, shall not exceed the sum of one thousand dollars a year.

In China.

1 July, 1870, c.
194, s. 9, v. 16, p.
184.

SEC. 4122. The President is authorized to allow, in the adjustment of the accounts of the consul-general at Shanghai, the actual expense of the rent of a suitable building, to be used as a prison for American convicts in China, not to exceed one thousand five hundred dollars a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed five thousand dollars a year; and to allow, in the adjustment of the accounts of the consuls at other ports in China, the actual expense of the hire of constables and the care of offenders, not to exceed in all five thousand dollars a year.

In Japan.

Ibid., s. 10.

SEC. 4123. The President is hereby authorized to allow, in the adjustment of the accounts of the consul at Kanagawa, the actual expense of the rent of a suitable building, to be used as a prison for American convicts in Japan, not to exceed seven hundred and fifty dollars a year; and also the wages of the keepers of the same, and for the care of offenders, not to exceed two thousand five hundred dollars a year; and to allow in the adjustment of the accounts of the consuls at other ports in Japan the actual expense of the hire of constables and the care of offenders, not to exceed in all two thousand five hundred dollars a year.

Court-house and jail in Jeddo.

3 March, 1873, c.
249, s. 2, v. 17, p.
582.

SEC. 4124. The Secretary of State, through the minister resident at Japan, is authorized to rent, furnish, and keep suitable buildings, with grounds appurtenant, in Jeddo, or such other place as he may designate, for a court-house and jail, at an annual cost not exceeding five thousand dollars: *Provided*, That the period for which the buildings shall be rented shall be for two years, with renewals for two years, as the Secretary of State may determine.

Provisions of Title extended to Turkey.

22 June, 1860, c.
179, s. 21, v. 12, p.
76.

SEC. 4125. The provisions of this Title, so far as the same relate to crimes and offenses committed by citizens of the United States, shall extend to Turkey, under the treaty with the Sublime Porte of May seventh, eighteen hundred and thirty, and shall be executed in the Ottoman dominions in conformity with the provisions of the treaty, and of this Title, by the minister and the consuls appointed to reside therein, who are hereby ex-officio vested with the powers herein conferred upon the ministers and consuls in China, for the purposes above expressed, so far as regards the punishment of crime, and also for the exercise of jurisdiction in civil cases wherein the same is permitted by the laws of Turkey, or its usages in its intercourse with the Franks, or other foreign Christian nations.

To Persia.

22 June, 1860, c.
179, s. 28, v. 12, p.
78.

SEC. 4126. The provisions of this Title shall extend to Persia, in respect to all suits and disputes which may arise between citizens of the United States therein; and the minister and consuls who may be appointed to reside in Persia are hereby invested, in relation to such suits and disputes, with such powers as are by this Title conferred upon the ministers and consuls in China. All suits and disputes arising in Persia between Persian subjects and citizens of the United States shall be carried before the Persian tribunal to which such matters are usually referred, at the place where a consul or agent of the United States may reside, and shall be discussed and decided according to equity, in the presence of an employé of the consul or agent of the United States; and it shall be the duty of the consular officer to attend the trial in person, and see that justice is administered. All suits and disputes occurring in Persia between the citizens of the United States and the subjects of other foreign powers, shall be tried and adjudicated by the intermediation of their respective ministers or consuls, in accordance with such regulations as shall be mutually agreed upon by the minister of the United States for the time being, and the ministers of such foreign powers, respectively, which regulations shall from time to time be submitted to the Secretary of State.

SEC. 4127. The provisions of this Title, so far as the same are in conformity with the stipulations in the existing treaties between the United States and Tripoli, Tunis, Morocco, and Muscat, respectively, shall extend to those countries, and shall be executed in conformity with the provisions of the treaties, and of the provisions of this Title, by the consuls appointed by the United States to reside therein, who are hereby ex-officio invested with the powers herein delegated to the ministers and consuls of the United States appointed to reside in the countries named in section forty hundred and eighty-three, so far as the same can be exercised under the provisions of treaties between the United States and the several countries mentioned in this section, and in accordance with the usages of the countries in their intercourse with the Franks or other foreign Christian nations.

To Tripoli, Tunis, Morocco, and Muscat.

22 June, 1860, c. 179, s. 29, v. 12, p. 78.

SEC. 4128. If at any time there be no minister in either of the countries hereinbefore mentioned, the judicial duties which are imposed by this Title upon the minister shall devolve upon the Secretary of State, who is authorized and required to discharge the same.

Judicial duties, when to devolve on Secretary of State.

22 June, 1860, c. 179, s. 22, v. 12, p. 76. 1 July, 1870, c. 194, s. 2, v. 16, p. 183.

SEC. 4129. The provisions of this Title relating to the jurisdiction of consular and diplomatic officers over civil and criminal cases in the countries therein named, shall extend to any country of like character with which the United States may hereafter enter into treaty relations.

Provisions of Title extended to other countries.

1 July, 1870, c. 194, s. 1, v. 16, p. 183.

SEC. 4130. The word "minister," when used in this Title, shall be understood to mean the person invested with, and exercising, the principal diplomatic functions. The word "consul" shall be understood to mean any person invested by the United States with, and exercising, the functions of consul-general, consul, or vice-consul.

Definition of words "minister" and "consul."

22 June, 1860, c. 179, s. 22, v. 12, p. 76.

1 July, 1870, c. 194, s. 2, v. 16, p. 183.

TITLE XLVIII.

REGULATION OF COMMERCE AND NAVIGATION.

CHAPTER ONE.

REGISTRY AND RECORDING.

| Sec. | Sec. |
|--|---|
| 4131. What are vessels of the United States. By whom may be commanded. | 4164. Registry upon sale under legal process. |
| 4132. What vessels are entitled to register. | 4165. Sale to foreigners. |
| 4133. Vessels owned by non-resident citizens. | 4166. Registry upon sale abroad. |
| 4134. Vessels owned by non-resident naturalized citizens. | 4167. Oath upon loss of register. |
| 4135. American vessel taking foreign flag. | 4168. Surrender of certificate obtained upon loss of original. |
| 4136. Wrecked vessels. | 4169. Penalty for not obtaining new registry. |
| 4137. Vessels owned by corporations. | 4170. New registry upon sale or alteration of vessel. |
| 4138. New registry upon death, &c., of officer of corporation. | 4171. Change of master. |
| 4139. Oath of officer of corporation. | 4172. Failure to report sale to foreigner. |
| 4140. Nationalization of vessels in Alaska. | 4173. Oath upon entry. |
| 4141. Vessels where registered. | 4174. Transmission of surrendered certificate to Treasury. |
| 4142. Oath for registry, by owner. | 4175. Cancellation of bond. |
| 4143. Forfeiture for false swearing. | 4176. Numbering registers. |
| 4144. Oath by master. | 4177. Numbers for vessels. |
| 4145. Bond for registry. | 4178. Names of vessels to be painted on stern. |
| 4146. Condition of bond. | 4179. Change of name of registered vessel. |
| 4147. Carpenter's certificate. | 4180. Oath to obtain record of vessel owned by foreigner. |
| 4148. Measurement of vessel. | 4181. Measurement for record. |
| 4149. Certificate of measurement. | 4182. Certificate of record. |
| 4150. Mode of measurement. | 4183. Change of master or name of recorded vessel. |
| 4151. No measurement of cabins or state-rooms for tonnage. | 4184. Production of certificate upon entry. |
| 4152. Rules of measurement limited to what vessels. | 4185. Fees of collectors. |
| 4153. Tonnage. | 4186. Fees of surveyors. |
| 4154. Measurement of foreign vessels. | 4187. Penalty for misconduct by officers. |
| 4155. Form of register. | 4188. Penalty for neglect by officers. |
| 4156. Variations from form. | 4189. Penalty for fraudulent registry. |
| 4157. Blank certificates of registry. | 4190. Sea-letters, to what vessels issued. |
| 4158. Issuing certificates of registry. | 4191. Making or using forged sea-letters. |
| 4159. Registry upon purchase of vessel. | 4192. Conveyance of vessels; lien by bottomry. |
| 4160. Surrender of certificate granted to purchaser. | 4193. Record of bills of sale, mortgages, &c.; acknowledgments. |
| 4161. Registry by agent. | 4194. Index of records. |
| 4162. Surrender of certificate granted to agent. | 4195. Certified copies of records |
| 4163. Forfeiture for false swearing by agent. | 4196. Interest to be named in bills of sale. |

What are vessels of the United States.

31 Dec., 1792, c. 1, s. 1, v. 1, p. 257.

By whom may be commanded.

Ibid.

SEC. 4131. Vessels registered pursuant to law, and no others, except such as shall be duly qualified, according to law, for carrying on the coasting trade and fisheries, or one of them, shall be deemed vessels of the United States, and entitled to the benefits and privileges appertaining to such vessels; but they shall not enjoy the same longer than they shall continue to be wholly owned by citizens and to be commanded by a citizen of the United States. And officers of vessels of the United States shall in all cases be citizens of the United States.

SEC. 4132. Vessels built within the United States, and belonging wholly to citizens thereof, and vessels which may be captured in war by citizens of the United States, and lawfully condemned as prize, or which may be adjudged to be forfeited for a breach of the laws of the United States, being wholly owned by citizens, and no others, may be registered as directed in this Title.

SEC. 4133. No vessel shall be entitled to be registered, or, if registered, to the benefits of registry, if owned in whole or in part by any citizen of the United States who usually resides in a foreign country, during the continuance of such residence, unless such citizen be a consul of the United States, or an agent for and a partner in some house of trade or copartnership, consisting of citizens of the United States actually carrying on trade within the United States.

SEC. 4134. No vessel shall be entitled to be registered as a vessel of the United States, or, if registered, to the benefits of registry, if owned in whole or in part by any person naturalized in the United States, and residing for more than one year in the country from which he originated, or for more than two years in any foreign country, unless such person be a consul or other public agent of the United States. Nothing contained in this section shall be construed to prevent the registering anew of any vessel before registered, in case of a sale thereof in good faith to any citizen resident in the United States; but satisfactory proof of the citizenship of the person on whose account a vessel may be purchased shall be exhibited to the collector, before a new register shall be granted for such vessel.

SEC. 4135. No vessel which has been recorded or registered as an American vessel of the United States, pursuant to law, and which was licensed or otherwise authorized to sail under a foreign flag, and to have the protection of any foreign government during the existence of the rebellion, shall be deemed or registered as a vessel of the United States, or shall have the rights and privileges of vessels of the United States, except under provisions of law especially authorizing such registry.

SEC. 4136. The Secretary of the Treasury may issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be wrecked in the United States, and shall be purchased and repaired by a citizen of the United States, if it shall be proved to the satisfaction of the Secretary that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired.

SEC. 4137. Registers for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such register shall not be vacated or affected by sales of any shares of stock in such company.

SEC. 4138. Upon the death, removal, or resignation of such president or secretary of any incorporated company owning any vessel, a new register shall be taken out for such vessel.

SEC. 4139. Previously to granting a register for any vessel, owned by any company, the president or secretary thereof shall swear to the ownership of the vessel, by such company, without designating the names of the persons composing the company; and the oath shall be deemed sufficient, without requiring the oath of any other person interested or concerned in such vessel.

SEC. 4140. The Secretary of the Treasury may make such regulations as he may deem expedient, for the nationalization of all vessels owned by actual residents of the Territory of Alaska, on the twentieth day of June, eighteen hundred and sixty-seven, and which continued to be so owned up to the date of such nationalization.

SEC. 4141. Every vessel, except as is hereinafter provided, shall be registered by the collector of that collection-district which includes the port to which such vessel shall belong at the time of her registry; which

What vessels are entitled to register.

31 Dec., 1792, c. 1, s. 2, v. 1, p. 288.

Vessels owned by non-resident citizens.

Ibid.

U. S. vs. Gillies, Pet. C. C., 159.

Vessel owned by non-resident naturalized citizens.

27 March, 1804, c. 52, s. 1, v. 2, p. 296.

American vessel taking foreign flag.

10 Feb., 1866, c. 8, v. 14, p. 3.

Wrecked vessels.

23 Dec., 1852, c. 4, v. 10, p. 149.

23 July, 1866, c. 213, v. 14, p. 212.

The Mohawk, 3 Wall., 566.

Vessels owned by corporations.

3 March, 1825, c. 99, s. 2, v. 4, p. 129.

New registry upon death, &c., of officer of corporation.

Ibid., s. 3.

Oath of officer of corporation.

Ibid., ss. 4, 5.

Nationalization of vessels in Alaska.

27 July, 1868, c. 273, s. 3, v. 15, p. 240.

Vessels where registered.

31 Dec., 1792, c. 1, s. 3, v. 1, p. 288.

Hays vs. Steamship Co., 17 How., 596; *Morgan vs. Parham*, 16 Wall., 471; *Blanchard vs. Martha Washington*, 1 Cliff., 466; *Hill vs. Steamer Golden Gate*, Newb., 308.

Oath for registry, by owner.

31 Dec., 1792, c. 1, s. 4, v. 1, p. 289.
29 July, 1850, c. 27, s. 5, v. 9, p. 441.

The Schooner Active, Olcott, 286; *Weston vs. Penniman*, 1 Mas., 306.

port shall be deemed to be that at or nearest to which the owner, if there be but one, or, if more than one, the husband or acting and managing owner of such vessel, usually resides.

SEC. 4142. In order to the registry of any vessel, an oath shall be taken and subscribed by the owner, or by one of the owners thereof, before the officer authorized to make such registry, declaring, according to the best of the knowledge and belief of the person so swearing, the name of such vessel, her burden, the place where she was built, if built within the United States, and the year in which she was built; or that she has been captured in war, specifying the time, by a citizen of the United States, and lawfully condemned as prize, producing a copy of the sentence of condemnation, authenticated in the usual forms; or that she has been adjudged to be forfeited for a breach of the laws of the United States, producing a like copy of the adjudication of forfeiture; and declaring his name and place of abode, and if he be the sole owner of the vessel, that such is the case; or if there be another owner, that there is such other owner, specifying his name and place of abode, and that he is a citizen of the United States, and specifying the proportion belonging to each owner; and where an owner resides in a foreign country, in the capacity of a consul of the United States, or as an agent for and a partner in a house or copartnership consisting of citizens of the United States, actually carrying on trade within the United States, that such is the case, that the person so swearing is a citizen of the United States, and that there is no subject or citizen of any foreign prince or state, directly or indirectly, by way of trust, confidence, or otherwise, interested in such vessel, or in the profits or issues thereof; and that the master thereof is a citizen, naming the master, and stating the means whereby or manner in which he is a citizen.

Forfeiture for false swearing.

31 Dec., 1792, c. 1, s. 4, 11, v. 1, pp. 289, 293.

U. S. vs. Grundy, 3 Cr., 338; *The Venus*, 8 Cr., 253.

Oath by master.

31 Dec., 1792, c. 1, s. 4, 11, 12, v. 1, pp. 289, 293.

SEC. 4143. If any of the matters of fact alleged in the oath taken by an owner to obtain the registry of any vessel, which within the knowledge of the party so swearing are not true, there shall be a forfeiture of the vessel, together with her tackle, apparel, and furniture, in respect to which the oath shall have been made, or of the value thereof, to be recovered, with the costs of suit, of the person by whom the oath was made.

SEC. 4144. If the master of a vessel is within the district where a registry thereof is to be made, when application is made for registering the same, he shall, himself, instead of the owner, or of the agent or attorney, as hereinafter mentioned, make oath touching his being a citizen, and the means whereby or manner in which he is a citizen; in which case, if the master shall knowingly swear to anything untrue, no forfeiture of the vessel, on account of such false oath, shall be incurred, but the master shall be liable to a penalty of one thousand dollars.

Bond for registry.

31 Dec., 1792, c. 1, s. 7, v. 1, p. 290.

U. S. vs. Monell Taney, 47.

SEC. 4145. Previous to the registry of any vessel, the husband or acting and managing owner, together with the master thereof, and one or more sureties, to the satisfaction of the collector of the district whose duty it is to make such registry, shall give bond to the United States, if such vessel be of burden not exceeding fifty tons, in the sum of four hundred dollars; if of burden above fifty tons, and not exceeding one hundred, in the sum of eight hundred dollars; if of burden above one hundred tons, and not exceeding two hundred, in the sum of twelve hundred dollars; if of burden above two hundred tons, and not exceeding three hundred, in the sum of sixteen hundred dollars; and if of burden exceeding three hundred tons, in the sum of two thousand dollars.

Condition of bond.

Ibid.

SEC. 4146. The conditions of the bond given to obtain the registry of a vessel shall in each case be that the certificate of such registry shall be solely used for the vessel for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person whomsoever; and that, in case such vessel shall be lost, or taken by an enemy, burned, or broken up,

or shall be otherwise prevented from returning to the port to which she may belong, the certificate, if preserved, shall be delivered up, within eight days after the arrival of the master or person having the charge or command of such vessel, within any district of the United States, to the collector of such district; and that if any foreigner, or any person for the use and benefit of such foreigner, shall purchase or otherwise become entitled to the whole or any part or share of or interest in such vessel, the same being within a district of the United States, the certificate shall, in such case, within seven days after such purchase, change, or transfer of property, be delivered up to the collector of the district; and that if any such purchase, change, or transfer of property shall happen when such vessel shall be at any foreign port or place, or at sea, then the master or person having the charge or command thereof, shall, within eight days after his arrival within any district of the United States, deliver up the certificate to the collector of such district.

SEC. 4147. In order to the registry of any vessel built within the United States, it shall be necessary to produce a certificate, under the hand of the principal or master carpenter, by whom or under whose direction the vessel has been built, testifying that she was built by him or under his direction, and specifying the place where, the time when, and the person for whom, and describing her build, number of decks and masts, length, breadth, depth, tonnage, and such other circumstances as are usually descriptive of the identity of a vessel; which certificate shall be sufficient to authorize the removal of a new vessel from the district where she may be built to another district in the same or an adjoining State, where the owner actually resides, provided it be with ballast only.

SEC. 4148. Before any vessel shall be registered, she shall be measured by a surveyor, if there be one, or by the person he shall appoint, at the port or place where the vessel may be, and if there be none, by such person as the collector of the district within which she may be shall appoint. But in all cases where a vessel has before been registered as a vessel of the United States, it shall not be necessary to measure her anew, for the purpose of obtaining another register; unless such vessel has undergone some alteration as to her burden, subsequent to the time of her former registry.

SEC. 4149. The officer or person by whom such measurement is made shall, for the information of and as a voucher to the officer by whom the registry is to be made, grant a certificate, specifying the build of the vessel, her number of decks and masts, her length, breadth, depth, the number of tons she measures, and such other particulars as are usually descriptive of the identity of a vessel, and that her name, and the place to which she belongs, are painted on her stern in manner required by this Title; which certificate shall be countersigned by an owner, or by the master of such vessel, or by some other person who shall attend her admeasurement, on behalf of her owner or owners, in testimony of the truth of the particulars therein contained; without which the certificate shall not be valid. [See § 4178.]

SEC. 4150. The registry of every vessel shall express her length and breadth, together with her depth and the height under the third or spar deck, which shall be ascertained in the following manner: The tonnage-deck, in vessels having three or more decks to the hull, shall be the second deck from below; in all other cases the upper deck of the hull is to be the tonnage-deck. The length from the fore part of the outer planking on the side of the stem to the after part of the main stern-post of screw-steamers, and to the after part of the rudder-post of all other vessels measured on the top of the tonnage-deck, shall be accounted the vessel's length. The breadth of the broadest part on the outside of the vessel shall be accounted the vessel's breadth of beam. A measure from the under side of the tonnage-deck plank, amidships, to the ceiling of the hold, (average thickness,) shall be accounted the

Carpenter's certificate.

Ibid., s. 8.

Measurement of vessel.

Ibid., s. 6.

6 May, 1864, c. 83, s. 1, v. 13, p. 69.

Certificate of measurement.

31 Dec., 1792, c. 1, s. 6, v. 1, p. 290.

Mode of measurement.

6 May, 1864, c. 83, s. 2, v. 13, p. 69.

depth of hold. If the vessel has a third deck, then the height from the top of the tonnage-deck plank to the under side of the upper-deck plank shall be accounted as the height under the spar-deck. All measurement to be taken in feet and fractions of feet; and all fractions of feet shall be expressed in decimals.

No measurement of cabins or state-rooms for tonnage.

28 Feb., 1865, c. 70, v. 13, p. 444.

Rules of measurement limited to what vessels.

6 May, 1864, c. 83, s. 5, v. 13, p. 72.

Tonnage.

6 May, 1864, c. 83, s. 3, v. 13, pp. 70-72.

SEC. 4151. No part of any vessel shall be required by the preceding section to be measured or registered for tonnage that is used for cabins or state-rooms, and constructed entirely above the first deck, which is not a deck to the hull.

SEC. 4152. The provisions foregoing relating to the measurement of vessels shall not be deemed to apply to any vessel not required by law to be registered, or enrolled, or licensed, unless otherwise specially provided.

SEC. 4153. The register tonnage of every vessel built within the United States or owned by a citizen or citizens thereof shall be her entire internal cubical capacity in tons of one hundred cubic feet each, to be ascertained as follows: Measure the length of the vessel in a straight line along the upper side of the tonnage-deck, from the inside of the inner plank, average thickness, at the side of the stem to the inside of the plank on the stern-timbers, average thickness, deducting from this length what is due to the rake of the bow in the thickness of the deck, and what is due to the rake of the stern-timber in the thickness of the deck, and also what is due to the rake of the stern-timber in one-third of the round of the beam; divide the length so taken into the number of equal parts required by the following table, according to the class in such table to which the vessel belongs:

TABLE OF CLASSES.

Class one. Vessels of which the tonnage length according to the above measurement is fifty feet or under: into six equal parts.

Class two. Vessels of which the tonnage length according to the above measurement is above fifty feet, and not exceeding one hundred feet: into eight equal parts.

Class three. Vessels of which the tonnage length according to the above measurement is above one hundred feet, and not exceeding one hundred and fifty feet: into ten equal parts.

Class four. Vessels of which the tonnage length according to the above measurement is above one hundred and fifty feet, and not exceeding two hundred feet: into twelve equal parts.

Class five. Vessels of which the tonnage length according to the above measurement is above two hundred feet, and not exceeding two hundred and fifty feet: into fourteen equal parts.

Class six. Vessels of which the tonnage length according to the above measurement is above two hundred and fifty feet: into sixteen equal parts.

Then, the hold being sufficiently cleared to admit of the required depths and breadths being properly taken, find the transverse area of such vessel at each point of division of the length as follows:

Measure the depth at each point of division from a point at a distance of one-third of the round of the beam below such deck; or, in case of a break, below a line stretched in continuation thereof, to the upper side of the floor-timber, at the inside of the limber-strake, after deducting the average thickness of the ceiling, which is between the bilge-planks and limber-strake; then, if the depth at the midship division of the length do not exceed sixteen feet, divide each depth into four equal parts; then measure the inside horizontal breadth, at each of the three points of division, and also at the upper and lower points of the depth, extending each measurement to the average thickness of that part of the ceiling which is between the points of measurement; number these breadths from above, numbering the upper breadth one, and so on down

to the lowest breadth; multiply the second and fourth by four, and the third by two; add these products together, and to the sum add the first breadth and the last, or fifth; multiply the quantity thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area; but if the midship depth exceed sixteen feet, divide each depth into six equal parts, instead of four, and measure as before directed, the horizontal breadths at the five points of division, and also at the upper and lower points of the depth; number them from above as before; multiply the second, fourth, and sixth by four, and the third and fifth by two; add these products together, and to the sum add the first breadth and the last, or seventh; multiply the quantities thus obtained by one-third of the common interval between the breadths, and the product shall be deemed the transverse area.

Having thus ascertained the transverse area at each point of division of the length of the vessel, as required above, proceed to ascertain the register tonnage of the vessel in the following manner:

Number the areas successively one, two, three, and so forth, number one being at the extreme limit of the length at the bow, and the last number at the extreme limit of the length at the stern; then, whether the length be divided according to the table into six or sixteen parts, as in classes one and six, or any intermediate number, as in classes two, three, four, and five, multiply the second, and every even-numbered area, by four, and the third, and every odd-numbered area, except the first and last, by two; add these products together, and to the sum add the first and last if they yield anything; multiply the quantities thus obtained by one-third of the common interval between the areas, and the product will be the cubical contents of the space under the tonnage-deck; divide this product by one hundred, and the quotient, being the tonnage under the tonnage-deck, shall be deemed to be the register tonnage of the vessel, subject to the additions hereinafter mentioned.

If there be a break, a poop, or any other permanent closed-in space on the upper decks, or the spar-deck, available for cargo, or stores, or for the berthing or accommodation of passengers or crew, the tonnage of such space shall be ascertained as follows:

Measure the internal mean length of such space in feet, and divide it into an even number of equal parts of which the distance asunder shall be most nearly equal to those into which the length of the tonnage-deck has been divided; measure at the middle of its height the inside breadths, namely, one at each end and at each of the points of division, numbering them successively one, two, three, and so forth; then to the sum of the end breadths add four times the sum of the even-numbered breadths and twice the sum of the odd-numbered breadths, except the first and last, and multiply the whole sum by one-third of the common interval between the breadths; the product will give the mean horizontal area of such space; then measure the mean height between the planks of the decks, and multiply by it the mean horizontal area; divide the product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the tonnage under the tonnage-decks, ascertained as aforesaid.

If a vessel has a third deck, or spar-deck, the tonnage of the space between it and the tonnage-deck shall be ascertained as follows:

Measure in feet the inside length of the space, at the middle of its height, from the plank at the side of the stem to the plank on the timbers at the stern, and divide the length into the same number of equal parts into which the length of the tonnage-deck is divided; measure, also at the middle of its height, the inside breadth of the space at each of the points of division, also the breadth of the stem and the breadth at the stern; number them successively one, two, three, and so forth, commencing at the stem; multiply the second, and all other even-numbered breadths, by four, and the third, and all the other odd-numbered breadths, except the first and last, by two; to the sum of these products add the first and last breadths, multiply the whole sum by one-third of

the common interval between the breadths, and the result will give, in superficial feet, the mean horizontal area of such space; measure the mean height between the plank of the two decks, and multiply by it the mean horizontal area, and the product will be the cubical contents of the space; divide this product by one hundred, and the quotient shall be deemed to be the tonnage of such space, and shall be added to the other tonnage of the vessel, ascertained as above directed. And if the vessel has more than three decks, the tonnage of each space between decks, above the tonnage-deck, shall be severally ascertained in the manner above described, and shall be added to the tonnage of the vessel, ascertained as above directed.

In ascertaining the tonnage of open vessels the upper edge of the upper strake is to form the boundary-line of measurement, and the depth shall be taken from an athwart-ship line, extending from the upper edge of such strake at each division of the length.

The register of the vessel shall express the number of decks, the tonnage under the tonnage-deck, that of the between-decks, above the tonnage-deck; also that of the poop or other inclosed spaces above the deck, each separately. In every registered United States vessel the number denoting the total registered tonnage shall be deeply carved or otherwise permanently marked on her main beam, and shall be so continued; and if it at any time cease to be so continued, such vessel shall no longer be recognized as a registered vessel of the United States.

Measurement of
foreign vessels.

2 March, 1799, c.
22, s. 64, v. 1, p.
675.

SEC. 4154. In order to ascertain the tonnage of any vessel, except as otherwise provided in this Title, and in Title L, the surveyor, or such other person as shall be appointed by the collector of the district to measure the same, shall, if the vessel be double-decked, take the length thereof from the fore part of the main stem to the after part of the stern-post, above the upper deck, the breadth thereof at the broadest part above the main wales, half of which breadth shall be accounted the depth of such vessel, and shall then deduct from the length three-fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, and shall divide this last product by ninety-five; the quotient whereof shall be deemed the true contents or tonnage of such vessel. If such vessel be single-decked, the surveyor, or other person, shall take the length and breadth as above directed, in respect to a double-decked vessel, shall deduct from the length three-fifths of the breadth and, taking the depth from the under side of the deck-plank to the ceiling in the hold, shall multiply and divide in the same manner, and the quotient shall be deemed the tonnage of such vessel.

Form of register.

31 Dec., 1792, c.
1, s. 9, v. 1, p. 291.
29 July, 1850, c.
27, s. 5, v. 9, p. 441.

SEC. 4155. When the several matters hereinbefore required, in order to the registering of any vessel, have been complied with, the collector of the district comprehending the port to which she belongs shall make and keep in some proper book a registry thereof, and shall grant a certificate of such registry, as nearly as may be, in the form following:

In pursuance of chapter one, Title XLVIII, "REGULATION OF COMMERCE AND NAVIGATION," of the Revised Statutes of the United States, (inserting here the name, occupation, and place of abode of the person by whom the oath was made), having taken and subscribed the oath required by law, and having sworn that he (or she, and if more than one owner, adding the words, "together with," and the name or names, occupation or occupations, place or places of abode, of the owner or owners, and the part or proportion of such vessel belonging to each owner) is (or are) the only owner (or owners) of the vessel called the (inserting here her name), of (inserting here the port to which she may belong), whereof (inserting here the name of the master) is at present master, and is a citizen of the United States, and that the said vessel was (inserting here when and where built), and (inserting here the name and office, if any, of the person by whom she shall have been surveyed or measured) having certified that the said vessel has (inserting here the number of decks) and (inserting here the number of masts), and that her length is (inserting here the number of feet), her breadth (in-

serting here the number of feet), her depth (inserting here the number of feet), and that she measures (inserting here her number of tons); that she is (describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head); and the said (naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of measurement has been countersigned, as aforesaid) having agreed to the description and measurement above specified, and sufficient security having been given, according to law, the said vessel has been duly registered at the port of (naming the port where registered). Given under my hand and seal, at (naming the said port), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year, in words, at length.)

SEC. 4156. When the master of such vessel himself makes oath touching his being a citizen, the wording of the certificate shall be varied so as to be conformable to the truth of the case. Where a new certificate of registry is granted in consequence of any transfer of a vessel, the words shall be so varied as to refer to the former certificate of registry for her measurement.

Variation from form.

31 Dec., 1792, c. 1, s. 9, v. 1, p. 291.

SEC. 4157. It shall be the duty of the Secretary of the Treasury to cause to be provided blank certificates of registry, and such other papers as may be necessary, executed in such manner and with such marks as he may direct. No certificate of registry shall be issued, except such as shall have been so provided and marked.

Blank certificates of registry.

3 March, 1813, c. 50, s. 1, v. 2, p. 818.

SEC. 4158. The Secretary of the Treasury shall cause to be transmitted, from time to time, to the collectors of the several districts, a sufficient number of forms of the certificates of registry, attested under the seal of the Treasury and the hand of the Register thereof, with proper blanks, to be filled by the collectors, respectively; by whom also the certificate shall be signed and sealed, before they are issued; and where there is a naval officer at any port, they shall be countersigned by him; and where there is a surveyor, but no naval officer, they shall be countersigned by him. A copy of each certificate issued shall be transmitted to the Register, who shall cause a record to be kept of the same.

Issuing certificates of registry.

31 Dec., 1792, c. 1, s. 10, v. 1, p. 292.

SEC. 4159. Whenever any citizen of the United States purchases or becomes owner of any vessel entitled to be registered, such vessel being within any district other than the one in which he usually resides, such vessel shall be entitled to be registered by the collector of the district where she may be, at the time of his becoming owner thereof, upon his complying with the provisions hereinbefore prescribed, in order to the registry of vessels. And the oath which is required to be taken may, at the option of such owner, be taken either before the collector of the district comprehending the port to which such vessel may belong, or before the collector of the district within which such vessel may be, either of whom is hereby empowered to administer such oath.

Registry upon purchase of vessel.

Ibid., s. 11.

SEC. 4160. Whenever any vessel, registered in pursuance of the provisions of the preceding section, shall arrive within the district comprehending the port to which she belongs, the certificate of registry, so obtained, shall be delivered up to the collector of such district, who, upon the requisites of this Title in order to the registry of vessels, being complied with, shall grant a new one in lieu of the first. The certificate so delivered up shall forthwith be returned by the collector who receives the same, to the collector who granted it. If the first-mentioned certificate of registry is not delivered up, as above directed, the owner and the master of such vessel, at the time of her arrival within the district comprehending the port to which she may belong, shall severally be liable to a penalty of one hundred dollars, and the certificate of registry shall be thenceforth void.

Surrender of certificate granted to purchaser.

Ibid.

SEC. 4161. Whenever any vessel entitled to be registered is purchased by an agent or attorney for or on account of a citizen of the United States, such vessel being in a district of the United States more than

Registry by agent.

Ibid., s. 12.

fifty miles distant, taking the nearest usual route by land, from the one comprehending the port to which, by virtue of such purchase, and by force of this Title, such vessel ought to be deemed to belong; it shall be lawful for the collector of the district where such vessel may be, and he is hereby required, upon the application of such agent or attorney, to proceed to the registering of the vessel, the agent or attorney first complying, on behalf and in the stead of the owner thereof, with the requisites prescribed by this Title in order to the registry of vessels, except that, in the oath taken by the agent or attorney, instead of swearing that he is owner or an owner of such vessel, he shall swear that he is agent or attorney for the owner thereof, and that he has, in good faith, purchased the vessel for the person whom he names and describes as the owner thereof.

Surrender of certificate granted to agent.

Ibid.

SEC. 4162. Whenever any vessel registered in pursuance of the provisions of the preceding section, shall arrive within the district comprehending the port to which she belongs, the certificate of registry so obtained shall be delivered up to the collector of such district, who, upon the requirements of this Title in order to the registry of vessels being complied with, shall grant a new one in lieu of the first. The certificate, so delivered up, shall forthwith be returned to the collector, who shall transmit the same to the collector who granted it. If the first-mentioned certificate of registry is not delivered up, as above directed, the owner and the master of such vessel, at the time of her arrival within the district comprehending the port to which she may belong, shall severally be liable to a penalty of one hundred dollars, and the certificate of registry shall be thenceforth void.

Forfeiture for false swearing by agent.

Ibid.

SEC. 4163. If any of the matters of fact alleged in the oath taken by an agent or attorney to obtain the registry of a vessel which are within the knowledge of the party so swearing, are not true, there shall be a forfeiture of vessel, together with her tackle, apparel, and furniture, in respect to which the same was made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath was made.

Registry upon sale under legal process.

2 March, 1797, c. 7, v. 1, p. 498.

SEC. 4164. Whenever it appears, by satisfactory proof, to the Secretary of the Treasury, that any vessel has been sold and transferred by process of law, and that the register of such vessel is retained by the former owner, the Secretary may direct the collector of the district to which such vessel may belong to grant a new register, under such sale, on the owners complying with such terms and conditions as are by law required for granting such papers; excepting only the delivering up of the former certificate of registry. But nothing in this section shall be construed to remove the liability of any person to any penalty for not surrendering the papers belonging to any vessel, on a transfer or sale of the same.

Sale to foreigners.

27 June, 1797, c. 5, v. 1, p. 523.

27 March, 1804, c. 52, s. 2, v. 2, p. 297.

SEC. 4165. No vessel which is registered, pursuant to any law of the United States, and which is seized or captured and condemned, under the authority of any foreign power, or which by sale becomes the property of a foreigner, shall be entitled to or capable of receiving a new register, notwithstanding such vessel should afterward become American property; but all such vessels shall be taken and considered, to all intents and purposes, as foreign vessels. Nothing in this section shall extend to or be construed to affect the person owning any vessel at the time of the seizure or capture of the same, or his executor or administrator, or shall prevent such owner or his executor or administrator, in case he regain a property in such vessel, so condemned, by purchase or otherwise, from claiming and receiving a new register for the same, as he otherwise might have done.

Registry upon sale abroad.

2 March, 1803, c. 18, s. 3, v. 2, p. 210.

SEC. 4166. When any vessel, registered pursuant to any law of the United States, shall, while she is without the limits of the United States, be sold or transferred in whole or in part to a citizen of the United States, such vessel on her first arrival in the United States thereafter, shall be entitled to all the privileges and benefits of a vessel of the United States: *Provided*, That all the requisites of law, in order to the

registry of vessels, shall be complied with, and a new certificate of registry obtained for such vessel, within three days from the time at which the master or other person having the charge or command of such vessel is required to make his final report upon her first arrival afterward.

SEC. 4167. Whenever the certificate of the registry of any vessel is lost, destroyed, or mislaid, the master, or other person having the charge or command thereof, may make oath before the collector of the district where such vessel shall first be after such loss, destruction, or mislaying, in the form following: "I, (inserting here the name of the person swearing), being master (or having the charge or command) of the ship or vessel called the (inserting the name of the vessel), do swear (or affirm) that the said vessel hath been, as I verily believe, registered according to law, by the name of (inserting again the name of the vessel), and that a certificate thereof was granted by the collector of the district of (naming the district where registered), which certificate has been lost (or destroyed, or unintentionally and by mere accident mislaid, as the case may be); and (except where the certificate is alleged to have been destroyed) that the same, if found again, and within my power, shall be delivered up to the collector of the district in which it was granted." Such oath shall be subscribed by the party making the same; and upon such oath being made, and the other requisites of this Title in order to the registry of vessels being complied with, it shall be lawful for the collector of the district before whom such oath is made, to grant a new register, inserting therein that the same is issued in lieu of the one lost or destroyed.

SEC. 4168. Whenever a register is granted in lieu of one lost or destroyed, by any other than the collector of the district to which the vessel actually belongs, such register shall, within ten days after her first arrival within the district to which she belongs, be delivered up to the collector of such district, who shall, thereupon, grant a new register in lieu thereof. And in case the master or commander shall neglect to deliver up such register within the time above mentioned, he shall be liable to a penalty of one hundred dollars; and the former register shall become null and void.

SEC. 4169. In every case in which a vessel is required to be registered anew, if she shall not be so registered anew, she shall not be entitled to any of the privileges or benefits of a vessel of the United States. And if her former certificate of registry is not delivered up, except where the same may have been destroyed, lost, or unintentionally mislaid, and an oath thereof shall have been made, as hereinbefore prescribed, the owner of such vessel shall be liable to a penalty of five hundred dollars, to be recovered, with costs of suit.

SEC. 4170. Whenever any vessel, which has been registered, is, in whole or in part, sold or transferred to a citizen of the United States, or is altered in form or burden, by being lengthened or built upon, or from one denomination to another, by the mode or method of rigging or fitting, the vessel shall be registered anew, by her former name, according to the directions hereinbefore contained, otherwise she shall cease to be deemed a vessel of the United States. The former certificate of registry of such vessel shall be delivered up to the collector to whom application for such new registry is made, at the time that the same is made, to be by him transmitted to the Register of the Treasury, who shall cause the same to be canceled. In every such case of sale or transfer, there shall be some instrument of writing, in the nature of a bill of sale, which shall recite, at length, the certificate; otherwise the vessel shall be incapable of being so registered anew.

SEC. 4171. When the master or person having the charge or command of a registered vessel is changed, the owner, or one of the owners, or the new master of such vessel, shall report such change to the collector of the district where the same has happened, or where the vessel shall first be after the same has happened, and shall produce to him the certificate of registry of such vessel, and shall make oath, showing that

Oath upon loss
of register.

31 Dec., 1792, c.
1, s. 13, v. I, p. 294.

Surrender of cer-
tificate obtained
upon loss of origi-
nal.

Ibid.

Penalty for not
obtaining new reg-
istry.

Ibid., s. 14.

New registry
upon sale or alter-
ation of vessel.

Ibid.

U. S. vs. Willings,
4 Cr., 48; Insur-
ance Co. vs. Pol-
leys, 13 Pet., 157;
Weston vs. Penni-
man, 1 Mas., 306;
Obl vs. Eagle In-
surance Co., 4 Mas.,
172; D'Wolf, jr.,
vs. Harris, 4 Mas.,
515.

Change of mas-
ter.

Ibid., s. 15, p. 295

such new master is a citizen of the United States, and the manner in which or means whereby he is so a citizen. Thereupon the collector shall indorse upon the certificate of registry a memorandum of such change, specifying the name of such new master, and shall subscribe the memorandum with his name; and if other than the collector of the district by whom the certificate of registry was granted, shall transmit a copy of the memorandum to him, with notice of the particular vessel to which it relates; and the collector of the district, by whom the certificate shall have been granted, shall make a like memorandum of such change in his book of registers, and shall transmit a copy thereof to the Register of the Treasury. If the change is not reported, or if the oath is not taken, as above directed, the registry of such vessel shall be void, and the master or person having the charge or command of her shall be liable to a penalty of one hundred dollars.

Failure to report
sale to foreigners.

Ibid., s. 16.

The *Margaret*, 9
Wh., 421; The
Florenzo, 1 Blatch.
& H., 52.

SEC. 4172. If any vessel registered as a vessel of the United States shall be sold or transferred, in whole or in part, by way of trust, confidence, or otherwise, to a subject or citizen of any foreign prince or state, and such sale or transfer shall not be made known, as hereinbefore directed, such vessel, together with her tackle, apparel, and furniture, shall be forfeited. If such vessel, however, be so owned in part only, and it is made to appear to the jury before whom the trial for such forfeiture is had, that any other owner of such vessel, being a citizen of the United States, was wholly ignorant of the sale or transfer to or ownership of such foreign subject or citizen, the share or interest of such citizen of the United States shall not be subject to such forfeiture, and the residue only shall be so forfeited.

Oath upon entry.

Ibid., s. 17.

U. S. vs. Willings,
4 Cr., 48.

SEC. 4173. Upon the entry of every vessel of the United States from any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owner shall make oath that the register of such vessel contains the name or names of all the persons who are then owners of the vessel; or if any part of such vessel has been sold or transferred since the granting of such register, that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port at which such vessel enters, the master shall make oath to the like effect. If the owner, or part owner, where there is one, or the master, where there is no owner, refuses so to swear, such vessel shall not be entitled to the privileges of a vessel of the United States.

Transmission of
surrendered certi-
ficate to Treasury.

Ibid., s. 7, p. 290.

Catlett vs. Insur-
ance Co., 1 Paine,
594.

SEC. 4174. Every certificate of registry which is delivered up to a collector on the loss, destruction, or capture of a vessel, or the transfer thereof to a foreigner, shall be forthwith transmitted to the Register of the Treasury, to be canceled; who, if the same shall have been delivered up to a collector other than of the district in which it was granted, shall cause notice of such delivery to be given to the collector of such district.

Cancellation of
bond.

Ibid., s. 18, p. 206.

SEC. 4175. Whenever the master or owner of a vessel shall deliver up the register of such vessel, agreeably to the provisions of this Title, if to the collector of the district where the same was granted, the collector shall thereupon cancel the bond which shall have been given at the time of granting such register; or if to the collector of any other district, such collector shall grant to the master, commander, or owner, a receipt or acknowledgment that such register has been delivered to him, and the time when; and upon such receipt being produced to the collector by whom the register was granted, he shall cancel the bond of the party, as if the register had been returned to him.

Numbering reg-
isters.

Ibid., s. 19.

SEC. 4176. The collector of each district shall progressively number the certificates of the registry by him granted, beginning anew at the commencement of each year, and shall enter an exact copy of each certificate in a book to be kept for that purpose; and shall, once in three months, transmit to the Register of the Treasury copies of all the cer-

tificates which shall have been granted by him, including the number of each.

SEC. 4177. The Secretary of the Treasury shall have power, under such regulations as he shall prescribe, to establish and provide a system of numbering vessels so registered, enrolled, and licensed; and each vessel so numbered shall have her number deeply carved or otherwise permanently marked on her main beam; and if at any time she shall cease to be so marked, such vessel shall be no longer recognized as a vessel of the United States.

SEC. 4178. The name of every registered vessel, and of the port to which she shall belong, shall be painted on her stern, on a black ground, in white letters, of not less than three inches in length. If any vessel of the United States shall be found without having her name and the name of the port to which she belongs so painted, the owner or owners shall be liable to a penalty of fifty dollars; recoverable one-half to the person giving the information thereof; the other half to the use of the United States.

SEC. 4179. No master, owner, or agent of any vessel of the United States shall in any way change the name of such vessel, or by any device, advertisement, or contrivance to deceive or attempt to deceive the public, or any officer or agent of the United States, or of any State, or any corporation or agent thereof, or any person or persons, as to the true name or character of such vessel, on pain of the forfeiture of such vessel.

SEC. 4180. Every vessel built in the United States, and belonging wholly or in part to the subjects of foreign powers, in order to be entitled to the benefits of a ship built and recorded in the United States, shall be recorded in the office of the collector of the district in which such vessel was built, in the manner following: The builder of every such vessel shall make oath before the collector of such district in manner following: "I, (inserting here the name of such builder), of (inserting here the place of his residence), shipwright, do swear (or affirm) that (describing here the kind of vessel, as whether ship, brig, snow, schooner, sloop, or whatever else) named (inserting here the name of the ship or vessel), having (inserting here the number of decks), and being in length (inserting here the number of feet), in breadth (inserting here the number of feet), in depth (inserting here the number of feet), and measuring (inserting here the number of tons), having (specifying whether any or no) gallery, and (also specifying whether any or no) head, was built by me or under my direction at (naming the place, county, and State), in the United States, in the year (inserting here the number of the year)." Which oath shall be subscribed by the person making the same, and shall be recorded in a book to be kept by the collector for that purpose.

SEC. 4181. The collector shall cause the vessel so built to be surveyed or measured, and the person by whom such measurement is made shall grant a certificate thereof, as in the case of a vessel to be registered, which certificate shall be countersigned by the builder, and by an owner or the master or person having the command or charge thereof, or by some other person being an agent for the owner thereof, in testimony of the truth of the particulars therein contained.

SEC. 4182. A certificate of the record, attested under the hand and seal of the collector, shall be granted to the master of every such vessel, as nearly as may be, of the form following: "In pursuance of chapter one, Title XLVIII, 'REGULATION OF COMMERCE AND NAVIGATION,' of the Revised Statutes of the United States, I, (inserting here the name of the collector of the district), of (inserting here the name of the district), in the United States, do certify that (inserting here the name of the builder), of (inserting here the place of his residence, county, and State), having sworn (or affirmed) that the (describing the ship or vessel, as in the certificate of record) named (inserting here her name), whereof (inserting here the name of her master) is, at present, master,

Numbers for vessels.

28 July, 1866, c. 298, s. 13, v. 14, p. 331.

Names of vessels to be painted on stern.

31 Dec., 1792, c. 1, s. 3, v. 1, p. 288.

Change of name of registered vessel.

5 May, 1864, c. 78, s. 2, v. 13, p. 64.

Oath to obtain record of vessel owned by foreigner.

31 Dec., 1792, c. 1, s. 20, v. 1, p. 296.

Measurement for record.

Ibid., s. 21.

Certificate of record.

Ibid., s. 22.

was built at (inserting here the name of the place, county, and State where built), by him or under his direction, in the year (inserting here the number of the year); and (inserting here the name of the surveyor, or other person, by whom the measurement shall have been made) having certified that the said ship or vessel has (inserting here her number of decks), is in length (inserting here the number of feet), in breadth (inserting here the number of feet), in depth (inserting here the number of feet); and measures (inserting here the number of tons): And the said builder and (naming and describing the owner, or master, or agent for the owner or owners, as the case may be, by whom the said certificate shall have been countersigned) having agreed to the said description and admeasurement, the said vessel has been recorded, in the district of (inserting here the name of the district where recorded), in the United States. Witness my hand and seal this (inserting here the day of the month) day of (inserting here the name of the month), in the year (inserting here the number of the year)." Which certificate shall be recorded in the office of the collector, and a duplicate thereof transmitted to the Register of the Treasury to be recorded in his office.

Change of master or name of recorded vessel.

Ibid., s. 23, p. 297.

SEC. 4183. Whenever the master or the name of a vessel so recorded is changed, the owner, part owner, or consignee of such vessel shall cause a memorandum thereof to be indorsed on the certificate of the record, by the collector of the district where such vessel may be, or at which she shall first arrive if such change took place in a foreign country; and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted by the collector to the collector of the district where such certificate was granted, if not the same person, who shall enter the same in his book of records, and forward a duplicate of such entry to the Register of the Treasury; and in such case, until the owner, part owner, or consignee shall cause the memorandum to be made by the collector, in the manner above prescribed, such vessel shall not be deemed a vessel recorded, in pursuance of this Title.

Production of certificate upon entry.

Ibid., s. 24.

SEC. 4184. The master or other person having the command or charge of any vessel, recorded in pursuance of this Title, shall, on entry of such vessel, produce the certificate of such record to the collector of the district where she is so entered; and in default thereof the vessel shall not be entitled to the privileges of a recorded vessel.

Fees of collector.

Ibid., s. 25.

SEC. 4185. The fees to be allowed and paid to collectors for services pertaining to the registry or record of vessels shall be as follows: For each certificate of registry or record, two dollars; for each indorsement upon a certificate of registry or record, one dollar; and for taking any bond required by this Title, twenty-five cents.

Fees of surveyors.

2 March, 1799, c. 23, s. 2, v. 1, p. 706.
6 May, 1864, c. 83, s. 4, v. 13, p. 72.

SEC. 4186. The fees to be allowed and paid to surveyors shall be as follows: For the admeasurement and certifying the same, of any vessel of one hundred tons and under, one cent per ton; for the admeasurement of any vessel above one hundred tons and not exceeding two hundred tons, one dollar and fifty cents; for the admeasurement of any vessel above two hundred tons, two dollars; for all other services to be performed by such surveyor, on board any vessel of one hundred tons or upward, having on board goods, wares, or merchandise subject to duty, three dollars; for the like services on board any vessel of less than one hundred tons burden, having on board goods, wares, or merchandise subject to duty, one and a half dollars; on all vessels not having on board goods, wares, or merchandise subject to duty, two-thirds of a dollar. All such fees shall be paid by the master or owner of the vessel in which the services shall be performed to the surveyor by whom they shall be performed, if performed by one only, for his sole benefit; but if performed by more than one, to him who shall have the first agency, to be divided in equal parts between him and the other or others by whom the services shall also be performed. But the charge for the measurement of tonnage and certifying the same shall not exceed the sum of one dollar and fifty cents for each transverse section under the tonnage-deck;

and the sum of three dollars for measuring each between-decks above the tonnage-deck; and the sum of one dollar and fifty cents for each poop, or closed-in space available for cargo or stores, or for the berthing or accommodation of passengers, or officers and crew, above the upper or spar deck.

SEC. 4187. Every collector or officer who knowingly makes, or is concerned in making, any false register or record, or who knowingly grants or is concerned in granting, any false certificate of registry or record of or for any vessel, or any other false document whatever touching the same, contrary to the true intent and meaning of this Title, or who designedly takes any other or greater fees than are by this Title allowed, or who receives any voluntary reward or gratuity for any of the services performed, pursuant thereto; and every surveyor or other person appointed to measure any vessel, who willfully delivers to any collector or naval officer a false description of such vessel, to be registered or recorded, shall be punishable by a fine of one thousand dollars, and be rendered incapable of serving in any office of trust or profit under the United States.

Penalty for misconduct by officers.

31 Dec., 1792, c. 1, s. 26, v. 1, p. 298.

SEC. 4188. If any person authorized and required by this Title to perform, as an officer, any act or thing, willfully neglects to do or perform the same, according to the true intent and meaning of this Title, he shall, if not subject to the penalty and disqualification prescribed in the preceding section, be punishable by a fine of five hundred dollars for the first offense, and by a like fine for the second offense, and shall thenceforth be rendered incapable of holding any office of trust or profit under the United States.

Penalty for neglect by officers.

Ibid.

SEC. 4189. Whenever any certificate of registry, enrollment, or license, or other record or document granted in lieu thereof, to any vessel, is knowingly and fraudulently obtained or used for any vessel not entitled to the benefit thereof, such vessel, with her tackle, apparel, and furniture, shall be liable to forfeiture.

Penalty for fraudulent registry.

18 July, 1866, c. 201, s. 24, v. 14, p. 184.

Wh., 601; *The Luminary*, 8 Wh., 407; *The Margaret*, 9 Wh., 421; U. S. *vs.* *Brig Burdett*, 9 Pet., 682; *The Mohawk*, 3 Wall., 566.

The Neptune, 3

SEC. 4190. No sea-letter or other document certifying or proving any vessel to be the property of a citizen of the United States shall be issued, except to vessels duly registered, or enrolled and licensed as vessels of the United States, or to vessels which shall be wholly owned by citizens of the United States, and furnished with or entitled to sea-letters or other custom-house documents.

Sea-letters, to what vessels issued.

26 March, 1810, c. 19, v. 2, p. 568.

SEC. 4191. Every person who knowingly makes, utters, or publishes any false sea-letter, Mediterranean passport, or certificate of registry, or who knowingly avails himself of any such Mediterranean passport, sea-letter, or certificate of registry, shall be liable to a penalty of not more than five thousand dollars, and, if an officer of the United States, shall thenceforth be incapable of holding any office of trust or profit under the authority of the United States. [See § 5423.]

Making or using forged sea-letters, &c.

2 March, 1803, c. 18, s. 1, v. 2, p. 209.

SEC. 4192. No bill of sale, mortgage, hypothecation, or conveyance of any vessel, or part of any vessel, of the United States, shall be valid against any person other than the grantor or mortgagor, his heirs and devisees, and persons having actual notice thereof, unless such bill of sale, mortgage, hypothecation, or conveyance is recorded in the office of the collector of the customs where such vessel is registered or enrolled. The lien by bottomry on any vessel, created during her voyage, by a loan of money or materials necessary to repair or enable her to prosecute a voyage, shall not, however, lose its priority, or be in any way affected by the provisions of this section.

Conveyance of vessels; lien by bottomry.

29 July, 1850, c. 27, s. 1, v. 9, p. 440.

Hays vs. Pacific Mail Steamship Co., 17 How., 598; *White's Bank vs. Smith*, 7 Wall., 646; *Aldrich vs. Etna*

Com., 8 Wall., 491; *Mott vs. Ruckman*, 3 Blatch., 71; *Hill vs. Steamer Golden Gate*, Newb., 308; *Thompson vs. Van Vechten*, 5 Abb. Pr., 458; *Potter vs. Irish*, 10 Gray, 416; *Chadwick vs. Baker*, 54 Me., 9; *Blanchard vs. Brig Martha Washington*, 1 Cliff., 463.

Record of bills of sale, mortgages, &c.; acknowledgments.

Ibid., s. 2.
3 March, 1865, c. 101, s. 1, v. 13, p. 518.

Index of records.

29 July, 1850, c. 27, s. 3, v. 9, p. 440.

Certified copies of records.

Ibid., s. 4, p. 441.
Interests to be named in bills of sale.

Ibid., s. 5.

SEC. 4193. The collectors of the customs shall record all such bills of sale, mortgages, hypothecations, or conveyances, and, also, all certificates for discharging and canceling any such conveyances, in books to be kept for that purpose, in the order of their reception; noting in such books, and also on the bill of sale, mortgage, hypothecation, or conveyance, the time when the same was received; and shall certify on the bill of sale, mortgage, hypothecation, or conveyance, or certificate of discharge or cancellation, the number of the book and page where recorded; and shall receive, for so recording such instrument of conveyance or certificate of discharge, fifty cents; but no bill of sale, mortgage, hypothecation, conveyance, or discharge of mortgage or other incumbrance of any vessel, shall be recorded, unless the same is duly acknowledged before a notary public or other officer authorized to take acknowledgment of deeds.

SEC. 4194. The collectors of the customs shall keep an index of such records, inserting alphabetically the names of the vendor or mortgagor, and of the purchaser or mortgagee, and shall permit such index and books of records to be inspected during office-hours, under such reasonable regulations as they may establish, and shall, when required, furnish to any person a certificate, setting forth the names of the owners of any vessel registered or enrolled, the parts or proportions owned by each, if inserted in the register or enrollment, and also the material facts of any existing bill of sale, mortgage, hypothecation, or other incumbrance upon such vessel, recorded since the issuing of the last register or enrollment, viz, the date, amount of such incumbrance, and from and to whom or in whose favor made. The collector shall receive for each such certificate one dollar.

SEC. 4195. The collectors of the customs shall furnish certified copies of such records, on the receipt of fifty cents for each bill of sale, mortgage, or other conveyance.

SEC. 4196. All bills of sale of vessels registered or enrolled, shall set forth the part of the vessel owned by each person selling, and the part conveyed to each person purchasing.

CHAPTER TWO.

CLEARANCE AND ENTRY.

Sec.

- 4197. Granting clearances.
- 4198. Oath of master.
- 4199. Form of manifest.
- 4200. Manifests of shippers.
- 4201. Form of clearance.
- 4202. State inspection laws.
- 4203. Conveyance of the mails.
- 4204. Conveyance of bullion, coin, &c., for the United States.
- 4205. Clearance of vessel laden with live-oak.
- 4206. Payment of fees on vessels outward bound.
- 4207. Copy of rates of consular fees to be annexed to clearance.

Sec.

- 4208. Steamboats on Lake Champlain.
- 4209. Production and deposit of papers of foreign vessels.
- 4210. Exception in certain cases.
- 4211. Delivery of papers by foreign consul.
- 4212. Oath of masters to delivery of mails.
- 4213. Copy of receipts of consular fees, &c.
- 4214. Pleasure-yachts.
- 4215. Signals of yachts.
- 4216. Yachts belonging to foreign yacht-clubs.
- 4217. Commissions to yachts.
- 4218. Entry of yachts.

Granting clearances.

2 March, 1799, c. 22, s. 93, v. 1, p. 698.

Bas vs. Steele, 3 Wash., 381.

SEC. 4197. The master or person having the charge or command of any vessel bound to a foreign port, shall deliver to the collector of the district from which such vessel is about to depart, a manifest of all the cargo on board the same, and the value thereof, by him subscribed, and shall swear to the truth thereof; whereupon the collector shall grant a clearance for such vessel and her cargo, but without specifying the particulars thereof in the clearance, unless required by the master or other person having the charge or command of such vessel so to do. If any

vessel bound to a foreign port departs on her voyage to such foreign port without delivering such manifest and obtaining a clearance, as hereby required, the master or other person having the charge or command of such vessel shall be liable to a penalty of five hundred dollars for every such offense. [See §§ 5320, 5321.]

SEC. 4198. The oath to be taken by the master or commander of the vessel shall be as follows:

Oath of master.

Ibid.

District of

I, (insert the name), master or commander of the (insert the denomination and name of the vessel), bound from the port of (insert the name of the port or place sailing from) to (insert the name of the port or place bound to), do solemnly, sincerely, and truly swear (or affirm, as the case may be) that the manifest of the cargo on board the said (insert denomination and name of the vessel), now delivered by me to the collector of this district, and subscribed with my name, contains, according to the best of my knowledge and belief, a full, just, and true account of all the goods, wares, and merchandise now actually laden on board the said vessel, and of the value thereof; and if any other goods, wares, or merchandise shall be laden or put on board the said (insert denomination and name of vessel) previous to her sailing from this port, I will immediately report the same to the said collector. I do also swear (or affirm) that I verily believe the duties on all the foreign merchandise therein specified have been paid or secured, according to law, and that no part thereof is intended to be relanded within the United States, and that if by distress or other unavoidable accident it shall become necessary to reland the same, I will forthwith make a just and true report thereof to the collector of the customs of the district wherein such distress or accident may happen. So help me God.

SEC. 4199. The form of the report and manifest to be delivered to the collector shall be as follows:

Form of manifest.

Ibid.

Report and manifest of the cargo laden at the port of _____, on board
the _____, master, bound for _____ port.

| Marks. | Numbers. | Packages or articles in bulk. | Contents or quantities. | Value at the port of exportation. |
|--------|----------|-------------------------------|-------------------------|-----------------------------------|
| | | | | |

SEC. 4200. Before a clearance shall be granted for any vessel bound to a foreign port, the owners, shippers, or consignors of the cargo of such vessel shall deliver to the collector manifests of the cargo, or the parts thereof shipped by them respectively, and shall verify the same by oath. Such manifests shall specify the kinds and quantities of the articles shipped respectively, and the value of the total quantity of each kind of articles; and the oath to each manifest shall state that it contains a full, just, and true account of all articles laden on board of such vessel by the owners, shippers, or consignors, respectively, and that the values of such articles are truly stated, according to their actual cost, or the values which they truly bear at the port and time of exportation. And before a clearance shall be granted for any such vessel, the master of that vessel, and the owners, shippers, and consignors of the cargo, shall state, upon oath, to the collector, the foreign port or country in which such cargo is truly intended to be landed. The oaths shall be taken and subscribed in writing. [See 3987, 5564, 5565.]

Manifests of shippers.

10 Feb., 1820, c. 11, s. 11, v. 3, p. 542.

Form of clearance.

2 March, 1799, c. 22, s. 93, v. 1, p. 699.

SEC. 4201. The form of a clearance, to be granted to a ship or vessel on her departure to a foreign port or place, shall be as follows:

District of _____, ss,
Port of _____ :

These are to certify all whom it doth concern, that _____, master or commander of the _____, burden _____ tons, or thereabouts, mounted with _____ guns, navigated with _____ men, _____ built, and bound for _____, having on board _____, hath here entered and cleared his said vessel according to law. Given under our hands and seals, at the custom-house of _____, this _____ day of _____, one thousand _____, and in the _____ year of the Independence of the United States of America.

State inspection laws.

Ibid.

Bas vs. Steele, 3 Wash., 381.

SEC. 4202. The collectors and other officers of the customs shall pay due regard to the inspection laws of the States in which they may respectively act, in such manner that no vessel having on board goods liable to inspection shall be cleared until the master, or other proper person, shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective States may require to be produced to collectors or other officers of the customs.

Conveyance of the mails.

25 March, 1864, c. 40, s. 1, v. 13, p. 36.

SEC. 4203. All vessels belonging to the citizens of the United States, and bound from any port in the United States to any foreign port, or from any foreign port to any port in the United States shall, before clearance, receive on board and securely convey all such mails as the Post-Office Department of the United States, or any minister, consul, or commercial agent of the United States abroad shall offer, and shall promptly deliver the same to the proper authorities, on arriving at the port of destination, and shall receive for such service such reasonable compensation as may be allowed by law. [See § 3976.]

Conveyance of bullion, coin, &c., for the United States.

4 July, 1864, c. 294, s. 10, v. 13, p. 392.

SEC. 4204. All vessels belonging to citizens of the United States, and bound from any port in the United States to any other port therein, or to any foreign port, or from any foreign port to any port in the United States, shall, before clearance, receive on board all such bullion, coin, United States notes and bonds and other securities, as the Government of the United States or any department thereof, or any minister, consul, vice-consul, or commercial or other agent of the United States abroad, shall offer, and shall securely convey and promptly deliver the same to the proper authorities or consignees, on arriving at the port of destination; and shall receive for such service such reasonable compensation as may be allowed to other carriers in the ordinary transactions of business.

Clearance of vessel laden with live-oak.

3 March, 1833, c. 67, s. 3, v. 4, p. 647.

SEC. 4205. Collectors of the collection-districts within the States of Florida, Alabama, Mississippi, and Louisiana, before allowing a clearance to any vessel laden in whole or in part with live-oak timber, shall ascertain satisfactorily that such timber was cut from private lands, or, if from public lands, by consent of the Department of the Navy. [See § 2463.]

Payment of fees on vessels outward bound.

3 March, 1797, c. 9, s. 5, v. 1, p. 503.

2 March, 1799, c. 22, s. 93, v. 1, p. 699.

Copy of rates of consular fees to be annexed to clearance.

18 Aug., 1856, c. 127, s. 16, v. 11, p. 57.

Steamboats on Lake Champlain.

3 March, 1817, c. 109, s. 3, v. 3, p. 390.

6 May, 1822, c. 56, s. 4, v. 3, p. 681.

SEC. 4206. Previous to a clearance being granted to any vessel, outward bound, the legal fees which shall have accrued on such vessel shall be paid at the offices where such fees are respectively payable; and receipts for the same shall be produced to the collector or other officer whose duty it may be to grant clearances, before a clearance is granted.

SEC. 4207. Whenever any clearance is granted to any vessel of the United States, duly registered as such, and bound on any foreign voyage, the collector of the district shall annex thereto, in every case, a copy of the rates or tariffs of fees which diplomatic and consular officers are entitled, by the regulations prescribed by the President, to receive for their services. [See §§ 17, 18.]

SEC. 4208. The master or person having charge or command of any steamboat on Lake Champlain, when going from the United States into the province of Quebec, may deliver a manifest of the cargo on board, and take a clearance from the collector of the district through which any such boat shall last pass, when leaving the United States, without

regard to the place from which any such boat shall have commenced her voyage, or where her cargo shall have been taken on board. [See § 312s.]

SEC. 4209. The register, or other document in lieu thereof, together with the clearance and other papers granted by the officers of the customs to any foreign vessel, at her departure from the port from which she may have arrived, shall, previous to entry in any port of the United States, be produced to the collector with whom such entry is to be made. It shall be the duty of the master, within forty-eight hours after such entry, to deposit the papers with the consul or vice-consul of the nation to which the vessel belongs, and to deliver to the collector the certificate of such consul or vice-consul that the papers have been so deposited. Every master who fails to comply with this regulation shall be punishable by a fine of not less than five hundred dollars, nor more than two thousand dollars.

SEC. 4210. The preceding section shall not extend to the vessels of foreign nations in whose ports American consuls are not permitted to have the custody and possession of the register and other papers of vessels entering the ports of such nation.

SEC. 4211. It shall not be lawful for any foreign consul to deliver to the master of any foreign vessel the register and other papers deposited with him pursuant to the provisions of the preceding section, until such master shall produce to him a clearance in due form from the collector of the port where such vessel has been entered. Any consul offending against the provisions of this section shall be fined not less than five hundred dollars, nor more than five thousand.

SEC. 4212. Upon the entry of every vessel of the United States from any foreign port, the master thereof shall make return, on oath, showing that he has promptly delivered at such foreign port, all mails placed on board of the vessel under his command before clearance from the United States. And in case the master shall fail to make such oath, showing that he has delivered the mails placed on board his vessel in good faith, the vessel shall not be entitled to the privileges of a vessel of the United States. [See §§ 3976, 3988.]

SEC. 4213. It shall be the duty of all owners, agents, consignees, masters, and commanders of vessels to whom any receipt for fees shall be given by any consular officer, to furnish a copy thereof to the collector of the district in which such vessels shall first arrive on their return to the United States. And it shall also be the duty of every collector to forward to the Secretary of the Treasury all such copies of receipts as shall have been so furnished to him, and also a statement of all certified invoices which shall have come to his office, giving the dates of the certificates, and the names of the persons for whom and of the consular officers by whom the same were certified. [See § 1726.]

SEC. 4214. The Secretary of the Treasury may cause yachts used and employed exclusively as pleasure-vessels, and designed as models of naval architecture, if entitled to be enrolled as American vessels, to be licensed on terms which will authorize them to proceed from port to port of the United States, and by sea to foreign ports, without entering or clearing at the custom-house. Such license shall be in such form as the Secretary of the Treasury may prescribe. The owner of any such vessel, before taking out such license, shall give a bond, in such form and for such amount as the Secretary of the Treasury shall prescribe, conditioned that the vessel shall not engage in any unlawful trade, nor in any way violate the revenue laws of the United States, and shall comply with the laws in all other respects. Such vessels so enrolled and licensed shall not be allowed to transport merchandise or carry passengers for pay. Such vessels shall, in all respects, except as above, be subject to the laws of the United States, and shall be liable to seizure and forfeiture for any violation of the provisions of this Title.

SEC. 4215. All such licensed yachts shall use a signal of the form, size, and colors prescribed by the Secretary of the Navy; and the owners

Production and deposit of papers of foreign vessels.

3 March, 1817, c. 40, s. 1, v. 3, p. 362.

Exception in certain cases.

Ibid.

Delivery of papers by foreign consul.

Ibid., s. 2.

23 Aug., 1842, c. 188, s. 3, v. 5, p. 517.

Oath of masters to delivery of mails.

25 March, 1864, c. 40, s. 2, v. 13, p. 36.

Copies of receipts of consular fees, &c.

18 Aug., 1856, c. 127, s. 18, v. 11, p. 59.

Pleasure-yachts.

7 Aug., 1848, c. 141, s. 2, v. 9, p. 274.
29 June, 1870, c. 170, s. 1, v. 16, p. 171.

Signals of yachts.

7 Aug., 1848, c. 141, s. 3, v. 9, p. 274.

thereof shall at all times permit the naval architects in the employ of the United States to examine and copy the models of such yachts.

Yachts belonging to foreign yacht-clubs.

29 June, 1870, c. 120, s. 2, v. 16, p. 170.

Commissions to yachts.

Ibid., s. 3.

Entry of yachts.

Ibid., s. 4, p. 171.

SEC. 4216. Yachts, belonging to a regularly organized yacht club of any foreign nation which shall extend like privileges to the yachts of the United States, shall have the privilege of entering or leaving any port of the United States without entering or clearing at the custom-house thereof, or paying tonnage tax.

SEC. 4217. For the identification of yachts and their owners, a commission to sail for pleasure in any designated yacht belonging to any regularly organized and incorporated yacht club, stating the exemptions and privileges enjoyed under it, may be issued by the Secretary of the Treasury, and shall be a token of credit to any United States official, and to the authorities of any foreign power, for privileges enjoyed under it.

SEC. 4218. Every yacht visiting a foreign country under the provisions of the four preceding sections shall, on her return to the United States, make due entry at the custom-house of the port at which, on such return, she shall arrive.

CHAPTER THREE.

TONNAGE DUTIES.

Sec.

4219. Amount of tonnage duties.

4220. Exemption of coasting and fishing vessels.

4221. Exemption of vessels making daily trips on interior waters.

4222. Exemption of vessels touching at Canadian ports.

Sec.

4223. Tonnage duty to be paid only once in each year.

4224. Time of payment of tonnage duties.

4225. Light-money.

4226. Exemption of unregistered vessels owned by citizens.

4227. Rights under treaties preserved.

Amount of tonnage duties.

20 July, 1790, c.

30, s. 1, v. 1, p. 135.

27 April, 1816, c.

107, s. 6, v. 3, p. 314.

14 Jan., 1817, c. 3,

s. 1, v. 3, p. 344.

1 March, 1817, c.

31, s. 6, v. 3, p. 352.

3 March, 1817, c.

50, v. 3, p. 369.

14 July, 1862, c.

163, s. 15, v. 12, p.

558.

3 March, 1865, c.

80, s. 4, v. 13, p. 493.

28 June, 1864, c.

170, v. 13, p. 201.

31 May, 1830, c.

219, s. 1, v. 4, p. 425.

Exemption of coasting and fishing vessels.

14 July, 1870, c.

255, s. 25, v. 16, p.

269.

Exemption of vessels making daily trips on interior waters.

3 March, 1869, c.

125, s. 3, v. 15, p. 322.

SEC. 4219. Upon vessels which shall be entered at any custom-house in the United States, from any foreign port or place, there shall be paid the respective duties following: On vessels of the United States, thirty cents a ton; on vessels built within the United States, but belonging wholly or in part to subjects of foreign powers, sixty cents per ton; on foreign vessels entered in the United States from any foreign port to and with which vessels of the United States are not ordinarily permitted to enter and trade, two dollars and thirty cents per ton; on other vessels, thirty cents per ton: *Provided*, That the President of the United States shall be satisfied that the discriminating or countervailing duties of any foreign nation to which such vessels belong, so far as they operate to the disadvantage of the United States, have been abolished; otherwise, eighty cents per ton: *And provided*, That nothing in this section shall impair any rights or privileges which have been or may be acquired by any foreign nation, under the laws and treaties of the United States, relative to the duty of tonnage on vessels. [See §§ 2931, 2932, 4371.]

—U. S. vs. Hathaway, 3 Mas., 324.

SEC. 4220. No vessel belonging to any citizen of the United States, trading from one port within the United States to another port within the United States, or employed in the bank, whale, or other fisheries, shall be subject to tonnage tax or duty, if such vessel be licensed, registered or enrolled. [See § 2793.]

SEC. 4221. In cases of vessels making regular daily trips between any port of the United States and any port in the Dominion of Canada, wholly upon interior waters not navigable to the ocean, no tonnage or clearance fees shall be charged against such vessel by the officers of the United States, except upon the first clearing of such vessel in each year.

SEC. 4222. No consul or consular agent of the United States shall exact tonnage fees from any vessel of the United States, touching at or near ports in Canada, on her regular voyage from one port to another within the United States, unless such consul or consular agent shall perform some official services, required by law for such vessel, when she shall thus touch at a Canadian port. [See § 2793.]

Exemption of vessels touching at Canadian ports.

20 July, 1868, Res. No. 64, v. 15, p. 260.

SEC. 4223. The tonnage duty imposed on all vessels engaged in foreign commerce shall be levied but once within one year, and, when paid by such vessel, no further tonnage tax shall be collected within one year from the date of such payment. But this provision shall not extend to foreign vessels entered in the United States from any foreign port, to and with which vessels of the United States are not ordinarily permitted to enter and trade.

Tonnage duty to be paid only once in each year.

2 March, 1867, c. 169, s. 33, v. 14, p. 484.

14 July, 1870, c. 255, s. 25, v. 16, p. 269.

SEC. 4224. Vessels which pay tonnage duties once in a year shall pay the same either at their first clearance from or entry at, according to priority, a custom-house in the United States in each calendar year. Nothing in this section shall be construed to prevent customs officers from collecting such tonnage duty at the entry of vessels at their respective custom-houses during the calendar year if the same has not previously been paid for such year.

Time of payment of tonnage duties.

18 July, 1866, c. 201, s. 28, v. 14, p. 184.

SEC. 4225. A duty of fifty cents per ton, to be denominated "light money," shall be levied and collected on all vessels not of the United States, which may enter the ports of the United States. Such light-money shall be levied and collected in the same manner and under the same regulations as the tonnage duties.

Light-money.

27 March, 1804, c. 57, s. 6, v. 2, p. 300.

U. S. vs. Hathaway, 3 Mas., 324.

SEC. 4226. The preceding section shall not be deemed to operate upon unregistered vessels, owned by citizens of the United States, and carrying a sea-letter, or other regular document, issued from a custom-house of the United States, proving the vessel to be American property. Upon the entry of every such vessel from any foreign port, if the same shall be at the port at which the owner or any of the part owners reside, such owner or part owners shall make oath that the sea-letter or other regular document possessed by such vessel contains the name or names of all the persons who are then the owners of the vessel; or if any part of such vessel has been sold or transferred since the date of such sea-letter or document, that such is the case, and that no foreign subject or citizen has, to the best of his knowledge and belief, any share, by way of trust, confidence, or otherwise, in such vessel. If the owner or any part owner does not reside at the port or place at which such vessel shall enter, then the master shall make oath to the like effect. If the owner or part owner, where there is one, or the master, where there is no owner, shall refuse to so swear, such vessel shall not be entitled to the privileges granted by this section.

Exemption of unregistered vessels owned by citizens.

3 March, 1805, c. 40, v. 2, p. 339.

SEC. 4227. Nothing contained in this Title shall be deemed in anywise to impair any rights and privileges which have been or may be acquired by any foreign nation under the laws and treaties of the United States relative to the duty on tonnage of vessels, or any other duty on vessels.

Rights under treaties preserved.

14 July, 1862, c. 163, s. 15, v. 12, p. 558.

27 April, 1816, c. 107, s. 6, v. 3, p. 314. 14 Jan., 1817, c. 3, s. 1, v. 3, p. 344.

CHAPTER FOUR.

DISCRIMINATING DUTIES.

Sec.

4228. Suspension by the President.

4229. Vessels of Prussia.

4230. Termination of privileges.

Sec.

4231. Spanish vessels.

4232. Mail-steamships to Brazil.

SEC. 4228. Upon satisfactory proof being given to the President, by the government of any foreign nation, that no discriminating duties of

Suspension by the President.

24 May, 1828, c. 111, s. 1, v. 4, p. 308.
 31 May, 1830, c. 219, s. 2, v. 4, p. 425.
 13 July, 1832, c. 207, s. 3, v. 4, p. 579.

Vessels of Prussia.

24 May, 1828, c. 111, s. 2, v. 4, p. 308.
Termination of privileges.

Ibid., s. 4, p. 309.

Spanish vessels.

1 March, 1869, c. 54, v. 15, p. 282.

Mail-steamships to Brazil.

28 May, 1864, c. 98, s. 4, v. 13, p. 94.

tonnage or imposts are imposed or levied in the ports of such nation upon vessels wholly belonging to citizens of the United States, or upon the produce, manufactures, or merchandise imported in the same from the United States or from any foreign country, the President may issue his proclamation, declaring that the foreign discriminating duties of tonnage and impost within the United States are suspended and discontinued, so far as respects the vessels of such foreign nation, and the produce, manufactures, or merchandise imported into the United States from such foreign nation, or from any other foreign country; the suspension to take effect from the time of such notification being given to the President, and to continue so long as the reciprocal exemption of vessels, belonging to citizens of the United States, and their cargoes, shall be continued, and no longer.

SEC. 4229. No other or higher rate of duties shall be imposed or collected on vessels of Prussia, or of her dominions, from whencesoever coming, nor on their cargoes, howsoever composed, than are or may be payable on vessels of the United States, and their cargoes.

SEC. 4230. The preceding section shall continue and be in force during the time that the equality for which it provides shall, in all respects, be reciprocated in the ports of Prussia and her dominions; and if at any time hereafter the equality shall not be reciprocated in the ports of Prussia and her dominions, the President may issue his proclamation, declaring that fact, and thereupon the section preceding shall cease to be in force.

SEC. 4231. From Spanish vessels coming from any port or place in Spain or her colonies, where no discriminating or countervailing duties on tonnage are levied upon vessels of the United States, or from any other port or place to and with which vessels of the United States are ordinarily permitted to go and trade, there shall be exacted in the ports of the United States no other or greater duty on tonnage than at the time may be exacted of vessels of the United States.

SEC. 4232. The mail steamships employed in the mail-service between the United States and Brazil shall be exempt from all port-charges and custom-house dues at the port of departure and arrival in the United States if, and so long as, a similar immunity from port-charges and custom-house dues is granted by the government of Brazil.

CHAPTER FIVE.

NAVIGATION.

Sec.

- 4233. Rules for preventing collisions.
- 4234. Forfeiture of sailing-vessels for omission of lights.
- 4235. State regulations of pilots.
- 4236. Pilots on boundaries between States.
- 4237. No discrimination in rates of pilotage.
- 4238. Vessels stranded on foreign coasts.
- 4239. Property wrecked on coast of Florida.
- 4240. Forfeitures for taking such property to foreign port.
- 4241. License to wreckers on Florida coast.
- 4242. Life-saving stations on coasts of Long Island, &c.
- 4243. Superintendents and keepers.

Sec.

- 4244. Crews of surfmen.
- 4245. Stations at light-houses.
- 4246. Care of boats.
- 4247. Keepers, &c., at stations on coasts of Cape Cod and Rhode Island.
- 4248. Supervision of stations on coast of Rhode Island.
- 4249. Stations on coasts of Maine, New Hampshire, Massachusetts, Virginia, &c.
- 4250. Removal of captain by owners of vessels.
- 4251. Canal-boats not to be libeled for wages.

Rules for preventing collisions.

29 April, 1864, c. 69, v. 13, p. 58.

SEC. 4233. The following rules for preventing collisions on the water, shall be followed in the navigation of vessels of the Navy and of the mercantile marine of the United States:

STEAM AND SAIL VESSELS.

Rule one. Every steam-vessel which is under sail, and not under steam, shall be considered a sail-vessel; and every steam-vessel which is under steam, whether under sail or not, shall be considered a steam-vessel.

The Hyppodame, 6 Wall., 216; The Carroll, 8 Wall., 302; The Fairbanks, 9 Wall., 420; The Corsica, 9 Wall., 630; The Scotia, 14 Wall., 170; The Continental, 14 Wall., 345; The Chesapeake, 5 Blatch., 411; The Huntsville, 8 Blatch., 228.

LIGHTS.

Rule two. The lights mentioned in the following rules, and no others, shall be carried in all weathers, between sunset and sunrise. Ibid., art. 2.

Rule three. All ocean-going steamers, and steamers carrying sail, shall, when under way, carry— Ibid., art. 3, p. 59.
28 Feb., 1871, c.
100, s. 47, v. 16, p.
454.

(A) At the foremast head, a bright white light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least five miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of twenty points of the compass, and so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side.

(B) On the starboard side, a green light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side.

(C) On the port side, a red light, of such a character as to be visible on a dark night, with a clear atmosphere, at a distance of at least two miles, and so constructed as to show a uniform and unbroken light over an arc of the horizon of ten points of the compass, and so fixed as to throw the light from right ahead to two points abaft the beam on the port side.

The green and red lights shall be fitted with inboard screens, projecting at least three feet forward from the lights, so as to prevent them from being seen across the bow.

Rule four. Steam-vessels, when towing other vessels, shall carry two bright white mast-head lights vertically, in addition to their side-lights, so as to distinguish them from other steam-vessels. Each of these mast-head lights shall be of the same character and construction as the mast-head lights prescribed by Rule three. 29 April, 1864, c.
69, art. 4, v. 13, p.
59.

Rule five. All steam-vessels, other than ocean-going steamers and steamers carrying sail, shall, when under way, carry on the starboard and port sides lights of the same character and construction and in the same position as are prescribed for side-lights by Rule three, except in the case provided in Rule six. Ibid., art. 3.
28 Feb., 1871, c.
100, s. 47, v. 16, p.
454.

Rule six. River-steamers navigating waters flowing into the Gulf of Mexico, and their tributaries, shall carry the following lights, namely: One red light on the outboard side of the port smoke-pipe, and one green light on the outboard side of the starboard smoke-pipe. Such lights shall show both forward and abeam on their respective sides. Ibid.

Rule seven. All coasting steam-vessels, and steam-vessels other than ferry-boats and vessels otherwise expressly provided for, navigating the bays, lakes, rivers, or other inland waters of the United States, except those mentioned in Rule six, shall carry the red and green lights, as prescribed for ocean-going steamers; and, in addition thereto, a central range of two white lights; the after-light being carried at an elevation of at least fifteen feet above the light at the head of the vessel. The head-light shall be so constructed as to show a good light through twenty points of the compass, namely: from right ahead to two points abaft the beam on either side of the vessel; and the after-light so as to show all around the horizon. The lights for ferry-boats shall be regu- Ibid., p. 454.
The Continental,
14 Wall., 345.

lated by such rules as the board of supervising inspectors of steam-vessels shall prescribe.

29 April, 1864, c.
69, v. 13, p. 59, art. 5.

Rule eight. Sail-vessels, under way or being towed, shall carry the same lights as steam-vessels under way, with the exception of the white mast-head lights, which they shall never carry.

Ibid., art. 6.

Rule nine. Whenever, as in case of small vessels during bad weather, the green and red lights cannot be fixed, these lights shall be kept on deck, on their respective sides of the vessel, ready for instant exhibition, and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side, nor the red light on the starboard side. To make the use of these portable lights more certain and easy, they shall each be painted outside with the color of the light they respectively contain, and shall be provided with suitable screens.

Ibid., art. 7.

Rule ten. All vessels, whether steam-vessels or sail-vessels, when at anchor in roadsteads or fairways, shall, between sunset and sunrise, exhibit where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a globular lantern of eight inches in diameter, and so constructed as to show a clear, uniform, and unbroken light, visible all around the horizon, and at a distance of at least one mile.

Ibid., art. 8.

Rule eleven. Sailing pilot-vessels shall not carry the lights required for other sailing-vessels, but shall carry a white light at the mast-head, visible all around the horizon, and shall also exhibit a flare-up light every fifteen minutes.

28 Feb., 1871, c.
100, s. 47, v. 16, p.
454.

Rule twelve. Coal-boats, trading-boats, produce-boats, canal-boats, oyster-boats, fishing-boats, rafts, or other water-craft, navigating any bay, harbor, or river, by hand-power, horse-power, sail, or by the current of the river, or which shall be anchored or moored in or near the channel or fairway of any bay, harbor, or river, shall carry one or more good white lights, which shall be placed in such manner as shall be prescribed by the board of supervising inspectors of steam-vessels.

29 April, 1864, c.
69, art. 9, v. 13, p.
60.

Rule thirteen. Open boats shall not be required to carry the side-lights required for other vessels, but shall, if they do not carry such lights, carry a lantern having a green slide on one side and a red slide on the other side; and, on the approach of or to other vessels, such lantern shall be exhibited in sufficient time to prevent collision, and in such a manner that the green light shall not be seen on the port side, nor the red light on the starboard side. Open boats, when at anchor or stationary, shall exhibit a bright white light. They shall not, however, be prevented from using a flare-up, in addition, if considered expedient.

29 April, 1864, c.
69, s. 1, v. 13, p. 58.

Rule fourteen. The exhibition of any light on board of a vessel of war of the United States may be suspended whenever, in the opinion of the Secretary of the Navy, the commander-in-chief of a squadron, or the commander of a vessel acting singly, the special character of the service may require it.

FOG-SIGNALS.

29 April, 1864, c.
69, art. 10, v. 13, p.
60.

Rule fifteen. Whenever there is a fog, or thick weather, whether by day or night, fog-signals shall be used, as follows:

28 Feb., 1871, c.
100, s. 47, v. 16, p.
454.

(A) Steam-vessels under way shall sound a steam-whistle placed before the funnel, not less than eight feet from the deck, at intervals of not more than one minute.

(B) Sail-vessels under way shall sound a fog-horn at intervals of not more than five minutes.

(C) Steam-vessels and sail-vessels, when not under way, shall sound a bell at intervals of not more than five minutes.

(D) Coal-boats, trading-boats, produce-boats, canal-boats, oyster-boats, fishing-boats, rafts, or other water-craft, navigating any bay, harbor, or river, by hand-power, horse-power, sail, or by the current of the river,

or anchored or moored in or near the channel or fairway of any bay, harbor, or river, and not in any port, shall sound a fog-horn, or equivalent signal, which shall make a sound equal to a steam-whistle, at intervals of not more than two minutes.

STEERING AND SAILING RULES.

Rule sixteen. If two sail-vessels are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

29 April, 1864, c. 69, art. 11, v. 13, p. 60.

The Nichols, 7 Wall., 656.
Ibid., art. 12.

Rule seventeen. When two sail-vessels are crossing so as to involve risk of collision, then, if they have the wind on different sides, the vessel with the wind on the port side shall keep out of the way of the vessel with the wind on the starboard side, except in the case in which the vessel with the wind on the port side is close-hauled, and the other vessel free, in which case the latter vessel shall keep out of the way. But if they have the wind on the same side, or if one of them has the wind aft, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.

Rule eighteen. If two vessels under steam are meeting end on, or nearly end on, so as to involve risk of collision, the helms of both shall be put to port, so that each may pass on the port side of the other.

Art. 13.

Rule nineteen. If two vessels under steam are crossing so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

Art. 14.
The Corsica, 9 Wall., 630.

Rule twenty. If two vessels, one of which is a sail-vessel and the other a steam-vessel, are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sail-vessel.

Art. 15.
City of Paris, 9 Wall., 638.

Rule twenty-one. Every steam-vessel, when approaching another vessel, so as to involve risk of collision, shall slacken her speed, or, if necessary, stop and reverse; and every steam-vessel shall, when in a fog, go at a moderate speed.

Art. 16, p. 61.
City of Paris, 9 Wall., 638; The Syracuse, 9 Wall., 676.

Rule twenty-two. Every vessel overtaking any other vessel shall keep out of the way of the last-mentioned vessel.

Ibid., art. 17.

Rule twenty-three. Where, by Rules seventeen, nineteen, twenty, and twenty-two, one of two vessels shall keep out of the way, the other shall keep her course, subject to the qualifications of Rule twenty-four.

Art. 18.

Rule twenty-four. In construing and obeying these rules, due regard must be had to all dangers of navigation, and to any special circumstances which may exist in any particular case rendering a departure from them necessary in order to avoid immediate danger.

Art. 19.

SEC. 4234. Collectors, or other chief officers of the customs, shall require all sail-vessels to be furnished with proper signal-lights, and every such vessel shall, on the approach of any steam-vessel during the nighttime, show a lighted torch upon that point or quarter to which such steam-vessel shall be approaching. Every such vessel that shall be navigated without complying with the provisions of this and the preceding section, shall be liable to a penalty of two hundred dollars, one-half to go to the informer; for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel, in any district court of the United States having jurisdiction of the offense.

Forfeiture of sailing-vessels for omission of lights.

28 Feb., 1871, c. 100, s. 70, v. 16, p. 459.

SEC. 4235. Until further provision is made by Congress, all pilots in the bays, inlets, rivers, harbors, and ports of the United States shall continue to be regulated in conformity with the existing laws of the States respectively wherein such pilots may be, or with such laws as the States may respectively enact for the purpose.

State regulation of pilots.

7 August, 1789, c. 9, s. 4, v. 1, p. 54.

den, 9 Wh., 207; Hobart vs. Drogan, 10 Pet., 121; License Cases, 5 How., 580; Cooley vs. Board of Wardens, 12 How., 299; *Ex parte McNiel*, 13 Wall., 236.

Gibbons vs. Ogden, 5 How., 580; Cooley vs. Board of Wardens, 12 How., 299; *Ex parte McNiel*, 13 Wall., 236.

SEC. 4236. The master of any vessel coming into or going out of any port situate upon waters which are the boundary between two States, may employ any pilot duly licensed or authorized by the laws of either of the States bounded on such waters, to pilot the vessel to or from such port.

Pilots on boundaries between States.

2 March, 1837, c. 22, v. 5, p. 153.

No discrimination in rates of pilotage.

13 July, 1866, c. 177, v. 14, p. 93.

Vessels stranded on foreign coasts.

14 April, 1792, c. 24, s. 3, v. 1, p. 255.

Property wrecked on coast of Florida.

3 March, 1825, c. 107, s. 2, v. 4, p. 133.

Forfeitures for taking wrecked property to foreign ports.

3 March, 1825, c. 107, s. 1, v. 4, p. 132.

License to wreckers on Florida coast.

23 Feb., 1847, c. 20, s. 3, v. 9, p. 131.

Life-saving stations on coasts of Long Island, &c.

14 Dec., 1854, c. 1, s. 1, v. 10, p. 597.

Superintendents and keepers.

14 Dec., 1854, c. 1, s. 2, v. 10, p. 597.

20 April, 1871, c. 21, s. 27, v. 17, p. 12.

Crews of surfmen.

20 April, 1871, c. 21, s. 27, v. 17, p. 12.

Stations at light-houses.

14 Dec., 1854, c. 1, s. 4, v. 10, p. 597.

SEC. 4237. No regulations or provisions shall be adopted by any State which shall make any discrimination in the rate of pilotage or half-pilotage between vessels sailing between the ports of one State and vessels sailing between the ports of different States, or any discrimination against vessels propelled in whole or in part by steam, or against national vessels of the United States; and all existing regulations or provisions making any such discrimination are annulled and abrogated.

SEC. 4238. Consuls and vice-consuls, in cases where vessels of the United States are stranded on the coasts of their consulates respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the vessels, their cargoes and appurtenances, as for storing and securing the effects and merchandise saved, and for taking inventories thereof; and the merchandise and effects saved, with the inventories thereof so taken, shall, after deducting therefrom the expenses, be delivered to the owners. No consul or vice-consul shall have authority to take possession of any such merchandise, or other property, when the master, owner, or consignee thereof is present or capable of taking possession of the same.

SEC. 4239. All property, of any description whatsoever, which shall be taken from any wreck, from the sea, or from any of the keys and shoals, within the jurisdiction of the United States, on the coast of Florida, shall be brought to some port of entry within the jurisdiction of the United States.

SEC. 4240. Every vessel which shall be engaged or employed in carrying or transporting any property whatsoever, taken from any wreck, from the sea, or from any of the keys or shoals, within the jurisdiction of the United States, on the coast of Florida, to any foreign port, shall, together with her tackle, apparel, and furniture, be forfeited, and all forfeitures incurred by virtue of this section shall accrue, one moiety to the informer and the other to the United States.

SEC. 4241. No vessel, or master thereof, shall be regularly employed in the business of wrecking on the coast of Florida without the license of the judge of the district court for the district of Florida; and, before licensing any vessel or master, the judge shall be satisfied that the vessel is sea-worthy, and properly and sufficiently fitted and equipped for the business of saving property shipwrecked and in distress; and that the master thereof is trustworthy, and innocent of any fraud or misconduct in relation to any property shipwrecked or saved on the coast.

SEC. 4242. The Secretary of the Treasury may establish such stations on the coasts of Long Island and New Jersey, for affording aid to shipwrecked vessels thereon, and may make such changes in the location of the existing stations, and make such repairs and furnish such apparatus and supplies, as may, in his judgment, be best adapted to the preservation of life and property from such shipwrecked vessels.

SEC. 4243. The Secretary of the Treasury may appoint, at each of the stations established under the provisions of the preceding section, a keeper, at a compensation not exceeding two hundred dollars a year, and a superintendent, who shall also have the powers and perform the duties of an inspector of the customs for each of the coasts therein mentioned; and he shall give such keepers and superintendents proper instructions relative to the duties to be required of them.

SEC. 4244. The Secretary of the Treasury may also employ crews of experienced surfmen at such stations on the coasts of Long Island and New Jersey and for such periods as he may deem necessary and proper, and at such compensation as he may deem reasonable, not to exceed forty dollars a month for each person to be employed.

SEC. 4245. The Secretary of the Treasury may also establish such stations at such light-houses as, in his judgment, he shall deem best, and the keepers of such lights shall take charge of such boats and apparatus as may be put in their charge respectively, as a part of their official duties.

SEC. 4246. No boat shall be purchased and located, under the provisions of the four preceding sections, at any point other than on the coasts of Long Island and New Jersey, unless the same be placed in the immediate care of an officer of the Government, or unless bond shall be given by proper individuals, living in the neighborhood, conditioned for the care and preservation of the same, and its application to the uses intended.

SEC. 4247. The Secretary of the Treasury may appoint a keeper for each of the ten life-saving stations on the coasts of Cape Cod, Massachusetts, and Block Island, Rhode Island, whose compensation shall be at the rate of two hundred dollars per annum, and may employ crews of experienced surfmen at such stations and for such periods as he may deem necessary and proper, and at such compensation as he may deem reasonable, not to exceed forty dollars per month for each person to be employed. [See § 223.]

SEC. 4248. The life-saving stations at Narragansett Pier, and Block Island, Rhode Island, shall be under the supervision of the superintendent of life-saving stations for the coast of Long Island.

SEC. 4249. The Secretary of the Treasury shall provide for the establishment of ten life-saving stations on the coasts of Maine, New Hampshire, and Massachusetts, Virginia, and North Carolina, at such points as he may deem necessary, for the saving of life and property on said coasts: *Provided*, That all life-saving stations hereafter erected, shall be erected under the supervision of two captains of the revenue service, to be designated by the Secretary of the Treasury, and to be under his direction.

SEC. 4250. Any person or body-corporate having more than one-half ownership of any vessel shall have the same power to remove a master, who is also part owner of such vessel, as such majority owners have to remove a master not an owner. This section shall not apply where there is a valid written agreement subsisting, by virtue of which such master would be entitled to possession, nor in any case where a master has possession as part owner, obtained before the nineteenth day of April, eighteen hundred and seventy-two.

SEC. 4251. No canal-boat, without masts or steam-power, which is required to be registered, licensed, or enrolled and licensed, shall be subject to be libeled in any of the United States courts for the wages of any person who may be employed on board thereof, or in navigating the same.

Care of boats.

Ibid., s. 3.

Keepers, &c., at stations on coasts of Cape Cod and Rhode Island.

11 Jan., 1873, c. 34, v. 17, p. 410.

Supervision of stations on coast of Rhode Island.

Ibid.

Stations on coasts of Maine, N. H., Mass., Virginia, &c.

3 March, 1873, c. 307, s. 1, v. 17, p. 619.

Removal of captain by owners of vessels.

9 April, 1872, c. 90, v. 17, p. 51.

Canal-boats not to be libeled for wages.

20 July, 1846, c. 60, s. 1, v. 9, p. 38.

CHAPTER SIX.

TRANSPORTATION OF PASSENGERS AND MERCHANDISE.

Sec.

4252. Space for passengers in vessels arriving from foreign ports.

4253. Penalty for taking too many passengers.

4254. Lockers and hospitals.

4255. Berths.

4256. Houses on deck.

4257. Ventilators.

4258. Cooking-range.

4259. Penalty for neglect to comply with requirements.

4260. Provisions.

4261. Penalty for failure to provide provisions and water.

4262. Distribution of provisions.

4263. Discipline and health.

4264. Inspection of passenger-vessels.

4265. Vessels bound to or from the Pacific Ocean.

4266. Lists of passengers.

Sec.

4267. Copies to be returned to Secretary of State.

4268. Payment in case of death of passenger.

4269. Penalty for refusal to pay.

4270. Recovery of penalties.

4271. Vessels belonging to colonization societies.

4272. Examination of emigrant vessels by collector.

4273. Informers.

4274. Vessels carrying passengers without the United States.

4275. Penalty upon visiting part of vessel assigned to emigrants.

4276. Penalty for permitting officers or seamen to visit such part of vessel.

4277. Notice to be posted in emigrant vessels.

4278. Transportation of nitro-glycerine.

Sec.
 4279. Packing and marking nitro-glycerine.
 4280. Regulation by States of traffic in nitro-glycerine.
 4281. Liability of masters, &c., as carriers.
 4282. Loss by fire.
 4283. Liability of owner not to exceed his interest.

Sec.
 4284. General average of losses.
 4285. Transfer of interest of owner to trustee.
 4286. When charterer is deemed owner.
 4287. Remedies reserved.
 4288. Shipping inflammable materials.
 4289. Exception to limitation of liability.

Space for passengers in vessels arriving from foreign ports.

3 March, 1855, c. 213, s. 1, v. 10, p. 715.

4 July, 1864, c. 249, s. 1, v. 13, p. 330.

SEC. 4252. No master of any vessel owned in whole or in part by a citizen of the United States, or by a citizen of any foreign country, shall take on board such vessel, at any foreign port or place other than foreign contiguous territory of the United States, passengers contrary to the provisions of this section, with intent to bring such passengers to the United States and leave such port or place and bring such passengers, or any number thereof, within the jurisdiction of the United States. The number of such passengers shall not be greater than in the proportion of one to every two tons of such vessel, not including children under the age of one year in the computation, and computing two children over one and under eight years of age as one passenger. The spaces appropriated for the use of such passengers, and which shall not be occupied by stores or other goods, not the personal baggage of such passengers, shall be in the following proportions: On the main and poop decks or platforms, and in the deck-houses, if there be any, one passenger for each sixteen clear superficial feet of deck, if the height or distance between the decks or platforms shall not be less than six feet; and on the lower deck, not being an orlop deck, if any, one passenger for eighteen such clear superficial feet, if the height or distance between the decks or platforms shall not be less than six feet, but so as that no passenger shall be carried on any other deck or platform, nor upon any deck where the height or distance between decks is less than six feet. But on board two-deck ships, where the height between the decks is seven and one-half feet or more, fourteen clear superficial feet of deck shall be the proportion required for each passenger. The term "contiguous territory," as used in this section, shall not be held to extend to any port or place connecting with any interoceanic route through Mexico.

Penalty for taking too many passengers.

3 March, 1855, c. 213, s. 1, v. 10, p. 716.

U. S. vs. Brig Neurea, 19 How., 94.

SEC. 4253. Whenever the master of any such vessel takes on board of the same, at any foreign port or place, other than such contiguous territory, any greater number of passengers than in the proportion to the space or to the tonnage prescribed in the preceding section, with intent to bring such passengers to the United States, and leaves such port or place and brings such passengers within the jurisdiction of the United States, or takes on board his vessel, at any port or place within the jurisdiction of the United States, any greater number of passengers than in the proportion to the space or to the tonnage prescribed by the preceding section, with intent to carry the same to any foreign port or place other than such foreign contiguous territory, he shall be deemed guilty of a misdemeanor, and shall, for each passenger taken on board beyond such limit or space, be fined fifty dollars, and may also be imprisoned for not exceeding six months.

Lockers and hospitals.

3 March, 1855, c. 213, s. 1, v. 10, p. 716.

SEC. 4254. Should it be necessary for the safety or convenience of such vessel that any portion of her cargo, or any other article, should be placed on or stored in any of the decks, cabins, or other places appropriated to the use of passengers, the same may be placed in lockers or inclosures prepared for the purpose, on an exterior surface impervious to the waves, capable of being cleansed in like manner as the decks or platforms of the vessel. But in no case shall the places thus provided be deemed to be a part of the space allowable for the use of passengers, but the same shall be deducted therefrom; and in all cases where such lockers or inclosed spaces are prepared or used, the upper surface thereof shall be deemed the deck or platform from which measurement

shall be made for all the purposes of this chapter. One hospital, in the spaces appropriated to passengers, and separate therefrom by an appropriate partition, and furnished as its purposes require, may be prepared, and, when used, may be included in the space allowable for passengers; but the same shall not occupy more than one hundred superficial feet of deck or platform.

SEC. 4255. No such vessel shall have more than two tiers of berths. The interval between the lowest part thereof and the deck or platform beneath shall not be less than nine inches; and the berths shall be well constructed, parallel with the sides of the vessel, and separated from each other by partitions, as berths ordinarily are separated, and shall be at least six feet in length, and at least two feet in width, and each such berth shall be occupied by no more than one passenger; but double berths of twice the above width may be constructed, each berth to be occupied by no more and by no other than two women, or by one woman and two children under the age of eight years, or by husband and wife, or by a man and two of his own children under the age of eight years, or by two men, members of the same family. For any violation of this section, the master of the vessel, and the owners thereof, shall severally be liable to a penalty of five dollars for each passenger on board of such vessel on such voyage, to be recovered by the United States in any port where such vessel may arrive or depart.

SEC. 4256. All vessels, whether of the United States, or any foreign country, having sufficient space, according to law, for fifty or more passengers, other than cabin passengers, shall, when employed in transporting such passengers between the United States and Europe, have, on the upper deck, for the use of such passengers, a house over the passage-way leading to the apartments allotted to such passengers below deck, firmly secured to the deck or combings of the hatch, with two doors, the sills of which shall be at least one foot above the deck, so constructed that one door or window in such house may at all times be left open for ventilation. All vessels so employed, and having the capacity to carry one hundred and fifty such passengers or more, shall have two such houses; and the stairs or ladder leading down to such apartments shall be furnished with a hand-rail of wood or strong rope; but booby-hatches may be substituted for such houses.

SEC. 4257. Every such vessel so employed in transporting passengers between the United States and Europe, and having space according to law for more than one hundred such passengers, shall have at least two ventilators to purify each apartment occupied by such passengers; one of which shall be inserted in the after part, and the other in the forward part of the apartment, and one of them shall have an exhausting-cap to carry off the foul air, and the other a receiving-cap to carry down the fresh air. Such ventilators shall have a capacity proportioned to the size of the apartments to be purified, namely: If the apartments will lawfully authorize the reception of two hundred such passengers, the capacity of each of such ventilators shall be equal to a tube of twelve inches diameter in the clear, and in proportion for larger or smaller apartments. All such ventilators shall rise at least four feet six inches above the upper deck of any such vessel, and be of the most approved form and construction. If it appears from the report to be made and approved, as provided in section forty-two hundred and seventy-two, that such vessel is equally well ventilated by any other means, such other means of ventilation shall be deemed to be a compliance with the provisions of this section.

SEC. 4258. Every vessel carrying more than fifty such passengers, and engaged in transporting them between the United States and Europe, shall have for their use on deck, housed and conveniently arranged, at least one camboose or cooking-range, the dimensions of which shall be equal to four feet long and one foot six inches wide for every two hundred passengers; and provision shall be made in the same manner, in this ratio, for a greater or less number of passengers; but noth-

Berths.

3 March, 1855, c. 213, s. 2, v. 10, p. 716.

The Steamship Manhattan, 2 Ben., 88.

Houses on deck.

3 March, 1855, c. 213, s. 3, v. 10, p. 716.

Ventilators.

3 March, 1855, c. 213, s. 4, v. 10, p. 717.

Cooking-range.

Ibid., s. 5.

Penalty for neglecting to comply with requirements.

3 March, 1855, c. 213, s. 8, v. 10, p. 718.

ing in this section shall take away the right to make such arrangements for cooking between decks, if that shall be deemed desirable.

SEC. 4259. The master and owner of any such vessel so employed, which shall not be provided with the house or houses over the passageways, or with the ventilators, or with the cambooses or cooking-ranges with the houses over them, required by this Title, shall severally be liable to a penalty of two hundred dollars for each and every violation of, or neglect to conform to, each of these requirements, to be recovered by suit in any circuit or district court of the United States within the jurisdiction of which such vessel may arrive, or from which she may be about to depart, or at any place within the jurisdiction of such courts, wherever the owner or master of such vessel may be found.

Provisions.

3 March, 1855, c. 213, s. 6, v. 10, p. 717.

SEC. 4260. All vessels so employed in transporting passengers between the United States and Europe shall have on board, for the use of such passengers, at the time of leaving the last port whence such vessel shall sail, well secured under deck, for each passenger, at least twenty pounds of good navy bread, fifteen pounds of rice, fifteen pounds of oatmeal, ten pounds of wheat-flour, fifteen pounds of pease and beans, twenty pounds of potatoes, one pint of vinegar, sixty gallons of fresh water, ten pounds of salted pork, and ten pounds of salt beef, free of bone, all to be of good quality. At places where either rice, oatmeal, wheat-flour, or pease and beans cannot be procured, of good quality and on reasonable terms, the quantity of either or any of the other last-named articles may be increased and substituted therefor; and, in case potatoes cannot be procured on reasonable terms, one pound of either of such articles may be substituted in lieu of five pounds of potatoes. The masters of such vessels shall deliver to each passenger at least one-tenth part of such provisions weekly, commencing on the day of sailing, and at least three quarts of water daily.

Penalty for failure to provide provisions and water.

3 March, 1855, c. 213, s. 6, v. 10, p. 718.

SEC. 4261. If the passengers on board of any such vessel in which the provisions and water shall not have been provided as required by the preceding section, shall, at any time, be put on short allowance during any voyage, the master or owner of any such vessel shall pay to each passenger put on short allowance, the sum of three dollars for each and every day such passenger may have been put on short allowance, to be recovered in the circuit or district court of the United States.

Distribution of provisions.

3 March, 1855, c. 213, s. 6, v. 10, p. 717.

SEC. 4262. It shall be the duty of the master of every vessel employed in transporting passengers between the United States and Europe, to cause the food and provisions of all the passengers to be well and properly cooked, daily, and to be served out and distributed to them at regular and stated hours, by messes, or in such other manner as shall be deemed best and most conducive to the health and comfort of such passengers, of which hours and manner of distribution due and sufficient notice shall be given. Every master of any such vessel who willfully fails to furnish and distribute provisions in the quantity and cooked in the manner required by this Title shall be deemed guilty of a misdemeanor, and shall be fined not more than one thousand dollars, and imprisoned for a term not exceeding one year. The enforcement of this penalty, however, shall not affect the civil responsibility of the master and owners to such passengers as may have suffered from such default.

Discipline and health.

3 March, 1855, c. 213, s. 7, v. 10, p. 718.

SEC. 4263. The master of any vessel employed in transporting passengers between the United States and Europe is authorized to maintain good discipline and such habits of cleanliness among passengers as will tend to the preservation and promotion of health; and to that end he shall cause such regulations as he may adopt for this purpose to be posted up, before sailing, on board such vessel, in a place accessible to such passengers, and shall keep the same so posted up during the voyage. Such master shall cause the apartments occupied by such passengers to be kept at all times in a clean, healthy state; and the owners of every such vessel so employed are required to construct the decks and all parts of the apartments so that they can be thoroughly cleansed; and

also to provide a safe, convenient privy or water-closet for the exclusive use of every one hundred such passengers. The master shall also, when the weather is such that the passengers cannot be mustered on deck with their bedding, and at such other times as he may deem necessary, cause the deck occupied by such passengers to be cleansed with chloride of lime, or some other equally efficient disinfecting agent. And for each neglect or violation of any of the provisions of this section, the master and owner of any such vessel shall be severally liable to the United States in a penalty of fifty dollars, to be recovered in any circuit or district court within the jurisdiction of which such vessel may arrive, or from which she is about to depart, or at any place where the owner or master may be found.

SEC. 4264. The collector of the customs, at any port at which any vessel so employed shall arrive, or from which any such vessel shall be about to depart, shall appoint and direct one or more of the inspectors of the customs for such port to examine such vessel, and report in writing to him whether the requirements of law have been complied with in respect to such vessel; and if such report shall state such compliance, and shall be approved by such collector, it shall be deemed prima-facie evidence thereof. [See § 4272.]

SEC. 4265. Vessels bound from any port in the United States to any port or place in the Pacific Ocean, or on its tributaries, or from any such port or place to any port in the United States on the Atlantic, or its tributaries, including vessels whose passengers, or any part of them, shall be bound from or to any of those ports or places, by way of any overland route through Mexico or Central America, shall be subject to the foregoing provisions regulating the carriage of passengers in merchant-vessels, except so much as relates to food and water; but the owners and masters of such vessels shall in all cases furnish to each passenger the daily supply of water therein mentioned; and they shall furnish a sufficient supply of good and wholesome food, properly cooked; and in case they shall fail so to do, or shall provide unwholesome or unsuitable food, such masters or owners shall be liable to pay to each passenger the sum of three dollars for each day on which such failure or wrongful act is committed, to be recovered in the circuit or district court of the United States.

SEC. 4266. The master of any vessel arriving in the United States, or any of the Territories thereof, from any foreign place whatever, at the same time that he delivers a manifest of the cargo, and if there be no cargo, then at the time of making report or entry of the vessel, pursuant to law, shall also deliver and report to the collector of the district in which such vessel shall arrive a list of all the passengers taken on board of the vessel at any foreign port or place; in which list he shall designate particularly the age, sex, and occupation of the passengers respectively, the part of the vessel occupied by each during the voyage, the country to which they severally belong, and that of which it is their intention to become inhabitants; and shall further set forth whether any and what number have died on the voyage; such list shall be sworn to by the master, in the same manner as directed by law in relation to the manifest of the cargo; and the refusal or neglect of the master to comply with the provisions of this section, or any part thereof, shall incur the same penalties, disabilities, and forfeitures as are provided for a refusal or neglect to report and deliver a manifest of the cargo. [See §§ 2774, 2807-2815.]

SEC. 4267. Every collector of the customs to whom such lists of passengers shall be delivered, shall quarter-yearly return copies thereof to the Secretary of State.

SEC. 4268. In case there shall have occurred on board any vessel arriving at any port or place within the United States or its Territories, any death among the passengers, other than cabin passengers, the master, or owner, or consignee of such vessel, shall, within twenty-four

Inspection of passenger vessels.

3 March, 1855, c. 213, s. 9, v. 10, p. 718.

Vessels bound to or from the Pacific Ocean.

3 March, 1855, c. 213, s. 11, v. 10, p. 719.

4 July, 1864, c. 249, s. 2, v. 13, p. 390.

Lists of passengers.

3 March, 1855, c. 213, s. 12, v. 10, p. 719.

Copies to be returned to Secretary of State.

Ibid., s. 13.

Payment in case of death of passenger.

3 March, 1855, c. 213, s. 14, v. 10, p. 719.

hours after the time within which the report and list of passengers is required to be delivered to the collector of the customs, pay to the collector the sum of ten dollars for each and every passenger above the age of eight years, who shall have died on the voyage by natural disease. The collector shall pay the money thus received, at such times and in such manner as the Secretary of the Treasury, by general rules, shall direct, to any board or commission appointed by and acting under the authority of the State within which the port where such vessel arrived is situated, for the care and protection of sick, indigent, or destitute emigrants, to be applied to the objects of their appointment; and if there be more than one board or commission who shall claim such payment, the Secretary of the Treasury shall determine which is entitled to receive the same, and his decision in the premises shall be final and without appeal; but such payment shall in no case be awarded or made to any board, or commission, or association, formed for the protection or advancement of any particular class of emigrants, or emigrants of any particular nation or creed.

Penalty for refusal to pay.

3 March, 1855, c. 213, s. 14, v. 10, p. 720.

SEC. 4269. Every master, owner, or consignee of any vessel, who refuses or neglects to pay to the collector any sum of money required, within the time prescribed by the preceding section, shall be liable to a penalty of fifty dollars, in addition to such sum of ten dollars, for each passenger upon whose death the same has become payable, to be recovered by the United States in any circuit or district court of the United States where such vessel may arrive, or such master, owner, or consignee may reside; and the money shall be disposed of in the same manner as is directed with respect to the sums required to be paid to the collector of customs.

Recovery of penalties.

Ibid., s. 15.

SEC. 4270. The amount of the several penalties imposed by the foregoing provisions regulating the carriage of passengers in merchant-vessels shall be liens on the vessel violating those provisions, and such vessel shall be libeled therefor in any circuit or district court of the United States where such vessel shall arrive. [See § 629.]

Vessels belonging to colonization societies.

Ibid., s. 16.

SEC. 4271. Any vessel which may be employed by the American Colonization Society, or the colonization society of any State, to transport, and which shall actually transport, from any port of the United States to any colony on the west coast of Africa, colored emigrants, to reside there, shall be subject to the operation of the foregoing provisions regulating the carriage of passengers in merchant-vessels.

Examination of emigrant-vessels by collector.

Ibid., s. 17.

SEC. 4272. The collector of the customs shall examine each emigrant-vessel, on its arrival at his port, and ascertain and report to the Secretary of the Treasury the time of sailing, the length of the voyage, the ventilation, the number of passengers, their space on board, their food, the native country of the emigrants, the number of deaths, the age and sex of those who died during the voyage; together with his opinion of the cause of the mortality, if any, on board, and, if none, what precautionary measures, arrangements, or habits, are supposed to have had any, and what, agency in causing the exemption.

Informers.

4 July, 1864, c. 249, s. 9, v. 13, p. 392.

SEC. 4273. Informers shall be entitled to one-half of any penalty or fine collected under the provisions relating to the transportation of passengers in vessels to or from any foreign port or place other than foreign contiguous country, upon their information.

Vessels carrying passengers without the United States.

19 Feb., 1862, c. 27, s. 5, v. 12, p. 341.

SEC. 4274. The provisions of this Title relating to the transportation of passengers between the United States and any port other than foreign contiguous territory, except such as relate to lists or manifests of passengers, shall apply to all vessels owned, in whole or in part, by citizens of the United States, and registered, enrolled, or licensed within the United States, and to all masters thereof carrying passengers or intending to carry passengers from any foreign port without the United States to any other foreign port without the United States, and all the penalties and forfeitures provided for in such provisions shall apply to such vessels and masters.

SEC. 4275. Neither the officers, seamen, nor other persons employed on board of any vessel bringing emigrant passengers to the United States, or any of them, shall visit or frequent any part of such vessel assigned to emigrant passengers, except by the direction or permission of the master of such vessel first made or given for such purpose. Every officer, seaman, or other person employed on board of such vessel, who shall violate the provisions of this section shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall forfeit to the vessel his wages for the voyage of the vessel during which the offense has been committed. [See §§ 5349-5351.]

Penalty upon visiting part of vessel assigned to emigrants.

24 March, 1860, c. 8, s. 2, v. 12, p. 3.

SEC. 4276. Every master who directs or permits any officer or seaman or other person employed on board of any vessel to visit or frequent any part of such vessel assigned to emigrant passengers, except for the purpose of doing or performing some necessary act or duty as an officer, seaman, or other person employed on board of the vessel, shall be deemed guilty of a misdemeanor, and shall be punishable by a fine of fifty dollars for each occasion on which he so directs or permits the provisions of this section to be violated by any officer, seaman, or other person employed on board of such vessel.

Penalty for permitting officers or seamen to visit such part of vessel.

24 March, 1860, c. 8, s. 2, v. 12, p. 3.

SEC. 4277. The master of every vessel bringing emigrant passengers to the United States shall post a written or printed notice in the English, French, and German languages containing the provisions of the two preceding sections in a conspicuous place on the fore-castle, and in the several parts of the vessel assigned to emigrant passengers, and keep the same so posted during the voyage; and if he neglects so to do, he shall be deemed guilty of a misdemeanor, and shall be punishable by a fine of not more than five hundred dollars.

Notice to be posted in emigrant-vessels.

24 March, 1860, c. 8, s. 3, v. 12, p. 4.

SEC. 4278. It shall not be lawful to transport, carry, or convey, ship, deliver on board, or cause to be delivered on board, the substance or article known or designated as nitro-glycerine, or glynoil oil, nitro-leum or blasting oil, or nitrated oil, or powder mixed with any such oil, or fiber saturated with any such article or substance, upon or in any vessel or vehicle used or employed in transporting passengers by land or water between a place in any foreign country and a place within the limits of any State, Territory, or district of the United States, or between a place in one State, Territory, or district of the United States, and a place in any other State, Territory, or district thereof. [See §§ 5353-5355.]

Transportation of nitro-glycerine

3 July, 1866, c. 162, s. 1, v. 14, p. 81.

SEC. 4279. It shall not be lawful to ship, send, or forward any quantity of the substances or articles named in the preceding section, or to transport, convey, or carry the same by a vessel or vehicle of any description, upon land or water, between a place in a foreign country and a place within the United States, or between a place in one State, Territory, or district of the United States, and a place in any other State, Territory, or district thereof, unless the same shall be securely inclosed, deposited, or packed in a metallic vessel surrounded by plaster of Paris, or other material that will be non-explosive when saturated with such oil or substance, and separate from all other substances, and the outside of the package containing the same be marked, printed, or labeled in a conspicuous manner with the words "Nitro-glycerine, dangerous."

Packing and marking nitro-glycerine.

3 July, 1866, c. 162, s. 3, v. 14, p. 82.

[See § 5355.]

SEC. 4280. The two preceding sections shall not be so construed as to prevent any State, Territory, district, city, or town within the United States from regulating or from prohibiting the traffic in or transportation of those substances, between persons or places lying or being within their respective territorial limits, or from prohibiting the introduction thereof into such limits, for sale, use, or consumption therein.

Regulation by States of traffic in nitro-glycerine.

Ibid., s. 5.

SEC. 4281. If any shipper of platina, gold, gold dust, silver, bullion, or other precious metals, coins, jewelry, bills of any bank or public body, diamonds, or other precious stones, or any gold or silver in a manufactured or unmanufactured state, watches, clocks, or time-pieces of any description, trinkets, orders, notes, or securities for payment of money, stamps, maps, writings, title deeds, printings, engravings, pictures, gold or silver plate or plated articles, glass, china, silks in a manufac-

Liability of masters, &c., as carriers.

28 Feb., 1871, c. 100, s. 69, v. 16, p. 458.

tured or unmanufactured state, and whether wrought up or not wrought up with any other material, furs, or lace, or any of them, contained in any parcel, or package, or trunk, shall lade the same as freight or baggage, on any vessel, without at the time of such lading giving to the master, clerk, agent, or owner of such vessel receiving the same a written notice of the true character and value thereof, and having the same entered on the bill of lading therefor, the master and owner of such vessel shall not be liable as carriers thereof in any form or manner; nor shall any such master or owner be liable for any such goods beyond the value and according to the character thereof so notified and entered.

Loss by fire.

3 March, 1851, c. 43, s. 1, v. 9, p. 635.

Walkers. Transportation Co., 3 Wall., 150.

Liability of owner not to exceed his interest.

Ibid., s. 3.

Norwich Co. vs. Wright, 13 Wall., 104; *Allen vs. MacKay*, 1 Sprague, 219.

General average of losses.

3 March, 1851, c. 43, s. 4, v. 9, p. 635.

Norwich Co. vs. Wright, 13 Wall., 104; *The Steamboat City of Norwich*, 1 Ben., 89.

Transfer of interest of owner to trustee.

Ibid.

Norwich Co. vs. Wright, 13 Wall., 104.

When charterer is deemed owner.

Ibid., s. 5, p. 636.

Thorp vs. Hammond, 12 Wall., 408.

Remedies reserved.

Ibid., s. 6.

Shipping inflammable materials.

Ibid., s. 7.

SEC. 4282. No owner of any vessel shall be liable to answer for or make good to any person any loss or damage which may happen to any merchandise whatsoever, which shall be shipped, taken in, or put on board any such vessel, by reason or by means of any fire happening to or on board the vessel, unless such fire is caused by the design or neglect of such owner.

SEC. 4283. The liability of the owner of any vessel, for any embezzlement, loss, or destruction, by any person, of any property, goods, or merchandise, shipped or put on board of such vessel, or for any loss, damage, or injury by collision, or for any act, matter, or thing, lost, damage, or forfeiture, done, occasioned, or incurred, without the privity or knowledge of such owner or owners, shall in no case exceed the amount or value of the interest of such owner in such vessel, and her freight then pending.

SEC. 4284. Whenever any such embezzlement, loss, or destruction is suffered by several freighters or owners of goods, wares, merchandise, or any property whatever, on the same voyage, and the whole value of the vessel, and her freight for the voyage, is not sufficient to make compensation to each of them, they shall receive compensation from the owner of the vessel, in proportion to their respective losses; and for that purpose the freighters and owner of the property, and the owner of the vessel, or any of them, may take the appropriate proceedings in any court, for the purpose of apportioning the sum for which the owner of the vessel may be liable among the parties entitled thereto.

SEC. 4285. It shall be deemed a sufficient compliance on the part of such owner with the requirements of this Title relating to his liability for any embezzlement, loss, or destruction of any property, goods, or merchandise, if he shall transfer his interest in such vessel and freight, for the benefit of such claimants, to a trustee, to be appointed by any court of competent jurisdiction, to act as such trustee for the person who may prove to be legally entitled thereto; from and after which transfer all claims and proceedings against the owner shall cease.

SEC. 4286. The charterer of any vessel, in case he shall man, victual, and navigate such vessel at his own expense, or by his own procurement, shall be deemed the owner of such vessel within the meaning of the provisions of this Title relating to the limitation of the liability of the owners of vessels; and such vessel, when so chartered, shall be liable in the same manner as if navigated by the owner thereof.

SEC. 4287. Nothing in the five preceding sections shall be construed to take away or affect the remedy to which any party may be entitled, against the master, officers, or seamen, for or on account of any embezzlement, injury, loss, or destruction of merchandise, or property, put on board any vessel, or on account of any negligence, fraud, or other malversation of such master, officers, or seamen, respectively, nor to lessen or take away any responsibility to which any master or seaman of any vessel may by law be liable, notwithstanding such master or seaman may be an owner or part owner of the vessel.

SEC. 4288. Any person shipping oil of vitriol, unslaked lime, inflammable matches, or gunpowder, in a vessel taking cargo for divers persons on freight, without delivering, at the time of shipment, a note in writing, expressing the nature and character of such merchandise, to the master, mate, officer, or person in charge of the lading of the vessel, shall be

liable to the United States in a penalty of one thousand dollars. But this section shall not apply to any vessel of any description whatsoever used in rivers or inland navigation.

SEC. 4289. The provisions of this Title relating to the limitation of the liability of the owners of vessels, shall not apply to the owners of any canal-boat, barge, or lighter, or to any vessel of any description whatsoever used in rivers or inland navigation.

Exception to
limitation of liabil-
ity.

Ibid.

Propeller Niagara vs. Cordes, 21 How., 26; Moore vs. Transportation Co. 24 How., 1.

CHAPTER SEVEN.

LOG-BOOKS.

Sec.

4290. Entries in log-book.

4291. Mode of making entries.

Sec.

4292. Penalty for omitting entries.

SEC. 4290. Every vessel making voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall have an official log-book; and every master of such vessel shall make, or cause to be made therein, entries of the following matters, that is to say:

Entries in log-
book.

7 June, 1872, c.
322, s. 58, v. 17, p.
275.

First. Every legal conviction of any member of his crew, and the punishment inflicted.

Second. Every offense committed by any member of his crew for which it is intended to prosecute, or to enforce a forfeiture, together with such statement concerning the reading over such entry, and concerning the reply, if any, made to the charge, as is required by the provisions of section forty-five hundred and thirty.

Third. Every offense for which punishment is inflicted on board, and the punishment inflicted.

Fourth. A statement of the conduct, character, and qualifications of each of his crew; or a statement that he declines to give an opinion of such particulars.

Fifth. Every case of illness or injury happening to any member of the crew, with the nature thereof, and the medical treatment.

Sixth. Every case of death happening on board, with the cause thereof.

Seventh. Every birth happening on board, with the sex of the infant, and the names of the parents.

Eighth. Every marriage taking place on board, with the names and ages of the parties.

Ninth. The name of every seaman or apprentice who ceases to be a member of the crew otherwise than by death, with the place, time, manner, and cause thereof.

Tenth. The wages due to any seaman or apprentice who dies during the voyage, and the gross amount of all deductions to be made therefrom.

Eleventh. The sale of the effects of any seaman or apprentice who dies during the voyage, including a statement of each article sold, and the sum received for it. [See § 4596.]

SEC. 4291. Every entry hereby required to be made in the official log-book shall be signed by the master and by the mate, or some other one of the crew, and every entry in the official log-book shall be made as soon as possible after the occurrence to which it relates, and, if not made on the same day as the occurrence to which it relates, shall be made and dated so as to show the date of the occurrence, and of the entry respecting it; and in no case shall any entry therein, in respect of any occurrence hap-

Mode of making
entries.

7 June, 1872, c.
322, s. 59, v. 17, p.
276.

**Penalty for
omitting entries.**

7 June, 1872, c.
322, s. 60, v. 17, p.
276.

pening previously to the arrival of the vessel at her final port, be made more than twenty-four hours after such arrival. [See § 4597.]

SEC. 4292. If in any case the official log-book is not kept in the manner hereby required, or if any entry hereby directed to be made in any such log-book is not made at the time and in the manner hereby directed, the master shall, for each such offense, be liable to a penalty of not more than twenty-five dollars; and every person who makes, or procures to be made, or assists in making, any entry in any official log-book in respect of any occurrence happening previously to the arrival of the vessel at her final port of discharge, more than twenty-four hours after such arrival, shall, for each offense, be liable to a penalty of not more than one hundred and fifty dollars.

CHAPTER EIGHT.

REGULATIONS FOR THE SUPPRESSION OF PIRACY.

Sec.

4293. Public vessels to suppress piracy.
4294. Seizure of piratical vessels.
4295. Merchant-vessels may resist pirates.
4296. Condemnation of piratical vessels.
4297. Seizure of vessels fitted out for piracy.

Sec.

4298. What vessels may be authorized to seize pirates.
4299. Duty of officers of customs and marshals.

**Public vessels to
suppress piracy.**

3 March, 1819, c.
77, s. 1, v. 3, p. 510.
30 Jan., 1823, c.
7, v. 3, p. 721.

**Seizure of piratical
vessels.**

3 March, 1819, c.
77, s. 2, v. 3, p. 512.
30 Jan., 1823, c.
7, v. 3, p. 721.

The *Mariana* n a
Flora, 11 Wh., 1;
The *Palmyra*, 12
Wh., 1.

**Merchant-vessels
may resist pirates.**

3 March, 1819, c.
77, s. 3, v. 3, p. 513.
30 Jan., 1823, c.
7, v. 3, p. 721.

U. S. *vs.* Brig Ma-
lek Adhel, 2 How.,
210.

**Condemnation
of piratical vessels.**

3 March, 1819, c.
77, s. 4, v. 3, p. 513.
30 Jan., 1823, c.
7, v. 3, p. 721.
5 Aug., 1861, c.
48, s. 1, v. 12, p. 314.

The *Mariana* n a
Flora, 11 Wh., 1;
The *Palmyra*, 12
Wh., 1; U. S. *vs.*
Brig Malek Adhel,
2 How., 210.

SEC. 4293. The President is authorized to employ so many of the public armed vessels as in his judgment the service may require, with suitable instructions to the commanders thereof, in protecting the merchant-vessels of the United States and their crews from piratical aggressions and depredations.

SEC. 4294. The President is authorized to instruct the commanders of the public armed vessels of the United States to subdue, seize, take, and send into any port of the United States, any armed vessel or boat, or any vessel or boat the, crew whereof shall be armed, and which shall have attempted or committed any piratical aggression, search, restraint, depredation, or seizure, upon any vessel of the United States, or of the citizens thereof, or upon any other vessel; and also to retake any vessel of the United States, or its citizens, which may have been unlawfully captured upon the high seas.

SEC. 4295. The commander and crew of any merchant-vessel of the United States, owned wholly, or in part, by a citizen thereof, may oppose and defend against any aggression, search, restraint, depredation, or seizure, which shall be attempted upon such vessel, or upon any other vessel so owned, by the commander or crew of any armed vessel whatsoever, not being a public armed vessel of some nation in amity with the United States, and may subdue and capture the same; and may also retake any vessel so owned which may have been captured by the commander or crew of any such armed vessel, and send the same into any port of the United States.

SEC. 4296. Whenever any vessel, which shall have been built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy as defined by the law of nations, or from which any piratical aggression, search, restraint, depredation, or seizure shall have been first attempted or made, is captured and brought into or captured in any port of the United States, the same shall be adjudged and condemned to their use, and that of the captors after due process and trial in any court having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought; and the same court shall thereupon order a sale and distribution thereof accordingly, and at its discretion.

SEC. 4297. Any vessel built, purchased, fitted out in whole or in part, or held for the purpose of being employed in the commission of any piratical aggression, search, restraint, depredation, or seizure, or in the commission of any other act of piracy, as defined by the law of nations, shall be liable to be captured and brought into any port of the United States if found upon the high seas, or to be seized if found in any port or place within the United States, whether the same shall have actually sailed upon any piratical expedition or not, and whether any act of piracy shall have been committed or attempted upon or from such vessel or not; and any such vessel may be adjudged and condemned, if captured by a vessel authorized as hereinafter mentioned, to the use of the United States and to that of the captors, and if seized by a collector, surveyor, or marshal, then to the use of the United States.

Seizure of vessels fitted out for piracy.

5 Aug., 1861, c. 48, s. 1, v. 12, p. 314.

SEC. 4298. The President is authorized to instruct the commanders of the public armed vessels of the United States, and to authorize the commanders of any other armed vessels sailing under the authority of any letters of marque and reprisal granted by Congress, or the commanders of any other suitable vessels, to subdue, seize, take, and, if on the high seas, to send into any port of the United States, any vessel or boat built, purchased, fitted out, or held as mentioned in the preceding section.

What vessels may be authorized to seize pirates.

5 Aug., 1861, c. 48, s. 2, v. 12, p. 315.

SEC. 4299. The collectors of the several ports of entry, the surveyors of the several ports of delivery, and the marshals of the several judicial districts within the United States, shall seize any vessel or boat built, purchased, fitted out, or held as mentioned in section forty-two hundred and ninety-seven, which may be found within their respective ports or districts, and to cause the same to be proceeded against and disposed of as provided by that section.

Duties of officers of customs and marshals.

Ibid., s. 3.

CHAPTER NINE.

SUMMARY TRIALS FOR CERTAIN OFFENSES AGAINST NAVIGATION LAWS.

Sec.

4300. When summary trials may be had.

4301. Complaint and answer.

4302. Amendments and adjournments.

4303. Challenges to jurors.

Sec.

4304. Limit of sentences.

4305. Recovery of penalties and forfeitures under navigation laws.

SEC. 4300. Whenever a complaint shall be made against any master, officer, or seaman of any vessel belonging, in whole or in part, to any citizen of the United States, of the commission of any offense, not capital or otherwise infamous, against any law of the United States made for the protection of persons or property engaged in commerce or navigation, it shall be the duty of the district attorney to investigate the same, and the general nature thereof, and if, in his opinion, the case is such as should be summarily tried, he shall report the same to the district judge, and the judge shall forthwith, or as soon as the ordinary business of the court will permit, proceed to try the cause, and for that purpose may, if necessary, hold a special session of the court, either in term-time or vacation. [See § 563.]

When summary trials may be had.

11 June, 1864, c. 121, s. 2, v. 13, p. 124.

SEC. 4301. At the summary trial of offenses against the laws for the protection of persons or property engaged in commerce or navigation, it shall not be necessary that the accused shall have been previously indicted, but a statement of complaint, verified by oath in writing, shall be presented to the court, setting out the offense in such manner as clearly to apprise the accused of the character of the offense complained of, and to enable him to answer the complaint. The complaint or statement shall be read to the accused, who may plead to or answer the same, or make a counter-statement. The trial shall thereupon be proceeded

Complaint and answer.

Ibid., ss. 3, 4, p. 125.

with in a summary manner, and the case shall be decided by the court, unless, at the time for pleading or answering, the accused shall demand a jury, in which case the trial shall be upon the complaint and plea of not guilty.

Amendments
and adjournments.

11 June, 1864, c.
121, s. 6, v. 13, p.
125.

SEC. 4302. It shall be lawful for the court to allow the district attorney to amend his statement of complaint at any stage of the proceedings, before verdict, if, in the opinion of the court, such amendment will work no injustice to the accused; and if it appears to the court that the accused is unprepared to meet the charge as amended, and that an adjournment of the cause will promote the ends of justice, such adjournment shall be made, until a further day, to be fixed by the court.

Challenges to
jurors.

Ibid., s. 7.

SEC. 4303. At the trial in summary cases, if by jury, the United States and the accused shall each be entitled to three peremptory challenges. Challenges for cause, in such cases, shall be tried by the court without the aid of triers. [See § 819.]

Limit of sen-
tences.

Ibid., s. 5.

SEC. 4304. It shall not be lawful for the court to sentence any person convicted in such trial to any greater punishment than imprisonment in jail for one year, or to a fine exceeding five hundred dollars, or both, in its discretion, in those cases where the laws of the United States authorize such imprisonment and fine.

Recovery of pen-
alties and forfeit-
ures under naviga-
tion laws.

31 Dec., 1792, c.
1, s. 29, v. 1, p. 298.

SEC. 4305. All the penalties and forfeitures which may be incurred for offenses against this Title may be sued for, prosecuted, and recovered in such court, and be disposed of in such manner, as any penalties and forfeitures which may be incurred for offenses against the laws relating to the collection of duties, except when otherwise expressly prescribed.

TITLE XLIX.

REGULATION OF VESSELS IN FOREIGN COMMERCE.

| Sec. | Sec. |
|---|--|
| 4306. Passports of United States vessels on departure to foreign country. | 4308. Passports of unregistered vessels. |
| 4307. Penalty for departing without passport. | 4309. Deposit of ship's papers with consul. |
| | 4310. Penalty for failure to deposit papers with consul. |

SEC. 4306. Every vessel of the United States, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector for the district where such vessel may be, with a passport, the form for which shall be prescribed by the Secretary of State. In order to be entitled to such passport, the master of every such vessel shall be bound, with sufficient sureties, to the Treasurer of the United States, in the penalty of two thousand dollars, conditioned that the passport shall not be applied to the use or protection of any other vessel than the one described in it; and that, in case of the loss or sale of any vessel having such passport, the same shall, within three months, be delivered up to the collector from whom it was received, if the loss or sale take place within the United States; or within six months, if the same shall happen at any place nearer than the Cape of Good Hope; and within eighteen months, if at a more distant place.

SEC. 4307. If any vessel of the United States shall depart therefrom, and shall be bound to any foreign country, other than to some port in America, without such passport, the master of such vessel shall be liable to a penalty of two hundred dollars for every such offense.

SEC. 4308. Every unregistered vessel owned by a citizen of the United States, and sailing with a sea-letter, going to any foreign country, shall, before she departs from the United States, at the request of the master, be furnished by the collector of the district where such vessel may be with a passport, for which the master shall be subject to the rules and conditions prescribed for vessels of the United States.

SEC. 4309. Every master of a vessel, belonging to citizens of the United States, who shall sail from any port of the United States, shall, on his arrival at a foreign port, deposit his register, sea-letter, and Mediterranean passport with the consul, vice-consul, commercial agent, or vice-commercial agent, if any there be at such port; and it shall be the duty of such consul, vice-consul, commercial agent, or vice-commercial agent, on such master or commander producing to him a clearance from the proper officer of the port where his vessel may be, to deliver to the master all of his papers, if such master or commander has complied with the provisions of law relating to the discharge of seamen in a foreign country, and to the payment of the fees of consular officers. [See § 1718.]

SEC. 4310. Every master of any such vessel who refuses or neglects to deposit the papers as required by the preceding section, shall be liable to a penalty of five hundred dollars, to be recovered by such consul, vice-consul, commercial agent, or vice-commercial agent, in his own name, for the benefit of the United States, in any court of competent jurisdiction.

Passports of United States vessels on departure to foreign country.

1 June, 1796, c. 45, ss. 1, 2, v. 1, p. 489.

12 Feb., 1831, c. 20, v. 4, p. 441.

Penalty for departing without passport.

1 June, 1796, c. 45, s. 4, v. 1, p. 490.

Passports of unregistered vessels.

2 March, 1803, c. 16, s. 1, v. 2, p. 208.

Deposit of ship's papers with consul.

28 Feb., 1803, c. 9, s. 2, v. 2, p. 203.

Penalty for failure to deposit papers with consul.

Ibid.

TITLE L.

REGULATION OF VESSELS IN DOMESTIC COMMERCE.

| Sec. | Sec. |
|--|--|
| 4311. What are deemed vessels of the United States. | 4352. Penalty for not delivering up manifest. |
| 4312. What vessels may be enrolled. | 4353. Manifests and permits for vessels trading between remote districts. |
| 4313. Enrollment of vessels owned by corporations. | 4354. Penalty for proceeding without manifest and permit. |
| 4314. Oath of president, &c., of corporation. | 4355. Delivery of manifest before unloading. |
| 4315. Death, &c., of president of corporation. | 4356. Penalty for not delivering up manifest. |
| 4316. Enrollment of steamboats owned by aliens. | 4357. Trade between Long Island and Rhode Island. |
| 4317. Bond by alien owner. | 4358. Trade between Alaska and other districts. |
| 4318. Enrollment of vessels on frontiers. | 4359. Exemption from requirements as to manifests and permits. |
| 4319. Form of enrollment of vessels. | 4360. Penalties for not exhibiting manifest, &c. |
| 4320. License of vessels. | 4361. Registered vessels. |
| 4321. Form of license. | 4362. Permits for transportation inland. |
| 4322. Exchange of enrollment and registry. | 4363. Penalty for failure to report arrival of merchandise transported inland. |
| 4323. Exchange when vessel is in another district. | 4364. Permit to touch at foreign port. |
| 4324. Expiration of license. | 4365. Penalty for touching at foreign port without permission. |
| 4325. Surrender of license. | 4366. Report of arrival at port other than that of destination. |
| 4326. Loss of license. | 4367. Foreign vessels bound coastwise. |
| 4327. Renewal of license. | 4368. Delivery of manifest by foreign vessel. |
| 4328. Renewal when vessel is in another district. | 4369. Penalty against foreign vessels trading coastwise. |
| 4329. Renewal upon sale of vessel. | 4370. Penalty upon foreign tug-boats towing vessels between United States ports. |
| 4330. Oath as to payment for repairs. | 4371. Penalty for trading without license. |
| 4331. Measurement of vessels less than twenty tons. | 4372. Expiration of license at sea. |
| 4332. Signatures to enrollment, license, &c. | 4373. Penalty for illegal enrollment or license. |
| 4333. Record of licenses. | 4374. Penalty for malfeasance. |
| 4334. Name and port to be painted on stern of vessel. | 4375. Penalty for forgery and alteration. |
| 4335. Change of master. | 4376. Penalty for obstructing officers. |
| 4336. Inspection. | 4377. Penalty for violations of license. |
| 4337. Penalty for unlawfully proceeding upon foreign voyage. | 4378. Exceptions to forfeitures. |
| 4338. Certificate for vessel proceeding upon foreign voyage. | 4379. Notice of seizure. |
| 4339. Papers for vessels in whale-fishery. | 4380. Recovery of forfeitures and penalties. |
| 4340. Enrollments at Jersey City. | 4381. Fees. |
| 4341. Enrollments at Camden. | 4382. Fees on frontiers. |
| 4342. Enrollments at Wilmington, N. C. | 4383. Posting table of fees. |
| 4343. Enrollments at Chesapeake City. | 4384. Vessels liable for fees for enrollment. |
| 4344. Surveyors may be authorized to enroll vessels. | 4385. Lighters and boats. |
| 4345. Surveyors at Cold Spring, Greenport, and Port Jefferson. | 4386. Transportation of animals. |
| 4346. Fees of surveyors for enrollment. | 4387. Animals to be fed and watered; lien. |
| 4347. Transportation of merchandise in foreign vessels. | 4388. Penalty for neglect. |
| 4348. Establishment of great districts. | 4389. Penalties, how recovered; prosecutions. |
| 4349. Manifests and permits for vessels trading between neighboring districts. | 4390. Lien, how enforced. |
| 4350. Penalty for proceeding without manifest and permit. | |
| 4351. Delivery of manifest before unloading. | |

What are deemed vessels of the United States.

SEC. 4311. Vessels of twenty tons and upward, enrolled in pursuance of this Title, and having a license in force, or vessels of less than twenty tons, which, although not enrolled, have a license in force, as required by this Title, and no others, shall be deemed vessels of the United

States entitled to the privileges of vessels employed in the coasting-trade or fisheries. [See § 4220.] 18 Feb., 1793, c. 8, s. 1, v. 1, p. 305.

Gibbons *vs.* Ogden, 9 Wh., 1; Wilson *vs.* The Blackbird Creek Marsh Co., 2 Pet., 245; License Cases, 5 How., 583, 4, 5; Pennsylvania *vs.* Wheeling Bridge Co., 13 How., 385, 6; Siut *vs.* Daveport, 22 How., 227; Foster *vs.* Davenport, 22 How., 244.

SEC. 4312. In order for the enrollment of any vessel, she shall possess the same qualifications, and the same requirements in all respects shall be complied with, as are required before registering a vessel; and the same powers and duties are conferred and imposed upon all officers, respectively, and the same proceedings shall be had, in enrollment of vessels, as are prescribed for similar cases in registering; and vessels enrolled, with the masters or owners thereof, shall be subject to the same requirements as are prescribed for registered vessels. [See §§ 4131-4196.]

What vessels may be enrolled.

Ibid., s. 2.

The Mohawk, 5 Wall., 566; The Acorn, 2 Abb. U. S., 434; Schooner Two Friends, 1 Gallis., 118; U. S. *vs.* Steamboat Forrester, Newb., 81.

SEC. 4313. Enrollments and licenses for vessels owned by any incorporated company may be issued in the name of the president or secretary of such company; and such enrollments or licenses shall not be vacated or affected by any sale of shares of stock in such company.

Enrollment of vessels owned by corporations.

3 March, 1825, c. 99, s. 1, v. 4, p. 129.

Oath of president, &c., of corporation.

Ibid., s. 4.

SEC. 4314. Previously to granting enrollment and license for any vessel, owned by any company, the president or secretary of such company shall swear to the ownership of such vessel, by such company, without designating the names of the persons composing such company; which oath shall be deemed sufficient, without requiring the oath of any other person interested or concerned in such vessel.

Death, &c., of president of corporation.

Ibid., s. 3.

SEC. 4315. Upon the death, removal, or resignation of the president or secretary of any incorporated company owning any vessel, a new enrollment and license shall be taken out for such steamboat or vessel.

Enrollment of steamboats owned by aliens.

12 March, 1812, c. 40, s. 1, v. 2, p. 694.

SEC. 4316. Any steamboat employed or intended to be employed only in a river or bay of the United States, owned wholly or in part by an alien resident within the United States, may be enrolled and licensed, as if the same belonged to a citizen of the United States, subject to all the provisions of this Title, except that, in such case, no oath shall be required that the boat belongs to a citizen of the United States.

Bond by alien owner.

Ibid., s. 2.

SEC. 4317. Such resident alien, owner of any steamboat, upon application for enrollment or license, shall give bond to the collector of the district, for the use of the United States, in the penalty of one thousand dollars, with sufficient surety, conditioned that the boat shall not be employed in other waters than the rivers and bays of the United States.

Enrollment of vessels on frontiers.

17 June, 1864, c. 130, s. 1, v. 13, p. 134.

The Mohawk, 3 Wall., 566; U. S. *vs.* Steamboat Forrester, Newb., 81.

Form of enrollment of vessels.

18 Feb., 1793, c. 8, s. 2, v. 1, p. 305.

29 July, 1850, c. 27, s. 5, v. 9, p. 441.

Fox *vs.* The Lodemias, Crabbe, 271.

SEC. 4318. Any vessel of the United States, navigating the waters on the northern, northeastern, and northwestern frontiers, otherwise than by sea, shall be enrolled and licensed in such form as other vessels; such enrollment and license shall authorize any such vessel to be employed either in the coasting or foreign trade on such frontiers, and no certificate of register shall be required for vessels so employed. Such vessel shall be, in every other respect, liable to the regulations and penalties relating to registered and licensed vessels.

SEC. 4319. The record of the enrollment of a vessel shall be made, and an abstract or copy thereof granted, as nearly as may be in the following: Enrollment. In conformity to Title L, "REGULATION OF VESSELS IN DOMESTIC COMMERCE," of the Revised Statutes of the United States, (inserting here the name of the person, with his occupation and place of abode, by whom the oath or affirmation is to be made,) having taken and subscribed the oath (or affirmation) required by law, and having sworn (or affirmed) that he (or she, and if more than one owner adding the words 'together with,' and the name or names, occupation or occupations, place or places of abode of the owner or owners, and the part or proportion of such vessel belonging to each

owner) is (or are) a citizen (or citizens) of the United States, and sole owner (or owners) of the ship or vessel called the (inserting here her name), of (inserting here the name of the port to which she may belong), whereof (inserting here the name of the master) is at present master, and is a citizen of the United States, and that the said ship or vessel was (inserting here when and where built), and (inserting here the name and office, if any, of the person by whom she shall have been surveyed and measured), having certified that the said ship or vessel has (inserting here the number of decks), and (inserting here the number of masts), and that her length is (inserting here the number of feet), her breadth (inserting here the number of feet), her depth (inserting here the number of feet), and that she measures (inserting here her number of tons); that she is (describing here the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her build, and specifying whether she has any or no gallery or head), and the said (naming the owner or the master, or other person acting in behalf of the owner or owners) by whom the certificate of measurement shall have been countersigned), having agreed to the description and measurement above specified, and sufficient security having been given, according to the said act, the said ship or vessel has been duly enrolled at the port of (naming the port where enrolled). Given under my hand and seal, at (naming the said port), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year, in words, at length)."

License of ves-
sels.

18 Feb., 1793, c.
8, s. 4, v. 1, p. 306.

U. S. vs. Steamer
Planter, Newb.,
262.

[See § 4220.]

SEC. 4320. In order to the licensing of any vessel for carrying on the coasting-trade or fisheries, the husband, or managing owner, together with the master thereof, with one or more sureties to the satisfaction of the collector granting the same, shall become bound to pay to the United States, if such vessel be of the burden of five tons and less than twenty tons, the sum of one hundred dollars; and if twenty tons and not exceeding thirty tons, the sum of two hundred dollars; and if above thirty tons and not exceeding sixty tons, the sum of five hundred dollars; and if above sixty tons, the sum of one thousand dollars, in case it shall appear, within two years from the date of the bond, that such vessel has been employed in any trade whereby the revenue of the United States has been defrauded, during the time the license granted to such vessel remained in force. The master of such vessel shall also swear that he is a citizen of the United States, and that such license shall not be used for any other vessel or any other employment than that for which it is specially granted, or in any trade or business whereby the revenue of the United States may be defrauded; and if such vessel be less than twenty tons burden, the husband or managing owner shall swear that she is wholly the property of citizens of the United States; whereupon it shall be the duty of the collector of the district comprehending the port whereto such vessel may belong, the duty of six cents per ton being first paid, to grant a license.

Form of license.

18 Feb., 1793, c.
8, s. 4, v. 1, p. 307.
24 May, 1828, c.
119, v. 4, p. 312.

U. S. vs. Schooner
Paryntha Davis, 1
Cliff., 532.

The Schooner
Nymph, 1 Sumn.,
516.

U. S. vs. Steamer
Planter, Newb.,
262.

SEC. 4321. The form of a license for carrying on the coasting-trade or fisheries shall be as follows:

"License for carrying on the (here insert 'coasting trade,' 'whale-fishery,' 'mackerel-fishery,' or 'cod-fishery,' as the case may be).

"In pursuance of Title L, 'REGULATION OF VESSELS IN DOMESTIC COMMERCE,' of the Revised Statutes of the United States, (inserting here the name of the husband or managing owner, with his occupation and place of abode, and the name of the master, with the place of his abode), having given bond that the (insert here the description of the vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else she may be), called the (insert here the vessel's name), whereof the said (naming the master) is master, burden (insert here the number of tons, in words) tons, as appears by her enrollment, dated at (naming the district, day, month and year, in words at length, but if she be less than twenty tons, insert, instead thereof, 'proof being had of her admeasurement'), shall not be employed in any trade, while this license shall

continue in force, whereby the revenue of the United States shall be defrauded, and having also sworn (or affirmed) that this license shall not be used for any other vessel, or for any other employment, than is herein specified, license is hereby granted for the said (inserting here the description of the vessel) called the (inserting here the vessel's name), to be employed in carrying on the (inserting here 'coasting-trade,' 'whale-fishery,' 'mackerel-fishery,' or 'cod-fishery,' as the case may be), for one year from the date hereof, and no longer. Given under my hand and seal, at (naming the said district), this (inserting the particular day) day of (naming the month), in the year (specifying the number of the year in words at length").

SEC. 4322. The collectors of the several districts may enroll and license any vessel that may be registered, upon such registry being given up, or may register any vessel that may be enrolled, upon such enrollment and license being given up.

Exchange of enrollment and registry.

18 Feb., 1793, c. 8, s. 3, v. 1, p. 306.

U. S. *vs.* Rogers, 3 Sumn., 342.

Exchange when vessel is in another district.

Ibid.

The Vincennes, Ware, 171.

SEC. 4323. When any vessel shall be in any other district than the one to which she belongs, the collector of such district, on the application of the master thereof, and upon his taking an oath that, according to his best knowledge and belief, the property remains as expressed in the register or enrollment proposed to be given up, and upon his giving the bonds required for granting registers, shall make the exchange of an enrollment for a register or a register for an enrollment; but in every such case, the collector to whom the register or enrollment and license may be given up shall transmit the same to the Register of the Treasury; and the register, or enrollment and license, granted in lieu thereof, shall, within ten days after the arrival of such vessel within the district to which she belongs, be delivered to the collector of the district, and be by him canceled. If the master shall neglect to deliver the register or enrollment and license within such time, he shall be liable to a penalty of one hundred dollars.

SEC. 4324. No license, granted to any vessel, shall be considered in force any longer than such vessel is owned, and of the description set forth in such license, or for carrying on any other business or employment than that for which she is specially licensed.

Expiration of license.

Ibid., s. 5.

SEC. 4325. The license granted to any vessel shall be given up to the collector of the district who may have granted the same, within three days after the expiration of the time for which it was granted, in case such vessel be then within the district, or if she be absent at that time, within three days from her first arrival within the district afterward, or if she be sold out of the district, within three days after the arrival of the master within any district, to the collector of such district, taking his certificate therefor; and if the master thereof shall neglect or refuse to deliver up the license, he shall be liable to a penalty of fifty dollars.

Surrender of license.

Ibid., s. 9, p. 308.

SEC. 4326. If such license, however, shall have been previously given up to the collector of any other district, as authorized by this Title, and a certificate thereof under the hand of such collector be produced by such master, or if such license be lost, or destroyed, or unintentionally mislaid so that it cannot be found, and the master of such vessel shall make and subscribe an oath that such license is lost, destroyed, or unintentionally mislaid, as he verily believes, and that the same, if found, shall be delivered up, as is herein required, then the penalty prescribed in the preceding section shall not be incurred. If such license shall be lost, destroyed, or unintentionally mislaid, before the expiration of the time for which it was granted, upon the like oath being made and subscribed by the master of such vessel, the collector, upon application being made therefor, shall license such vessel anew.

Loss of license.

Ibid.

SEC. 4327. The owner of any licensed vessel may return such license to the collector who granted the same, at any time within the year for which it was granted; and thereupon the collector shall cancel the

Renewal of license.

18 Feb., 1793, c. 8, s. 10, v. 1, p. 309.
 18 July, 1866, c. 211, s. 43, v. 14, p. 188.

Renewal when vessel is in another district.

28 Feb., 1865, c. 69, v. 13, p. 444.

same, and shall license such vessel anew, upon the application of the owner, and upon the conditions hereinbefore required being complied with.

SEC. 4328. Whenever it becomes necessary for the owner of any vessel of the United States navigating the western rivers or the waters on the northern, northeastern, and northwestern frontiers of the United States otherwise than by sea, and being in a district other than that to which such vessel belongs, to procure her enrollment and license, or license, or renewal thereof, the same proceedings may be had in the district in which the vessel then is as are required by law on application for such enrollment and license, or license, or renewal thereof, as the case may be, in the district to which such vessel belongs, excepting the giving of bond and the enrollment and issuance of license; and the officer before whom such proceeding is had shall certify the same to the collector of the district to which such vessel belongs, who shall thereupon, on the owner giving bond as required in other cases, duly enroll the vessel and issue license in the same form as if the application had originally been made in his office; and shall either deliver the license to the owner, or forward it by mail to the officer who certified to him the preliminary proceedings; and in the latter case, such officer shall deliver the license to the owner or master of the vessel.

Renewal upon sale of vessel.

2 March, 1797, c. 7, v. 1, p. 498.

SEC. 4329. Whenever it appears, by satisfactory proof, to the Secretary of the Treasury that any vessel has been sold and transferred by process of law, and that the certificate of enrollment or license of such vessel is retained by the former owner, the Secretary may direct the collector of the district to which such vessel belongs to grant a new certificate of enrollment or license, on the owner's, under such sale, complying with such terms and conditions as are by law required for granting of such papers, excepting only the delivering up of the former certificate of enrollment or license. But nothing in this section shall be construed to remove the liability of any person to any penalty for not surrendering up the papers belonging to any vessel, on a transfer or sale of the same.

Oath as to payment for repairs.

18 July, 1866, c. 201, s. 23, v. 14, p. 184.

SEC. 4330. No license, or enrollment and license, nor renewal of either, shall hereafter be issued to any vessel until the collector to whom application is made for the same is satisfied, from the oath of the owner or master, that all equipments and repairs, made in a foreign port within the year immediately preceding such application, have been duly accounted for, and the duties accruing thereon duly paid; and if such owner or master shall refuse to take such oath, or take it falsely, the vessel shall be seized and forfeited. [See §§ 3114, 3115.]

Measurement of vessels less than twenty tons.

18 Feb., 1793, c. 8, s. 26, v. 1, p. 315.
 6 May, 1864, c. 83, s. 1, v. 13, p. 69.

SEC. 4331. Before any vessel, of the burden of five tons, and less than twenty tons, shall be licensed, the same measurement shall be made of such vessel, and the same provisions observed relative thereto, as are to be observed in case of measuring vessels to be registered or enrolled; but in all cases, where such vessel or any other licensed vessel shall have been once measured, it shall not be necessary to measure such vessel anew, for the purpose of obtaining another enrollment or license, unless such vessel shall have undergone some alteration as to her burden, subsequent to the time of her former license. [See §§ 4148-4155.]

Signatures to enrollment, license, &c.

18 Feb., 1793, c. 8, s. 25, v. 1, p. 315.

SEC. 4332. In every case where the collector is by this Title directed to grant any enrollment, license, certificate, permit, or other document, the naval officer residing at the port, if there be one, shall sign the same; and every surveyor who certifies a manifest, or grants any permit, or who receives any certified manifest, or any permit, as is provided for in this Title, shall make return thereof monthly, or sooner, if it can conveniently be made, to the collector of the district where such surveyor resides.

Record of licenses.

Ibid., s. 7, p. 308.

SEC. 4333. The collector of each district shall progressively number the licenses by him granted, beginning anew at the commencement of each year, and shall make a record thereof in a book, to be by him kept

for that purpose, and shall, once in three months, transmit to the Register of the Treasury copies of the licenses which shall have been so granted by him; and also of such licenses as shall have been given up or returned to him, respectively, in pursuance of this Title. Whenever any vessel is licensed or enrolled anew, or being licensed or enrolled is afterward registered, or being registered is afterward enrolled or licensed, she shall, in every such case, be enrolled, licensed, or registered by her former name.

SEC. 4334. Every licensed vessel shall have her name, and the port to which she belongs, painted on her stern, in the manner prescribed for registered vessels; and if any licensed vessel be found without such painting, the owner thereof shall be liable to a penalty of twenty dollars. [See § 4178.]

Name and port to be painted on stern of vessel.

Ibid., s. 11, p. 309.

SEC. 4335. Whenever the master of any licensed vessel, ferry-boats excepted, is changed, the new master, or, in case of his absence, the owner or one of the owners thereof, shall report such change to the collector residing at the port where the same happens, if there be one; otherwise, to the collector residing at any port where such vessel next arrives, who, upon the oath of such new master, or, in case of his absence, of the owner, that such master is a citizen of the United States, and that such vessel shall not, while such license continues in force, be employed in any manner whereby the revenue of the United States may be defrauded; shall indorse such change on the license, with the name of the new master. Whenever such change is not reported, and indorsed, as herein required, such vessel, if found carrying on the coasting-trade or fisheries, shall be subject to pay the same fees and tonnage as a vessel of the United States having a register, and the new master shall be liable to a penalty of ten dollars.

Change of master.

Ibid., s. 12.

SEC. 4336. Any officer concerned in the collection of the revenue may at all times inspect the enrollment or license of any vessel; and if the master of any such vessel shall not exhibit the same, when required by such officer, he shall be liable to a penalty of one hundred dollars.

Inspection.

Ibid., s. 13.

SEC. 4337. If any vessel, enrolled or licensed, shall proceed on a foreign voyage, without first giving up her enrollment and license to the collector of the district comprehending the port from which she is about to proceed on such voyage, and being duly registered by such collector, every such vessel, together with her tackle, apparel, and furniture, and the merchandise so imported therein, shall be liable to seizure and forfeiture.

Penalty for unlawfully proceeding upon foreign voyage.

Ibid., s. 8, p. 308.

vs. U. S., 1 Story, 1; *U. S. vs. Schooner Hawk, Bee*, 34; *Sloop Julia*, 1 Gallis, 43; *Friendship and Cargo*, 1 Gallis, 45; *Lark and Cargo*, 1 Gallis, 55; *Three Brothers*, 1 Gallis, 142.

The Sloop Active, 7 Cr., 100; *Taber*

SEC. 4338. If the port from which any vessel, so enrolled or licensed is about to proceed on a foreign voyage, is not within the district where such vessel is enrolled, the collector of such district shall give to the master of such vessel a certificate, specifying that the enrollment and license of such vessel has been received by him, and the time when it was so received; which certificate shall afterward be delivered by the master to the collector who may have granted such enrollment and license.

Certificate for vessel proceeding upon foreign voyage.

Ibid.

SEC. 4339. All vessels which may clear with registers for the purpose of engaging in the whale fishery shall be deemed to have lawful and sufficient papers for such voyages, securing the privileges and rights of registered vessels, and the privileges and exemptions of vessels enrolled and licensed for the fisheries.

Papers for vessels in whale-fishery.

4 April, 1840, c. 6, s. 1, v. 5, p. 370.

SEC. 4340. The assistant collector at Jersey City may enroll and license all vessels engaged in the coasting-trade and fisheries, owned in whole or in part by residents of the counties of Hudson and Bergen, in the State of New Jersey.

Enrollments at Jersey City.

25 Feb., 1865, c. 55, v. 13, p. 438.

SEC. 4341. The assistant collector for the port of Camden, in New Jersey, may enroll and license all vessels engaged in the coasting-trade and

Enrollments at Camden.

28 Feb., 1867, c. 103, s. 2, v. 14, p. 417.

Enrollments at Wilmington, N. C.

3 March, 1849, c. 122, s. 7, v. 9, p. 410.

Enrollments at Chesapeake City, Md.

3 March, 1849, c. 127, s. 2, v. 9, p. 414.

Surveyors may be authorized to enroll vessels.

11 Feb., 1830, c. 14, s. 1, v. 4, p. 372.

Surveyors at Cold Spring, Greenport, and Port Jefferson.

26 Jan., 1848, c. 5, v. 9, p. 209.

31 Aug., 1852, c. 115, s. 3, v. 10, p. 144.

Fees of surveyor for enrollment.

11 Feb., 1830, c. 14, s. 2, v. 4, p. 373.

Transportation of merchandise in foreign vessels.

1 March, 1817, c. 31, s. 4, v. 3, p. 351.

3 March, 1873, c. 213, s. 4, v. 17, p. 483.

fisheries, owned in whole or in part by residents of that portion of the Bridgeton district lying north of Alloway's Creek, in the county of Salem, in the State of New Jersey.

SEC. 4342. The owners of vessels residing on New River, in Onslow County, in the State of North Carolina, shall have the privilege of taking out registers or enrollments and licenses at Wilmington, in that State, and the collector of that district may grant the same on the conditions required by law.

SEC. 4343. The deputy collector who may be appointed to reside at Chesapeake City, in Maryland, shall have power to grant enrollments and licenses to vessels.

SEC. 4344. The Secretary of the Treasury may authorize the surveyor of any port of delivery, under such regulations as he shall deem necessary, to enroll and license vessels to be employed in the coasting-trade and fisheries, in like manner as collectors of ports of entry are authorized to do

SEC. 4345. The surveyors appointed for the ports of Cold Spring, on the north side of Long Island, Greenport and Port Jefferson, all in the State of New York, shall have power to enroll and license vessels to be employed in the coasting trade and fisheries, and to enter and clear, and grant registers and other usual papers to vessels employed in the whale-fisheries, under such restrictions and regulations as the Secretary of the Treasury may deem necessary.

SEC. 4346. Any surveyor who shall perform the duties directed to be performed by the two preceding sections shall be entitled to receive the same commissions and fees as are allowed by law to collectors, for performing the same duties.

SEC. 4347. No merchandise shall be imported under penalty of forfeiture thereof, from one port of the United States to another port of the United States, in a vessel belonging wholly or in part to a subject of any foreign power; but this section shall not be construed to prohibit the sailing of any foreign vessel from one to another port of the United States, provided no merchandise, other than that imported in such vessel from some foreign port, and which shall not have been unladen, shall be carried from one port or place to another in the United States: *Provided, however,* That from the date of the President's proclamation declaring that he has evidence that the Imperial Parliament of Great Britain, the Parliament of Canada, and the legislature of Prince Edward's Island have passed laws on their part to give effect to the provisions of the treaty of Washington of May eighth, eighteen hundred and seventy-one, as contained in articles eighteen to twenty-five, inclusive, and article thirty of said treaty; and so long as said articles remain in force, according to the terms and conditions of article thirty-third of said treaty, all subjects of Her Britannic Majesty may carry in British vessels, without payment of duty, goods, wares, or merchandise from one port or place within the territory of the United States, upon the Saint Lawrence, the great lakes, and the rivers connecting the same, to another port or place within the territory of the United States as aforesaid: *And provided further,* That a portion of such transportation is made through the Dominion of Canada by land-carriage and in bond, under such rules and regulations as may be agreed upon between the government of Her Britannic Majesty and the Government of the United States: *And provided further,* That the President of the United States may, by proclamation, suspend the right of carrying provided for by this section, in case the Dominion of Canada should at any time deprive the citizens of the United States of the use of the canals in the said Dominion on terms of equality with the inhabitants of the Dominion, as provided in article twenty-seventh of said treaty: *And provided further,* That in case any export or other duty continues to be levied after the sixteenth day of June, eighteen hundred and seventy-two, no lumber or timber of any kind cut on that portion of the American ter-

ritory, in the State of Maine, watered by the river Saint John and its tributaries, and floated down that river to the sea, when the same is shipped to the United States from the province of New Brunswick, that then, and in that case, the President of the United States may, by proclamation, suspend all rights of carrying provided for by this section for such period as such export or other duty may be levied.

SEC. 4348. The sea-coast and navigable rivers of the United States shall be divided into three great districts: the first to include all the collection-districts on the sea-coast and navigable rivers, between the eastern limits of the United States and the southern limits of Georgia; the second to include all the collection-districts on the sea-coast and navigable rivers between the river Perdido and the Rio Grande; and the third to include all the collection-districts on the sea-coast and navigable rivers between the southern limits of Georgia and the river Perdido.

SEC. 4349. The master of every vessel under twenty tons burden licensed for carrying on the coasting-trade, destined from a district in one State to a district in the same or an adjoining State, on the sea-coast or on a navigable river, and of every vessel of the burden of twenty tons and upward, destined from a district within one of the great districts to another district within the same great district, or from a State in one great district to an adjoining State in another great district, having on board either distilled spirits in casks exceeding five hundred gallons, wines in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, or foreign merchandise in packages, as imported, exceeding in value four hundred dollars, or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, shall, previous to the departure of such vessel from the port where she may then be, make out and subscribe duplicate manifests of the whole of such cargo on board such vessel, specifying in such manifests the marks and numbers of every cask, bag, box, chest, or package containing the same, with the name and place of residence of every shipper and consignee, and the quantity shipped by and to each. If there be a collector or surveyor residing at such port, or within five miles thereof, he shall deliver such manifest to the collector, if there be one; otherwise to the surveyor, before whom he shall swear, to the best of his knowledge and belief, that the goods therein contained were legally imported, and the duties thereon paid or secured, or if spirits distilled within the United States that the duties thereupon have been paid or secured. Thereupon the collector or surveyor shall certify the same on the manifests, one of which he shall return to the master, with a permit, specifying thereon, generally, the lading on board such vessel, and authorizing him to proceed to the port of his destination. [See § 3977.]

SEC. 4350. If any vessel, being laden and destined, as mentioned in the preceding section, shall depart from the port where she may then be without the master having first made out and subscribed duplicate manifests of the lading on board such vessel, and in case there be a collector or surveyor residing at such port, or within five miles thereof, without having previously delivered the same to the collector or surveyor, and obtaining a permit, such master shall be liable to a penalty of one hundred dollars.

SEC. 4351. The master of every vessel licensed for carrying on the coasting-trade, having on board either distilled spirits in casks exceeding five hundred gallons, wine in casks exceeding two hundred and fifty gallons, or in bottles exceeding one hundred dozens, sugar in casks or boxes exceeding three thousand pounds, or foreign merchandise in packages, as imported, exceeding in value four hundred dollars, or goods, wares, or merchandise, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds eight hundred dollars, and arriving from a district in one State, at a district in the same or an adjoining State on the sea-coast, or on a

Establishment of
great districts.

2 March, 1819, c.
48, s. 1, v. 3, p. 492.
7 May, 1822, c. 62,
s. 11, v. 3, p. 685.

Manifests and
permits for vessels
trading between
neighboring dis-
tricts.

18 Feb., 1793, c.
8, s. 14, v. 1, p. 309.
2 March, 1819, c.
48, s. 2, v. 3, p. 493.

Penalty for pro-
ceeding without
manifest and per-
mit.

18 Feb., 1793, c.
8, s. 14, v. 1, p. 310.

Delivery of man-
ifest before unlad-
ing.

18 Feb., 1793, c.
8, s. 15, v. 1, p. 310.
2 March, 1819, c.
48, v. 3, p. 492.

Schooner Ameri-
ca, 1 Gallis., 231.

navigable river, or, if of the burden of twenty tons or upward, arriving at a district within one of the great districts from another district within the same great district, or from a State adjoining such great district, shall, previous to the unlading of any part of the cargo of such vessel, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, or if there be no collector or surveyor residing at such port, then to a collector or surveyor, if there be any such officer residing within five miles thereof, the manifest of the cargo, certified by the collector or surveyor of the district from whence she sailed if there be such manifest, otherwise the duplicate manifests thereof, as is hereinbefore directed, to the truth of which, before such officer, he shall swear. If there have been taken on board such vessel any other or more goods than are contained in such manifest or manifests, since her departure from the port from whence she first sailed, or if any goods have been since landed, the master shall make known and particularize the same to the collector or surveyor, or if no such goods have been so taken on board or landed, he shall so declare, to the truth of which he shall swear. Thereupon the collector or surveyor shall grant a permit for unlading a part or the whole of such cargo, as the master or commander may request. If there is no collector or surveyor residing at or within five miles of the port of her arrival, the master of such vessel may proceed to discharge the lading from on board such vessel, but shall deliver to the collector or surveyor residing at the first port where he may next afterward arrive, and within twenty-four hours of his arrival, the manifest or manifests, noting thereon the times when and places where the goods therein mentioned have been unladen, to the truth of which, before the last-mentioned collector or surveyor, he shall swear.

Penalty for not delivering up manifest.

18 Feb., 1793, c. 3, s. 15, v. 1, p. 310.

Manifests and permits for vessels trading between remote districts.

Ibid., s. 16, p. 311.

U. S. vs. Carr, 8 How., 1.

SEC. 4352. If the master of any such vessel, being laden and destined as mentioned in the preceding section, shall neglect or refuse to deliver manifests, at the times and in the manner directed, he shall be liable to a penalty of one hundred dollars.

SEC. 4353. The master of every vessel under twenty tons of burden licensed for carrying on the coasting-trade, and destined from any district of the United States to a district other than a district in the same or an adjoining State, on the sea-coast, or on a navigable river, and of every vessel of the burden of twenty tons and upward, destined to a district other than a district within the same great district, or within a State adjoining such great district, shall, previous to her departure, deliver to the collector residing at the port where such vessel may be, if there is one, otherwise to the collector of the district comprehending such port, or to a surveyor within the district, as the one or the other may reside nearest to the port at which such vessel may be, duplicate manifests of the whole cargo on board such vessel; or if there is no cargo on board, he shall so certify; and if there are any distilled spirits, or merchandise of foreign growth or manufacture on board, other than what may by the collector be deemed sufficient for sea-stores, he shall specify in such manifests the marks and numbers of every cask, bag, box, chest, or package containing the same, with the name, and place of residence of every shipper and consignee of such distilled spirits, or merchandise of foreign growth or manufacture, and the quantity shipped by and to each. The manifests or certificates shall be subscribed and sworn to by him; and he shall also swear, before the collector or surveyor, that such merchandise of foreign growth or manufacture was, to the best of his knowledge and belief, legally imported, and the duties thereupon paid or secured; or, if spirits distilled within the United States, that the duties thereupon have been duly paid or secured. Upon the performance of these provisions, and not before, the collector or surveyor shall certify the same on the manifests or certificates; one of which he shall return to the master, with a permit thereto annexed, authorizing him to proceed to the port of his destination.

SEC. 4354. If any such vessel, destined as mentioned in the preceding section, shall depart from the port where she may then be, having distilled spirits, or goods, wares, or merchandise of foreign growth or manufacture on board, without complying with the requirements of the preceding section, the master thereof shall be liable to a penalty of one hundred dollars; or, if the lading be of goods the growth or manufacture of the United States only, or if such vessel have no cargo, and she depart without the several things required in the preceding section being complied with, the master shall be liable to a penalty of fifty dollars.

Penalty for proceeding without manifest and permit.

Ibid.

SEC. 4355. The master of every vessel under twenty tons burden licensed to carry on the coasting trade, arriving at any district of the United States from any district other than a district in the same or an adjoining State on the sea-coast, or on a navigable river, and of every vessel of the burden of twenty tons and upward arriving from a district other than a district within the same great district, or from a State adjoining such great district, shall deliver to the collector residing at the port where she may arrive, if there be one, otherwise to the collector or surveyor in the district comprehending such port, as the one or the other may reside nearest thereto, if the collector or surveyor reside at a distance not exceeding five miles, within twenty-four hours, or, if at a greater distance, within forty-eight hours next after his arrival, and previous to the unlading any of the goods brought in such vessel, the manifest of the cargo, if there be any, certified by the collector or surveyor of the district from whence she last sailed; and shall make oath, before the collector or surveyor, that there was not when he sailed from the district where his manifest was certified, and has not been since, and is not then, any more or other merchandise of foreign growth or manufacture, or distilled spirits, if there be any, other than sea-stores, on board such vessel, than is therein mentioned; and if there be none such, he shall so swear; and if there be no cargo on board, he shall produce the certificate of the collector or surveyor of the district from whence she last sailed that such is the case. Thereupon such collector or surveyor shall grant a permit for unlading the whole or part of such cargo, if there be any within his district, as the master may request; and where a part only of the merchandise of foreign growth or manufacture, or of distilled spirits, brought in such vessel, is intended to be landed, the collector or surveyor shall make an indorsement of such part on the back of the manifest, specifying the articles to be landed; and shall return such manifest to the master, indorsing also thereon his permission for such vessel to proceed to the place of her destination.

Delivery of manifest before unlading.

18 Feb., 1793, c. 8, s. 17, v. 1, p. 311.
2 March, 1819, c. 48, v. 3, pp. 492, 493.

SEC. 4356. If the master of such vessel, laden and destined as mentioned in the preceding section, shall neglect or refuse to deliver the manifest, or, if she has no cargo, the certificate, within the time directed in the preceding section, he shall be liable to a penalty of one hundred dollars, and the merchandise of foreign growth or manufacture, or distilled spirits, found on board, or landed from such ship or vessel, not being certified as required, shall be forfeited; and if the same shall amount to the value of eight hundred dollars, such ship or vessel, with her tackle, apparel, and furniture, shall be also forfeited.

Penalty for not delivering up manifest.

18 Feb., 1793, c. 3, s. 17, v. 1, p. 311.

SEC. 4357. Coasting-vessels, going from Long Island, in the State of New York, to the State of Rhode Island, or from the State of Rhode Island to Long Island, shall have the same privileges as are allowed to vessels under the like circumstances going from a district in one State to a district in the same or an adjoining State.

Trade between Long Island and Rhode Island.
2 March, 1795, c. 41, v. 1, p. 426.

SEC. 4358. The coasting trade between the territory ceded to the United States by the Emperor of Russia and any other portion of the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great districts. [See §§ 1954-1958.]

Trade between Alaska and other districts.

27 July, 1868, c. 273, s. 5, v. 15, p. 241.

Exemption from requirements as to manifests and permits.

18 Feb., 1793, c. 8, s. 18, v. 1, p. 312.
2 March, 1819, c. 48, v. 3, p. 492.

SEC. 4359. Nothing in this Title shall be so construed as to oblige the master of any vessel of less than twenty tons burden, licensed for carrying on the coasting trade, bound from a district in one State to a district in the same or an adjoining State on the sea-coast, or on a navigable river, or of any vessel of the burden of twenty tons or upward, bound from a district within one of the great districts to a district within the same great district, or within a State adjoining such great district, having on board merchandise of the growth, product, or manufacture of the United States only, except distilled spirits, or distilled spirits not more than five hundred gallons, wine in casks not more than two hundred and fifty gallons, or in bottles not more than one hundred dozens, sugar in casks or boxes not more than three thousand pounds, or foreign merchandise in packages, as imported, of not more value than four hundred dollars, or merchandise consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value shall be not more than eight hundred dollars, to deliver a manifest thereof, or obtain a permit, previous to her departure, or, on her arrival within such district, to make any report thereof; but such master shall be provided with a manifest, by him subscribed, of the lading, of what kind soever, which was on board such vessel at the time of his departure from the district from which she last sailed, and if the same, or any part of such lading, consists of distilled spirits, or merchandise of foreign growth or manufacture, with the marks and numbers of each cask, bag, box, chest, or package containing the same, with the name of the shipper and consignee of each. Such manifest shall be by him exhibited, for the inspection of any officer of the revenue, when required by such officer; and he shall also inform such officer from whence such vessel last sailed, and how long she has been in port, when by him so interrogated.

Penalties for not exhibiting manifest, &c.

18 Feb., 1793, c. 8, s. 18, v. 1, p. 312.

SEC. 4360. Whenever the master of such vessel, laden and destined as described in the preceding section, is not provided, on his arrival within any such district, with a manifest, does not exhibit the same, as required in the preceding section, if the lading of such vessel consist wholly of merchandise the produce or manufacture of the United States, distilled spirits excepted, he shall be liable to a penalty of twenty dollars, or if there be distilled spirits, or merchandise of foreign growth or manufacture, on board, excepting what may be sufficient for sea-stores, he shall be liable to a penalty of forty dollars; or if he shall refuse to answer the interrogatories truly, as is herein required, he shall be liable to a penalty of one hundred dollars. If any of the merchandise laden on board such vessel be of foreign growth or manufacture, or of spirits distilled within the United States, so much of the same as may be found on board such vessel, and not included in the manifest exhibited by such master, shall be forfeited.

Registered vessels.

Ibid., s. 20, p. 313.

SEC. 4361. Whenever any vessel of the United States, registered according to law, is employed in going from any one district in the United States to any other district, such vessel, and the master thereof, with the goods she may have on board previous to her departure from the district where she may be, and also upon her arrival in any other district, shall be subject, except as to the payment of fees, to the same regulations, provisions, penalties, and forfeitures, and the like duties are imposed on like officers, as are provided for vessels licensed for carrying on the coasting-trade. Nothing herein contained shall be construed to extend to registered vessels of the United States having on board merchandise of foreign growth or manufacture, brought into the United States, in such vessel, from a foreign port, and on which the duties have not been paid according to law.

Permits for transportation inland.

Ibid., s. 19, p. 313.

SEC. 4362. The collector of the district of Philadelphia may grant permits for the transportation of merchandise of foreign growth or manufacture across the State of New Jersey to the district of New York, or across the State of Delaware to any district in the State of Maryland or Virginia; and the collector of the district of New York may grant like

permits for transportation across the State of New Jersey; and the collector of any district of Maryland or Virginia may grant like permits for transportation across the State of Delaware to the district of Philadelphia. Every such permit shall express the name of the owner, or person sending the merchandise, and of the person to whom the merchandise is consigned, with the marks, numbers, and description of the packages, whether bale, box, chest, or otherwise, and the kind of goods contained therein, and the date when granted; and the owner, or person sending such goods, shall swear that they were legally imported, and the duties paid. Where the merchandise, to be so transported, shall be of less value than eight hundred dollars, the permit shall not be deemed necessary.

SEC. 4363. The owner or consignee of all merchandise transported under the provisions of the preceding section and for the transportation whereof a permit is necessary, shall, within twenty-four hours after the arrival thereof at the place to which such merchandise was permitted to be transported, report the same to the collector of the district where it has arrived, and shall deliver up the permit accompanying the same; and if the owner or consignee shall neglect or refuse to make due entry of such merchandise within the time and in the manner directed, all such merchandise shall be subject to forfeiture; and if the permit granted shall not be given up within the time limited for making the report, the person to whom it was granted, neglecting or refusing to deliver it up, shall be liable to a penalty of fifty dollars for every twenty-four hours it shall be withheld afterward.

SEC. 4364. Whenever any vessel, licensed for carrying on the fishery, is intended to touch and trade at any foreign port, it shall be the duty of the master or owner to obtain permission for that purpose from the collector of the district where such vessel may be, previous to her departure, and the master of every such vessel shall deliver like manifests, and make like entries, both of the vessel and of the merchandise on board, within the same time, and under the same penalty, as are by law provided for vessels of the United States arriving from a foreign port.

SEC. 4365. Whenever a vessel, licensed for carrying on the fisheries, is found within three leagues of the coast, with merchandise of foreign growth or manufacture, exceeding the value of five hundred dollars, without having such permission as is directed by the preceding section, such vessel, together with the merchandise of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture.

SEC. 4366. The master of every vessel employed in the transportation of merchandise from district to district, that shall put into a port other than the one to which she was bound, shall, within twenty-four hours of his arrival, if there be an officer residing at such port, and she continue there so long, make report of his arrival to such officer, with the name of the place he came from, and to which he is bound, with an account of his lading; and every master who neglects or refuses so to do shall be liable to a penalty of twenty dollars.

SEC. 4367. The master of every foreign vessel bound from a district in the United States to any other district within the same, shall, in all cases, previous to her departure from such district, deliver to the collector of such district duplicate manifests of the lading on board such vessel, if there be any, or, if there be none, he shall declare that such is the case; and to the truth of such manifest or declaration he shall swear, and also obtain a permit from the collector, authorizing him to proceed to the place of his destination.

SEC. 4368. The master of every foreign vessel, on his arrival within any district from any other district, shall, in all cases, within forty-eight hours after his arrival, and previous to the unlading of any goods from on board such vessel, deliver to the collector of the district where he may have arrived, a manifest of the goods laden on board such vessel, if any there be; or if in ballast only, he shall so declare; he shall swear

Penalty for failure to report arrival of merchandise transported inland.

Ibid.

Priestman vs. U. S., 4 Dall., 28.

Permit to touch at foreign port.

Ibid., s. 21, p. 313.

Penalty for touching at foreign port without permission.

Ibid.

Report of arrival at port other than that of destination.

Ibid., s. 22, p. 314.

Foreign vessels bound coastwise.

Ibid., s. 24.

Delivery of manifest by foreign vessel.

Ibid.

to the truth of such manifest or declaration, and shall also swear that such manifest contains an account of all the merchandise which was on board such vessel at the time, or has been since her departure from the place from whence she shall be reported last to have sailed; and he shall also deliver to such collector the permit which was given him from the collector of the district from whence he sailed.

Penalty against
foreign vessels
trading coastwise.

Ibid.

Penalty upon for-
eign tug-boats
towing vessels be-
tween United
States ports.

18 July, 1866, c.
201, s. 21, v. 14, p.
183.

23 Feb., 1867, c.
78, v. 14, p. 410.

Penalty for trad-
ing without license.

18 Feb., 1793, c.
8, s. 6, v. 1, p. 307.

Expiration of li-
cense at sea.

18 Feb., 1793, c.
8, s. 6, v. 1, p. 308.

Penalty for illegal
enrollment or li-
cense.

18 Feb., 1793, c.
8, s. 29, v. 1, p. 315.

Penalty for mal-
feasance.

18 Feb., 1793, c.
8, s. 29, v. 1, p. 315.

SEC. 4369. Every master of any foreign vessel who neglects or refuses to comply with any of the requirements of the two preceding sections, shall be liable to a penalty of one hundred dollars. Nothing therein contained shall, however, be construed as affecting the payment of tonnage, or any other requirements to which such vessels are subject by law.

SEC. 4370. All steam tug-boats not of the United States found employed in towing documented vessels of the United States plying from one port or place in the same to another, shall be liable to a penalty of fifty cents per ton on the measurement of every such vessel so towed by them respectively, which sum may be recovered by way of libel or suit. This section shall not apply to any case where the towing, in whole or in part, is within or upon foreign waters. Any foreign railroad company or corporation, whose road enters the United States by means of a ferry or tug-boat, may own such boat, and it shall be subject to no other or different restrictions or regulations in such employment than if owned by a citizen of the United States.

SEC. 4371. Every vessel of twenty tons or upward, other than registered vessels found trading between district and district, or between different places in the same district, or carrying on the fishery without being enrolled and licensed, or if less than twenty tons and not less than five tons, without a license, in the manner provided by this Title, if laden with merchandise the growth or manufacture of the United States only, distilled spirits excepted, or in ballast, shall pay the same fees and tonnage in every port of the United States at which she may arrive as vessels not belonging to a citizen of the United States; and, if she have on board any articles of foreign growth or manufacture, or distilled spirits, other than sea-stores, she shall, together with her tackle, apparel, and furniture, and the lading found on board, be forfeited.

SEC. 4372. If any vessel be at sea at the expiration of the time for which the license was given, and the master of such vessel shall swear that such was the case, and shall also, within forty-eight hours after his arrival, deliver to the collector of the district in which he shall first arrive the license which shall have expired, the forfeiture prescribed in the preceding section shall not be incurred, nor shall the vessel be liable to pay the fees and tonnage therein required. [See § 4219.]

SEC. 4373. Every collector, who knowingly makes any record of enrollment or license of any vessel, and every other officer, or person, appointed by or under them, who makes any record, or grants any certificate or other document whatever, contrary to the true intent and meaning of this Title, or takes any other or greater fees than are by this Title allowed, or receives for any service performed pursuant to this Title, any reward or gratuity, and every surveyor, or other person appointed to measure vessels, who willfully delivers to any collector or naval officer a false description of any vessel, to be enrolled or licensed, in pursuance of this Title, shall be liable to a penalty of five hundred dollars, and be rendered incapable of serving in any office of trust or profit under the United States.

SEC. 4374. Every person, authorized and required by this Title to perform any act or thing as an officer, who willfully neglects or refuses to do and perform the same, according to the true intent and meaning of this Title, shall, if not subject to the penalty and disqualifications prescribed in the preceding section, be liable to a penalty of five hundred dollars for the first offense, and of like sum for the second offense, and shall, after conviction for the second offense, be rendered incapable of holding any office of trust or profit under the United States.

SEC. 4375. Every person who forges, counterfeits, erases, alters, or falsifies any enrollment, license, certificate, permit, or other document, mentioned or required in this Title, to be granted by any officer of the revenue, such person, so offending, shall be liable to a penalty of five hundred dollars. [See § 5423.]

Penalty for forgery and alteration.
18 Feb., 1793, c. 8, s. 30, v. 1, p. 316.

SEC. 4376. Every person who assaults, resists, obstructs, or hinders any officer in the execution of any act or law relating to the enrollment, registry, or licensing of vessels, or of this Title, or of any of the powers or authorities vested in him by any such act or law, shall, for every such offense, for which no other penalty is particularly provided, be liable to a penalty of five hundred dollars.

Penalty for obstructing officers.
18 Feb., 1793, c. 8, s. 31, v. 1, p. 316.

SEC. 4377. Whenever any licensed vessel is transferred, in whole or in part, to any person who is not at the time of such transfer a citizen of and resident within the United States, or is employed in any other trade than that for which she is licensed, or is found with a forged or altered license, or one granted for any other vessel, such vessel with her tackle, apparel, and furniture, and the cargo, found on board her, shall be forfeited. But vessels which may be licensed for the mackerel-fishery shall not incur such forfeiture by engaging in catching cod or fish of any other description whatever.

Penalty for violation of license.
18 Feb., 1793, c. 8, s. 32, v. 1, p. 316.
2 April, 1836, c. 55, v. 5, p. 16.

Schooner Two Friends, 1 Gallis., 118; The Sloop Julia, 1 Gallis., 233; Mars, 1 Gallis., 237; The Boat Eliza and Cargo, 2 Gallis., 4; U. S. *vs.* Schooner Hawk, Bee, 34; U. S. *vs.* Schooner Parynthia Davis, 1 Cliff., 532; The Schooner Nymph, 1 Sumn., 516.

SEC. 4378. Any merchandise on board any vessel which belongs, in good faith, to any person other than the master, owner, or mariners of such vessel, and upon which the duties have been paid, or secured according to law, shall be exempted from any forfeiture under this Title.

Exception to forfeiture.
18 Feb., 1793, c. 8, s. 33, v. 1, p. 316.

The Sloop Active, 7 Cr., 100; Schooner Two Friends, 1 Gall., 118.

SEC. 4379. In every case where a forfeiture of any vessel or merchandise shall accrue, it shall be the duty of the collector or other proper officer, who shall give notice of the seizure of such vessel or of such merchandise, to insert in the same advertisement the name and the place of residence of the person to whom any such vessel and merchandise belonged or were consigned, at the time of such seizure, if the same be known to him.

Notice of seizure.
18 Feb., 1793, c. 8, s. 28, v. 1, p. 315.

SEC. 4380. All penalties and forfeitures which shall be incurred by virtue of this Title may be sued for, prosecuted, and recovered as penalties and forfeitures incurred by virtue of the laws relating to the collection of duties, and shall be appropriated in like manner; except when otherwise expressly prescribed. [See §§ 3056-3090.]

Recovery of forfeitures and penalties.

18 Feb., 1793, c. 8, s. 35, v. 1, p. 317.

Keene *vs.* U. S., 5 Cr., 304.

SEC. 4381. The following fees shall be levied and collected from the owners and masters of all vessels except those navigating the waters of the northern, northeastern, and northwestern frontiers, otherwise than by sea:

Fees.

18 Feb., 1793, c. 8, s. 34, v. 1, p. 316.
1 July, 1870, c. 185, s. 7, v. 16, p. 177.

First. For measuring every vessel, in order to the enrollment or licensing and recording the same, the fees prescribed for like services in order to the registry of vessels.

Second. For every certificate of enrollment, fifty cents.

Third. For every indorsement on a certificate of enrollment, twenty cents.

Fourth. For every license, and granting the same, including the bond, if not exceeding twenty tons, twenty-five cents; if above twenty and not more than one hundred tons, fifty cents; and if more than one hundred tons, one dollar.

Fifth. For every indorsement on a license, twenty cents.

Sixth. For certifying manifests, and granting a permit for a licensed vessel to proceed from district to district, twenty-five cents; if less than fifty tons, and if above fifty tons, fifty cents.

Seventh. For receiving a certified manifest, and granting a permit, on

the arrival of such vessel, twenty five cents, if less than fifty tons; and if above fifty tons, fifty cents.

Eighth. For certifying manifests, and granting a permit for a registered vessel to proceed from district to district, one dollar and fifty cents.

Ninth. For receiving a certified manifest, and granting a permit on the arrival of such registered vessel, one dollar.

Tenth. For granting a permit for a vessel not belonging to a citizen or citizens of the United States, to proceed from district to district, and receiving the manifest, two dollars.

Eleventh. For receiving a manifest, and granting a permit, to unload, for such last-mentioned vessel, on her arrival in one district from another district, two dollars.

Twelfth. For granting a permit for a vessel carrying on the fishery to trade at a foreign port, twenty-five cents, and for the report and entry of any foreign goods imported in such vessel, twenty-five cents.

Fees on frontiers.

1 July, 1870, c.
185, s. 7, v. 16, p.
178.

10 Feb., 1871, Res.
27, s. 2, v. 16, p. 595.

SEC. 4382. The following fees shall be levied and collected from the owners and masters of vessels navigating the waters of the northern, northeastern, and northwestern frontiers of the United States, otherwise than by sea:

First. For the measurement of any vessel, the fees prescribed in Title XLVIII, "REGULATION OF COMMERCE AND NAVIGATION."

Second. For certificate of enrollment, including bond and oath, one dollar and ten cents.

Third. For granting license, including bond and oath, if not over twenty tons, forty-five cents.

Fourth. For granting license, including bond and oath, above twenty and not over one hundred tons, seventy cents.

Fifth. For granting license, including bond and oath, above one hundred tons, one dollar and twenty cents.

Sixth. For certifying manifest, including master's oath, and granting permit for vessel to go from district to district, under fifty tons, twenty-five cents.

Seventh. For certifying manifest, including master's oath, and granting permit for vessel to go from district to district, over fifty tons, fifty cents.

Eighth. For receiving manifest, including master's oath, on arrival of a vessel from one collection district to another, whether touching at foreign intermediate ports or not, under fifty tons, twenty-five cents.

Ninth. For receiving manifest, including master's oath, on arrival of a vessel from one collection-district to another, whether touching at foreign intermediate ports or not, over fifty tons, fifty cents.

Tenth. For certifying a manifest, including master's oath, and granting permit to a vessel under fifty tons, laden with a cargo destined for a port or place in another district at which there is no custom-house, twenty-five cents.

Eleventh. For certifying a manifest, including master's oath, and granting permit to a vessel above fifty tons, laden with a cargo destined for a port or place in another district at which there is no custom-house, fifty cents.

Twelfth. For the entry of a vessel direct from a foreign port, fifty cents.

Thirteenth. For the clearance of a vessel direct to a foreign port, fifty cents.

Fourteenth. Vessels departing to or arriving from a port in one district to or from a port in an adjoining district, and touching at intermediate foreign ports, are exempted from the payment of the entry fees.

Fifteenth. For a port entry of such vessel, two dollars.

Sixteenth. For permit to land or deliver goods, twenty cents.

Seventeenth. For a bond taken officially, not otherwise provided for, fifty cents.

Eighteenth. For permit to load goods for exportation entitled to drawback, thirty cents.

Nineteenth. For debenture or other official certificate not otherwise provided for, twenty cents.

Twentieth. For recording all bills of sale, mortgages, hypothecations, or conveyances of vessels, fifty cents.

Twenty-first. For recording all certificates for discharging and canceling any such conveyances, fifty cents.

Twenty-second. For furnishing a certificate setting forth the names of the owners of any registered or enrolled vessel, the parts or proportions owned by each, and also the material facts of any existing bill of sale, mortgage, hypothecation, or other incumbrance; the date, amount of such incumbrance, and from and to whom made, one dollar.

Twenty-third. For furnishing copies of such records for each bill of sale, mortgage, or other conveyance, fifty cents.

Twenty-fourth. For receiving manifest of each railroad-car or other vehicle laden with goods, wares, or merchandise from a foreign contiguous territory, twenty-five cents.

Twenty-fifth. For entry of goods, wares, or merchandise for consumption, warehouse, rewarehouse, transportation, or exportation, including oath and permit to land or deliver, fifty cents.

Twenty-sixth. For certificate of registry, including bond and oath, two dollars and twenty-five cents.

Twenty-seventh. For indorsement of change of masters on registry, one dollar.

SEC. 4383. Every collector and naval officer, and every surveyor residing at a port where there is no collector, shall cause to be affixed and constantly kept in some conspicuous place in his office a fair table of the rates of fees demandable by this Title.

SEC. 4384. All vessels subject to enrollment or license shall be liable to the payment of the fees established by law for services of customs officers incident thereto.

SEC. 4385. Nothing in this Title shall be construed to extend to any boat or lighter not being masted, or if masted and not decked, employed in the harbor of any town or city.

SEC. 4386. No railroad company within the United States whose road forms any part of a line of road over which cattle, sheep, swine, or other animals are conveyed from one State to another, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State to another, shall confine the same in cars, boats, or vessels of any description, for a longer period than twenty-eight consecutive hours, without unloading the same for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented from so unloading by storm or other accidental causes. In estimating such confinement the time during which the animals have been confined without such rest on connecting roads from which they are received shall be included, it being the intent of this section to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon contingencies hereinbefore stated.

SEC. 4387. Animals so unloaded shall be properly fed and watered during such rest by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad company or owners or masters of boats or vessels transporting the same at the expense of the owner or person in custody thereof; and such company, owners, or masters shall in such case have a lien upon such animals for food, care, and custody furnished, and shall not be liable for any detention of such animals.

SEC. 4388. Any company, owner, or custodian of such animals who knowingly and willingly fails to comply with the provisions of the two preceding sections, shall, for every such failure, be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hun-

Posting table of fees.

18 Feb., 1793, c. 8, s. 34, v. 1, p. 316.

Vessels liable for fees for enrollment.

18 July, 1866, c. 201, s. 28, v. 14, p. 184.

Lighters and boats.

18 Feb., 1793, c. 8, s. 37, v. 1, p. 317.

Transportation of animals.

3 March, 1873, c. 252, s. 1, v. 17, p. 584.

Animals to be fed and watered; lien.

Ibid., p. 585.

Penalty for neglect.

Ibid.

dred dollars. But when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest, the provisions in regard to their being unloaded shall not apply.

Penalties, how
recovered; prose-
cutions.

Ibid., s. 2.

SEC. 4389. The penalty created by the preceding sections shall be recovered by civil action in the name of the United States, in the circuit or district court of the United States, holden within the district where the violation may have been committed, or the person or corporation resides or carries on its business; and it shall be the duty of all United States marshals, their deputies and subordinates, to prosecute all violations which come to their notice or knowledge.

Lien, how en-
forced.

Ibid., s. 3.

SEC. 4390. Any person or corporation entitled to a lien under section forty-four hundred and fifty-three may enforce the same by a petition filed in the district court holden within the district where the food, care, and custody have been furnished, or the owner or custodian of the property resides; and the court shall have power to issue all suitable process for the enforcement of such lien by sale or otherwise, and to compel the payment of all costs, penalties, charges, and expenses of proceedings under the provisions of this and the preceding sections.

TITLE LI.

REGULATION OF FISHERIES.

Sec.

4391. Agreement for fishing-voyage.

4392. Penalty for violating agreement.

4393. Recovery of shares of fish under agreement.

4394. Discharge of vessel upon bond of owner.

Sec.

4395. Appointment of commissioner of fish and fisheries.

4396. Duties of commissioner.

4397. Executive Department to aid investigations.

4398. Powers of commissioner.

SEC. 4391. The master of any vessel of the burden of twenty tons or upward, qualified according to law for carrying on the bank and other cod fisheries, or the mackerel-fishery, bound from a port of the United States to be employed in any such fishery, at sea, shall, before proceeding on such fishing-voyage, make an agreement in writing with every fisherman who may be employed therein, except only an apprentice or servant of himself or owner, and, in addition to such terms of shipment as may be agreed on, shall, in such agreement, express whether the same is to continue for one voyage or for the fishing-season, and shall also express that the fish or the proceeds of such fishing-voyage or voyages which may appertain to the fishermen shall be divided among them in proportion to the quantities or number of such fish which they may respectively have caught. Such agreement shall be indorsed or countersigned by the owner of such fishing-vessel or his agent. (See §§ 4320-4321.)

SEC. 4392. If any fisherman, having engaged himself for a voyage or for the fishing-season in any fishing-vessel and signed an agreement therefor, thereafter and while such agreement remains in force and to be performed deserts or absents himself from such vessel without leave of the master thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen are subject to in the merchant service, and may in the like manner, and upon the like complaint and proof, be apprehended and detained; and all costs of process and commitment, if paid by the master or owner, shall be deducted out of the share of fish or proceeds of any fishing-voyage to which such deserter had or shall become entitled. Every fisherman, having so engaged himself, who during such fishing-voyage refuses or neglects his proper duty on board the fishing-vessel, being thereto ordered or required by the master thereof, or otherwise resists his just commands to the hinderance or detriment of such voyage, besides being answerable for all damages arising thereby, shall forfeit to the use of the owner of such vessel his share of any public allowance which may be paid upon such voyage.

SEC. 4393. Whenever an agreement or contract is so made and signed for a fishing-voyage or for the fishing-season, and any fish caught on board such vessel during the same are delivered to the owner or to his agent, for cure, and sold by such owner or agent, such vessel shall, for the term of six months after such sale, be liable for the master's and every other fisherman's share of such fish, and may be proceeded against in the same form and to the same effect as any other vessel is by law liable, and may be proceeded against for the wages of seamen or mariners in the merchant service. Upon such proceeding for the value of a share or shares of the proceeds of fish so delivered and sold it shall be incumbent on the owner or his agent to produce a just account of the sales and division of such fish according to such agreement or contract; otherwise the vessel shall be answerable upon such proceeding for what may be the highest value of the shares demanded.

Agreement for fishing voyage.

19 June, 1813, c.
2, s. 1, v. 3, p. 2.
3 March, 1865, c.
117, v. 13, p. 535.

Penalty for violating agreement.

19 June, 1813, c.
2, s. 1, v. 3, p. 2.

Recovery of shares of fish under agreement.

19 June, 1813, c.
2, s. 2, v. 3, p. 2.

But in all cases the owner of such vessel or his agent, appearing to answer in such proceeding, may offer thereupon his account of general supplies made for such fishing-voyage and of other supplies therefor made to either of the demandants, and shall be allowed to produce evidence thereof in answer to their demands respectively; and judgment shall be rendered upon such proceeding for the respective balances which upon such an inquiry shall appear.

Discharge of vessel upon bond by owner.

19 June, 1813, c. 2, s. 2, v. 3, p. 2.

SEC. 4394. When process shall be issued against any vessel so liable, if the owner thereof or his agent will give bond to each fisherman in whose favor such process shall be instituted, with sufficient security, to the satisfaction of two justices of the peace, of whom one shall be named by such owner or agent, and the other by the fisherman or fishermen pursuing such process, or if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel. Nothing in this or the preceding section shall prevent any fisherman from having his action at common law for his share or shares of fish or the proceeds thereof.

Appointment of commissioner of fish and fisheries.

9 Feb., 1871, Res. No. 22, s. 1, v. 16, p. 594.

SEC. 4395. There shall be appointed by the President, with the advice and consent of the Senate, from among the civil officers or employés of the Government, a commissioner of fish and fisheries, who shall be a person of proved scientific and practical acquaintance with the fishes of the coast, and who shall serve without additional salary.

Duties of the commissioner.

9 Feb., 1871, Res. No. 22, s. 2, v. 16, p. 594.

SEC. 4396. The commissioner of fish and fisheries shall prosecute investigations and inquiries on the subject, with the view of ascertaining whether any and what diminution in the number of the food-fishes of the coast and the lakes of the United States has taken place; and, if so, to what causes the same is due; and also whether any and what protective, prohibitory, or precautionary measures should be adopted in the premises; and shall report upon the same to Congress.

Executive Departments to aid investigations.

Ibid., s. 3.

Powers of commissioner.

Ibid., s. 4.

SEC. 4397. The heads of the several Executive Departments shall cause to be rendered all necessary and practicable aid to the commissioner in the prosecution of his investigations and inquiries.

SEC. 4398. The commissioner may take or cause to be taken at all times, in the waters of the sea-coast of the United States, where the tide ebbs and flows, and also in the waters of the lakes, such fish or specimens thereof as may in his judgment, from time to time, be needful or proper for the conduct of his duties, any law, custom, or usage of any State to the contrary notwithstanding.

TITLE LII.

REGULATION OF STEAM-VESSELS.

CHAPTER ONE.

INSPECTION.

| Sec. | Sec. |
|--|---|
| 4399. What vessels are deemed steam-vessels. | 4426. Ferry-boats, canal-boats, yachts, &c. |
| 4400. What vessels are subject to the provisions of this Title. | 4427. Tug-boats, freight-boats, &c. |
| 4401. Vessels navigating coastwise and by the lakes. | 4428. Construction of boilers. |
| 4402. Supervising inspector-general, qualifications and appointment of. | 4429. Punishment for improper construction of boilers. |
| 4403. Duties of supervising inspector-general. | 4430. Inspection of boiler-plates. |
| 4404. Supervising inspectors, qualifications and appointment of. | 4431. Stamping boiler-plates. |
| 4405. Meetings of board; assignment of districts. | 4432. Punishment for counterfeiting stamps. |
| 4406. Duties of supervising inspectors. | 4433. Pressure of steam allowable. |
| 4407. Duties of supervising inspectors as to violation of law. | 4434. Thickness of boiler-plate and space between flues. |
| 4408. Supervision of local boards. | 4435. Feed and connecting pipes. |
| 4409. Supervision of districts not having inspectors. | 4436. Safety-valves, fusible plugs, &c. |
| 4410. Reports of supervising inspectors to board. | 4437. Punishment for obstructing safety-valve, &c. |
| 4411. Regulations as to furnishing information to local inspectors. | 4438. Licenses of officers by inspectors. |
| 4412. Regulations as to steamers passing each other. | 4439. License of captain. |
| 4413. Penalty for violation of regulations. | 4440. License of chief mate. |
| 4414. Number and salaries of local inspectors. | 4441. License of engineer. |
| 4415. Qualifications and appointment of local inspectors. | 4442. License of pilot. |
| 4416. What persons are not eligible as inspectors. | 4443. License of captain or mate as pilot. |
| 4417. Inspection of hulls. | 4444. State regulation of pilots. |
| 4418. Inspection of boilers. | 4445. Oath of licensed officers. |
| 4419. Control of safety-valves and steam-registers. | 4446. Licenses to be exhibited. |
| 4420. Amount of steam pressure allowed freight-boats on Mississippi River, &c. | 4447. Renewal of officer's license. |
| 4421. Certificate of inspectors. | 4448. Licensed officers to assist inspectors in examinations. |
| 4422. License by inspectors to carry gunpowder. | 4449. Revocation of officer's license for refusal to serve. |
| 4423. Disposal of certificates of inspection. | 4450. Investigation of conduct of officers. |
| 4424. Penalty for carrying passengers or gunpowder contrary to law. | 4451. Payment of marshal and witnesses. |
| 4425. Punishment of inspector certifying falsely. | 4452. Appeal to supervising inspector. |
| | 4453. Re-inspection and notice for repairs. |
| | 4454. Penalty for failure to make repairs upon notice. |
| | 4455. Effect of decision by inspector. |
| | 4456. Inspection in districts not having inspectors. |
| | 4457. Records and reports by local inspectors. |
| | 4458. Fees. |
| | 4459. Bonds of inspectors. |
| | 4460. Instruments, stationery, printing, &c., for local boards. |
| | 4461. Payment of salaries and expenses. |
| | 4462. Regulations to be made by the Secretary of the Treasury. |

SEC. 4399. Every vessel propelled in whole or in part by steam shall be deemed a steam-vessel within the meaning of this Title.

What vessels are deemed steam-vessels.

28 Feb., 1871, c. 100, s. 1, v. 16, p. 440.

SEC. 4400. All steam-vessels navigating any waters of the United States which are common highways of commerce, or open to general or competitive navigation, excepting public vessels of the United States, vessels of other countries, and boats propelled in whole or in part by

What vessels are subject to the provisions of this Title.

Ibid., s. 41, p. 453.

steam for navigating canals, shall be subject to the provisions of this Title.

Vessels navigating coastwise and on the great lakes.

Ibid., s. 51, p. 455.

SEC. 4401. All coastwise sea-going vessels, and vessels navigating the great lakes, shall be subject to the navigation laws of the United States, when navigating within the jurisdiction thereof; and all vessels, propelled in whole or in part by steam, and navigating as aforesaid, shall be subject to all the rules and regulations established in pursuance of law for the government of steam-vessels in passing, as provided by this Title; and every coastwise sea-going steam-vessel subject to the navigation laws of the United States, and to the rules and regulations aforesaid, not sailing under register, shall, when under way, except on the high seas, be under the control and direction of pilots licensed by the inspectors of steamboats.

Supervising inspector-general, qualifications and appointment of.

Ibid., s. 63, p. 458.

SEC. 4402. There shall be a supervising inspector-general, who shall be appointed from time to time by the President, by and with the advice and consent of the Senate, and who shall be selected with reference to his fitness and ability to systematize and carry into effect all the provisions of law relating to the steamboat-inspection service, and who shall be entitled to a salary of three thousand five hundred dollars a year, and his reasonable traveling expenses, or mileage at the rate of ten cents a mile, incurred in the performance of his duty.

Duties of supervising inspector-general.

Ibid.

SEC. 4403. The supervising inspector-general shall, under the direction of the Secretary of the Treasury, superintend the administration of the steamboat-inspection laws, preside at the meetings of the board of supervising inspectors, receive all reports of inspectors, receive and examine all accounts of inspectors, report fully at stated periods to the Secretary of the Treasury upon all matters pertaining to his official duties, and produce a correct and uniform administration of the inspection laws, rules, and regulations.

Supervising inspectors, qualifications and appointment of.

28 Feb., 1871, c. 100, ss. 23, 62, v. 16, pp. 448, 457.

SEC. 4404. There shall be ten supervising inspectors, who shall be appointed by the President, by and with the advice and consent of the Senate. Each of them shall be selected for his knowledge, skill, and practical experience in the uses of steam for navigation, and shall be a competent judge of the character and qualities of steam-vessels, and of all parts of the machinery employed in steaming. Each supervising inspector shall be entitled to a salary of three thousand dollars a year, and his actual and reasonable traveling expenses at the rate of ten cents a mile, incurred in the performance of his duty, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as may be given by the Secretary of the Treasury.

Meetings of board; assignment of districts.

Ibid., s. 23, p. 449.

SEC. 4405. The supervising inspectors and the supervising inspector-general shall assemble as a board once in each year, at the city of Washington, District of Columbia, on the third Wednesday in January, and at such other times as the Secretary of the Treasury shall prescribe, for joint consultation, and shall assign to each of the supervising inspectors the limits of territory within which he shall perform his duties. The board shall establish all necessary regulations required to carry out in the most effective manner the provisions of this Title, and such regulations, when approved by the Secretary of the Treasury, shall have the force of law. The supervising inspector for the district embracing the Pacific coast shall not be under obligation to attend the meetings of the board oftener than once in two years; but when he does not attend such meetings he shall make his communications thereto, in the way of a report, in such manner as the board shall prescribe.

Duties of supervising inspectors.

Ibid., s. 24, p. 449.

SEC. 4406. Each supervising inspector shall watch over all parts of the territory assigned to him, shall visit, confer with, and examine into the doings of the local boards of inspectors within his district, and shall instruct them in the proper performance of their duties; and shall, whenever he thinks it expedient, visit any vessels licensed, and examine into their condition, for the purpose of ascertaining whether the provisions of this Title have been observed and complied with, both by the

board of inspectors and the master and owners. All masters, engineers, mates, and pilots of such vessels shall answer all reasonable inquiries, and shall give all the information in their power in regard to any such vessel so visited, and her machinery for steaming, and the manner of managing both.

SEC. 4407. Whenever a supervising inspector ascertains to his satisfaction that any master, mate, engineer, pilot, or owner of any steam-vessel fails to perform his duties according to the provisions of this Title, he shall report the facts in writing to the board of local inspectors in the district where the vessel was inspected or belongs; and, if need be, he shall cause the negligent or offending party to be prosecuted; and if the supervising inspector has good reason to believe there has been, through negligence or any other cause, a failure of the board which inspected the vessel to do its duty, he shall report the facts in writing to the Secretary of the Treasury; who shall cause immediate investigation into the truth of the complaint, and, if he deems the cause sufficient, shall remove any officer found delinquent.

SEC. 4408. The supervising inspectors shall see that the several boards of local inspectors within their respective districts execute their duties faithfully, promptly, and, as far as possible, uniformly in all places, by following out the provisions of this Title according to the true intent and meaning thereof; and they shall, as far as practicable, harmonize differences of opinion existing in different local boards.

SEC. 4409. The supervising inspector shall visit any collection-district in which there is at any time no board of inspectors, and within which steam-vessels are owned and employed. Each supervising inspector shall have full power in any such district, or in any district where, from distance or other cause, it is inconvenient to resort to the local board, to inspect any steam-vessel and the boilers of such steamer, and to grant certificates of approval, and to do and perform all the duties imposed upon local boards.

SEC. 4410. Each supervising inspector shall report, in writing, at the annual meetings of the board, the general business transacted in his district during the year, embracing all violations of the laws regulating steam-vessels, and the action taken in relation to the same, all investigations and decisions by local inspectors, and all cases of appeal, and the result thereof; and the board shall examine into all the acts of each supervising inspector and local board, and all complaints made against the same, in relation to the performance of their duties under the law, and the judgment of the board in each case shall be entered upon their journal; and the board shall, as far as possible, correct mistakes where they exist.

SEC. 4411. The board of supervising inspectors shall establish such regulations as may be necessary to make known in a proper manner, to local inspectors, the names of all persons licensed under the provisions of this Title, the names of all persons from whom licenses have been withheld, and the names of all whose licenses have been suspended or revoked; also the names of all steam-vessels neglecting or refusing to make such repairs as may be ordered pursuant to law, and the names of all that have been refused certificates of inspection.

SEC. 4412. The board of supervising inspectors shall establish such regulations to be observed by all steam-vessels in passing each other, as they shall from time to time deem necessary for safety; two printed copies of such regulations, signed by them, shall be furnished to each of such vessels, and shall at all times be kept posted up in conspicuous places in such vessels.

SEC. 4413. Every pilot, engineer, mate, or master of any steam-vessel who neglects or willfully refuses to observe the regulations established in pursuance of the preceding section, shall be liable to a penalty of fifty dollars, and for all damages sustained by any passenger, in his person or baggage, by such neglect or refusal.

Duties of supervising inspectors as to violations of law.

Ibid., s. 25, p. 449.

Supervision of local boards.

Ibid., s. 26, p. 449.

Supervision of districts not having inspectors.

Ibid., s. 27, p. 449.

Reports of supervising inspectors to board.

Ibid., s. 28, p. 449.

Regulations as to furnishing information to local inspectors.

Ibid.

Regulations as to steamers passing each other

Ibid., s. 29, p. 450.

Penalty for violation of regulations.

Ibid.

Number and salaries of local inspectors.

28 Feb., 1871, c. 100, s. 62, v. 16, p. 457.

3 March, 1873, c. 259, v. 17, p. 600.

SEC. 4414. There shall be, in each of the following collection-districts, one inspector of hulls and one inspector of boilers; who shall be entitled to the following salaries, to be paid annually, under the directions of the Secretary of the Treasury:

In the districts of New York and New Orleans, to a salary of two thousand two hundred dollars a year each.

In the districts of Philadelphia, Baltimore, Buffalo, Saint Louis, Louisville, Cincinnati, Pittsburgh, San Francisco, Boston, Detroit, Chicago, Milwaukee, Huron, and Galena, to a salary of two thousand dollars a year each.

In the district of Michigan, to a salary of nine hundred dollars a year.

In the districts of Mobile, Memphis, and Cleveland, to a salary of one thousand five hundred dollars a year each.

In the districts of Willamette, New London, Norfolk, Charleston, Savannah, Galveston, Albany, Wheeling, Nashville, Portland, and Evansville, to a salary of one thousand two hundred dollars a year each.

In the districts of Puget Sound, Apalachicola, Oswego, Burlington, and Superior, to a salary of eight hundred dollars a year each.

And in addition, the Secretary of the Treasury may appoint in such districts, where their services are actually required, assistant inspectors, at a salary, for the district of New York, of two thousand dollars a year each; and for all other districts, at a salary not exceeding one thousand six hundred dollars a year each; and he may appoint a clerk to any such board at a compensation not exceeding one thousand two hundred dollars a year to each person so appointed. Every inspector shall be paid for his actual and reasonable traveling expenses, at the rate of ten cents per mile, incurred in the performance of his duty; together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of the Treasury.

Qualifications and appointment of local inspectors.

28 Feb., 1871, c. 100, s. 11, v. 16, p. 443.

SEC. 4415. Whenever any vacancy occurs in any local board of inspectors, or whenever local inspectors are to be appointed for a new district, the supervising inspectors shall notify the collector or other chief officers of the customs for the district, and the judge of the district court for the district in which such appointment is to be made, who, together with the supervising inspector, shall meet together as a board of designators, and fill the vacant or new inspectorship. Such board, or the major part thereof, when designating an inspector of hulls, shall select a person of good character and suitable qualifications and attainments to perform the services required of inspectors of hulls, and who, from his practical knowledge of ship-building and navigation and the uses of steam in navigation, is fully competent to make a reliable estimate of the strength, sea-worthiness, and other qualities of the hulls of steam-vessels and their equipment, deemed essential to safety of life in their navigation; and when designating an inspector of boilers, shall select a person of good character and suitable qualifications and attainments to perform the services required of inspectors of boilers, who, from his knowledge and experience of the duties of an engineer employed in navigating vessels by steam, and also of the construction and use of boilers, and machinery, and appurtenances therewith connected, is liable to form a reliable opinion of the strength, form, workmanship, and suitableness of boilers and machinery to be employed without hazard to life, from imperfection in the material, workmanship, or arrangement of any part of such apparatus for steaming. No appointment of an inspector of hulls shall be made without the concurrence of the supervising inspector. The inspectors of hulls and the inspector of boilers thus designated, when approved by the Secretary of the Treasury, shall, from the date of designation, constitute a board of local inspectors.

SEC. 4416. No person interested, either directly or indirectly, in any patented article required to be used on any steamer by this Title, or who is a member of any association of owners, masters, engineers, or pilots of steamboats, or who is directly or indirectly pecuniarily interested in any steam-vessel, or who has not the qualifications and acquirements prescribed by this Title, or who is intemperate in his habits, shall be eligible to hold the office of either supervising or local inspector, or to discharge the duties thereof; and if any such person shall attempt to exercise the functions of the office of either inspector, he shall be deemed guilty of a misdemeanor, punishable by a fine of five hundred dollars, and shall be dismissed from office.

What persons are not eligible as inspectors.

Ibid., s. 33, p. 451.

SEC. 4417. The local inspectors shall, once in every year, at least, upon application in writing of the master or owner, carefully inspect the hull of each steam-vessel within their respective districts, and shall satisfy themselves that every such vessel so submitted to their inspection is of a structure suitable for the service in which she is to be employed, has suitable accommodations for passengers and the crew, and is in a condition to warrant the belief that she may be used in navigation as a steamer, with safety to life, and that all the requirements of law in regard to fires, boats, pumps, hose, life-preservers, floats, anchors, cables, and other things, are faithfully complied with; and if they deem it expedient, they may direct the vessel to be put in motion, and may adopt any other suitable means to test her sufficiency and that of her equipment.

Inspection of hulls.

Ibid., s. 11, p. 443.

SEC. 4418. The local inspectors shall also inspect the boilers of all steam-vessels before the same shall be used, and once at least in every year thereafter. They shall subject all boilers to the hydrostatic pressure; and shall satisfy themselves by thorough examination that the boilers are well made, of good and suitable material; that the openings for the passage of water and steam, respectively, and all pipes and tubes exposed to heat, are of proper dimensions and free from obstruction; that the spaces between and around the flues are sufficient; that the flues are circular in form; that the fire-line of the furnace is at least two inches below the prescribed minimum water-line of the boilers; that the arrangement for delivering the feed-water is such that the boilers cannot be injured thereby; and that such boilers and machinery, and the appurtenances, may be safely employed in the service proposed in the written application, without peril to life. They shall also satisfy themselves that the safety-valves are of suitable dimensions, sufficient in number, and well arranged; and that the weights of the safety-valves are properly adjusted, so as to allow no greater pressure in the boilers than the amount prescribed by the inspection certificate; that there is a sufficient number of gauge-cocks properly inserted, and, to indicate the pressure of steam, suitable steam-registers that will correctly record each excess of steam carried above the prescribed limit and the highest point attained; and that there are reliable low-water gauges; and that the fusible metals are properly inserted so as to fuse by the heat of the furnace, whenever the water in the boilers falls below its prescribed limits; and that adequate and certain provision is made for an ample supply of water to feed the boilers at all times, whether such vessel is in motion or not, so that in high-pressure boilers the water shall not be less than four inches above the top of the flues; and that means for blowing out are provided, so as to thoroughly remove the mud and sediment from all parts of the boilers, when they are under pressure of steam. In subjecting to the hydrostatic tests boilers usually designated and known as high-pressure boilers, the inspectors shall assume one hundred and ten pounds to the square inch, as the maximum pressure allowable as a working-power for a new boiler of forty-two inches in diameter, made in the best manner, of inspected iron plates, one-fourth of an inch thick, and of a quality required by law, and shall rate the working-power of all high-pressure boilers, whether old or new, according to their strength, compared with this standard; and in all cases the test applied shall

Inspection of boilers.

Ibid.

exceed the working-power allowed, in the ratio of one hundred and sixty-five to one hundred and ten. In subjecting to the hydrostatic tests boilers usually designated and known as low-pressure boilers, the inspectors shall allow as a working-power for each new boiler, a pressure of only three-fourths the number of pounds to the square inch to which it has been subjected by the hydrostatic test, and for which it has been found to be sufficient. Should the inspectors be of the opinion that any boiler, by reason of its construction or material, will not safely allow so high a working pressure as is above described, they may, for reasons to be stated specially in their certificate, fix the working-pressure of such boiler at less than three-fourths of the test-pressure. All boilers used on steam-vessels and constructed of iron or steel plates, inspected under the provisions of section forty-four hundred and thirty, shall be subjected to a hydrostatic test, in the ratio of one hundred and fifty pounds to the square inch to one hundred pounds to the square inch of the working steam-power allowed. No boiler or pipe, nor any of the connections therewith, shall be approved, which is made, in whole or in part, of bad material, or is unsafe in its form, or dangerous from defective workmanship, age, use, or other cause.

Control of safety-valves and steam-registers.

Ibid.

Amount of steam-pressure allowed freight-boats on Mississippi River, &c.

17 Dec., 1872, c. 4, s. 9, v. 17, p. 400.

SEC. 4419. One of the safety-valves may, if in the opinion of the local inspectors it is necessary to do so, and the steam-registers shall, be taken wholly from the control of all persons engaged in navigating such vessel and secured by the inspectors.

SEC. 4420. In applying the directions of the preceding section to steamboats used exclusively for towing and carrying freight on the Mississippi River and its tributaries, the local inspectors shall substitute, for such boats, one hundred and fifty pounds of steam-pressure in place of one hundred and ten pounds for the standard pressure upon standard boilers of forty-two inches diameter, and of plates of one-quarter of an inch in thickness; and such boats may, on the written permit of the supervising inspector of the district in which such boats shall carry on their business for a period of twelve months from the seventeenth day of December, eighteen hundred and seventy-two, be permitted to carry steam above the standard pressure of one hundred and ten pounds, but not exceeding the standard pressure of one hundred and fifty pounds, to the square inch.

Certificate of inspectors.

28 Feb., 1871, c. 100, s. 11, v. 16, p. 443.

SEC. 4421. When the inspection of a steam-vessel is completed and the inspectors approve the vessel and her equipment throughout, they shall make and subscribe a certificate to the collector or other chief officer of the customs of the district in which such inspection has been made in accordance with the form and regulations prescribed by the board of supervising inspectors. Such certificate shall be verified by the oaths of the inspectors signing it before the chief officer of the customs of the district, or any other person competent by law to administer oaths. If the inspectors refuse to grant a certificate of approval, they shall make a statement in writing, and sign the same, giving the reasons for their disapproval.

License by inspectors to carry gunpowder.

Ibid., s. 12, p. 445.

SEC. 4422. Upon the application of any master or owner of any steam-vessel employed in the carriage of passengers, for a license to carry gunpowder, the local inspectors shall examine such vessel, and if they find that she is provided with a chest or safe composed of metal, or entirely lined and sheathed therewith, or if the vessel has one or more compartments thoroughly lined and sheathed with metal, at a secure distance from any fire, they may grant a certificate to that effect, authorizing such vessel to carry as freight within such chest, safes, or compartments, the article of gunpowder.

Disposal of certificates of inspection.

Ibid., s. 31, p. 450.

SEC. 4423. Every collector or other chief officer of the customs shall retain on file all original certificates of the inspectors required to be delivered to him, and shall give to the master or owner of the vessel therein named three certified copies thereof; two of which shall be placed by such master or owner in conspicuous places in the vessel where they will be most likely to be observed by passengers and others,

and there kept at all times, framed under glass; and the other shall be retained by such master or owner, as evidence of the authority thereby conferred.

SEC. 4424. Whenever any passenger is received on board any steam-vessel not having the certified copies of the certificate of approval placed and kept as required by this Title, or whenever any passenger steam-vessel receives or carries any gunpowder on board, not having a certificate authorizing the same, and a certified copy thereof placed and kept as required, or shall carry any gunpowder at a place or in a manner not authorized by such certificate, such steam-vessel shall be liable to a penalty of one hundred dollars for each offense. [See §§ 4474-4476.]

Penalty for carrying passengers or gunpowder contrary to law.

Ibid.

SEC. 4425. Every inspector who willfully certifies falsely touching any steam-vessel, as to her hull, accommodations, boilers, engines, machinery, or their appurtenances, or any of her equipments, or any matter or thing contained in any certificate signed and sworn to by him, shall be punished by fine of not more than five hundred dollars, or imprisonment for not more than six months, or both. [See § 5482.]

Punishment of inspector certifying falsely.

Ibid., s. 32.

SEC. 4426. The hull and boilers of every ferry-boat, canal-boat, yacht, or other small craft of like character, propelled by steam, shall be inspected under the provisions of this Title. Such other provisions of law for the better security of life, as may be applicable to such vessels, shall, by the regulations of the board of supervising inspectors, also be required to be complied with, before a certificate of inspection shall be granted; and no such vessel shall be navigated without a licensed engineer and a licensed pilot.

Ferry-boats, canal-boats, yachts, &c.

Ibid., s. 58, p. 456.

SEC. 4427. The hull and boiler of every tug-boat, towing-boat, and freight-boat shall be inspected, under the provisions of this Title; and the inspectors shall see that the boilers, machinery, and appurtenances of such vessel are not dangerous in form or workmanship, and that the safety-valves, gauge-cocks, low-water alarm-indicators, steam-gauges, and fusible plugs are all attached in conformity to law; and the officers navigating such vessels shall be licensed in conformity with the provisions of this Title, and shall be subject to the same provisions of law as officers navigating passenger-steamers.

Tug-boats, freight-boats, &c.

Ibid.

SEC. 4428. Every boiler manufactured to be used on steam-vessels, and made of iron or steel plates, shall be constructed of plates that have been stamped in accordance with the provisions of this Title.

Construction of boilers.

Ibid., s. 35, p. 451.

SEC. 4429. Every person who constructs a boiler, or steam-pipe connecting the boilers, to be used on steam-vessels, of iron or steel plates which have not been duly stamped and inspected according to the provisions of this Title, or who knowingly uses any defective, bad, or faulty iron or steel in the construction of such boilers; or who drifts any rivet-hole to make it come fair; or who delivers any such boiler for use, knowing it to be imperfect in its flues, flanging, riveting, bracing, or in any other of its parts, shall be fined one thousand dollars, one-half for the use of the informer. Nothing in this Title shall be so construed as to prevent from being used, on any steamer, any boiler or steam-generator which may not be constructed of riveted iron or steel plates, when the board of supervising inspectors have satisfactory evidence that such boiler or steam-generator is equal in strength, and as safe from explosion, as a boiler of the best quality constructed of riveted iron or steel plates.

Punishment for improper construction of boilers.

Ibid.

SEC. 4430. Every iron or steel plate used in the construction of steam-boat-boilers, and which shall be subject to a tensile strain, shall be inspected in such manner as shall be prescribed by the board of supervising inspectors and approved by the Secretary of the Treasury, so as to enable the inspectors to ascertain its tensile strength, homogeneity, toughness, and ability to withstand the effect of repeated heating and cooling; and no iron or steel plate shall be used in the construction of such boilers which has not been inspected and approved under those rules.

Inspection of boiler-plates.

Ibid., s. 36.

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| Stamping boiler-plates. | SEC. 4431. Every plate of boiler-iron or steel, made for use in the construction of steamboat-boilers, shall be distinctly and permanently stamped by the manufacturer thereof, and, if practicable, in such places that the marks shall be left visible when such plates are worked into boilers, with the name of the manufacturer, the place where manufactured, and the number of pounds tensile strain it will bear to the sectional square inch; and the inspectors shall keep a record in their office of the stamps upon all boiler-plates and boilers which they inspect. |
| Ibid., s. 37. | |
| Punishment for counterfeiting stamps. | SEC. 4432. Every person who counterfeits, or causes to be counterfeited, any of the marks or stamps prescribed for boiler-iron or steel plates, or who designedly stamps, or causes to be stamped falsely, any such plates; and every person who stamps or marks, or causes to be stamped or marked, any such iron or steel plates with the name or trade-mark of another, with the intent to mislead or deceive, shall be fined two thousand dollars, one-half to the use of the informer, and may, in addition thereto, at the discretion of the court, be imprisoned not exceeding two years. |
| Ibid., s. 38, p. 452. | |
| Pressure of steam allowable. | SEC. 4433. The working steam-pressure allowable on boilers constructed of plates inspected as required by this Title, when single-riveted, shall not produce a strain to exceed one-sixth of the tensile strength of the iron or steel plates of which such boilers are constructed; but where the longitudinal laps of the cylindrical parts of such boilers are double-riveted, and the rivet-holes for such boilers have been fairly drilled instead of punched, an addition of twenty per centum to the working-pressure provided for single-riveting may be allowed: <i>Provided</i> , That all other parts of such boilers shall correspond in strength to the additional allowances so made; and no split-calking shall in any case be permitted. |
| Ibid., s. 39. | |
| Thickness of boiler-plate, and space between flues. | SEC. 4434. No boiler to which the heat is applied to the outside of the shell thereof shall be constructed of iron or steel plates of more than twenty-six one-hundredths of an inch in thickness, the ends or heads of the boilers only excepted; and every such boiler employed on steam-vessels navigating rivers flowing into the Gulf of Mexico, or their tributaries, shall have not less than three inches space between and around its internal flues. |
| Ibid. | |
| Feed and connecting pipes. | SEC. 4435. The feed-water shall be delivered into the boilers in such manner as to prevent it from contracting the metal, or otherwise injuring the boilers. And when boilers are so arranged on a vessel that there is employed a water-connecting pipe through which the water may pass from one boiler to another, there shall also be provided a similar steam-connection, having an area of opening into each boiler of at least one square inch for every two square feet of effective heating-surface contained in any one of the boilers so connected, half the flue and all other fire-surfaces being computed as effective. Adequate provision shall be made on all steam-vessels to prevent sparks or flames from being driven back from the fire-doors into the vessel. |
| Ibid. | |
| Safety-valves, fusible plugs, &c. | SEC. 4436. Every boiler shall be provided with a good, well-constructed safety valve or valves, of such number, dimensions, and arrangements as shall be prescribed by the board of supervising inspectors, and shall also be provided with a sufficient number of gauge-cocks and a reliable low-water indicator that will give alarm when the water falls below its prescribed limits; and in addition thereto there shall be inserted, in a suitable manner, in the flues, crown-sheet, or other parts of the boiler most exposed to the heat of the furnace when the water falls below its prescribed limits, a plug of good Banca tin. |
| Ibid. | |
| Punishment for obstructing safety-valves, &c. | SEC. 4437. Every person who intentionally loads or obstructs, or causes to be loaded or obstructed, in any way or manner, the safety-valve of a boiler, or who employs any other means or device whereby the boiler may be subjected to a greater pressure than the amount allowed by the certificate of the inspectors, or who intentionally deranges or hinders the operation of any machinery or device employed to denote the state of the water or steam in any boiler, or to give warning of |
| Ibid., s. 40. | |

approaching danger, or who intentionally permits the water to fall below the prescribed low-water line of the boiler, and every person concerned therein, directly or indirectly, shall be guilty of a misdemeanor, and shall be fined two hundred dollars, and may also be imprisoned not exceeding five years.

SEC. 4438. The boards of local inspectors shall license and classify the masters, chief mates, engineers, and pilots of all steam-vessels. It shall be unlawful to employ any person, or for any person to serve as a master, chief mate, engineer, or pilot on any steamer, who is not licensed by the inspectors; and any one violating this section shall be liable to a penalty of one hundred dollars for each offense.

Licences of officers by inspectors.

Ibid., s. 14, p. 446.

SEC. 4439. Whenever any person applies to be licensed as master of a steam-vessel, the inspector shall make diligent inquiry as to his character, and shall carefully examine the applicant, as well as the proofs which he presents in support of his claim, and if they are satisfied that his capacity, experience, habits of life, and character are such as to warrant the belief that he can be safely intrusted with the duties and responsibilities of the station for which he makes application, they shall grant him a license authorizing him to discharge such duties on any such vessel for the term of one year; but such license shall be suspended or revoked, upon satisfactory proof of bad conduct, intemperate habits, incapacity, inattention to his duties, or the willful violation of any provision of this Title.

License of captain.

Ibid., s. 15.

SEC. 4440. Whenever any person applies for authority to be employed as chief mate of steam-vessels, the inspector shall require satisfactory evidence of the knowledge, experience, and skill of the applicant in lading cargo, and in handling and stowage of freight, and shall examine him as to his knowledge and ability in navigation and managing such vessels, and all other duties pertaining to his station; and if satisfied of his qualifications and good character, they shall grant him a license, authorizing him to perform such duties for the term of one year; but such license shall be suspended or revoked upon satisfactory proof of bad conduct, intemperate habits, unskillfulness, or want of knowledge of the duties of his station, or the willful violation of any provision of this Title.

License of chief mate.

Ibid., s. 16.

SEC. 4441. Whenever any person applies for authority to perform the duties of engineer of any steam-vessel, the inspector shall examine the applicant as to his knowledge of steam-machinery, and his experience as an engineer, and also the proofs which he produces in support of his claim; and if, upon full consideration, they are satisfied that his character, habits of life, knowledge, and experience in the duties of an engineer are all such as to authorize the belief that he is a suitable and safe person to be intrusted with the powers and duties of such a station, they shall grant him a license, authorizing him to be employed in such duties for the term of one year, in which they shall assign him to the appropriate class of engineers; but such license shall be suspended or revoked upon satisfactory proof of negligence, unskillfulness, intemperance, or the willful violation of any provision of this Title. Whenever complaint is made against any engineer holding a license authorizing him to take charge of the boilers and machinery of any steamer, that he has, through negligence or want of skill, permitted the boilers in his charge to burn or otherwise become in bad condition, or that he has not kept his engine and machinery in good working order, it shall be the duty of the inspectors, upon satisfactory proof of such negligence or want of skill, to revoke the license of such engineer and assign him to a lower grade or class of engineers, if they find him fitted therefor.

License of engineer.

Ibid., s. 17.

SEC. 4442. Whenever any person claiming to be a skillful pilot of steam-vessels offers himself for a license, the inspectors shall make diligent inquiry as to his character and merits, and if satisfied, from personal examination of the applicant, with the proof that he offers that he possesses the requisite knowledge and skill, and is trustworthy and faithful, they shall grant him a license for the term of one year to pilot

License of pilot.

Ibid., s. 18, p. 447.

License of captain or mate as pilot.

Ibid.

State regulation of pilots.

Ibid., s. 51, p. 455.

Oath of licensed officers.

Ibid., s. 56, p. 456.

License to be exhibited.

Ibid., s. 18, p. 447.

Renewal of officer's license.

Ibid., s. 56, p. 456.

Licensed officers to assist inspectors in examinations.

Ibid., s. 54, p. 456.

Revocation of officer's license for refusal to serve, &c.

Ibid., s. 55, p. 456.

Investigation of conduct of officers.

Ibid., s. 19, p. 447.

any such vessel within the limits prescribed in the license; but such license shall be suspended or revoked upon satisfactory evidence of negligence, unskillfulness, inattention to the duties of his station, or intemperance, or the willful violation of any provision of this Title.

SEC. 4443. Where the master or mate is also pilot of the vessel, he shall not be required to hold two licenses to perform such duties, but the license issued shall state on its face that he is authorized to act in such double capacity.

SEC. 4444. No State or municipal government shall impose upon pilots of steam-vessels any obligation to procure a State or other license in addition to that issued by the United States, or any other regulation which will impede such pilots in the performance of the duties required by this Title; nor shall any pilot-charges be levied by any such authority upon any steamer piloted as provided by this Title; and in no case shall the fees charged for the pilotage of any steam-vessel exceed the customary or legally established rates in the State where the same is performed. Nothing in this Title shall be construed to annul or affect any regulation established by the laws of any State, requiring vessels entering or leaving a port in any such State, other than coastwise steam-vessels, to take a pilot duly licensed or authorized by the laws of such State, or of a State situate upon the waters of such State.

SEC. 4445. Every master, chief mate, engineer, and pilot, who receives a license, shall, before entering upon his duties, make oath before one of the inspectors herein provided for, to be recorded with the certificate, that he will faithfully and honestly, according to his best skill and judgment, without concealment or reservation, perform all the duties required of him by law.

SEC. 4446. Every master, mate, engineer, and pilot who shall receive a license shall, when employed upon any vessel, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times; and for every neglect to comply with this provision by any such master, mate, engineer, or pilot, he shall be subject to a fine of one hundred dollars, or to the revocation of his license.

SEC. 4447. When any licensed officer is employed on a steamer in a district distant from any local board of inspectors, such inspectors, or the supervising inspector of the district, may grant a renewal of his license, without such licensed officer being personally present, under such regulations as the board of supervising inspectors shall prescribe.

SEC. 4448. All officers licensed under the provisions of this Title shall assist the inspectors in their examination of any vessel to which such licensed officers belong, and shall point out all defects and imperfections known to them in the hull, equipments, boilers, or machinery of such vessel, and also shall make known to the inspectors, at the earliest opportunity, all accidents or occurrences producing serious injury to the vessel, her boilers, or machinery; and in default thereof the license of any such officer so neglecting or refusing shall be revoked.

SEC. 4449. If any licensed officer shall, to the hinderance of commerce, wrongfully or unreasonably refuse to serve in his official capacity on any steamer, as authorized by the terms of his certificate of license, or shall fail to deliver to the applicant for such service at the time of such refusal, if the same shall be demanded, a statement in writing assigning good and sufficient reasons therefor, or if any pilot or engineer shall refuse to admit into the pilot-house or engine-room any person whom the master or owner of the vessel may desire to place there for the purpose of learning the profession, his license shall be revoked, upon the same proceedings as are provided in other cases of revocation of such licenses.

SEC. 4450. The local boards of inspectors shall investigate all acts of incompetency or misconduct committed by any licensed officer while acting under the authority of his license, and shall have power to summon before them any witnesses within their respective districts, and compel their attendance by a similar process as in the United States circuit or

district courts; and they may administer all necessary oaths to any witnesses thus summoned before them; and after reasonable notice in writing, given to the alleged delinquent, of the time and place of such investigation, such witnesses shall be examined, under oath, touching the performance of his duties by any such licensed officer; and if the board shall be satisfied that such licensed officer is incompetent, or has been guilty of misbehavior, negligence, or unskillfulness, or has endangered life, or willfully violated any provision of this Title, they shall immediately suspend or revoke his license.

SEC. 4451. The chief officer of the customs for the district shall pay out of the revenues received under the provisions of this Title such fees to the United States marshal for his services, and to any witness, so summoned, for his actual travel and attendance, as shall be officially certified to by any inspector hearing the case, upon the back of such summons, not exceeding the rate allowed for fees and to witnesses for travel and attendance in any circuit or district courts of the United States. [See §§ 829-848.]

Payment of marshal and witnesses.

Ibid.

SEC. 4452. Whenever any board of local inspectors refuses to grant a license to any person applying for the same, or suspends or revokes the license of any master, mate, engineer, or pilot, any person deeming himself wronged by such refusal, suspension, or revocation, may, within thirty days thereof, on application to the supervising inspector of the district, have his case examined anew by such supervising inspector; and the local board shall furnish to the supervising inspector, in writing, the reasons for its doings in the premises; and such supervising inspector shall examine the case anew, and he shall have the same powers to summon witnesses and compel their attendance, and to administer oaths, that are conferred on local inspectors; and such witnesses and the marshal shall be paid in the same manner as provided for by the preceding section; and such supervising inspector may revoke, change, or modify the decision of such local board; and like proceedings may be had by any master or owner of any steam-vessel in relation to the inspection of such vessel, or her boilers or machinery, by any such local board; and in case of repairs, and in any investigation or inspection, where there shall be a disagreement between the local inspectors, the supervising inspector, when so requested, shall investigate and decide the case.

Appeal to supervising inspector.

Ibid., s. 20, p. 447.

SEC. 4453. In addition to the annual inspection, the local inspectors shall examine, at proper times, steamers arriving and departing to and from their respective ports, so often as to enable them to detect any neglect to comply with the requirements of law, and also any defects or imperfections becoming apparent after the inspection aforesaid, and tending to render the navigation of the vessels unsafe; and if they shall discover any omission to comply with the law, or that repairs have become necessary to make the vessel safe, the inspectors shall at once notify the master, in writing, stating in the notice what is required; and if the master deems the requirements unreasonable or unnecessary, he may apply for a re-examination of the case to the supervising inspector, as provided in the preceding section. All inspections and orders for repairs shall be promptly made by the inspectors, and, when it can be safely done in their judgment, they shall permit repairs to be made where those interested can most conveniently do them.

Re-inspections and notice for repairs.

Ibid., s. 21, p. 448.

SEC. 4454. If any master or owner of any steamer shall refuse or neglect to comply with the requirements of the local inspectors, made in pursuance of the preceding section, and shall, contrary thereto and while the same remains unreversed by the supervising inspector, employ the vessel by navigating her, the master and owner shall be liable to a penalty of five hundred dollars for each offense, one-half for the use of the informer; for which sum the vessel itself shall be liable, and may be seized and proceeded against by libel in any district court having jurisdiction; and the master and owner, and the vessel itself, shall, in addition thereto, be liable for any damage to passengers and their bag-

Penalty for failure to make repairs upon notice.

Ibid.

Effect of decisions
by inspectors.

Ibid.

Inspection in dis-
tricts not having
inspectors.

Ibid., s. 22.

Records and re-
ports by local in-
spectors.

Ibid., ss. 13, 61,
pp. 445, 457.

Fees.

Ibid., s. 60, p. 457.

Bonds of inspect-
ors.

Ibid., s. 67, p. 458.

gage which shall occur from any defects as stated in the notice prescribed by the preceding section. [See § 5344.]

SEC. 4455. The inspectors of one district shall not modify or annul the doings of the inspectors of another district in regard to repairs, unless there is a change in the state of things, demanding more repairs than were thought necessary when the order was made. Nor shall the inspectors of one district license a person coming from another district, if such person has been rejected for unfitness or want of qualifications.

SEC. 4456. The local boards of inspectors, when so requested in writing by any master or owner, shall, under the direction of the supervising inspector, inspect steamers in other collection-districts where no such board is established; and if a certificate of approval is not granted, no other inspection shall be made by the same or any other board until the objections made by such local board and unreversed by the supervising inspector of the district, are removed. Nothing in this section shall impair the right of the inspectors to permit such vessel to go to another port for repairs, if in their opinion it can be done with safety.

SEC. 4457. The local inspectors shall keep a record of certificates of inspection of vessels, their boilers, engines, and machinery, and of all their acts in their examination and inspection of steamers, whether of approval or disapproval; and when a certificate of approval is recorded, the original shall be delivered to the collector or other chief officer of the customs of the district. They shall also keep a like record of certificates authorizing gunpowder to be carried as freight by any steamer carrying passengers, and of all licenses granted to masters, mates, pilots, and engineers, and of all refusals of the same, of all suspensions and revocations of license, of all refusals, suspensions, or revocations of which they shall receive notices from other districts; and shall report to the supervising inspector of their respective districts, in writing, their decisions in cases of refusal of licenses, or of the suspension or revocation thereof, and all testimony received by them in such proceedings. They shall also report promptly to such supervising inspector all violations of the steamboat-laws that come to their knowledge. They shall also keep an accurate account of every steamer boarded by them during the year, and of all their official acts and doings, which, in the form of a report, they shall communicate to the supervising inspector of the district, at such times as the board of supervising inspectors, by their established rules, shall direct.

SEC. 4458. Before issuing any license to any steamer, the collector or other chief officer of the customs for the port or district, shall demand and receive from the owners thereof, as a compensation for the inspections and examination made for the year, the following sums, in addition to the fees for issuing enrollments and licenses now allowed by law, according to the tonnage of the vessel: For each steam-vessel of one hundred tons or under, twenty-five dollars; and in addition thereto, for each and every ton in excess of one hundred tons, five cents. Each master, chief engineer, and first-class pilot, licensed as herein provided, shall pay for every certificate, granted by any inspector or inspectors, the sum of ten dollars; and every chief mate, engineer, and pilot of an inferior grade shall pay, for every certificate so granted, the sum of five dollars. Such fees shall be paid over to the chief officer of the customs in such manner and under such regulations as shall be prescribed by the Secretary of the Treasury.

SEC. 4459. Every supervising and local inspector of steamboats shall execute a proper bond, to be approved by the Secretary of the Treasury, in such form and upon such conditions as the Secretary may prescribe, for the faithful performance of the duties of his office, and the payment in the manner provided by law of all moneys that may be received by him.

SEC. 4460. The Secretary of the Treasury shall procure for the several supervising inspectors and local boards of inspectors such instruments, stationery, printing, and other things necessary for the use of their respective offices as may be required therefor.

Instruments, stationery, printing, &c., for local boards.

Ibid., s. 65.

SEC. 4461. The salaries of the supervising inspector-general, of all supervising inspectors, local inspectors, assistant inspectors, and clerks, provided for by this Title, together with their traveling and other expenses when on official duty, and all instruments, books, blanks, stationery, furniture, and other things necessary to carry into effect the provisions of this Title, shall be paid for, under the direction of the Secretary of the Treasury, out of the revenues received into the Treasury from the inspection of steam-vessels, and the licensing of the officers of such vessels, which revenues, or so much of them as may be necessary for these purposes, shall be permanently appropriated therefor.

Payment of salaries and expenses.

Ibid.

SEC. 4462. The Secretary of the Treasury shall make such regulations as may be necessary to secure the proper execution of this Title.

Regulations to be made by Secretary of the Treasury.

Ibid., s. 65.

CHAPTER TWO.

TRANSPORTATION OF PASSENGERS AND MERCHANDISE.

Sec.
4463. Officers and crew of passenger-steamers.
4464. Number of passengers allowable.
4465. Penalty for carrying too great a number of passengers.
4466. Special permit for excursions.
4467. Lists of passengers.
4468. Penalty for failure to keep passenger-list.
4469. Recovery of penalties.
4470. Precautions against fire.
4471. Fire-pumps and hose.
4472. Dangerous articles not to be carried on passenger-steamers.
4473. Penalty for unlawfully carrying cotton or hemp.
4474. License for use of petroleum in the production of motive-power.
4475. Mode of packing dangerous articles.
4476. Punishment for unlawfully shipping dangerous articles.
4477. Watchmen on passenger-steamers.
4478. Penalty for failure to keep watchmen.
4479. Fire-extinguishers.
4480. Wire tiller-ropes, bell-pulls, &c., for passenger-steamers.
4481. Boats for river-steamers.
4482. Life-preservers for river-steamers carrying passengers.
4483. Fire-buckets, axes, &c., for river-steamers carrying passengers.

Sec.
4484. Stairways and gangways on river-steamers carrying passengers on main deck.
4485. Accommodation of deck-passengers.
4486. Penalty for not providing proper accommodations for passengers.
4487. River-steamers to be anchored when navigation is unsafe.
4488. Life-boats, &c., on ocean, lake, and sound steamers.
4489. Penalty for failure to provide life-boats, &c.
4490. Water-tight bulk-heads in lake-steamers carrying passengers.
4491. Use of instruments for security of life.
4492. Barges carrying passengers.
4493. Liability of master and owners for damage to passengers.
4494. Two copies of this Title to be kept on each passenger-steamer.
4495. Name of steamer to be exhibited.
4496. Duties of customs officers.
4497. Penalty for omission of duty by customs officer.
4498. Registry, enrollment, &c., denied to vessels not complying with the law.
4499. Penalty for failure to comply.
4500. Penalty in cases not provided for.

SEC. 4463. No steamer carrying passengers shall depart from any port unless she shall have in her service a full complement of licensed officers and full crew, sufficient at all times to manage the vessel, including the proper number of watchmen. But if any such vessel, on her voyage, is deprived of the services of any licensed officer, without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the deficiency may be temporarily supplied, until others licensed can be obtained.

Officers and crew of passenger-steamers.

28 Feb., 1871, c. 100, s. 14, v. 16, p. 446.

SEC. 4464. The inspectors shall state in every certificate of inspection granted to steamers carrying passengers, other than ferry-boats, the number of passengers of each class that any such steamer has accommodations for, and can carry with prudence and safety.

Number of passengers allowable.

Ibid., s. 48, p. 454.

Penalty for carrying too great a number of passengers.

Ibid.

Special permit for excursions.

Ibid.

Lists of passengers.

Ibid., s. 49.

Penalty for failure to keep passenger-list.

Ibid.

Recovery of penalties.

Ibid.

Precautions against fire.

Ibid., s. 2, p. 440.

Fire-pumps and hose.

Ibid., s. 3.

SEC. 4465. It shall not be lawful to take on board of any steamer a greater number of passengers than is stated in the certificate of inspection; and for every violation of this provision the master or owner shall be liable, to any person suing for the same, to forfeit the amount of passage-money and ten dollars for each passenger beyond the number allowed.

SEC. 4466. If any passenger-steamer engages in excursions, the inspectors shall issue to such steamer a special permit, in writing, for the occasion, in which shall be stated the additional number of passengers that may be carried, and the number and kind of life-saving appliances that shall be provided for the safety of such additional passengers; and they shall also, in their discretion, limit the route and distance for such excursions.

SEC. 4467. The master of every passenger-steamer shall keep a correct list of all the passengers received and delivered from day to day, noting the places where received and where landed, which record shall be opened to the inspection of the inspectors and officers of the customs at all times; and the aggregate number of passengers shall be furnished to inspectors as often as called for; but on routes not exceeding one hundred miles, the number of passengers, if kept, shall be sufficient.

SEC. 4468. Every master of any passenger-steamer who fails, through negligence or design, to keep a list of passengers, as required by the preceding section, shall be liable to a penalty of one hundred dollars.

SEC. 4469. The penalties imposed by sections forty-four hundred and sixty-five and forty-four hundred and sixty-eight shall be a lien upon the vessel in each case; but a bond may, as provided in other cases, be given to secure the satisfaction of the judgment.

SEC. 4470. Every steamer carrying passengers or freight shall be provided with suitable pipes and valves attached to the boiler, to convey steam into the hold and the different compartments thereof, to extinguish fire; and every stove used on board of any such vessel shall be well and securely fastened, so as to prevent it from being moved or overthrown, and all wood-work or other ignitable substances about the boilers, chimneys, cook-houses, and stove-pipes exposed to ignition, shall be thoroughly shielded by some incombustible material, in such a manner as to leave the air to circulate freely between such material and wood-work or other ignitable substance; and before granting a certificate of inspection, the inspector shall require all other necessary provisions to be made throughout such vessel to guard against loss or danger from fire.

SEC. 4471. Every steamer permitted by her certificate of inspection to carry as many as fifty passengers, or upward, and every steamer carrying passengers, which also carries cotton, hay, or hemp, shall be provided with a good double-acting steam fire-pump, or other equivalent apparatus for throwing water. Such pump or other apparatus for throwing water shall be kept at all times and at all seasons of the year in good order and ready for immediate use, having at least two pipes of suitable dimensions, one on each side of the vessel, to convey the water to the upper decks, to which pipes there shall be attached, by means of stop-cocks or valves, both between decks and on the upper deck, good and suitable hose of sufficient strength to stand a pressure of not less than one hundred pounds to the square inch, long enough to reach to all parts of the vessel and properly provided with nozzles, and kept in good order and ready for immediate service. Every steamer exceeding two hundred tons burden and carrying passengers shall be provided with two good double-acting fire-pumps, to be worked by hand; each chamber of such pumps, except pumps upon steamers in service on the twenty-eighth day of February, eighteen hundred and seventy-one, shall be of sufficient capacity to contain not less than one hundred cubic inches of water; and such pumps shall be placed in the most suitable parts of the vessel for efficient service, having suitable well-fitted hose

to each pump, of at least one-half the vessel in length, kept at all times in perfect order, and shipped up and ready for immediate use. On every steamer not exceeding two hundred tons, one of such pumps may be dispensed with. Each fire-pump thus prescribed shall be supplied with water by means of a suitable pipe connected therewith, and passing through the side of the vessel so low as to be at all times under water when she is afloat; and no fire-pump thus provided for shall be placed below the lower deck of the vessel. Every steamer shall also be provided with a pump which shall be of sufficient strength and suitably arranged to test the boilers thereof.

SEC. 4472. No loose hay, loose cotton, or loose hemp, camphene, nitro-glycerine, naphtha, benzine, benzole, coal-oil, crude or refined petroleum, or other like explosive burning fluids, or like dangerous articles, shall be carried as freight or used as stores on any steamer carrying passengers; nor shall baled cotton or hemp be carried on such steamers unless the bales are compactly pressed and thoroughly covered with bagging of similar fabric, and secured with good rope or iron bands; nor shall gunpowder be carried on any such vessel, except under special license; nor shall oil of vitriol, nitric or other chemical acids be carried on such steamers except on the decks or guards thereof, or in such other safe part of the vessel as shall be prescribed by the inspectors. Refined petroleum, which will not ignite at a temperature less than one hundred and ten degrees of Fahrenheit thermometer, may be carried on board such steamers upon routes where there is no other practical mode of transporting it, and under such regulations as shall be prescribed by the board of supervising inspectors with the approval of the Secretary of the Treasury; and oil or spirits of turpentine may be carried on such steamers when put up in good metallic vessels, or casks or barrels well and securely bound with iron and stowed in a secure part of the vessel; and friction-matches may be carried on such steamers when securely packed in strong tight chests or boxes, the covers of which shall be well secured by locks, screws, or other reliable fastenings, and stowed in a safe part of the vessel at a secure distance from any fire or heat. All such other provisions shall be made on every steamer carrying passengers or freight, to guard against and extinguish fire, as shall be prescribed by the board of supervising inspectors, and approved by the Secretary of the Treasury.

SEC. 4473. Every bale of cotton or hemp that shall be shipped or carried on any passenger-steamer, without conforming to the provisions of the preceding section, shall be subject to a penalty of five dollars, and shall be liable to seizure and sale to secure the payment of such penalty.

SEC. 4474. The Secretary of the Treasury may grant permission to the owner of any steam-vessel, to use any invention or process for the utilization of petroleum or other mineral oils or substances in the production of motive-power, and may make and enforce regulations concerning the application and use of the same for such purpose. But no such permission shall be granted, unless upon the certificate of the supervising inspector of steamboats for the district wherein such vessel is registered, and other satisfactory proof that the use of the same is safe and efficient; and upon such proof, and the approval of such certificate by the Secretary of the Treasury, a special license for the use of such process or invention shall issue under the seal of the Treasury Department. [See § 4424.]

SEC. 4475. All gunpowder, nitro-glycerine, camphene, naphtha, benzine, benzole, coal-oil, crude or refined petroleum, oil of vitriol, nitric or other chemical acids, oil or spirits of turpentine, friction-matches, and all other articles of like character, when packed or put up for shipment, shall be securely packed and put up separately from each other and from all other articles; and the package, box, cask, or other vessel containing the same shall be distinctly marked on the outside, with the name or description of the article contained therein.

Dangerous articles not to be carried on passenger-steamers.

Ibid., s. 4, p. 441.

[See §§ 4278-4280, 5353-5355.]

Penalty for unlawfully carrying cotton or hemp.

Ibid.

License for use of petroleum in the production of motive-power.

Ibid., p. 442.

Mode of packing dangerous articles.

Ibid., s. 5.

Punishment for unlawfully shipping dangerous articles.

Ibid.

[See §§ 4278-4280, 5353-5355.]

Watchmen on passenger-steamers.

Ibid., s. 6.

Punishment for failure to keep watchmen.

Ibid.

Fire-extinguishers.

Ibid.

Wire tiller-ropes, bell-pulls, &c., for passenger-steamers.

Ibid., s. 10, p. 443.

Boats for river-steamers.

Ibid., s. 7, p. 442.

Life-preservers for river-steamers carrying passengers.

Ibid., s. 8, p. 443.

Fire-buckets, axes, &c., for river-steamers carrying passengers.

Ibid.

SEC. 4476. Every person who packs or puts up, or causes to be packed or put up for shipment, any gunpowder, nitro-glycerine, camphene, naphtha, benzine, benzole, coal-oil, crude or refined petroleum, oil of vitriol, nitric or other chemical acids, oil or spirits of turpentine, friction-matches, or other articles of like character otherwise than as directed by the preceding section, or who knowingly ships or attempts to ship the same, or delivers the same to any such vessel as stores, unless duly packed and marked, shall be deemed guilty of a misdemeanor, and punished by fine not exceeding two thousand dollars, or imprisonment not exceeding eighteen months, or both; one-half of the fine to go to the informer, and the articles to be liable to seizure and forfeiture.

SEC. 4477. Every steamer carrying passengers during the night-time shall keep a suitable number of watchmen in the cabins, and on each deck, to guard against fire or other dangers, and to give alarm in case of accident or disaster.

SEC. 4478. For any neglect to keep the watchmen required by the preceding section, the license of the officer in charge of the vessel for the time being shall be revoked; and every owner of such vessel who neglects or refuses to furnish the number of men necessary to keep watch as required, shall be fined one thousand dollars.

SEC. 4479. The board of supervising inspectors may require steamers carrying either passengers or freight to be provided with such number and kind of good and efficient portable fire-extinguishers as, in the judgment of the board, may be necessary to protect them from fire when such steamers are moored or lying at a wharf without steam to work the pumps.

SEC. 4480. Every steamer carrying passengers shall be provided with wire tiller-ropes, or iron rods or chains, for the purpose of steering and navigating the vessel, and shall employ wire bell-pulls for signaling the engineer from the pilot-house, together with tubes of proper size so arranged as to return the sound of the engine-bells to the pilot-house, or other arrangement to repeat back the signal. But on any such vessel navigated by the mariners' compass, so much of such wire rope or chain may be dispensed with and disused as shall influence or disturb the working of the compass.

SEC. 4481. Every steam-vessel navigating rivers only, except ferry-boats, freight-boats, canal-boats, and towing-boats, of less than fifty tons, shall have at least one good substantial boat with lines attached, and properly supplied with oars, and kept in good condition at all times, and ready for immediate use; and in addition thereto, every such vessel carrying passengers shall have one or more metallic life-boats, fire-proof, and in all respects good and substantial boats, of such dimensions and arrangements as the board of supervising inspectors by their regulations shall prescribe, which boats shall be carried in the most convenient manner to be brought into immediate use in case of accident. But where the character of the navigation is such that, in the opinion of the supervising inspector, the metallic life-boats can be dispensed with, he may exempt any such vessel from carrying the same; or may require a substitute therefor, at his discretion.

SEC. 4482. Every such steam-vessel carrying passengers shall also be provided with a good life-preserver, made of suitable material, for every cabin passenger for which she will have accommodation, and also a good life-preserver or float for each deck or other class passenger which the inspector's certificate shall allow her to carry, including the officers and crew; which life-preservers or floats shall be kept in convenient and accessible places on such vessel in readiness for immediate use in case of accident.

SEC. 4483. Every such steam-vessel carrying passengers, of two hundred tons burden or less, shall also keep at least eighteen fire-buckets and two water-barrels, and shall have not less than four axes; and every such steamer of over two hundred tons, and not less than five hundred tons burden, shall carry not less than twenty-four buckets, four water-

barrels, and six axes; and every such steamer of over five hundred tons shall carry not less than thirty-five buckets, six water-barrels, and eight axes. The buckets and barrels shall be kept in convenient places and filled with water, to be in readiness in case of fire, and the axes shall be kept in good order and ready for immediate use. Tanks of suitable dimensions and arrangement, or buckets in sufficient number, may be substituted for barrels.

SEC. 4484. Every such steam-vessel carrying passengers on the main-deck shall be provided with permanent stairways and other sufficient means, convenient to the passengers, for their escape to the upper deck, in case of the vessel sinking or of other accident endangering life; and in the stowage of freight upon such deck, where passengers are carried, gangways or passages, sufficiently large to allow persons to pass freely through them, shall be left open both fore and aft of the vessel, and also to and along the guards on each side.

SEC. 4485. The captain or mate of every such steam-vessel carrying passengers upon the main-deck shall assign to all deck-passengers, when taking passage, the space on deck they may occupy during the voyage, and such space shall not thereafter be occupied by freight, nor overcrowded by other persons, nor shall freight be stowed about the boilers or machinery, in such a manner as to obstruct or prevent the engineer from readily attending to his duties.

SEC. 4486. For every violation of the provisions of the two preceding sections the owners of the vessel shall be punished by a fine of three hundred dollars.

SEC. 4487. On any steamers navigating rivers only, when, from darkness, fog, or other cause, the pilot or watch shall be of opinion that the navigation is unsafe, or, from accident to or derangement of the machinery of the boat, the chief engineer shall be of the opinion that the further navigation of the vessel is unsafe, the vessel shall be brought to anchor, or moored as soon as it can prudently be done: *Provided*, That if the person in command shall, after being so admonished by either of such officers, elect to pursue such voyage, he may do the same; but in such case both he and the owners of such steamer shall be answerable for all damages which shall arise to the person of any passenger, or his baggage, from such causes in so pursuing the voyage, and no degree of care or diligence shall in such case be held to justify or excuse the person in command, or the owners.

SEC. 4488. Every steamer navigating the ocean, or any lake, bay, or sound of the United States, shall be provided with such numbers of life-boats, floats, rafts, life-preservers, and drags, as will best secure the safety of all persons on board such vessel in case of disaster; and every sea-going vessel carrying passengers, and every such vessel navigating any of the northern or northwestern lakes, shall have the life-boats required by law, provided with suitable boat-disengaging apparatus, so arranged as to allow such boats to be safely launched while such vessels are under speed or otherwise, and so as to allow such disengaging-apparatus to be operated by one person, disengaging both ends of the boat simultaneously from the tackles by which it may be lowered to the water. And the board of supervising inspectors shall fix and determine, by their rules and regulations, the kind of life-boats, floats, rafts, life-preservers, and drags that shall be used on such vessels, and also the kind and capacity of pumps or other appliances for freeing the steamer from water in case of heavy leakage, the capacity of such pumps or appliances being suited to the navigation in which the steamer is employed.

SEC. 4489. The owner of any such steamer who neglects or refuses to provide such life-boats, floats, rafts, life-preservers, drags, pumps, or appliances, as are, under the provisions of the preceding section, required by the board of supervising inspectors, and approved by the Secretary of the Treasury, shall be fined one thousand dollars.

Stairways and gangways on river-steamers carrying passengers on main deck.

Ibid., s. 9.

Accommodation of deck-passengers.

Ibid.

Penalty for not providing proper accommodations for passengers.

Ibid.

River-steamers to be anchored when navigation is unsafe.

Ibid., s. 42, p. 453.

Life-boats, &c., on ocean, lake, and sound steamers.

Ibid., s. 52, p. 455.

Penalty for failure to provide life-boats, &c.

Ibid.

Water-tight bulk-heads in lake-steamers carrying passengers.

Ibid., s. 53.

Use of instruments for security of life.

Ibid., s. 11, p. 445.

Barges carrying passengers.

Ibid., s. 46, p. 453.

Liability of master and owners for damage to passengers.

Ibid., s. 43.

Two copies of this Title to be kept on each passenger-steamer.

Ibid., s. 50, p. 445.

Name of steamer to be exhibited.

Ibid., s. 50, p. 455.

Duties of customs officers.

Ibid., s. 30, p. 450.

Penalty for omission of duty by customs officer.

Ibid.

SEC. 4490. Every sea-going steamer, and every steamer navigating the great northern or northwestern lakes, carry passengers, the building of which shall be completed after the twenty-eighth day of August, eighteen hundred and seventy-one, shall have not less than three water-tight cross-bulk-heads, such bulk-heads to reach to the main-deck in single-decked vessels, otherwise to the deck next below the main-deck; to be made of iron plates, sustained upon suitable framework; and to be properly secured to the hull of the vessel. The position of such bulk-heads and the strength of material of which the same shall be constructed shall be determined by the general rules of the board of supervising inspectors.

SEC. 4491. No kind of instrument, machine, or equipment, for the better security of life, provided for by this Title shall be used on any steam-vessel which shall not first be approved by the board of supervising inspectors, and also by the Secretary of the Treasury.

SEC. 4492. Every barge carrying passengers, while in tow of any steamer, shall be subject to the provisions of this Title relating to fire-buckets, axes, life-preservers, and yawls, to such extent as shall be prescribed by the board of supervising inspectors; and for any violation of this section the penalty shall be two hundred dollars, recoverable one-half for the use of the informer.

SEC. 4493. Whenever damage is sustained by any passenger or his baggage, from explosion, fire, collision, or other cause, the master and the owner of such vessel, or either of them, and the vessel shall be liable to each and every person so injured, to the full amount of damage if it happens through any neglect or failure to comply with the provisions of this Title, or through known defects or imperfections of the steaming-apparatus or of the hull; and any person sustaining loss or injury through the carelessness, negligence, or willful misconduct of any master, mate, engineer, or pilot, or his neglect or refusal to obey the laws governing the navigation of such steamers, may sue such master, mate, engineer, or pilot, and recover damages for any such injury caused by any such master, mate, engineer, or pilot. [See § 5344.]

SEC. 4494. Every master or commander of any steam-vessel carrying passengers shall keep on board of such vessel at least two copies of the provisions of this Title, to be furnished to him by the Secretary of the Treasury; and if the master or commander neglects or refuses to do so, or shall unreasonably refuse to exhibit a copy of the same to any passenger who asks for it, he shall be liable to a penalty of twenty dollars.

SEC. 4495. Every steam-vessel of the United States, in addition to having her name painted on her stern, shall have the same conspicuously placed in distinct, plain letters, of not less than six inches in length, on each outer side of the pilot-house, if it has such, and in case the vessel has side-wheels, also on the outer side of each wheel-house; and if any such steamboat be found without having her name placed as required, she shall be subject to the same penalty and forfeiture as provided by law in the case of a vessel of the United States found without having her name, and the name of the port to which she belongs, painted on her stern.

SEC. 4496. All collectors, or other chief officers of the customs, and all inspectors within the several districts, shall enforce the provisions of this Title against all steamers arriving and departing.

SEC. 4497. Every collector, or other chief officer of the customs, or inspector, who negligently or intentionally omits any duty under the preceding section, shall be liable to removal from office, and to a penalty of one hundred dollars for each offense, to be sued for in an action of debt.

SEC. 4498. No license, register, or enrollment shall be granted, nor any other papers be issued, by any collector or other chief officer of the customs, to any vessel propelled in whole or in part by steam, until he shall have satisfactory evidence that all the provisions of this Title have been fully complied with.

Registry, enrollment, &c., denied to vessels not complying with the law.

Ibid., s. 1, p. 440.

SEC. 4499. If any vessel propelled in whole or in part by steam be navigated without complying with the terms of this Title, the owner shall be liable to the United States in a penalty of five hundred dollars for each offense, one-half for the use of the informer, for which sum the vessel so navigated shall be liable, and may be seized and proceeded against by way of libel in any district court of the United States having jurisdiction of the offense.

Penalty for failure to comply.

Ibid.

SEC. 4500. The penalty for the violation of any provision of this Title, not otherwise specially provided for, shall be a fine of five hundred dollars, recoverable one-half for the use of the informer.

Penalty in cases not provided for.

Ibid., s. 68, p. 458.

TITLE LIII.

MERCHANT SEAMEN.

CHAPTER ONE.

SHIPPING-COMMISSIONERS.

Sec.

4501. Appointment of shipping-commissioners.

4502. Bond and oath of commissioners.

4503. When officers of the customs shall act as commissioners.

Sec.

4504. Penalty for unlawfully acting as commissioner.

4505. Clerks of commissioner.

4506. Seal of commissioner.

4507. Office of commissioner.

4508. Duties of commissioner.

Appointment of
shipping-commissioners.

7 June, 1872, c.
322, s. 1, v. 17, p.
262.

SEC. 4501. The several circuit courts within the jurisdiction of which there is a port of entry which is also a port of ocean navigation, shall appoint a commissioner for each such port which in their judgment may require the same, such commissioners to be termed shipping-commissioners; and may, from time to time, remove from office any commissioner whom the court may have reason to believe does not properly perform his duties, and shall then provide for the proper performance of his duties until another person is duly appointed in his place. Such courts shall regulate the mode of conducting business in the shipping-offices to be established by the shipping-commissioners as hereinafter provided; and shall have full and complete control over the same, subject to the provisions herein contained.

Bond and oath of
commissioner.

Ibid., ss. 2, 3.

SEC. 4502. Every shipping-commissioner so appointed shall give bond to the United States, conditioned for the faithful performance of the duties of his office, for a sum, in the discretion of the circuit judge, of not less than five thousand dollars, with two good and sufficient sureties therefor, to be approved by such judge; and shall take and subscribe the following oath before entering upon the duties of his office: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States, and that I will truly and faithfully discharge the duties of a shipping-commissioner to the best of my ability, and according to law." Such oath shall be indorsed on the commission or certificate of appointment, and signed by him, and certified by the officer before whom such oath shall have been taken.

When officers of
the customs shall
act as commissioners.

Ibid., s. 8, p. 263.

SEC. 4503. In any port in which no shipping-commissioner shall have been appointed, the whole or any part of the business of a shipping-commissioner shall be conducted by the collector or deputy collector of customs of such port; and in respect of such business such custom-house shall be deemed a shipping-office, and the collector or deputy collector of customs to whom such business shall be committed, shall, for all purposes, be deemed a shipping-commissioner within the meaning of this Title.

Penalty for un-
lawfully acting as
commissioner.

Ibid., ss. 8, 12.
15 Jan., 1873, c.
35, v. 17, p. 410.

SEC. 4504. Any person other than a commissioner under this Title, who shall perform or attempt to perform, either directly or indirectly, the duties which are by this Title set forth as pertaining to a shipping-commissioner, shall be liable to a penalty of not more than five hundred dollars. Nothing in this Title, however, shall prevent the owner, or consignee, or master of any vessel except vessels bound from a port in the United States to any foreign port, other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, and ves-

sels of the burden of seventy-five tons or upward bound from a port on the Atlantic to a port on the Pacific, or vice versa, from performing, himself, so far as his vessel is concerned, the duties of shipping-commissioner under this Title. Whenever the master of any vessel shall engage his crew, or any part of the same, in any collection-district where no shipping-commissioner shall have been appointed, he may perform for himself the duties of such commissioner.

SEC. 4505. Any shipping-commissioner may engage clerks to assist him in the transaction of the business of the shipping-office, at his own proper cost, and may, in case of necessity, depute such clerks to act for him in his official capacity; but the shipping-commissioner shall be held responsible for the acts of every such clerk or deputy, and will be personally liable for any penalties such clerk or deputy may incur by the violation of any of the provisions of this Title; and all acts done by a clerk, as such deputy, shall be as valid and binding as if done by the shipping-commissioner.

Clerks of commissioner.

7 June, 1872, c. 322, s. 3, v. 17, p. 262.

SEC. 4506. Each shipping-commissioner shall provide a seal with which he shall authenticate all his official acts, on which seal shall be engraved the arms of the United States, and the name of the port or district for which he is commissioned. Any instrument, either printed or written, purporting to be the official act of a shipping-commissioner, and purporting to be under the seal and signature of such shipping-commissioner, shall be received as presumptive evidence of the official character of such instrument, and of the truth of the facts therein set forth.

Seal of commissioner.

Ibid.

SEC. 4507. Every shipping-commissioner shall lease, rent, or procure, at his own cost, suitable premises for the transaction of business, and for the preservation of the books and other documents connected therewith; and these premises shall be styled the shipping-commissioner's office.

Office of commissioner.

Ibid., s. 4, p. 263.

SEC. 4508. The general duties of a shipping-commissioner shall be:

Duties of commissioner.

First. To afford facilities for engaging seamen by keeping a register of their names and characters.

Ibid.

Second. To superintend their engagement and discharge, in manner prescribed by law.

Third. To provide means for securing the presence on board at the proper times of men who are so engaged.

Fourth. To facilitate the making of apprenticeships to the sea service.

Fifth. To perform such other duties relating to merchant seamen or merchant ships as are now or may hereafter be required by law.

CHAPTER TWO.

SHIPMENT.

Sec.

4509. Apprentices.

4510. Indentures of apprentices to be produced to commissioner.

4511. Shipping-articles.

4512. Rules for shipping-articles.

4513. Exceptions as to shipping-articles.

4514. Penalty for shipping without agreement.

4515. Penalty for knowingly shipping seamen without articles.

4516. Lost seamen may be replaced.

Sec.

4517. Shipping seamen in foreign ports.

4518. Penalty for violating preceding section.

4519. Posting copy of agreement.

4520. Shipping-articles for vessels in coasting trade.

4521. Penalty for shipping without articles.

4522. Penalty for omitting to begin voyage.

4523. Unlawful shipments void.

SEC. 4509. Every shipping-commissioner appointed under this Title shall, if applied to for the purpose of apprenticing boys to the sea-service, by any master or owner of a vessel, or by any person legally qualified, give such assistance as is in his power for facilitating the making

Apprentices.

7 June, 1872, c. 322, s. 9, v. 17, p. 263.

of such apprenticeships; but the shipping-commissioner shall ascertain that the boy has voluntarily consented to be bound, and that the parents or guardian of such boy have consented to such apprenticeship, and that he has attained the age of twelve years, and is of sufficient health and strength, and that the master to whom such boy is to be bound is a proper person for the purpose. Such apprenticeship shall terminate when the apprentice becomes eighteen years of age. The shipping-commissioner shall keep a register of all indentures of apprenticeship made before him.

Indenture of apprentice to be produced to commissioner.

Ibid., s. 10, p. 264.

SEC. 4510. The master of every foreign-going vessel shall, before carrying any apprentice to sea from any place in the United States, cause such apprentice to appear before the shipping-commissioner before whom the crew is engaged, and shall produce to him the indenture by which such apprentice is bound, and the assignment or assignments thereof, if any; and the name of the apprentice, with the date of the indenture and of the assignment or assignments thereof, if any, shall be entered on the agreement; which shall be in the form as near as may be given in the table marked "A" in the schedule annexed to this Title; and no such assignment shall be made without the approval of a commissioner, of the apprentice, and of his parents or his guardian. For any violation of this section, the master shall be liable to a penalty of not more than one hundred dollars.

Shipping-articles.

Ibid., s. 12, p. 264.
15 Jan., 1873, c.
35, v. 17, p. 410.

SEC. 4511. The master of every vessel bound from a port in the United States to any foreign port other than vessels engaged in trade between the United States and the British North American possessions, or the West India Islands, or the republic of Mexico, or of any vessel of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement, in writing or in print, with every seaman whom he carries to sea as one of the crew, in the manner hereinafter mentioned; and every such agreement shall be, as near as may be, in the form given in the table marked A, in the schedule annexed to this Title, and shall be dated at the time of the first signature thereof, and shall be signed by the master before any seaman signs the same, and shall contain the following particulars:

First. The nature and, as far as practicable, the duration of the intended voyage or engagement, and the port or country at which the voyage is to terminate.

Second. The number and description of the crew, specifying their respective employments.

Third. The time at which each seaman is to be on board, to begin work.

Fourth. The capacity in which each seaman is to serve.

Fifth. The amount of wages which each seaman is to receive.

Sixth. A scale of the provisions which are to be furnished to each seaman.

Seventh. Any regulations as to conduct on board, and as to fines, short allowance of provisions, or other lawful punishments for misconduct, which may be sanctioned by Congress as proper to be adopted, and which the parties agree to adopt.

Eighth. Any stipulations in reference to advance and allotment of wages, or other matters not contrary to law.

Rules for shipping-articles.

7 June, 1872, c.
322, s. 13, v. 17, p.
265.

SEC. 4512. The following rules shall be observed with respect to agreements:

First. Every agreement, except such as are otherwise specially provided for, shall be signed by each seaman in the presence of a shipping-commissioner.

Second. When the crew is first engaged the agreement shall be signed in duplicate, and one part shall be retained by the shipping-commissioner, and the other part shall contain a special place or form for the description and signatures of persons engaged subsequently to the first departure of the ship, and shall be delivered to the master.

Third. Every agreement entered into before a shipping-commissioner shall be acknowledged and certified under the hand and official seal of such commissioner. The certificate of acknowledgment shall be indorsed on or annexed to the agreement; and shall be in the following form:

"State of ———, County of ———:

"On this ——— day of ———, personally appeared before me, a shipping-commissioner in and for the said county, A. B., C. D., and E. F., severally known to me to be the same persons who executed the foregoing instrument, who each for himself acknowledged to me that he had read or had heard read the same; that he was by me made acquainted with the conditions thereof, and understood the same; and that, while sober and not in a state of intoxication, he signed it freely and voluntarily, for the uses and purposes therein mentioned."

SEC. 4513. The preceding section shall not apply to masters of vessels where the seamen are by custom or agreement entitled to participate in the profits or result of a cruise or voyage, nor to masters of coastwise nor to masters of lake-going vessels that touch at foreign ports; but seamen may, by agreement, serve on board such vessels a definite time, or, on the return of any vessel to a port in the United States, may reshup and sail in the same vessel on another voyage, without the payment of additional fees to the shipping-commissioner, by either the seamen or the master.

Exception as to shipping-articles.

7 June, 1872, c. 322, s. 12, v. 17, p. 264.

SEC. 4514. If any person shall be carried to sea, as one of the crew on board of any vessel making a voyage as hereinbefore specified, without entering into an agreement with the master of such vessel, in the form and manner, and at the place and times in such cases required, the vessel shall be held liable for each such offense to a penalty of not more than two hundred dollars. But the vessel shall not be held liable for any person carried to sea, who shall have secretly stowed away himself without the knowledge of the master, mate, or of any of the officers of the vessel, or who shall have falsely personated himself to the master, mate, or officers of the vessel, for the purpose of being carried to sea.

Penalty for shipping without agreement.

Ibid., s. 14, p. 265.

SEC. 4515. If any master, mate, or other officer of a vessel knowingly receives, or accepts, to be entered on board of any merchant-vessel, any seaman who has been engaged or supplied contrary to the provisions of this Title, the vessel on board of which such seaman shall be found shall, for every such seaman, be liable to a penalty of not more than two hundred dollars.

Penalty for knowingly shipping seamen without articles.

Ibid., s. 14, p. 265.

SEC. 4516. In case of desertion, or of casualty resulting in the loss of one or more seamen, the master may ship a number equal to the number of whose services he has been deprived by desertion or casualty, and report the same to the United States consul at the first port at which he shall arrive, without incurring the penalty prescribed by the two preceding sections.

Lost seamen may be replaced.

Ibid.

SEC. 4517. Every master of a merchant-vessel who engages any seaman at a place out of the United States, in which there is a consular officer or commercial agent, shall, before carrying such seaman to sea, procure the sanction of such officer, and shall engage seamen in his presence; and the rules governing the engagement of seamen before a shipping-commissioner in the United States, shall apply to such engagements made before a consular officer or commercial agent; and upon every such engagement the consular officer or commercial agent shall indorse upon the agreement his sanction thereof, and an attestation to the effect that the same has been signed in his presence, and otherwise duly made.

Shipping seamen in foreign ports.

Ibid., s. 15.

SEC. 4518. Every master who engages any seaman in any place in which there is a consular officer or commercial agent, otherwise than as required by the preceding section, shall incur a penalty of not more than one hundred dollars, for which penalty the vessel shall be held liable.

Penalty for violating preceding section.

Ibid.

Posting copy of agreement.

Ibid., s. 20, p. 266.

Shipping-articles for vessels in coast-trade.

20 July, 1790, c. 29, s. 1, v. 1, p. 131.

7 June, 1872, c. 322, s. 12, v. 17, p. 264.

Oliver vs. Alexander, 6 Pet., 143; *Gladding vs. Constant*, Sprague, 73; *Milligau vs. Propeller B. F. Bruce*, Newb., 539; *U. S. vs. Hamilton*, 1 Mas., 443; *U. S. vs. Haines*, 5 Mas., 272.

Penalty for shipping without articles.

20 July, 1790, c. 29, s. 1, v. 1, p. 131.

Wope vs. Hemmenway, Sprague, 300; *The Cypress*, Blatch. & H., 83; *The Warrington*, Blatch. & H., 335; *The Sarah Jane*, Blatch. & H., 401; *Jameson vs. Ship Regulus*, 1 Pet. Adm., 212; *Walton vs. Ship Neptune*, 1 Pet. Adm., 142; *Snow vs. Wope*, 2 Cur., 301; *Magee et al. vs. The Moss*, Gilp., 219; *Bartlett vs. Wyman*, 14 Johns., 260; *Johnson vs. Dalton*, 1 Cow., 543.

Penalty for omission to begin voyage.

20 July, 1790, c. 29, s. 2, v. 1, p. 131.

Unlawful shipments void.

20 July, 1840, c. 48, v. 5, p. 395.

7 June, 1872, c. 322, s. 15, v. 17, p. 265.

SEC. 4519. The master shall, at the commencement of every voyage or engagement, cause a legible copy of the agreement, omitting signatures, to be placed or posted up in such part of the vessel as to be accessible to the crew; and on default shall be liable to a penalty of not more than one hundred dollars.

SEC. 4520. Every master of any vessel of the burden of fifty tons or upward, bound from a port in one State to a port in any other than an adjoining State, except vessels of the burden of seventy-five tons or upward, bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall, before he proceeds on such voyage, make an agreement in writing or in print, with every seaman on board such vessel except such as shall be apprentice or servant to himself or owners, declaring the voyage or term of time for which such seaman shall be shipped.

SEC. 4521. If any master of such vessel of the burden of fifty tons or upward shall carry out any seaman or mariner, except apprentices or servants, without such contract or agreement being first made and signed by the seamen, such master shall pay to every such seaman the highest price or wages which shall have been given at the port or place where such seaman was shipped, for a similar voyage, within three months next before the time of such shipping, if such seaman shall perform such voyage; or if not, then for such time as he shall continue to do duty on board such vessel; and shall moreover be liable to a penalty of twenty dollars for every such seaman, recoverable, one-half to the use of the person prosecuting for the same, and the other half to the use of the United States. Any seaman who has not signed such a contract shall not be bound by the regulations nor subject to the penalties and forfeitures contained in this Title.

SEC. 4522. At the foot of every such contract to ship upon such a vessel of the burden of fifty tons or upward, there shall be a memorandum in writing of the day and the hour on which the seamen who ship and subscribe shall render themselves on board to begin the voyage agreed upon. If any such seaman shall neglect to render himself on board the vessel, for which he has shipped, at the time mentioned in such memorandum, and if the master of the vessel shall, on the day on which such neglect happened, make an entry in the log-book of such vessel, of the name of such seaman, and shall in like manner note the time that he so neglected to render himself, after the time appointed, every such seaman shall forfeit for every hour which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. If any such seaman shall wholly neglect to render himself on board of such vessel, or having rendered himself on board, shall afterward desert and escape, so that the vessel proceed to sea without him, he shall be liable to pay to the master, owner, or consignee of the vessel, a sum equal to that paid to him by advance at the time of signing the contract, over and besides the sum so advanced, both which sums shall be recoverable in any court, or before any justice of any State, city, town, or county within the United States, which, by the laws thereof, have cognizance of debts of equal value, against such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed the voyage.

SEC. 4523. All shipments of seamen made contrary to the provisions of any act of Congress shall be void; and any seaman so shipped may leave the service at any time, and shall be entitled to recover the highest rate of wages of the port from which the seaman was shipped, or the sum agreed to be given him at his shipment.

CHAPTER THREE.

WAGES AND EFFECTS.

Sec.

4524. Commencement of wages.
 4525. Wages not dependent on freight.
 4526. Termination of wages by loss of vessel.
 4527. Wages in case of improper discharge.
 4528. Suspension of wages.
 4529. Time for payment.
 4530. Payment of wages at ports, &c.
 4531. Allotment of wages.
 4532. Advances.
 4533. Recovery in case of unlawful advances.
 4534. Discount of advance security.
 4535. Loss of lien.
 4536. No attachment or assignment of wages.
 4537. Limit of sums recoverable during voyage.

Sec.

4538. Effects of deceased seamen.
 4539. Proceedings in regard to effects.
 4540. Penalty for neglect in regard to seamen's effects.
 4541. Duties of consular officers in regard to deceased seamen's effects.
 4542. Payment of wages in case of death within the United States.
 4543. Payment to circuit court.
 4544. Distribution of seamen's money and effects by circuit court.
 4545. Unclaimed wages and effects of deceased seamen.
 4546. Summons for non-payment of wages.
 4547. Libel for wages.
 4548. Wages payable in gold.

SEC. 4524. A seaman's right to wages and provisions shall be taken to commence either at the time at which he commences work, or at the time specified in the agreement for his commencement of work or presence on board, whichever first happens.

Commencement of wages.

7 June, 1872, c. 322, s. 30, v. 17, p. 268.

SEC. 4525. No right to wages shall be dependent on the earning of freight by the vessel; but every seaman or apprentice who would be entitled to demand and receive any wages if the vessel on which he has served had earned freight, shall, subject to all other rules of law and conditions applicable to the case, be entitled to claim and recover the same of the master or owner in personam, notwithstanding that freight has not been earned. But in all cases of wreck or loss of vessel, proof that any seaman or apprentice has not exerted himself to the utmost to save the vessel, cargo, and stores, shall bar his claim.

Wages not dependent on freight.

Ibid., s. 32.

SEC. 4526. In cases where the service of any seaman terminates before the period contemplated in the agreement, by reason of the wreck or loss of the vessel, such seaman shall be entitled to wages for the time of service prior to such termination, but not for any further period.

Termination of wages by loss of vessel.

Ibid., s. 33, p. 269.

SEC. 4527. Any seaman who has signed an agreement and is afterward discharged before the commencement of the voyage or before one month's wages are earned, without fault on his part justifying such discharge, and without his consent, shall be entitled to receive from the master or owner, in addition to any wages he may have earned, a sum equal in amount to one month's wages as compensation, and may, on adducing evidence satisfactory to the court hearing the case, of having been improperly discharged, recover such compensation as if it were wages duly earned.

Wages in case of improper discharge.

Ibid., s. 21, p. 266.

SEC. 4528. No seaman or apprentice shall be entitled to wages for any period during which he unlawfully refuses or neglects to work when required, after the time fixed by the agreement for him to begin work, nor, unless the court hearing the case otherwise directs, for any period during which he is lawfully imprisoned for any offense committed by him.

Suspension of wages.

Ibid., s. 34, p. 269.

SEC. 4529. The master or owner of every vessel making voyages from a port on the Atlantic to a port on the Pacific, or vice versa, shall pay to every seaman his wages, within two days after the termination of the agreement, or at the time such seaman is discharged, whichever first happens; and, in the case of vessels making foreign voyages, within three days after the cargo has been delivered, or within five days after the seaman's discharge, whichever first happens; and in all cases the seaman shall, at the time of his discharge, be entitled to be paid, on account, a sum equal to one-fourth part of the balance due to him. Every

Time for payment.

20 July, 1790, c. 29, s. 6, v. 1, p. 133.
 7 June, 1872, c. 322, s. 35, v. 17, p. 269.

master or owner who neglects or refuses to make payment in manner hereinbefore mentioned; without sufficient cause, shall pay to the seaman a sum not exceeding the amount of two days' pay for each of the days, not exceeding ten days, during which payment is delayed beyond the respective periods; which sum shall be recoverable as wages in any claim made before the court. But this section shall not apply to the masters or owners of any vessel the seamen on which are entitled to share in the profits of the cruise or voyage.

Payment of wages
at ports, &c.

20 July, 1790, c.
29, s. 6, v. 1, p. 133.

SEC. 4530. Every seaman shall be entitled to receive from the master of the vessel to which he belongs, one-third part of the wages which shall be due to him at every port where such vessel shall unlade and deliver her cargo before the voyage is ended, unless the contrary be expressly stipulated in the contract; and as soon as the voyage is ended, and the cargo or ballast is fully discharged at the last port of delivery, he shall be entitled to the wages which shall be then due.

Allotment of
wages.

7 June, 1872, c.
322, s. 16, v. 17, p.
266.

SEC. 4531. All stipulations for the allotment of any part of the wages of a seaman, during his absence, which are made at the commencement of the voyage shall be inserted in the agreement, and shall state the amounts and times of the payments to be made, and the persons to whom such payments are to be made.

Advances.

Ibid., s. 17.

SEC. 4532. No advance of wages shall be made, or advance security given to any person, but to the seaman himself, or to his wife or mother; and no advance of wages shall be made, or advance security given, unless the agreement contains a stipulation for the same, and an accurate statement of the amount thereof; and no advance wages or advance security shall be given to any seaman, except in the presence of the shipping-commissioner.

Recovery in case
of unlawful ad-
vance.

Ibid., s. 18.

SEC. 4533. If any advance of wages is made or advance security given to any seaman in any such manner as to constitute a breach of any of the provisions of the two preceding sections, the wages of such seaman shall be recoverable by him, as if no such advance had been made or promised; and in the case of any advance security so given, no person shall be sued thereon, unless he was a party to such breach.

Discount of ad-
vance security.

Ibid., s. 19.

SEC. 4534. Whenever any advance security is discounted for any seaman, such seaman shall sign or set his mark to a receipt indorsed on the security, stating the sum actually paid or accounted for to him by the person discounting the same; and if the seaman sails in the vessel from the port of departure mentioned in the security, and is then duly earning his wages, or is previously discharged with the consent of the master, but not otherwise, the person discounting the security may, ten days after the final departure of the vessel from the port of departure mentioned in the security, sue for and recover the amount promised by the security, with costs, either from the owner or from any agent who has drawn or authorized the drawing of the security; and in any such proceeding it shall be sufficient for such person to prove that the security was given by the owner or master, or some other authorized agent, and that the same was discounted to and receipted by the seaman; and the seaman shall be presumed to have sailed in the vessel from such port, and to be duly earning his wages, unless the contrary is proved.

Loss of lien.

Ibid., s. 31, p. 268.

SEC. 4535. No seaman shall, by any agreement other than is provided by this Title, forfeit his lien upon the ship, or be deprived of any remedy for the recovery of his wages to which he would otherwise have been entitled; and every stipulation in any agreement inconsistent with any provision of this Title, and every stipulation by which any seaman consents to abandon his right to his wages in the case of the loss of the ship, or to abandon any right which he may have or obtain in the nature of salvage, shall be wholly inoperative.

No attachment or
assignment of
wages.

Ibid., s. 61, p. 276.

SEC. 4536. No wages due or accruing to any seaman or apprentice shall be subject to attachment or arrestment from any court; and every payment of wages to a seaman or apprentice shall be valid in law, notwithstanding any previous sale or assignment of wages, or of any attachment, incumbrance, or arrestment thereon; and no assignment or

sale of wages, or of salvage, made prior to the accruing thereof, shall bind the party making the same, except such advance securities as are authorized by this Title.

SEC. 4537. No sum exceeding one dollar shall be recoverable from any seaman, by any one person, for any debt contracted during the time such seaman shall actually belong to any vessel, until the voyage for which such seaman engaged shall be ended.

Limit of sum recoverable during voyage.

20 July, 1790, c. 29, s. 4, v. 1, p. 133.

Effects of deceased seamen.

7 June, 1872, c. 322, s. 43, v. 17, p. 271.

SEC. 4538. Whenever any seaman or apprentice belonging to or sent home on any merchant-vessel, whether a foreign-going or domestic vessel, employed on a voyage which is to terminate in the United States, dies during such voyage, the master shall take charge of all moneys, clothes, and effects which he leaves on board, and shall, if he thinks fit, cause all or any of such clothes and effects to be sold by auction at the mast or other public auction, and shall thereupon sign an entry in the official log-book, and cause it to be attested by the mate and one of the crew, containing the following particulars:

First. A statement of the amount of money so left by the deceased.

Second. In case of a sale, a description of each article sold, and the sum received for each.

Third. A statement of the sum due to deceased as wages, and the total amount of deductions, if any, to be made therefrom.

SEC. 4539. In cases embraced by the preceding section, the following rules shall be observed:

Proceedings in regard to effects of deceased seamen.

Ibid., s. 44.

First. If the vessel proceeds at once to any port in the United States, the master shall, within forty-eight hours after his arrival, deliver any such effects remaining unsold, and pay any money which he has taken charge of, or received from such sale, and the balance of wages due to the deceased, to the shipping-commissioner at the port of destination in the United States.

Second. If the vessel touches and remains at some foreign port before coming to any port in the United States, the master shall report the case to the United States consular officer there, and shall give to such officer any information he requires as to the destination of the vessel and probable length of the voyage; and such officer may, if he considers it expedient so to do, require the effects, money, and wages to be delivered and paid to him, and shall, upon such delivery and payment, give to the master a receipt; and the master shall within forty-eight hours after his arrival at his port of destination in the United States produce the same to the shipping-commissioner there. Such consular officer shall, in any such case, indorse and certify upon the agreement with the crew the particulars with respect to such delivery and payment.

Third. If the consular officer does not require such payment and delivery to be made to him, the master shall take charge of the effects, money, and wages, and shall, within forty-eight hours after his arrival at his port of destination in the United States, deliver and pay the same to the shipping-commissioner there.

Fourth. The master shall, in all cases in which any seaman or apprentice dies during the voyage or engagement, give to such officer or shipping-commissioner an account, in such form as they may respectively require, of the effects, money, and wages so to be delivered and paid; and no deductions claimed in such account shall be allowed unless verified by an entry in the official log-book, if there be any; and by such other vouchers, if any, as may be reasonably required by the officer or shipping-commissioner to whom the account is rendered.

Fifth. Upon due compliance with such of the provisions of this section as relate to acts to be done at the port of destination in the United States, the shipping-commissioner shall grant to the master a certificate to that effect. No officer of customs shall clear any foreign-going vessel without the production of such certificate.

Penalty for neglect in regard to seaman's effects.

Ibid., s. 45.

SEC. 4540. Whenever any master fails to take such charge of the money or other effects of a seaman or apprentice during a voyage, or to make such entries in respect thereof, or to procure such attestation to such entries, or to make such payment or delivery of any money, wages, or effects of any seaman or apprentice dying during a voyage, or to give such account in respect thereof as is above directed, he shall be accountable for the money, wages, and effects of the seaman or apprentice to the circuit court in whose jurisdiction such port of destination is situate, and shall pay and deliver the same accordingly; and he shall, in addition, for every such offense, be liable to a penalty of not more than treble the value of the money or effects, or, if such value is not ascertained, not more than two hundred dollars; and if any such money, wages, or effects are not duly paid, delivered, and accounted for by the master, the owner of the vessel shall pay, deliver, and account for the same, and such money and wages and the value of such effects shall be recoverable from him accordingly; and if he fails to account for and pay the same, he shall, in addition to his liability for the money and value, be liable to the same penalty which is incurred by the master for a like offense; and all money, wages, and effects of any seaman or apprentice dying during a voyage shall be recoverable in the courts and by the modes of proceeding by which seamen are enabled to recover wages due to them.

Duties of consular officers in regard to deceased seaman's effects.

Ibid., s. 46, p. 272.

SEC. 4541. Whenever any such seaman or apprentice dies at any place out of the United States, leaving any money or effects not on board of his vessel, the consular officer of the United States at or nearest the place shall claim and take charge of such money and effects, and shall, if he thinks fit, sell all or any of such effects, or any effects of any deceased seaman or apprentice delivered to him under the provisions of this Title, and shall quarterly remit to the district judge for the district embracing the port from which such vessel sailed, or the port where the voyage terminates, all moneys belonging to or arising from the sale of the effects or paid as the wages of any deceased seamen or apprentices which have come to his hands; and shall render such accounts thereof as the district judge requires.

Payment of wages in case of death within the United States.

Ibid., s. 47.

SEC. 4542. Whenever any seaman or apprentice dies in the United States, and is, at the time of his death, entitled to claim from the master or owner of any vessel in which he has served, any unpaid wages or effects, such master or owner shall pay and deliver, or account for the same, to the shipping-commissioner at the port where the seaman or apprentice was discharged, or was to have been discharged.

Payment to circuit court.

Ibid., s. 48.

SEC. 4543. Every shipping-commissioner in the United States shall, within one week from the date of receiving any such money, wages, or effects of any deceased seaman or apprentice, pay, remit, or deliver to the circuit court of the circuit in which he resides, the money, wages, or effects, subject to such deductions as may be allowed by the circuit court for expenses incurred in respect to such money and effects; and should any commissioner fail to pay, remit, and deliver the same to the circuit court, within the time hereinbefore mentioned, he shall incur a penalty of not more than treble the value of such money and effects.

Distribution of seaman's money and effects by circuit court.

Ibid., s. 49.

SEC. 4544. If the money and effects of any seaman or apprentice paid, remitted, or delivered to the circuit court, including the moneys received for any part of his effects which have been sold, either before delivery to the circuit court, or by its directions, do not exceed in value the sum of three hundred dollars, then, subject to the provisions hereinafter contained, and to all such deductions for expenses incurred in respect to the seaman or apprentice, or of his money and effects, as the said court thinks fit to allow, the court may pay and deliver the said money and effects to any claimants who can prove themselves either to be his widow or children, or to be entitled to the effects of the deceased under his will, or under any statute, or at common law, or to be entitled to procure probate, or take out letters of administration or confirmation, although no probate or letters of administration or confirmation

have been taken out, and shall be thereby discharged from all further liability in respect of the money and effects so paid and delivered; or may, if it thinks fit so to do, require probate, or letters of administration or confirmation, to be taken out, and thereupon pay and deliver the said money and effects to the legal personal representatives of the deceased; and if such money and effects exceed in value the sum of three hundred dollars, then, subject to deduction for expenses, the court shall pay and deliver the same to the legal personal representatives of the deceased.

SEC. 4545. When no claim to the wages or effects of a deceased seaman or apprentice, received by a circuit court, is substantiated within six years after the receipt thereof by the court, it shall be in the absolute discretion of the court, if any subsequent claim is made, either to allow or refuse the same. Such courts shall, from time to time, pay any moneys arising from the unclaimed wages and effects of deceased seamen, which, in their opinion, it is not necessary to retain for the purpose of satisfying claims, into the Treasury of the United States, and such moneys shall form a fund for, and be appropriated to, the relief of sick and disabled and destitute seamen belonging to the United States merchant marine service.

SEC. 4546. Whenever the wages of any seaman are not paid within ten days after the time when the same ought to be paid according to the provisions of this Title, or any dispute arises between the master and seamen touching wages, the district judge for the judicial district where the vessel is, or in case his residence be more than three miles from the place, or he be absent from the place of his residence, then, any judge or justice of the peace, or any commissioner of a circuit court, may summon the master of such vessel to appear before him, to show cause why process should not issue against such vessel, her tackle, apparel, and furniture, according to the course of admiralty courts, to answer for the wages.

139; *The Warrington*, Blatch. & H., 335; *Freeman vs. Baker*, Blatch. & H., 372; *The Phoebe*, Ware, 367; *The Schooner David Faust*, 1 Ben., 183; *Whiteman vs. The Ship Neptune*, 1 Pet. Adm., 183; *The Commerce*, Sprague, 34; *Collins vs. Nickerson*, Sprague, 126; *The Ship William Jarvis*, Sprague, 485; *Kief & Lang vs. The Steamboat London*, Newb., 6; *The Schooner Eagle*, Olc., 232.

SEC. 4547. If the master against whom such summons is issued neglects to appear, or, appearing, does not show that the wages are paid, or otherwise satisfied or forfeited, and if the matter in dispute is not forthwith settled, the judge or justice or commissioner shall certify to the clerk of the district court that there is sufficient cause of complaint whereon to found admiralty process, and thereupon the clerk of such court shall issue process against the vessel, and the suit shall be proceeded on in the court, and final judgment shall be given according to the usual course of admiralty courts in such cases. In such suit all the seamen having cause of complaint of the like kind against the same vessel, shall be joined as complainants; and it shall be incumbent on the master to produce the contract and log-book, if required, to ascertain any matters in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the proof of the contrary shall lie on the master. But nothing herein contained shall prevent any seaman from maintaining any action at common law for the recovery of his wages, or having immediate process out of any court having admiralty jurisdiction, wherever any vessel may be found, in case she shall have left the port of delivery where her voyage ended, before payment of the wages, or in case she shall be about to proceed to sea before the end of the ten days next after the delivery of her cargo or ballast.

SEC. 4548. Moneys paid under the laws of the United States, by direction of consular officers or agents, at any foreign port or place, as wages, extra or otherwise, due American seamen, shall be paid in gold or its equivalent, without any deduction whatever, any contract to the contrary notwithstanding.

Unclaimed wages and effects of deceased seamen.

Ibid., s. 50, p. 273.

Summons for non-payment of wages.

20 July, 1790, c. 29, s. 6, v. 1, p. 133.
23 Aug., 1842, c. 188, s. 1, v. 5, p. 517.

The Steamboat Thomas Jefferson, 10 Wh., 428; *The Cypress*, Blatch. & H., 83; *The Cadmus*, Blatch. & H.,

Libel for wages.

20 July, 1790, c. 29, s. 6, v. 1, p. 133.
23 Aug., 1842, c. 188, s. 1, v. 5, p. 517.

Oliver vs. Alexander, 6 Pet., 143; *The Trial*, Blatch. & H., 94.

Wages payable in gold.

3 March, 1873, c. 265, p. 602.

CHAPTER FOUR.

DISCHARGE.

Sec.

4549. Mode of discharge.
 4550. Account on discharge.
 4551. Certificate of discharge.

Sec.

4552. Rules for settlement.
 4553. Certificate of character.

Mode of discharge.

7 June, 1872, c.
 322, s. 22, v. 17, p.
 266.

SEC. 4549. All seamen discharged in the United States from merchant-vessels engaged in voyages from a port in the United States to any foreign port, or, being of the burden of seventy-five tons or upward, from a port on the Atlantic to a port on the Pacific, or vice versa, shall be discharged and receive their wages in the presence of a duly authorized shipping-commissioner under this Title, except in cases where some competent court otherwise directs; and any master or owner of any such vessel who discharges any such seaman belonging thereto, or pays his wages within the United States in any other manner, shall be liable to a penalty of not more than fifty dollars. [See § 5363.]

Account on discharge.

Ibid., s. 23, p. 267.

SEC. 4550. Every master shall, not less than forty-eight hours before paying off or discharging any seaman, deliver to him, or, if he is to be discharged before a shipping-commissioner, to such shipping-commissioner, a full and true account of his wages, and all deductions to be made therefrom on any account whatsoever; and in default shall, for each offense, be liable to a penalty of not more than fifty dollars. No deduction from the wages of any seaman except in respect of some matter happening after such delivery shall be allowed, unless it is included in the account delivered; and the master shall, during the voyage, enter the various matters in respect to which such deductions are made, with the amounts of the respective deductions as they occur, in the official log-book, and shall, if required, produce such book at the time of the payment of wages, and, also, upon the hearing, before any competent authority, of any complaint or question relating to such payment.

Certificate of discharge.

Ibid., s. 24.

SEC. 4551. Upon the discharge of any seaman, or upon payment of his wages, the master shall sign and give him a certificate of discharge, specifying the period of his service and the time and place of his discharge, in the form marked Table B in the schedule annexed to this Title; and every master who fails to sign and give to such seaman such certificate and discharge, shall, for each such offense, incur a penalty not exceeding fifty dollars. But whenever the master shall discharge his crew or any part thereof in any collection-district where no shipping-commissioner has been appointed, he may perform for himself the duties of such commissioner.

Rules for settlement.

Ibid., s. 27.

SEC. 4552. The following rules shall be observed with respect to the settlement of wages:

First. Upon the completion, before a shipping-commissioner, of any discharge and settlement, the master or owner and each seaman, respectively, in the presence of the shipping-commissioner, shall sign a mutual release of all claims for wages in respect of the past voyage or engagement, and the shipping-commissioner shall also sign and attest it, and shall retain it in a book to be kept for that purpose, provided both the master and seamen assent to such settlement, or the settlement has been adjusted by the shipping-commissioner.

Second. Such release, so signed and attested, shall operate as a mutual discharge and settlement of all demands for wages between the parties thereto, on account of wages, in respect of the past voyage or engagement.

Third. A copy of such release, certified under the hand and seal of such shipping-commissioner to be a true copy, shall be given by him to any party thereto requiring the same, and such copy shall be receivable in evidence upon any future question touching such claims, and shall have all the effect of the original of which it purports to be a copy.

Fourth. In cases in which discharge and settlement before a shipping-commissioner are required, no payment, receipt, settlement, or discharge otherwise made shall operate as evidence of the release or satisfaction of any claim.

Fifth. Upon payment being made by a master before a shipping-commissioner, the shipping-commissioner shall, if required, sign and give to such master a statement of the whole amount so paid; and such statement shall, between the master and his employer, be received as evidence that he has made the payments therein mentioned.

SEC. 4553. Upon every discharge effected before a shipping-commissioner, the master shall make and sign, in the form given in the table marked "B," in the schedule annexed to this Title, a report of the conduct, character, and qualifications of the persons discharged; or may state in such form, that he declines to give any opinion upon such particulars, or upon any of them; and the commissioner shall keep a register of the same, and shall, if desired so to do by any seaman, give to him or indorse on his certificate of discharge a copy of so much of such report as concerns him.

Certificate of character.

Ibid., s. 28, p. 268.

CHAPTER FIVE.

PROTECTION AND RELIEF.

Sec.
4554. Commissioner to act as arbiter.
4555. Examination of witnesses.
4556. Complaint that vessel is unseaworthy.
4557. Proceedings upon examination of vessel after vessel found seaworthy.
4558. Penalty for refusal to proceed when vessel found seaworthy.
4559. Appointment of inspectors by consul in foreign ports.
4560. Report of inspectors.
4561. Discharge of seamen on account of unseaworthiness of vessel.
4562. Payment of charges for inspection.
4563. Refusal to pay wages, charges, and damages; penalty.
4564. Provisions.
4565. Examination of provisions.
4566. Forfeiture for false complaint.
4567. Permission to enter complaint.
4568. Allowance for reduction of provisions.
4569. Medicines.
4570. Penalty for failure to keep medicines.
4571. Weights and measures.

Sec.
4572. Clothing and fuel.
4573. List of crew to be delivered to collector.
4574. Certificate to list.
4575. Rules as to list of crew.
4576. Bond for return of seamen.
4577. Return of seamen.
4578. Penalty for refusal to receive seamen.
4579. Additional allowance for transportation of destitute seamen.
4580. Extra wages on discharge.
4581. Penalty for neglect to collect extra wages.
4582. Extra wages upon discharge in case of sale.
4583. When extra wages may be remitted.
4584. Disposal of extra wages.
4585. Assessment of forty cents per month.
4586. Hospital dues of vessel sold abroad.
4587. No enrollment without payment.
4588. Certificate of citizenship.
4589. Protest upon impressment.
4590. Penalty for neglecting to make protest.
4591. List of certificates of citizenship.

SEC. 4554. Every shipping-commissioner shall hear and decide any question whatsoever between a master, consignee, agent, or owner, and any of his crew, which both parties agree in writing to submit to him; and every award so made by him shall be binding on both parties, and shall, in any legal proceedings which may be taken in the matter, before any court of justice, be deemed to be conclusive as to the rights of parties. And any document under the hand and official seal of a commissioner purporting to be such submission or award, shall be prima-facie evidence thereof.

Commissioner to act as arbiter.

7 June, 1872, c. 322, s. 25, v. 17, p. 267.

SEC. 4555. In any proceeding relating to the wages, claims, or discharge of a seaman, carried on before any shipping-commissioner, under the provisions of this Title, such shipping-commissioner may call upon the owner, or his agent, or upon the master, or any mate, or any other member of the crew, to produce any log-books, papers, or other documents in their possession or power, respectively, relating to any matter

Examination of witnesses.

Ibid., s. 26.

in question in such proceedings, and may call before him and examine any of such persons, being then at or near the place, on any such matter; and every owner, agent, master, mate, or other member of the crew who, when called upon by the shipping-commissioner, does not produce any such books, papers, or documents, if in his possession or power, or does not appear and give evidence, shall, unless he shows some reasonable cause for such a default, be liable to a penalty of not more than one hundred dollars for each offense; and, on application made by the shipping-commissioner, shall be further punished, in the discretion of the court, as in other cases of contempt of the process of the court.

Complaint that vessel is unseaworthy.

20 July, 1790, c. 29, s. 3, v. 1, p. 132.

SEC. 4556. If the mate or first officer under the master, and a majority of the crew of any vessel, bound on a voyage to any foreign port, shall, after the voyage is begun, and before the vessel shall have left the land, discover that the vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions, or stores, to proceed on the intended voyage, and shall require such unfitness to be inquired into, the master shall, upon the request of the mate or other officer and such majority, forthwith proceed to or stop at the nearest or most convenient port or place where such inquiry can be made, and shall there apply to the judge of the district court of that judicial district, if he shall there reside, or if not, to some justice of the peace of the city, town, or place, taking with him two or more of the crew who shall have made such request.

Proceedings upon examination of vessel.

Ibid.

SEC. 4557. The judge or justice shall, upon such application of the master or commander, issue his precept directed to three persons in the neighborhood, the most skillful in maritime affairs that can be procured, requiring them to repair on board such vessel, and to examine the same in respect to the defects and insufficiencies complained of, and to make report to him, the judge or justice, as the case may be, in writing under their hands, or the hands of two of them, whether in any or in what respect the vessel is unfit to proceed on the intended voyage, and what addition of men, provisions, or stores, or what repairs or alterations in the body, tackle, or apparel will be necessary; and upon such report the judge or justice shall adjudge, and shall indorse on the report his judgment, whether the vessel is fit to proceed on the intended voyage; and if not, whether such repairs can be made or deficiencies supplied where the vessel then lies, or whether it is necessary for her to return to the port from whence she first sailed, to be there refitted; and the master and crew shall in all things conform to the judgment. The master or commander shall, in the first instance, pay all the costs of such view, report, and judgment, to be taxed and allowed on a fair copy thereof, certified by the judge or justice. But if the complaint of the crew shall appear, upon the report and judgment, to have been without foundation, the master or commander, or the owner or consignee of such vessel, shall deduct the amount thereof, and of reasonable damages for the detention, to be ascertained by the judge or justice, out of the wages growing due to the complaining seamen.

Penalty for refusal to proceed when vessel found seaworthy.

Ibid.

SEC. 4558. If after judgment that such vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs, or alterations as may be directed, the seamen, or either of them, shall refuse to proceed on the voyage, it shall be lawful for any justice of the peace to commit, by warrant under his hand and seal, every such seaman who refuses to the common jail of the county, there to remain without bail or mainprize until he has paid double the sum advanced to him at the time of subscribing the contract for the voyage, together with such reasonable costs as are allowed by the justice, and inserted in the warrant; and the sureties of such seaman, in case he has given any, shall remain liable for such payment; nor shall any such seaman be discharged upon any writ of habeas corpus or otherwise, for want of any form of commitment, or other previous proceedings, until such sum is paid by him or his surety, if sufficient matter be made to appear, upon

the return of such habeas corpus, and an examination then had, to detain him for the causes hereinbefore assigned.

SEC. 4559. Upon a complaint in writing, signed by the first, or the second and third officers and a majority of the crew, of any vessel while in a foreign port, that such vessel is in an unsuitable condition to go to sea, because she is leaky, or insufficiently supplied with sails, rigging, anchors, or any other equipment, or that the crew is insufficient to man her, or that her provisions, stores, and supplies are not, or have not been, during the voyage, sufficient and wholesome, thereupon, in any of these or like cases, the consul or a commercial agent who may discharge any duties of a consul, shall appoint two disinterested, competent, practical men, acquainted with maritime affairs, to examine into the causes of complaint, who shall, in their report, state what defects and deficiencies, if any, they find to be well founded, as well as what, in their judgment, ought to be done to put the vessel in order for the continuance of her voyage.

SEC. 4560. The inspectors appointed by any consul or commercial agent, in pursuance of the preceding section, shall have full power to examine the vessel and whatever is aboard of her, so far as is pertinent to their inquiry, and also to hear and receive any other proofs which the ends of justice may require; and if, upon a view of the whole proceedings, the consul or other commercial agent is satisfied therewith, he may approve the whole or any part of the report, and shall certify such approval; or if he dissents, he shall certify his reasons for dissenting.

SEC. 4561. The inspectors in their report shall also state whether, in their opinion, the vessel was sent to sea unsuitably provided in any important or essential particular, by neglect or design, or through mistake or accident, and in case it was by neglect or design, and the consul or other commercial agent approves of such finding, he shall discharge such of the crew as require it, each of whom shall be entitled to three months' pay in addition to his wages to the time of discharge; but if, in the opinion of the inspectors, the defects or deficiencies found to exist have been the result of mistake or accident, and could not, in the exercise of ordinary care, have been known and provided against before the sailing of the vessel, and the master shall, in a reasonable time, remove or remedy the causes of complaint, then the crew shall remain and discharge their duty; otherwise they shall, upon their request, be discharged, and receive each one month's wages in addition to their pay up to the time of discharge. [See §§ 1708, 1730.]

SEC. 4562. The master shall pay all such reasonable charges for inspection under such complaint as shall be officially certified to him under the hand of the consul or commercial agent; but in case the inspectors report that the complaint is without any good and sufficient cause, the master may retain from the wages of the complainants, in proportion to the pay of each, the amount of such charges, with such reasonable damages for detention on that account as the consul or commercial agent directing the inquiry may officially certify.

SEC. 4563. Every master who refuses to pay such wages and charges shall be liable to each person injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

SEC. 4564. Every vessel belonging to a citizen of the United States, bound on a voyage across the Atlantic Ocean, shall, at the time of leaving the last port from whence she sails, have on board, well secured under deck, at least sixty gallons of water, one hundred pounds of salted flesh meat, and one hundred pounds of wholesome ship-bread, for every person on board such vessel, besides such other provisions, stores, and live-stock as shall by the master or passengers be put on board, and in like proportion for shorter or longer voyages.

Ship *Elizabeth* vs. *Rickers*, 2 Paine, 291; *Pratt* vs. *Thomas*, Ware, 439; *Coleman* vs. *The Brig Harriet*, Bee, 80; *The Elizabeth* Frith, Blatch. & H., 195; *The Mary Pannina*, Sprague, 45; *Foster* vs. *Simpson*, Sprague, 182; *Collins et al.* vs. *Wheeler et al.*, Sprague, 188.

Appointment of inspectors by consul in foreign port.

20 July, 1840, c. 48, v. 5, p. 396.
29 July, 1850, c. 27, s. 6, v. 9, p. 441.

Report of inspectors.

20 July, 1840, c. 48, v. 5, p. 396.

Discharge of seamen on account of unseaworthiness of vessel.

Ibid.

Payment of charges for inspection.

Ibid.

Refusal to pay wages and charges; damages; penalty.

Ibid., p. 397.

Provisions.

20 July, 1790, c. 29, s. 9, v. 1, p. 135.

Sundry Mariners vs. *The Ship Washington*, 1 Pet. Adm., 219; *Ferrara* vs. *The Talent*, Crabbe, 216; *The*

Examination of provisions.

7 June, 1872, c. 322, s. 36, v. 17, p. 269.

SEC. 4565. Any three or more of the crew of any merchant-vessel of the United States bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, may complain to any officer in command of any of the vessels of the United States Navy, or consular officer of the United States, or shipping-commissioner or chief officer of the customs, that the provisions or water for the use of the crew are, at any time, of bad quality, unfit for use, or deficient in quantity. Such officer shall thereupon examine the provisions or water, or cause them to be examined; and if, on examination, such provisions or water are found to be of bad quality and unfit for use, or to be deficient in quantity, the person making such examination shall certify the same in writing to the master of the ship. If such master does not thereupon provide other proper provisions or water, where the same can be had, in lieu of any so certified to be of a bad quality and unfit for use, or does not procure the requisite quantity of any so certified to be insufficient in quantity, or uses any provisions or water which have been so certified as aforesaid to be of bad quality and unfit for use, he shall, in every such case, be liable to a penalty of not more than one hundred dollars; and upon every such examination the officers making or directing the same shall enter a statement of the result of the examination in the log-book, and shall send a report thereof to the district judge for the judicial district embracing the port to which such vessel is bound; and such report shall be received in evidence in any legal proceedings. [See § 5347.]

Forfeiture for false complaint.

Ibid., s. 37.

SEC. 4566. If the officer to whom any such complaint, in regard to the provisions or the water, is made, certifies in such statement that there was no reasonable ground for such complaint, each of the parties so complaining shall be liable to forfeit to the master or owner, out of his wages, a sum not exceeding one week's wages.

Permission to enter complaint.

7 June, 1872, c. 322, s. 38, v. 17, p. 269.

Ibid., s. 38.

SEC. 4567. If any seamen, while on board any vessel, shall state to the master that they desire to make complaint, in accordance with the two preceding sections, in regard to the provisions or the water, to a competent officer, against the master, the master shall, if the vessel is then at a place where there is any such officer, so soon as the service of the vessel will permit, and if the vessel is not then at such a place, so soon after her first arrival at such place as the service of the vessel will permit, allow such seamen, or any of them, to go ashore, or shall send them ashore, in proper custody, so that they may be enabled to make such complaint; and shall, in default, be liable to a penalty of not more than one hundred dollars.

Allowance for reduction of provisions.

Ibid., s. 39 p. 270.

SEC. 4568. If, during a voyage, the allowance of any of the provisions which any seaman has, by his agreement, stipulated for, is reduced, except in accordance with any regulations for reduction by way of punishment, contained in the agreement, and also for any time during which such seaman willfully, and without sufficient cause, refuses or neglects to perform his duty, or is lawfully under confinement for misconduct, either on board or on shore; or if it is shown that any of such provisions are, or have been during the voyage, bad in quality, and unfit for use, the seaman shall receive by way of compensation for such reduction or bad quality, according to the time of its continuance, the following sums, to be paid to him in addition to and to be recoverable as wages:

First. If his allowance is reduced by any quantity not exceeding one-third of the quantity specified in the agreement, a sum not exceeding fifty cents a day.

Second. If his allowance is reduced by more than one-third of such quantity, a sum not exceeding one dollar a day.

Third. In respect of bad quality, a sum not exceeding one dollar a day.

But if it is shown to the satisfaction of the court before which the case is tried, that any provisions, the allowance of which has been reduced, could not be procured or supplied in sufficient quantities, or were una-

voidably injured or lost, and that proper and equivalent substitutes were supplied in lieu thereof, in a reasonable time, the court shall take such circumstances into consideration, and shall modify or refuse compensation, as the justice of the case may require.

SEC. 4569. Every vessel belonging to a citizen of the United States, bound from a port in the United States to any foreign port, or being of the burden of seventy-five tons or upward, and bound from a port on the Atlantic to a port on the Pacific, or vice versa, shall be provided with a chest of medicines; and every sailing-vessel bound on a voyage across the Atlantic or Pacific Ocean, or around Cape Horn, or the Cape of Good Hope, or engaged in the whale or other fisheries, or in sealing, shall also be provided with, and cause to be kept, a sufficient quantity of lime or lemon juice, and also sugar and vinegar, or other anti-scorbutics, to be served out to every seaman as follows: The master of every such vessel shall serve the lime or lemon juice, and sugar and vinegar, to the crew, within ten days after salt provisions mainly have been served out to the crew, and so long afterward as such consumption of salt provisions continues; the lime or lemon juice and sugar daily at the rate of half an ounce each per day; and the vinegar weekly, at the rate of half a pint per week for each member of the crew.

SEC. 4570. If, on any such vessel, such medicines, medical stores, lime or lemon juice, or other articles, sugar, and vinegar, as are required by the preceding section, are not provided and kept on board, as required, the master or owner shall be liable to a penalty of not more than five hundred dollars; and if the master of any such vessel neglects to serve out the lime or lemon juice, and sugar and vinegar in the case and manner directed, he shall for each such offense be liable to a penalty of not more than one hundred dollars; and if any master is convicted in either of the offenses mentioned in this section, and it appears that the offense is owing to the act or default of the owner, such master may recover the amount of such penalty, and the costs incurred by him, from the owner.

SEC. 4571. Every master shall keep on board proper weights and measures for the purpose of determining the quantities of the several provisions and articles served out, and shall allow the same to be used at the time of serving out such provisions and articles, in the presence of a witness, whenever any dispute arises about such quantities, and in default shall, for every offense, be liable to a penalty of not more than fifty dollars.

SEC. 4572. Every vessel bound on any foreign voyage shall also be provided with at least one suit of woolen clothing for each seaman, for use during the winter months; and every such vessel shall be provided with fuel and a safe and suitable room in which a fire can be kept for the use of seamen.

SEC. 4573. Before a clearance is granted to any vessel bound on a foreign voyage or engaged in the whale-fishery, the master thereof shall deliver to the collector of the customs a list containing the names, places of birth and residence, and description of the persons who compose his ship's company; to which list the oath of the captain shall be annexed, that the list contains the names of his crew, together with the places of their birth and residence, as far as he can ascertain them; and the collector shall deliver him a certified copy thereof, for which the collector shall be entitled to receive the sum of twenty-five cents.

SEC. 4574. In all cases of private vessels of the United States sailing from a port in the United States to a foreign port, the list of the crew shall be examined by the collector for the district from which the vessel shall clear, and, if approved of by him, shall be certified accordingly. No person shall be admitted or employed on board of any such vessel unless his name shall have been entered in the list of the crew, approved and certified by the collector for the district from which the vessel shall clear. The collector, before he delivers the list of the crew, approved and certified, to the master or proper officer of the vessel to which the

Medicines.

Ibid., s. 40.

The Phebe, Ware, 367; *Freeman vs. Baker*, Blatch. & H., 376.

Penalty for failure to keep medicines.

Ibid., s. 41.

Weights and measures.

Ibid., s. 42.

Clothing and fuel.

Ibid.

List of crew to be delivered to collector.

28 Feb., 1803, c. 9, s. 1, v. 2, p. 203.
4 April, 1840, c. 6, s. 2, v. 5, p. 370.

Taber vs. U. S., 1 Story, 1.

Certificate to list.

3 March, 1813, c. 42, s. 3, v. 2, p. 809.

same belongs, shall cause the same to be recorded in a book by him for that purpose to be provided, and the record shall be open for the inspection of all persons, and a certified copy thereof shall be admitted in evidence in any court in which any question may arise under any of the provisions of this Title.

Rules as to list
of crew.

20 July, 1840, c.
48, v. 5, pp. 394, 395,
397.

The Atlantic, Abb.
Admr., 451; Lamb
vs. Briard, Abb.
Admr., 367; Miner
vs. Harbeck, Abb.
Admr., 546; The
Schooner Eagle,
Olc., 232; The Ship
Moslem, Olc., 289;
Jordan vs. Wil-
liams, 1 Curt., 69;
Snow vs. Wope, 2
Curt., 301; Camp-
bell vs. Steamer
Uncle Sam, 1 Mc-
All., 77.

SEC. 4575. The following rules shall be observed with reference to vessels bound on any foreign voyage:

First. The duplicate list of the ship's company, required to be made out by the master and delivered to the collector of the customs, under section forty-five hundred and seventy-three, shall be a fair copy in one uniform handwriting, without erasure or interlineation.

Second. It shall be the duty of the owners of every such vessel to obtain from the shipping-commissioner, or officer acting as such in the district from which the clearance is made, a true and certified copy of the shipping-articles, containing the names of the crew, which shall be written in a uniform hand, without erasures or interlineations.

Third. These documents, which shall be deemed to contain all the conditions of contract with the crew as to their service, pay, voyage, and all other things, shall be produced by the master, and laid before any consul, or other commercial agent of the United States, whenever he may deem their contents necessary to enable him to discharge the duties imposed upon him by law toward any mariner applying to him for his aid or assistance.

Fourth. All interlineations, erasures, or writing in a hand different from that in which such duplicates were originally made, shall be deemed fraudulent alterations, working no change in such papers, unless satisfactorily explained in a manner consistent with innocent purposes and the provisions of law which guard the rights of mariners.

Fifth. If any master of a vessel shall proceed on a foreign voyage without the documents herein required, or refuse to produce them when required, or to perform the duties imposed by this section, or shall violate the provisions thereof, he shall be liable to each and every individual injured thereby in damages, to be recovered in any court of the United States in the district where such delinquent may reside or be found, and in addition thereto be punishable by a fine of one hundred dollars for each offense.

Sixth. It shall be the duty of the boarding-officer to report all violations of this section to the collector of the port where any vessel may arrive, and the collector shall report the same to the Secretary of the Treasury and to the United States attorney in his district.

Bond for return
of seamen.

28 Feb., 1803, c. 9,
s. 1, v. 2, p. 203.

U. S. vs. Hatch, 1
Paine, 336; Mon-
tell vs. U. S., Taney,
24; Tingle vs. Tuck-
er, Abb. Admr.,
519.

SEC. 4576. The master of every vessel bound on a foreign voyage or engaged in the whale-fishery, shall enter into bond, with sufficient security, in the sum of four hundred dollars, that he shall exhibit the certified copy of the list of the crew, to the first boarding-officer, at the first port in the United States at which he shall arrive on his return, and also produce the persons named therein to the boarding-officer; whose duty it shall be to examine the men with such list, and to report the same to the collector; and it shall be the duty of the collector at the port of arrival, where the same is different from the port from which the vessel originally sailed, to transmit a copy of the list so reported to him to the collector of the port from which such vessel originally sailed. But such bond shall not be forfeited on account of the master not producing to the first boarding-officer any of the persons contained in the list, who may be discharged in a foreign country with the consent of the consul, vice-consul, commercial agent, or vice-commercial agent there residing, certified in writing, under his hand and official seal, to be produced to the collector with the other persons composing the crew; nor on account of any such person dying or absconding, or being forcibly impressed into other service, of which satisfactory proof shall be then also exhibited to the collector.

SEC. 4577. It shall be the duty of the consuls, vice-consuls, commercial agents, and vice-commercial agents, from time to time, to provide for the seamen of the United States, who may be found destitute within their districts, respectively, sufficient subsistence and passages to some port in the United States, in the most reasonable manner, at the expense of the United States, subject to such instructions as the Secretary of State shall give. The seamen shall, if able, be bound to do duty on board the vessels in which they may be transported, according to their several abilities. [See §§ 1719, 1736, 5363.]

SEC. 4578. All masters of vessels belonging to citizens of the United States, and bound to some port of the same, are required to take such destitute seamen on board of their vessels, at the request of the consuls, vice-consuls, commercial agents, or vice-commercial agents, respectively, and to transport them to the port in the United States to which such vessel may be bound, on such terms, not exceeding ten dollars for each person, as may be agreed between the master and the consul or officer. Every such master who refuses the same on the request or order of such consul or officer shall be liable to the United States in a penalty of one hundred dollars for each seaman so refused. The certificate of any such consul or officer, given under his hand and official seal, shall be presumptive evidence of such refusal, in any court of law having jurisdiction for the recovery of the penalty. No master of any vessel shall, however, be obliged to take a greater number than two men to every one hundred tons burden of the vessel, on any one voyage. [See § 1719.]

SEC. 4579. Whenever distressed seamen of the United States are transported from foreign ports where there is no consular officer of the United States, to ports of the United States, there shall be allowed to the master or owner of each vessel, in which they are transported, such reasonable compensation, in addition to the allowance now fixed by law, as shall be deemed equitable by the First Comptroller of the Treasury.

SEC. 4580. Upon the application of any seaman to a consular officer for a discharge, if it appears to such officer that he is entitled to his discharge under any act of Congress, or according to the general principles or usages of maritime law, as recognized in the United States, the officer shall discharge such seaman; and shall require from the master of the vessel from which such discharge shall be made, the payment of three months' extra wages, over and above the wages which may then be due to such seaman. When, however, after a full hearing of both parties, the cause of discharge is found to be the misconduct of the seaman, the consular officer may remit so much of the extra wages as would be, by section forty-five hundred and eighty-four, payable to the seaman. [See §§ 1708, 1719, 1736.]

SEC. 4581. If any consular officer, when discharging any seaman, shall neglect to require the payment of and collect the extra wages required to be paid in the case of the discharge of any seaman, he shall be accountable to the United States for the full amount of their share of such wages, and to such seaman to the full amount of his share thereof; and if any seaman shall, after his discharge, have incurred any expense for board or other necessities at the place of his discharge, before shipping again, such expense shall be paid out of the share of three months' wages to which he shall be entitled, which shall be retained for that purpose, and the balance only paid over to him. [See §§ 1719, 1736.]

SEC. 4582. Whenever a vessel belonging to a citizen of the United States is sold in a foreign country, and her company discharged, or when a seaman, a citizen of the United States, is, with his own consent, discharged in a foreign country, it shall be the duty of the master to produce to the consular officer, the certified list of his ship's company, and to pay such consul or officer, for every seaman so discharged, designated on such list as a citizen of the United States, three months' pay, over and above the wages which may then be due to such seaman.

oline E. Kelly, 2 Abb. U. S., 160; Emerson vs. Howland, 1 Mas., 45; 4 Mas., 541; Bates vs. Seabury, Sprague, 433; Pool vs. Welsh, Gilp., 193; The Dawn, Davois, 121; Wells vs. Meldrum, Blatch. & If., 342; Ogden vs. Orr, 12 Johns., 143.

Return of seamen.

28 Feb., 1803, c. 9, s. 4, v. 2, p. 204.

Matthews vs. Offley, 3 Sumn., 115.

Penalty for refusal to receive seamen.

Ibid.

Matthews vs. Offley, 3 Sumn., 115.

Additional allowance for transportation of destitute seamen.

28 Feb., 1811, c. 28, v. 2, p. 651.

Extra wages on discharge.

18 Aug., 1856, c. 127, s. 26, v. 11, p. 62. 3 March, 1873, c. 243, v. 17, p. 580.

Penalty for neglect to collect extra wages.

18 Aug., 1856, c. 127, s. 26, v. 11, p. 62.

Extra wages upon discharge, in case of sale.

28 Feb., 1803, c. 9, s. 3, v. 2, p. 203.

The Atlantic, Abb. Adm., 451; Montell vs. U. S., Taney, 24; The Car-Orne vs. Townsend,

When extra wages may be remitted.

18 Aug., 1856, c. 127, s. 26, v. 11, p. 62.

20 July, 1840, c. 48, v. 5, p. 395.

SEC. 4583. No payment of extra wages shall be required upon the discharge of any seaman in cases where vessels are wrecked, or stranded, or condemned as unfit for service. If any consular officer, upon the complaint of any seaman that he has fulfilled his contract, or that the voyage is continued contrary to his agreement, is satisfied that the contract has expired, or that the voyage has been protracted by circumstances beyond the control of the master, and without any design on his part to violate the articles of shipment, then he may, if he deems it just, discharge the mariner without exacting the three months' additional pay. No payment of such extra wages, or any part thereof, shall be remitted in any case, except as allowed in this section.

Disposal of extra wages.

28 Feb., 1803, c. 9, s. 3, v. 2, p. 203.

18 Aug., 1856, c. 127, s. 26, v. 11, p. 62.

20 July, 1840, c. 48, v. 5, p. 395.

SEC. 4584. Whenever any consular officer upon the discharge of any seaman demands or receives extra three months' wages for such seaman, two-thirds thereof shall be paid by such officer to the seaman so discharged, upon his engagement on board of any vessel to return to the United States. The remaining third shall be retained for the purpose of creating a fund for the payment of the passages of seamen, citizens of the United States, who may be desirous of returning to the United States, and for the maintenance of American seamen who may be destitute, and may be in such foreign port; and the several sums retained for such fund shall be accounted for with the Treasury every six months by the persons receiving the same. [See § 1719.]

Assessment of forty cents per month.

29 June, 1870, c. 169, s. 1, v. 16, p. 169.

20 July, 1846, c. 60, s. 1, v. 9, p. 38.

10 Feb., 1871, Res. 27, s. 1, v. 16, p. 595.

SEC. 4585. There shall be assessed and collected by the collectors of customs at the ports of the United States, from the master or owner of every vessel of the United States arriving from a foreign port, or of every registered vessel employed in the coasting trade, and before such vessel shall be admitted to entry, the sum of forty cents per month for each and every seaman who shall have been employed on such vessel since she was last entered at any port of the United States; which sum such master or owner may collect and retain from the wages of such seamen. [See § 4803.]

Buckley vs. Brown, 3 Wall., Jr., 199.

Hospital-dues of vessel sold abroad.

29 April, 1864, c. 70, v. 13, p. 61.

SEC. 4586. Whenever a sale or transfer of any vessel of the United States is made in a foreign port or water, the consular officer of the United States within whose consulate or district the same is made, or in whose hands the papers of such vessel are, is required to collect of the master or agent of such vessel all moneys that shall have become due to the United States by virtue of the preceding section, and shall remain unpaid at the time of such sale or transfer; and such consular officer shall retain possession of the papers of such vessel until such money shall have been paid as herein provided; and in default of such payment the sale or transfer shall be void, excepting as against the vendor.

No enrollment without payment.

29 June, 1870, c. 169, s. 2, v. 16, p. 169.

20 July, 1846, c. 60, s. 1, v. 9, p. 38.

10 Feb., 1871, Res. 27, s. 1, v. 16, p. 595.

SEC. 4587. No collector shall grant to any vessel except canal-boats employed in navigating the canals within the United States, whose enrollment or license for carrying on the coasting trade has expired, a new enrollment or license, unless the master of such vessel shall have first rendered a true account to the collector of the number of seamen and the time they have been employed on such vessel, during the continuance of the license which has so expired, and shall have paid to such collector forty cents per month for every such seaman who shall have been employed; which sum the master is hereby authorized to retain out of the wages of such seaman. Whenever the master of any registered, enrolled, or licensed vessel of the United States renders a false account of the number of seamen so employed, or of the length of time they have severally been employed, as is herein required, he shall be liable to a penalty of fifty dollars, which shall be applied to, and shall make a part of, the general fund created for the relief of sick and disabled seamen; and all needful regulations for the mode of collecting the sums hereinbefore mentioned shall be prepared under the direction of the Secretary of the Treasury, by such person as by him may be designated.

SEC. 4588. The collector of every district shall keep a book or books, in which, at the request of any seaman, being a citizen of the United States of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman, and shall deliver to him a certificate, in the following form, that is to say: "I, A. B., collector of the district of D., do hereby certify, that E. F., an American seaman, aged _____ years, or thereabouts, of the height of _____ feet _____ inches, (describing the said seaman as particularly as may be,) has, this day, produced to me proof in the manner directed by law; and I do hereby certify that the said E. F. is a citizen of the United States of America. In witness whereof, I have hereunto set my hand and seal of office, this _____ day of _____." It shall be the duty of the collectors to file and preserve the proofs of citizenship so produced. For each certificate so delivered, the collectors shall be entitled to receive from the seaman applying for the same the sum of twenty-five cents. [See § 2174.]

Certificate of citizenship.

28 May, 1796, c. 36, s. 4, v. 1, p. 477.

SEC. 4589. The master of every vessel of the United States, any of the crew whereof shall have been impressed or detained by any foreign power, shall, at the first port at which such vessel arrives, if such impressment or detention happened on the high seas, or if the same happened within any foreign port, then in the port in which the same happened, immediately make a protest, stating the manner of such impressment or detention, by whom made, together with the name and place of residence of the person impressed or detained; distinguishing also whether he was an American citizen; and, if not, to what nation he belonged. Such master shall also transmit, by post or otherwise, every such protest made in a foreign country, to the nearest consul or agent, or to the minister of the United States resident in such country, if any such there be; preserving a duplicate of such protest, to be by him sent immediately after his arrival within the United States to the Secretary of State, together with information to whom the original protest was transmitted. In case such protest shall be made within the United States, or in any foreign country, in which no consul, agent, or minister of the United States resides, the same shall, as soon thereafter as practicable, be transmitted by such master, by post or otherwise, to the Secretary of State.

Protest upon impressment.

Ibid., s. 4.

SEC. 4590. The collectors of the districts of the United States shall, from time to time, make known the provisions of the two preceding sections to all masters of vessels of the United States entering or clearing at their several offices. The master of every such vessel shall, before he is admitted to an entry by any such collector, be required to declare on oath whether any of the crew of the vessel under his command have been impressed or detained, in the course of his voyage, and how far he has complied with the directions of the preceding section. Every master who willfully neglects or refuses to make the declarations herein required, or to perform the duties enjoined by the preceding section, shall be liable to a penalty of one hundred dollars. The collectors shall prosecute for any forfeiture that may be incurred under this section.

Penalty for neglecting to make protest.

Ibid., s. 6, p. 478.

SEC. 4591. The collector of every port of entry in the United States shall send a list of the seamen to whom certificates of citizenship have been granted, once every three months, to the Secretary of State, together with an account of such impressments or detentions, as shall appear, by the protests of the masters, to have taken place.

List of certificates of citizenship.

Ibid., s. 7.

CHAPTER SIX.

FEES OF SHIPPING-COMMISSIONERS.

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| | Sec. 4592. Fees of commissioner. 4593. Payment of fees. | Sec. 4594. Limit of officer's compensation. 4595. Penalty for taking unlawful fees. |
| Fees of commissioner. <u>7 June, 1872, c. 322, ss. 5, 9, v. 17, p. 263.</u> | SEC. 4592. Fees not exceeding the sums specified in the tables marked "C" and "D" in the schedule annexed to this Title, shall be payable upon all engagements and discharges and apprenticeships effected before any shipping-commissioner. Each shipping-commissioner shall cause a scale of the fees payable to be prepared, and to be conspicuously placed in the shipping-office, and may refuse to proceed with any engagement or discharge unless the fees payable thereon are first paid. | |
| Payment of fees. <u>Ibid., s. 6.</u> | SEC. 4593. Every owner, consignee, agent, or master of a vessel engaging or discharging any seaman in a shipping-office, or before a shipping-commissioner, shall pay to the shipping-commissioner the whole of the fees hereby made payable in respect of such engagement or discharge; and may, for the purpose of in part re-imbursing himself, deduct, in respect to each such engagement or discharge, from the wages of all persons except apprentices, so engaged or discharged, and retain, any sums not exceeding the sums specified in that behalf in the table marked "E" in the schedule annexed to this Title. | |
| Limit of officer's compensation. <u>Ibid., s. 66, p. 277.</u> | SEC. 4594. In no case shall the salary, fees, and emoluments of any officer appointed under this Title be more than five thousand dollars per annum; and any additional fees shall be paid into the Treasury of the United States. | |
| Penalty for taking unlawful fees. <u>Ibid., s. 7, p. 263.</u> | SEC. 4595. Every shipping-commissioner, and every clerk or employé in any shipping-office, who demands or receives any remuneration whatever, either directly or indirectly, for hiring or supplying any seaman for any merchant-vessels, excepting the lawful fees payable under this Title, shall, for every such offense, be liable to a penalty of not more than two hundred dollars. | |

CHAPTER SEVEN.

OFFENSES AND PUNISHMENTS.

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| | Sec. 4596. Various offenses by seamen; penalties. 4597. Entry of offenses in log-book. 4598. Deserters may be apprehended on justice's warrant. 4599. Arrest of seamen without warrant, when allowable. 4600. Reclamation and discharge of deserters by consular officers. 4601. Penalty for secreting seamen. 4602. Penalty for drunkenness or neglect of duty. 4603. Enforcement of forfeitures. 4604. Disposal of forfeitures. | Sec. 4605. Appropriation of wages to costs of conviction. 4606. Penalty for boarding vessels before arrival. 4607. Penalty for soliciting seamen as lodgers. 4608. Carrying sheath-knives prohibited. 4609. Penalty for extortion for obtaining employment. 4610. Penalties and forfeitures, how recovered. 4611. Flogging abolished. 4612. Definitions, schedule and tables. |
| Various offenses by seamen; penalties. <u>7 June, 1872, c. 322, s. 51, v. 17, p. 273.</u> <u>The Hercules, Sprague, 534; Cloutman vs. Tuni-</u> | SEC. 4596. Whenever any seaman who has been lawfully engaged, or any apprentice to the sea-service, commits any of the following offenses, he shall be punishable as follows: First. For desertion, by imprisonment for not more than three months, and by forfeiture of all or any part of the clothes or effects he leaves on board, and of all or any part of the wages or emoluments which he has then earned. Second. For neglecting and refusing, without reasonable cause, to join his vessel, or to proceed to sea in his vessel, or for absence without | |

leave at any time within twenty-four hours of the vessel sailing from any port, either at the commencement or during the progress of any voyage; or for absence at any time without leave, and without sufficient reason, from his vessel, or from his duty, not amounting to desertion, or not treated as such by the master; by imprisonment for not more than one month, and also, at the discretion of the court, by forfeiture of his wages, of not more than two days' pay, and, for every twenty-four hours of absence, either a sum not exceeding six days' pay, or any expenses which have been properly incurred in hiring a substitute.

Third. For quitting the vessel without leave after her arrival at her port of delivery, and before she is placed in security, by forfeiture out of his wages of not more than one month's pay.

Fourth. For willful disobedience to any lawful command, by imprisonment for not more than two months, and also, at the discretion of the court, by forfeiture out of his wages of not more than four days' pay.

Fifth. For continued willful disobedience to lawful commands, or continued willful neglect of duty, by imprisonment for not more than six months, and also, at the discretion of the court, by forfeiture, for every twenty-four hours' continuance of such disobedience or neglect, of either a sum not more than twelve days' pay, or sufficient to defray any expenses which have been properly incurred in hiring a substitute.

Sixth. For assaulting any master or mate, by imprisonment for not more than two years. [See § 5359.]

Seventh. For combining with any others of the crew to disobey lawful commands, or to neglect duty, or to impede navigation of the vessel, or the progress of the voyage, by imprisonment for not more than twelve months. [See § 5360.]

Eighth. For willfully damaging the vessel, or embezzling or willfully damaging any of the stores or cargo, by forfeiture out of his wages, of a sum equal in amount to the loss thereby sustained, and also, at the discretion of the court, by imprisonment for not more than twelve months.

Ninth. For any act of smuggling of which he is convicted, and whereby loss or damage is occasioned to the master or owner, he shall be liable to pay such master or owner such a sum as is sufficient to reimburse the master or owner for such loss or damage; and the whole or any part of his wages may be retained in satisfaction or on account of such liability; and he shall also be liable to imprisonment for a period of not more than twelve months.

SEC. 4597. Upon the commission of any of the offenses enumerated in the preceding section, an entry thereof shall be made in the official log-book, and shall be signed by the master, and by the mate or one of the crew; and the offender, if still in the vessel, shall, before her next arrival at any port, or if she is at the time in port, before her departure therefrom, either be furnished with a copy of such entry, or have the same read over distinctly and audibly to him, and may thereupon make such reply thereto as he thinks fit; and a statement that a copy of the entry has been so furnished, or the same has been so read over, together with the reply, if any, made by the offender, shall likewise be entered and signed in the same manner. In any subsequent legal proceedings the entries hereinbefore required shall, if practicable, be produced or proved, and in default of such production or proof, the court hearing the case may, at its discretion, refuse to receive evidence of the offense. [See §§ 4290-4292.]

SEC. 4598. If any seaman who shall have signed a contract to perform a voyage shall, at any port or place, desert, or shall absent himself from such vessel, without leave of the master, or officer commanding in the absence of the master, it shall be lawful for any justice of the peace within the United States, upon the complaint of the master, to issue his warrant to apprehend such deserter, and bring him before such justice; and if it then appears that he has signed a contract within the intent and meaning of this Title, and that the voyage agreed for is not finished,

son, 1 Sumn., 373; The John Martin, 2 Abb. U. S., 172; Wood vs. The Nimrod, Gilp., 83; Magee, vs. The Moss, Gilp., 219; Brower vs. The Maiden, Gilp., 294; The Martha, Blatch. & H., 151; Freeman vs. Baker, Blatch. & H., 372; The Brig Cadmus vs. Matthews, 2 Paine, 229; The Schooner Phoebe vs. Dignum, 1 Wash., 48; The Bark Merrimac, 1 Ben., 490; The Schooner Catawanteak, 2 Ben., 189; The Brig Osceola, Olc., 451.

Entry of offense in log-book.

7 June, 1872, c. 322, s. 52, v. 17, p. 274.

Deserters may be apprehended on justice's warrant.

20 July, 1790, c. 29, s. 7, v. 1, p. 134.

Brower vs. The Maiden, Gilp., 294.

or altered, or the contract otherwise dissolved, and that such seaman has deserted the vessel, or absented himself without leave, the justice shall commit him to the house of correction or common jail of the city, town, or place, to remain there until the vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the master, he paying all the cost of such commitment, and deducting the same out of the wages due to such seaman.

Arrest of seamen
without warrant,
when allowable.

7 June, 1872, c.
322, s. 53, v. 17, p.
274.

SEC. 4599. Whenever, either at the commencement of or during any voyage, any seaman or apprentice neglects or refuses to join, or deserts from or refuses to proceed to sea in, any vessel in which he is duly engaged to serve, or is found otherwise absenting himself therefrom without leave, the master, or any mate, or the owner, or consignee, or shipping-commissioner, may, in any place in the United States, with or without the assistance of the local public officers or constables, who are hereby directed to give their assistance if required, and also at any place out of the United States, if and so far as the laws in force at such place will permit, apprehend him without first procuring a warrant; and may thereupon, in any case, and shall in case he so requires and it is practicable, convey him before any court of justice or magistrate of any State, city, town, or county, within the United States, authorized to take cognizance of offenses of like degree and kind, to be dealt with according to the provisions of law governing such cases; and may, for the purpose of conveying him before such court or magistrate, detain him in custody for a period not exceeding twenty-four hours, or may, if he does not so require, or if there is no such court at or near the place, at once convey him on board. If such apprehension appears to the court or magistrate before whom the case is brought to have been made on improper or on insufficient grounds, the master, mate, consignee, or shipping-commissioner who makes the same, or causes the same to be made, shall be liable to a penalty of not more than one hundred dollars; but such penalty, if inflicted, shall be a bar to any action for false imprisonment.

Reclamation and
discharge of de-
serters by consular
officers.

Ibid., s. 56, p. 275.

SEC. 4600. It shall be the duty of consular officers to reclaim deserters and discountenance insubordination by every means within their power; and where the local authorities can be usefully employed for that purpose, to lend their aid and use their exertions to that end, in the most effectual manner. In all cases where deserters are apprehended, the consular officer shall inquire into the facts; and if he is satisfied that the desertion was caused by unusual or cruel treatment, the seaman shall be discharged, and receive, in addition to his wages to the time of the discharge, three months' pay; and the officer discharging him shall enter upon the crew-list and shipping-articles the cause of discharge, and the particulars in which the cruelty or unusual treatment consisted, and subscribe his name thereto, officially. [See § 1736.]

Penalty for se-
creting seamen.

20 July, 1790, c.
29, s. 4, v. 1, p. 133.

SEC. 4601. Whenever any person harbors or secretes any seaman belonging to any vessel, knowing him to belong thereto, he shall be liable to pay ten dollars for every day during which he continues so to harbor or secrete such seaman, recoverable one half to the use of the person persecuting for the same, the other half to the use of the United States.

Penalty for
drunkenness or
neglect of duty.

7 June, 1872, c.
322, s. 54, v. 17, p.
274.

SEC. 4602. Any master of, or any seaman or apprentice belonging to, any merchant-vessel, who, by willful breach of duty, or by reason of drunkenness, does any act tending to the immediate loss or destruction of, or serious damage to such vessel, or tending immediately to endanger the life or limb of any person belonging to or on board of such vessel; or who, by willful breach of duty, or by neglect of duty, or by reason of drunkenness, refuses or omits to do any lawful act proper and requisite to be done by him for preserving such vessel from immediate loss, destruction, or serious damage, or for preserving any person belonging to or on board of such ship from immediate danger to life or limb, shall, for every such offense, be deemed guilty of a misdemeanor, punishable by imprisonment for not more than twelve months.

SEC. 4603. Any question concerning the forfeiture of, or deductions from, the wages of any seaman or apprentice, may be determined in any proceeding lawfully instituted with respect to such wages, notwithstanding the offense in respect of which such question arises, though hereby made punishable by imprisonment as well as forfeiture, has not been made the subject of any criminal proceeding.

Enforcement of forfeitures.

Ibid., s. 56, p. 275.

SEC. 4604. All clothes, effects, and wages which, under the provisions of this Title, are forfeited for desertion, shall be applied, in the first instance, in payment of the expenses occasioned by such desertion, to the master or owner of the vessel from which the desertion has taken place, and the balance, if any, shall be paid by the master or owner to any shipping-commissioner resident at the port at which the voyage of such vessel terminates; and the shipping-commissioner shall account for and pay over such balance to the judge of the circuit court within one month after the commissioner receives the same, to be disposed of by him in the same manner as is prescribed for the disposal of the money, effects, and wages of deceased seamen. Whenever any master or owner neglects or refuses to pay over to the shipping-commissioner such balance, he shall be liable to a penalty of double the amount thereof, recoverable by the commissioner in the same manner that seamen's wages are recovered. In all other cases of forfeiture of wages, the forfeiture shall be for the benefit of the master or owner by whom the wages are payable.

Disposal of forfeitures.

Ibid., s. 55.

SEC. 4605. Whenever in any proceeding relating to seamen's wages it is shown that any seaman or apprentice has, in the course of the voyage, been convicted of any offense by any competent tribunal, and rightfully punished therefor, by imprisonment or otherwise, the court hearing the case may direct a part of the wages due to such seamen, not exceeding fifteen dollars, to be applied in re-imbursing any costs properly incurred by the master in procuring such conviction and punishment.

Appropriation of wages to costs of conviction.

Ibid., s. 57.

SEC. 4606. Every person who, not being in the United States service, and not being duly authorized by law for the purpose, goes on board any vessel about to arrive at the place of her destination, before her actual arrival, and before she has been completely moored, without permission of the master, shall, for every such offense, be punishable by a fine of not more than two hundred dollars, and by imprisonment for not more than six months; and the master of such vessel may take any such person so going on board into custody, and deliver him up forthwith to any constable or police-officer, to be by him taken before any justice of the peace, to be dealt with according to the provisions of this Title.

Penalty for boarding vessels before arrival.

Ibid., s. 62, p. 276.

SEC. 4607. If, within twenty-four hours after the arrival of any vessel at any port in the United States, any person, then being on board such vessel, solicits any seaman to become a lodger at the house of any person letting lodgings for hire, or takes out of such vessel any effects of any seaman, except under his personal direction, and with the permission of the master, he shall, for every such offense, be punishable by a fine of not more than fifty dollars, or by imprisonment for not more than three months.

Penalty for soliciting seamen as lodgers.

7 June, 1872, c. 322, s. 63, v. 17, p. 276.

SEC. 4608. No seaman in the merchant-service shall wear any sheath-knife on shipboard. It shall be the duty of the master of any vessel registered, enrolled, or licensed under the laws of the United States, and of the person entering into contract for the employment of a seaman upon any such vessel, to inform every person offering to ship himself of the provisions of this section, and to require his compliance therewith, under a penalty of fifty dollars for each omission, to be sued for and recovered in the name of the United States, under the direction of the Secretary of the Treasury; one half for the benefit of the informer, and the other half for the benefit of the fund for the relief of sick and disabled seamen.

Carrying sheath-knives prohibited.

27 July, 1866, c. 286, ss. 1, 2, v. 14, p. 304.

Penalty for ex-
tortion for obtain-
ing employment.

7 June, 1872, c.
322, s. 11, v. 17, p.
264.

Penalties and
forfeitures, how
recorded.

Ibid., s. 64, p. 276.

Flogging abol-
ished.

28 Sept., 1850, c. 80, s. 1, v. 9, p. 515.—U. S. vs. Collins, 2 Curt. C. C., 194.

Definitions,
schedule and ta-
bles.

7 June, 1872, c.
322, s. 65, v. 17, p.
277.

SEC. 4609. If any person shall demand or receive, either directly or indirectly, from any seaman or other person seeking employment as a seaman, or from any person on his behalf, any remuneration whatever other than the fees hereby authorized, for providing him with employment, he shall, for every such offense, be liable to a penalty of not more than one hundred dollars.

SEC. 4610. All penalties and forfeitures imposed by this Title, for the recovery whereof no specific mode is hereinbefore provided, may be recovered, with costs, in any circuit court of the United States, at the suit of any district attorney of the United States, or at the suit of any person by information to any district attorney in any port of the United States, where or near to where the offense is committed or the offender is found; and if a conviction is had, and the sum imposed as a penalty by the court is not paid either immediately after the conviction, or within such period as the court at the time of the conviction appoints, it shall be lawful for the court to commit the offender to prison, there to be imprisoned for the term hereinbefore provided in case of such offense, the commitment to be terminable upon payment of the amount and costs; and all penalties and forfeitures mentioned in this Title for which no special application is provided, shall, when recovered, be paid and applied in manner following: So much as the court shall determine, and the residue shall be paid to the court and be remitted from time to time, by order of the judge, to the Treasury of the United States, and appropriated as provided for in section forty-five hundred and forty-five: *Provided always*, That it shall be lawful for the court before which any proceeding shall be instituted for the recovery of any pecuniary penalty imposed by this act, to mitigate or reduce such penalty as to such court shall appear just and reasonable; but no such penalty shall be reduced to less than one-third of its original amount: *Provided also*, That all proceedings so to be instituted shall be commenced within two years next after the commission of the offense, if the same shall have been committed at or beyond the Cape of Good Hope or Cape Horn, or within one year if committed elsewhere, or within two months after the return of the offender and the complaining party to the United States; and there shall be no appeal from any decision of any of the circuit courts, unless the amount sued for exceeds the sum of five hundred dollars.

SEC. 4611. Flogging on board vessels of commerce is hereby abolished.

SEC. 4612. In the construction of this Title, every person having the command of any vessel belonging to any citizen of the United States shall be deemed to be the "master" thereof; and every person (apprentices excepted) who shall be employed or engaged to serve in any capacity on board the same shall be deemed and taken to be a "seaman;" and the term "vessel" shall be understood to comprehend every description of vessel navigating on any sea or channel, lake or river, to which the provisions of this Title may be applicable, and the term "owner" shall be taken and understood to comprehend all the several persons, if more than one, to whom the vessel shall belong.

SCHEDULE.

TABLE A.

FORM OF ARTICLES OF AGREEMENT.

Ibid., s. 68.

UNITED STATES OF AMERICA.

(Date and place of first signature of agreement, including name of shipping-office):

It is agreed between the master and seamen or mariners of the _____, of which _____ is at present master, or whoever shall go for master, now bound from the port of _____, _____, to _____, _____, (here the voyage is to be described, and the places named at which the

vessel is to touch, or if that cannot be done, the general nature and probable length of the voyage is to be stated.)

And the said crew agree to conduct themselves in an orderly, faithful, honest, and sober manner, and to be at all times diligent in their respective duties, and to be obedient to the lawful commands of the said master, or of any person who shall lawfully succeed him, and of their superior officers in everything relating to the vessel, and the stores and cargo thereof, whether on board, in boats, or on shore; and in consideration of which service, to be duly performed, the said master hereby agrees to pay the said crew, as wages, the sums against their names respectively expressed, and to supply them with provisions according to the annexed scale. And it is hereby agreed that any embezzlement, or willful or negligent destruction of any part of the vessel's cargo or stores, shall be made good to the owner out of the wages of the person guilty of the same; and if any person enters himself as qualified for a duty which he proves himself incompetent to perform, his wages shall be reduced in proportion to his incompetency. And it is also agreed that if any member of the crew considers himself to be aggrieved by any breach of the agreement or otherwise, he shall represent the same to the master or officer in charge of the vessel, in a quiet and orderly manner, who shall thereupon take such steps as the case may require. And it is also agreed that (here any other stipulations may be inserted to which the parties agree, and which are not contrary to law).

In witness whereof the said parties have subscribed their names hereto, on the days against their respective signatures mentioned.

Signed by _____, master, on the _____ day of _____, eighteen hundred and _____.

| Signature of crew. | Birthplace. | Age. | Height. | | Description. | | Wages per month. | Wages per run. | Advance wages. | Amount of monthly allotment. | Time of service. | | Hospital-money. | Whole wages. | Wages due. | Place and time of entry. | Time at which he is to be on board. | In what capacity. | Shipping-commissioner's signature or initials. | Allotment payable to— | Conduct qualifications. |
|--------------------|-------------|------|---------|---------|--------------|-------|------------------|----------------|----------------|------------------------------|------------------|-------|-----------------|--------------|------------|--------------------------|-------------------------------------|-------------------|--|-----------------------|-------------------------|
| | | | Feet. | Inches. | Complexion. | Hair. | | | | | Months. | Days. | | | | | | | | | |
| | | | | | | | | | | | | | | | | | | | | | |

NOTE.—In the place for signatures and descriptions of men engaged after the first departure of the ship, the entries are to be made as above, except that the signatures of the consul or vice-consul, officer of customs, or witness before whom the man is engaged, is to be substituted for that of the shipping-master.

ACCOUNT OF APPRENTICES ON BOARD.

| Christian and surname of apprentice in full. | Date of registry of indenture. | Port at which indenture was registered. | Date of register of assignment. | Port at which assignment was registered. |
|--|--------------------------------|---|---------------------------------|--|
| | | | | |

SCALE OF PROVISIONS TO BE ALLOWED AND SERVED OUT TO THE CREW DURING THE VOYAGE.

| | Bread. | Beef. | Pork. | Flour. | Pease. | Rice. | Barley. | Tea. | Coffee. | Sugar. | Water. |
|----------------|--------|-------|-------|--------|--------|-------|---------|------|---------|--------|--------|
| | Lbs. | Lbs. | Lbs. | Lbs. | Pts. | Pts. | Pts. | Ozs. | Ozs. | Ozs. | Qts. |
| Sunday..... | 1 | 1½ | | ½ | | | | ½ | ½ | ½ | ½ |
| Monday..... | 1 | 1½ | ½ | ½ | ½ | | | ½ | ½ | ½ | ½ |
| Tuesday..... | 1 | 1½ | | ½ | | | | ½ | ½ | ½ | ½ |
| Wednesday..... | 1 | 1½ | ½ | ½ | ½ | | | ½ | ½ | ½ | ½ |
| Thursday..... | 1 | 1½ | | ½ | | | | ½ | ½ | ½ | ½ |
| Friday..... | 1 | 1½ | ½ | ½ | ½ | | | ½ | ½ | ½ | ½ |
| Saturday..... | 1 | 1½ | | ½ | | | | ½ | ½ | ½ | ½ |

(Here any stipulation for changes, or substitution of one article for another, may be inserted.)

SUBSTITUTES.

One ounce of coffee, or cocoa, or chocolate, may be substituted for one-quarter ounce of tea; molasses for sugar, the quantity to be one-half more; one pound of potatoes or yams, one-half pound flour or rice; one-third pint of pease or one-quarter pint of barley may be substituted for each other. When fresh meat is issued, the proportion to be two pounds per man per day, in lieu of salt meat. Flour, rice, and pease, beef and pork, may be substituted for each other, and, for potatoes, onions may be substituted.

TABLE B.

CERTIFICATE OF DISCHARGE.

| Name and official number of ship. | Port of registry. | Tonnage. | Description of voyage or employment. | Name of seaman. | Place of birth. | Date of birth. | Character. | Declines to give statement of character. | Capacity. | Date of entry. | Date of discharge. | Place of discharge. |
|-----------------------------------|-------------------|----------|--------------------------------------|-----------------|-----------------|----------------|------------|--|-----------|----------------|--------------------|---------------------|
| | | | | | | | | | | | | |

I certify that the above particulars are correct, and that the above-named seaman was discharged accordingly.

Dated ____ day of ____, eighteen hundred and ____.

(Signed) _____, Master.

(Countersigned) _____, Seaman.

Given to the above-named seaman in my presence this ____ day of ____, eighteen hundred and ____.

(Signed)

_____,
Shipping-Commissioner.

TABLE C.

FEES, (SEAMEN.)

Fee payable on engaging crew, for each member of the crew, (except apprentices) \$2 00
 Fee payable on discharging crew, for each member of crew discharged 50

TABLE D.

FEES, (APPRENTICES.)

For each boy apprenticed to the merchant service, including
the indenture. \$5 00

TABLE E.

REDUCTION FROM WAGES OF SEAMEN.

In partial repayment of the fees payable in Table C, in respect of
engagements, from the wages of each member of the crew, twenty-five
cents.

In respect of discharges, from the wages of each member of the crew,
twenty-five cents.

TITLE LIV.

PRIZE.

| Sec. | Sec. |
|---|--|
| 4613. Application of provisions of Title. | 4635. Bounty for persons on board vessels sunk or destroyed. |
| 4614. What are "vessels of the Navy." | 4636. Appeals and amendments in prize-cases. |
| 4615. Duties of commanding officer upon making captures. | 4637. Powers of district court after appeal. |
| 4616. Statement of claim to share in prize. | 4638. Security for costs. |
| 4617. Duties of prize-master. | 4639. Costs and expenses. |
| 4618. Libel and proceedings by district attorney. | 4640. Payment of expenses from prize-fund. |
| 4619. Duties of district attorneys. | 4641. Payment of prize-money. |
| 4620. Special counsel for captors. | 4642. Distribution of bounty, salvage, &c. |
| 4621. Appointment of prize-commissioners. | 4643. Assignments, &c., of prize-money and bounty. |
| 4622. Duties of prize-commissioners. | 4644. Accounts of clerks of district courts. |
| 4623. Duties of marshal. | 4645. Allowances and commissions to marshals. |
| 4624. Appraisal, &c., of property taken for Government. | 4646. Compensation of district attorney and prize-commissioners. |
| 4625. Proceedings for adjudication where property is not sent in. | 4647. Accounts of district attorney and prize-commissioner. |
| 4626. Delivery of property on stipulation. | 4648. Compensation of special counsel. |
| 4627. When property may be sold. | 4649. Payment of fees of special counsel. |
| 4628. Mode of making sale. | 4650. Commissions of auctioneers. |
| 4629. Transfer of property to another district for sale. | 4651. Payment of fees of witnesses. |
| 4630. Share of captors. | 4652. Recaptures. |
| 4631. Distribution of proceeds to captors. | |
| 4632. What vessels are entitled to share. | |
| 4633. What officers are entitled to share. | |
| 4634. Determination of shares. | |

Application of provisions of Title.

30 June, 1864, c. 174, s. 33, v. 13, p. 315.

Mrs. Alexander's
What are vessels of the Navy.

Ibid., s. 32.

Duties of commanding officer upon making capture.

Ibid., s. 1, p. 306.

The Sally Magee,
3 Wall., 451; The Sir William Peel,
5 Wall., 517.

[See §§ 4204-4209,
5551-5560.]

SEC. 4613. The provisions of this Title shall apply to all captures made as prize by authority of the United States, or adopted and ratified by the President of the United States.

Cotton, 2 Wall., 404; The Cotton Plant, 10 Wall., 577.

SEC. 4614. The term "vessels of the Navy," as used in this Title, shall include all armed vessels officered and manned by the United States, and under the control of the Department of the Navy.

SEC. 4615. The commanding officer of any vessel making a capture shall secure the documents of the ship and cargo, including the log-book, with all other documents, letters, and other papers found on board, and make an inventory of the same, and seal them up, and send them, with the inventory, to the court in which proceedings are to be had, with a written statement that they are all the papers found, and are in the condition in which they were found; or explaining the absence of any documents or papers, or any change in their condition. He shall also send to such court, as witnesses, the master, one or more of the other officers, the supercargo, purser, or agent of the prize, and any person found on board whom he may suppose to be interested in, or to have knowledge respecting, the title, national character, or destination of the prize. He shall send the prize, with the documents, papers, and witnesses, under charge of a competent prize-master and prize-crew, into port for adjudication, explaining the absence of any usual witnesses; and in the absence of instructions from superior authority as to the port to which it shall be sent, he shall select such port as he shall deem most convenient, in view of the interests of probable claimants, as well as of the captors. If the captured vessel, or any part of the captured property, is not in condition to be sent in for adjudication, a survey shall be had thereon and an appraisement made by persons as competent and impartial as can be obtained, and their reports shall be

sent to the court in which proceedings are to be had; and such property, unless appropriated for the use of the Government, shall be sold by the authority of the commanding officer present, and the proceeds deposited with the assistant treasurer of the United States most accessible to such court, and subject to its order in the cause. [See § 1624, Art. 15.]

SEC. 4616. If any vessel of the United States shall claim to share in a prize, either as having made the capture, or as having been within signal distance of the vessel or vessels making the capture, the commanding officer of such vessel shall make out a written statement of his claim, with the grounds on which it is founded, the principal facts tending to show what vessels made the capture, and what vessels were within signal distance of those making the capture, with reasonable particularity as to times, distances, localities, and signals made, seen, or answered; and such statement of claim shall be signed by him and sent to the court in which proceedings shall be had, and shall be filed in the cause.

SEC. 4617. The prize-master shall make his way diligently to the selected port, and there immediately deliver to a prize-commissioner the documents and papers, and the inventory thereof, and make affidavit that they are the same, and are in the same condition as delivered to him, or explaining any absence or change of condition therein, and that the prize-property is in the same condition as delivered to him, or explaining any loss or damage thereto; and he shall further report to the district attorney and give to him all the information in his possession respecting the prize and her capture; and he shall deliver over the persons sent as witnesses to the custody of the marshal, and shall retain the prize in his custody until it shall be taken therefrom by process from the prize-court. [See § 5441.]

SEC. 4618. Upon receiving the report of the prize-master directed by the preceding section, the attorney of the United States for the district shall immediately file a libel against such prize property, and shall forthwith obtain a warrant from the court, directing the marshal to take it into his custody, and shall proceed diligently to obtain a condemnation and distribution thereof; and to that end shall see that the proper preparatory evidence is taken by the prize-commissioners, and that the prize-commissioners also take the depositions *de bene esse* of the prize-crew, and of other transient persons cognizant of any facts bearing on condemnation or distribution.

Wall., 451; The Nassan, 4 Wall., 634; The Springbock, 5 Wall., 20; The Hampton, 5 Wall., 374; The Sir William Peel, 5 Wall., 517; The Watchful, 6 Wall., 91; The Georgia, 7 Wall., 32.

SEC. 4619. The district attorneys of the several judicial districts shall represent the interests of the United States in all prize-causes, and shall not act as separate counsel for the captors on any private retainer or compensation from them, unless in a question between the claimants and the captors, on a demand for damages. They shall examine all fees, costs, and expenses, sought to be charged on any prize-fund, and protect the interest of the captors and of the United States. The district attorneys of all districts in which any prize-causes are or may be pending shall, as often as once in three months, send to the Secretary of the Navy a statement of the condition of all prize-causes pending in their districts, in such form and embracing such particulars as the Secretary of the Navy shall require.

SEC. 4620. In any case of capture made by vessels of the Navy, the Secretary of the Navy may employ special counsel for captors, when, in his judgment, the services of such special counsel are needed in the particular case, for the due protection of the interests of the captors and of the Navy-pension fund; and, under the direction of the Secretary of the Navy, such counsel may institute and prosecute such proceedings in the case as may be necessary and proper for the protection of such interests. [See §§ 361, 363-365.]

Statement of claim to share in prize.

Ibid., s. 2, p. 307.

Duties of prize master.

Ibid., s. 3.

Libel and proceedings by district attorney.

Ibid., s. 4.

The Dos Hermanos, 2 Wh., 76; The Pizarro, 2 Wh., 227; The Amiable Isabella, 6 Wh., 1; The Andromeda, 2 Wall., 481; The Sally Magce, 3

Duties of district attorneys.

Ibid.

Special counsel for captors.

Ibid., s. 23, p. 313.

Appointment of prize-commissioners.

30 June, 1864, c. 174, s. 5, v. 13, p. 307.

Duties of prize-commissioners.

Ibid., s. 6, p. 308.

The *Sally Magee*, 3 Wall., 451; The *Nassau*, 4 Wall., 634; The *Sir William Peel*, 5 Wall., 517.

Duties of marshal.

Ibid., s. 7.

Appraisal, &c., of property taken for Government.

Ibid., s. 27, p. 314.

SEC. 4621. Any district court may appoint prize-commissioners, not exceeding three in number; of whom one shall be a retired naval officer, approved by the Secretary of the Navy, who shall receive no other compensation than his pay in the Navy, and who shall protect the interests of the captors and of the Department of the Navy in the prize-property; and at least one of the others shall be a member of the bar of the court, of not less than three years' standing, and acquainted with the taking of depositions.

SEC. 4622. The prize-commissioners, or one of them, shall receive from the prize-master the documents and papers, and inventory thereof, and shall take the affidavit of the prize-master required by section forty-six hundred and seventeen, and shall forthwith take the testimony of the witnesses sent in, separate from each other, on interrogatories prescribed by the court, in the manner usual in prize-courts; and the witnesses shall not be permitted to see the interrogatories, documents, or papers, or to consult with counsel, or with any persons interested, without special authority from the court; and witnesses who have the rights of neutrals shall be discharged as soon as practicable. The prize-commissioners shall also take depositions *de bene esse* of the prize-crew and others, at the request of the district attorney, on interrogatories prescribed by the court. They shall also, as soon as any prize-property comes within the district for adjudication, examine the same, and make an inventory thereof, founded on an actual examination, and report to the court whether any part of it is in a condition requiring immediate sale for the interests of all parties, and notify the district attorney thereof; and if it be necessary to the examination or making of the inventory that the cargo be unladen, they shall apply to the court for an order to the marshal to unlade the same, and shall, from time to time, report to the court anything relating to the condition of the property, or its custody or disposal, which may require any action by the court, but the custody of the property shall be in the marshal only. They shall also seasonably return into court, sealed and secured from inspection, the documents and papers which shall come to their hands, duly scheduled and numbered, and the other preparatory evidence, and the evidence taken *de bene esse*, and their own inventory of the prize-property; and if the captured vessel, or any of its cargo or stores, are such as in their judgment may be useful to the United States in war, they shall report the same to the Secretary of the Navy. [See § 5441.]

SEC. 4623. The marshal shall safely keep all prize-property under warrant from the court, and shall report to the court any cargo or other property that he thinks requires to be unladen and stored, or to be sold. He shall insure prize-property, if in his judgment it is for the interest of all concerned. He shall keep in his custody all persons found on board a prize and sent in as witnesses, until they are released by the prize-commissioners or the court. If a sale of property is ordered, he shall sell the same in the manner required by the court, and collect the purchase-money, and forthwith deposit the gross proceeds of the sales with the assistant treasurer of the United States nearest the place of sale, subject to the order of the court in the particular cause; and each marshal shall forward to the Secretary of the Navy, whenever and as often as the Secretary of the Navy may require it, a full statement of the condition of each prize and of the disposal made thereof.

SEC. 4624. Whenever any captured vessel, arms, munitions, or other material are taken for the use of the United States before it comes into the custody of the prize court, it shall be surveyed, appraised, and inventoried, by persons as competent and impartial as can be obtained, and the survey, appraisement, and inventory shall be sent to the court in which proceedings are to be had; and if taken afterward, sufficient notice shall first be given to enable the court to have the property appraised for the protection of the rights of the claimants and captors. In all cases of prize-property taken for or appropriated to the use of the Government, the Department for whose use it is taken or appropriated

shall deposit the value thereof with the assistant treasurer of the United States nearest to the place of the session of the court, subject to the order of the court in the cause.

SEC. 4625. If by reason of the condition of the captured property, or if because the whole has been appropriated to the use of the United States, no part of it has been or can be sent in for adjudication, or if the property has been entirely lost or destroyed, proceedings for adjudication may be commenced in any district the Secretary of the Navy may designate; and in any such case the proceeds of anything sold, or the value of anything taken or appropriated for the use of the United States, shall be deposited with the assistant treasurer in or nearest to that district, subject to the order of the court in the cause. If, when no property can be sent in for adjudication, the Secretary of the Navy shall not, within three months after any capture, designate a district for the institution of proceedings, the captors may institute proceedings for adjudication in any district. And if in any case of capture no proceedings for adjudication are commenced within a reasonable time, any parties claiming the captured property may, in any district court as a court of prize, move for a monition to show cause why such proceedings shall not be commenced, or institute an original suit in such court for restitution, and the monition issued in either case shall be served on the attorney of the United States for the district, and on the Secretary of the Navy, as well as on such other persons as the court shall order to be notified.

SEC. 4626. No prize-property shall be delivered to the claimants on stipulation, deposit, or other security, except where there has been a decree of restitution and the captors have appealed therefrom, or where the court, after a full hearing on the preparatory proofs, has refused to condemn the property on those proofs, and has given the captors leave to take further proofs, or where the claimant of any property shall satisfy the court that the same has a peculiar and intrinsic value to him, independent of its market-value. In any of these cases, the court may deliver the property on stipulation or deposit of its value, if satisfied that the rights and interests of the United States and captors, or of other claimants, will not be prejudiced thereby; but a satisfactory appraisement shall be first made, and an opportunity given to the district attorney and naval prize-commissioner to be heard as to the appointment of appraisers. Any money deposited in lieu of stipulation, and all money collected on a stipulation, not being costs, shall be deposited with the assistant treasurer, in the same manner as proceeds of a sale.

SEC. 4627. Whenever any prize-property is condemned, or at any stage of the proceedings is found by the court to be perishing, perishable, or liable to deteriorate or depreciate, or whenever the costs of keeping the same are disproportionate to its value, the court shall order a sale of such property; and whenever, after the return-day on the libel, all the parties in interest who have appeared in the cause agree thereto, the court may make such order; and no appeal shall operate to prevent the making or execution of such order.

SEC. 4628. Upon a sale of any prize-property by order of the court, the Secretary of the Navy shall employ an auctioneer of known skill in the branch of business to which any sale pertains, to make the sale, but the sale shall be conducted under the supervision of the marshal, and the collecting and depositing of the gross proceeds shall be by the auctioneer or his agent. Before any sale the marshal shall cause full catalogues and schedules to be prepared and circulated, and a copy of each shall be returned by the marshal to the court in each cause. The marshal shall cause all sales to be advertised fully and conspicuously in newspapers ordered by the court, and by posters, and he shall, at least five days before the sale, serve notice thereof upon the naval prize-commissioner, and the goods shall be open to inspection at least three days before the sale.

Proceedings for adjudication where property is not sent in.

30 June, 1864, c. 174, s. 28, v. 13, p. 314.

Delivery of property on stipulation.

Ibid., s. 26, p. 313.

When property may be sold.

Ibid., s. 8, p. 308.

Mode of making sale.

Ibid.

Transfer of property to another district for sale.

Ibid., s. 30, p. 315.

SEC. 4629. Whenever it appears to the court, in the case of any prize-property ordered to be sold, that it will be for the interest of all parties to have it sold in another district, the court may direct the marshal to transfer the same to the district selected by the court for the sale, and to insure the same, with proper orders as to the time and manner of selling the same. It shall be the duty of the marshal so to transfer the property, and keep and sell the same in like manner as if the property were in his own district; and he shall deposit the gross proceeds of the sale with the assistant treasurer nearest to the place of sale, subject to the order of the court in which the adjudication thereon is pending. The necessary expenses attending the insuring, transferring, receiving, keeping, and selling the property shall be a charge upon it and upon the proceeds thereof; and whenever any such expense is paid in advance by the marshal, and he is not repaid from the proceeds, any amount not so repaid shall be allowed to him, as in case of expenses incurred in suits in which the United States is a party. The Secretary of the Navy may, in like manner, either by a general regulation or by special direction in any cause, require a marshal to transfer any prize-property from the district in which the judicial proceedings are pending, to any other district for sale; and the same proceedings shall be had as if such transfer had been made by order of the court. [See § 5441.]

Share of captors.

Ibid., s. 10, p. 309.

The Sally, 8 Cr., 382; The Dos Hermanos, 10 Wh., 306; The Hampton, 5 Wall., 376.

Distribution of proceeds to captors.

Ibid.

The iron-clad Atlanta, 3 Wall., 425.

SEC. 4630. The net proceeds of all property condemned as prize, shall, when the prize was of superior or equal force to the vessel or vessels making the capture, be decreed to the captors; and when of inferior force, one-half shall be decreed to the United States and the other half to the captors, except that in case of privateers and letters of marque, the whole shall be decreed to the captors, unless it shall be otherwise provided in the commissions issued to such vessels. [See §§ 4752, 4759.]

SEC. 4631. All prize-money adjudged to the captors shall be distributed in the following proportions:

First. To the commanding officer of a fleet or squadron, one-twentieth part of all prize-money awarded to any vessel or vessels under his immediate command.

Second. To the commanding officer of a division of a fleet or squadron, on duty under the orders of the commander-in-chief of such fleet or squadron, a sum equal to one-fiftieth part of any prize-money awarded to a vessel of such division for a capture made while under his command, such fiftieth part to be deducted from the moiety due to the United States, if there be such moiety, otherwise from the amount awarded to the captors; but such fiftieth part shall not be in addition to any share which may be due to the commander of the division, and which he may elect to receive, as commander of a single ship making or assisting in the capture.

Third. To the fleet-captain, one-hundredth part of all prize-money awarded to any vessel or vessels of the fleet or squadron in which he is serving, except in a case where the capture is made by the vessel on board of which he is serving at the time of such capture; and in such case he shall share, in proportion to his pay, with the other officers and men on board such vessel.

Fourth. To the commander of a single vessel, one-tenth part of all the prize-money awarded to the vessel under his command, if such vessel at the time of the capture was under the command of the commanding officer of a fleet or squadron, or a division, and three-twentieths if his vessel was acting independently of such superior officer.

Fifth. After the foregoing deductions, the residue shall be distributed and proportioned among all others doing duty on board, including the fleet-captain, and borne upon the books of the ship, in proportion to their respective rates of pay in the service.

SEC. 4632. All vessels of the Navy within signal-distance of the vessel or vessels making the capture, under such circumstances and in such condition as to be able to render effective aid, if required, shall share in the prize; and in case of vessels not of the Navy, none shall be entitled

What vessels are entitled to share.

30 June, 1864, c. 174, s. 10, v. 13, p. 309.

to share except the vessel or vessels making the capture; in which term shall be included vessels present at and rendering actual assistance in the capture.

SEC. 4633. No commanding officer of a fleet or squadron shall be entitled to receive any share of prizes captured by any vessel or vessels not under his command, nor of such prizes as may have been captured by any vessels intended to be placed under his command, before they have acted under his orders. Nor shall the commanding officer of a fleet or squadron, leaving the station where he had command, have any share in the prizes taken by ships left on such station after he has gone out of the limits of his command, nor after he has transferred his command to his successor. No officer or other person who shall have been temporarily absent on duty from a vessel on the books of which he continued to be borne, while so absent, shall be deprived, in consequence of such absence, of any prize-money to which he would otherwise be entitled. And he shall continue to share in the captures of the vessels to which he is attached, until regularly discharged therefrom.

SEC. 4634. Whenever a decree of condemnation is rendered, the court shall consider the claims of all vessels to participate in the proceeds, and for that purpose shall, at as early a stage of the cause as possible, order testimony to be taken tending to show what part should be awarded to the captors, and what vessels are entitled to share; and such testimony may be sworn to before any judge or commissioner of the courts of the United States, consul or commercial agent of the United States, or notary public, or any officer of the Navy highest in rank, reasonably accessible to the deponent. The court shall make a decree of distribution, determining what vessels are entitled to share in the prize, and whether the prize was of superior, equal, or inferior force to the vessel or vessels making the capture. The decree shall recite the amount of the gross proceeds of the prize subject to the order of the court, and the amount deducted therefrom for costs and expenses, and the amount remaining for distribution, and whether the whole of such residue is to go to the captors, or one-half to the captors, and one-half to the United States.

SEC. 4635. A bounty shall be paid by the United States for each person on board any ship or vessel of war belonging to an enemy at the commencement of an engagement, which is sunk or otherwise destroyed in such engagement by any ship or vessel belonging to the United States or which it may be necessary to destroy in consequence of injuries sustained in action, of one hundred dollars, if the enemy's vessel was of inferior force, and of two hundred dollars, if of equal or superior force, to be divided among the officers and crew in the same manner as prize-money; and when the actual number of men on board any such vessel cannot be satisfactorily ascertained, it shall be estimated according to the complement allowed to vessels of its class in the Navy of the United States; and there shall be paid as bounty to the captors of any vessel of war captured from an enemy, which they may be instructed to destroy, or which is immediately destroyed for the public interest, but not in consequence of injuries received in action, fifty dollars for every person who shall be on board at the time of such capture.

SEC. 4636. The Supreme Court may, if, in its judgment, the purposes of justice require it, allow any amendment, either in form or substance, of any appeal in prize cases, or allow a prize appeal therein, if it appears that any notice of appeal or of intention to appeal was filed with the clerk of the district court within thirty days next after the rendition of the final decree therein. (See §§ 1006, 1009.)

SEC. 4637. Notwithstanding any appeal to the Supreme Court, the district court may make and execute all necessary orders for the custody and disposal of the prize-property; and in case of appeal from a decree of condemnation, may still proceed to make a decree of distribution so far as to determine what share of the prize shall go to the captors, and what vessels are entitled to participate therein. (See § 565.)

The Steamer *Merrimac* and Cargo, *Blatch. Pr. Cas.*, 584.

What officers are entitled to share.

30 June, 1864, c. 174, s. 10, v. 13, p. 309.

The Iron-clad *Atlanta*, 3 Wall., 425.

Determination of shares.

Ibid., s. 9.

Bounty for persons on board vessels sunk or destroyed.

Ibid., s. 11, p. 310.

Appeals and amendments in prize-cases.

3 March, 1873, c. 230, s. 2, v. 17, p. 556.

Powers of district court after appeal.

30 June, 1864, c. 174, s. 13, v. 13, p. 310.

Security for costs.
 Ibid., s. 15, p. 311.
 Costs and expenses.

Ibid., s. 14.
 — The Thompson, 3
 Wall., 155.

Payment of expenses from prize-fund.

Ibid.

Payment of prize-money.

Ibid., s. 16.

Distribution of bounty, salvage, &c.

Ibid., s. 11, p. 310.

Assignments, &c., of prize-money, and bounty.

Ibid., s. 12.

Accounts of clerks of district courts.

Ibid., s. 17, p. 312.

SEC. 4638. The court may require any party, at any stage of the cause, and on claiming an appeal, to give security for costs.

SEC. 4639. All costs and all expenses incident to the bringing in, custody, preservation, insurance, sale, or other disposal of prize-property, when allowed by the court, shall be a charge upon such property, and shall be paid from the proceeds thereof, unless the court shall decree restitution free from such charge.

SEC. 4640. No payments shall be made for any prize-fund, except upon the order of the court. All charges for work and labor, materials furnished, or money paid, shall be supported by affidavit or vouchers. The court may, at any time, order the payment, from the deposit made with the assistant treasurer in the cause, of any costs or charges accrued and allowed. When the cause is finally disposed of, the court shall make its order or orders on the assistant treasurer to pay the costs and charges allowed and unpaid; and in case the final decree shall be for restitution, or in case there shall be no money subject to the order of the court in the cause, any costs or charges allowed by the court, and not paid by the claimants, shall be a charge upon, and be paid out of, the fund for defraying the expenses of suits in which the United States is a party or interested.

SEC. 4641. The net amount decreed for distribution to the United States, or to vessels of the Navy, shall be ordered by the court to be paid into the Treasury of the United States, to be distributed according to the decree of the court. The Treasury Department shall credit the Navy Department with each amount received to be distributed to vessels of the Navy; and the persons entitled to share therein shall be severally credited in their accounts with the Navy Department with the amounts to which they are respectively entitled. In case of vessels not of the Navy, and not controlled by any Department of the Government, the distribution shall be made by the court to the several parties entitled thereto, and the amounts decreed to them shall be divided between the owners and the ship's company, according to any written agreement between them, and in the absence of such agreement, one-half to the owners and one-half to the ship's company, according to their respective rates of pay on board; and the court may appoint a commissioner to make such distribution, subject to the control of the court, who shall make due return of his doings, with proof of actual payments by him, and who shall receive no other compensation, directly or indirectly, than such as shall be allowed him by the court. In case of vessels not of the Navy, but controlled by either Executive Department, the whole amount decreed to the captors shall be divided among the ship's company.

SEC. 4642. All ransom-money, salvage, bounty, or proceeds of condemned property, accruing or awarded to any vessel of the Navy, shall be distributed and paid to the officers and men entitled thereto in the same manner as prize-money, under the direction of the Secretary of the Navy. [See § 3659, p. 733.]

SEC. 4643. Every assignment of prize or bounty money due to persons enlisted in the naval service, and all powers of attorney or other authority to draw, receipt for, or transfer the same, shall be void, unless the same be attested by the captain, or other commanding officer, and the paymaster. [See § 1430.]

SEC. 4644. The clerk of each district court shall render, to the Secretary of the Treasury and the Secretary of the Navy, a semi-annual statement of all the sums allowed by the court, and ordered to be paid, within the previous half-year, to the district attorney and prize-commissioners for services, and to marshals for fees and commissions; and he shall, in all prize-causes in the district, for the purpose of the final decree of distribution, ascertain and keep an account of the amount deposited with the assistant treasurer, subject to the order of the court, in each prize-cause, and the amounts ordered to be paid therefrom as costs and charges, and the residue for distribution; and shall send copies of all final decrees of distribution to the Secretary of the Treas-

ury and the Secretary of the Navy; and shall draw the orders of the court for the payment of all costs and allowances, and for the distribution of the residue. For these services he shall be entitled to receive the sum of twenty-five dollars in each prize-cause, which shall be in full for the services required by this section.

SEC. 4645. The marshal shall be allowed his actual and necessary expenses for the custody, care, preservation, insurance, sale, or other disposal of the prize-property, and for executing any order of the court respecting the same, and shall have a commission of one-quarter of one per centum on vessels, and of one-half of one per centum on all other prize-property, calculated on the gross proceeds of each sale; and if, after he has had any prize-property in his custody, and has actually performed labor and incurred responsibility for the care and preservation thereof the same is taken by the United States for its own use without a sale, or if it is delivered on stipulation to the claimants, he shall, in case the same is condemned, be entitled to one-half the above commissions on the amount deposited by the United States to the order of the courts, or collected upon the stipulation. No charges of the marshal for expenses or disbursements shall be allowed, except upon his oath that the same have been actually and necessarily incurred for the purpose stated.

SEC. 4646. The district attorney and prize-commissioners, except the naval officer, shall be allowed a just and suitable compensation for their respective services in each prize-cause, to be adjusted and determined by the court, and to be paid as costs in the cause.

SEC. 4647. Each district attorney and prize-commissioner, except the naval officer, shall render to the Attorney-General an annual account of all sums he shall have received for all services in prize-causes within the previous year; and the district attorney shall be allowed to retain therefrom a sum not exceeding three thousand dollars a year, in addition to the maximum compensation allowed to be retained by him; under the provisions of Title XIII, "THE JUDICIARY," or in addition to any salary he may receive in lieu of such maximum compensation; and each such prize commissioner shall be allowed to retain a sum not exceeding three thousand dollars a year, which shall be in full for all his official services in prize-causes; and any excess over those respective amounts shall be paid by the officer receiving the same into the Treasury of the United States, and shall be credited to the fund for paying naval pensions.

SEC. 4648. The court may allow such compensation as it deems just under the circumstances of each case to any special counsel for captors, not being the district attorney or any of his assistants, whether appointed by an Executive Department or by captors, for services actually rendered in the cause, to be paid as costs, in whole or in part, either from the entire fund or from the portion awarded to the captors; but no such allowance shall be made, except for services rendered on matters as to which the party the counsel represents has an adverse interest to the United States, or an interest otherwise proper in the opinion of the court to be represented by special counsel, or for services rendered in a contestation between parties claiming to participate in the distribution of the proceeds.

SEC. 4649. Fees of special counsel in prize-cases incurred or authorized by any Department, or for the defense of captors against demands for damages made by claimants in the district court, not paid by claimants, nor from the prize-fund in the particular cause, and audited and allowed by the Department incurring or authorizing them, and by the Solicitor of the Treasury, shall be a charge upon, and paid out of, the funds appropriated for defraying the expenses of suits in which the United States is a party or interested. [See §§ 361, 363-365.]

SEC. 4650. The auctioneers employed to make sales of prize-property shall be entitled to receive commissions by a scale to be established by the Secretary of the Navy, not to exceed, in any case, one-half of

Allowances and commissions to marshals.

Ibid., s. 18.

Compensation of district attorney and prize-commissioners.

Ibid., s. 20.

Blatch. Pr. Cas., 595.

Accounts of district attorney and prize-commissioner.

30 June, 1864, c. 174, s. 21, v. 13, p. 312.

22 June, 1870, c. 150, s. 15, v. 16, p. 164.

Compensation of special counsel.

30 June, 1864, c. 174, s. 23, v. 13, p. 313.

Payment of fees of special counsel.

Ibid., s. 24.

Commissions of auctioneers.

Ibid., s. 22.

one per centum on any sum exceeding ten thousand dollars on vessels, nor one per centum on that sum on other prize-property, which shall be in full for expenses, as well as for services; and in case no such scale shall be established, they shall be entitled to receive such compensation as the court shall deem just under the circumstances of each case.

Payment of fees
of witnesses.

30 June, 1864, c.
174, s. 25, v. 13, p.
313.

SEC. 4651. Whenever the court shall allow fees to any witness in a prize-cause, or fees for taking evidence out of the district in which the court sits, and there is no money subject to its order in the cause, the same shall be paid by the marshal, and shall be repaid to him from any money deposited to the order of the court in the cause; and any amount not so repaid the marshal shall be allowed as witness-fees paid by him in cases in which the United States is a party.

Recaptures.

Ibid., s. 29, p. 314.

The Schooner
Adeline, 9 Cr., 244;
The Star, 3 Wh., 78.

SEC. 4652. When any vessel or other property shall have been captured by any force hostile to the United States, and shall be recaptured, and it shall appear to the court that the same had not been condemned as prize before its recapture, by any competent authority, the court shall award a meet and competent sum as salvage, according to the circumstances of each case. If the captured property belonged to the United States; it shall be restored to the United States, and there shall be paid from the Treasury of the United States the salvage, costs, and expenses ordered by the court. If the recaptured property belonged to persons residing within or under the protection of the United States, the court shall adjudge the property to be restored to its owners, upon their claim, on the payment of such sum as the court may award as salvage, costs, and expenses. If the recaptured property belonged to any person permanently resident within the territory and under the protection of any foreign prince, government, or state in amity with the United States, and by the law or usage of such prince, government, or state, the property of a citizen of the United States would be restored under like circumstances of recapture, it shall be adjudged to be restored to such owner, upon his claim, upon such terms as by the law or usage of such prince, government, or state would be required of a citizen of the United States under like circumstances of recapture; or when no such law or usage shall be known, it shall be adjudged to be restored upon the payment of such salvage, costs, and expenses as the court shall order. The whole amount awarded as salvage shall be decreed to the captors, and no part to the United States, and shall be distributed as in the case of proceeds of property condemned as prize. Nothing in this Title shall be construed to contravene any treaty of the United States.

TITLE LV.

LIGHTS AND BUOYS.

| Sec. | Sec. |
|---|---|
| 4653. Organization of the Light-House Board. | 4668. Substitution of light-houses for light-ships. |
| 4654. President of the board. | 4669. Regulations for the light-house service. |
| 4655. Chairman. | 4670. Light-house districts. |
| 4656. Meetings of the board. | 4671. Light-house inspectors. |
| 4657. Regulation of meetings. | 4672. Collectors of customs to act as superintendents. |
| 4658. General powers and duties of board. | 4673. Their compensation. |
| 4659. Duty to furnish estimates of light-house expenses. | 4674. Discontinuance and re-establishment of lights. |
| 4660. Purchase of sites for light-houses. | 4675. Sale of useless sites. |
| 4661. Cession of jurisdiction requisite. | 4676. Warnings to be placed over obstructions. |
| 4662. What cession is sufficient. | 4677. Pier-heads to be marked. |
| 4663. Preliminary surveys. | 4678. Color of buoys prescribed. |
| 4664. Superintendents of construction, &c., of light-houses. | 4679. Restriction on compensation of officers, &c. |
| 4665. Contracts must be founded on official plans and on a vote of the board. | 4680. Officers, &c., not to be interested in contracts. |
| 4666. Regulation of contracts for materials, &c. | |
| 4667. Contracts for erection must be upon advertisement for proposals. | |

SEC. 4653. The President shall appoint two officers of the Navy, of high rank, two officers of the Corps of Engineers of the Army, and two civilians of high scientific attainments, whose services may be at the disposal of the President, together with an officer of the Navy and an officer of engineers of the Army, as secretaries, who shall constitute the Light-House Board.

Organization of the Light-House Board.

31 Aug., 1852, c. 112, s. 8, v. 10, p. 119.

SEC. 4654. The Secretary of the Treasury shall be ex-officio president of the Light-House Board.

President of the board.

Ibid., s. 9.

SEC. 4655. The Light-House Board shall elect, by ballot, one of their number as chairman of the board, who shall preside at their meetings, when the president is absent, and shall perform such acts as may be prescribed by the rules of the board.

Chairman.

Ibid.

SEC. 4656. The Light-House Board shall meet, for the transaction of business, on the first Mondays in March, June, September, and December. But the Secretary of the Treasury may convene the board whenever, in his judgment, the exigencies of the service require it.

Meetings of the board.

Ibid., ss. 8, 10.

SEC. 4657. The Light-House Board may adopt such regulations for the government of their meetings as they judge expedient.

Regulation of meetings.

Ibid., s. 8.

SEC. 4658. The Light-House Board shall be attached to the office of the Secretary of the Treasury, and under his superintendence shall discharge all administrative duties relating to the construction, illumination, inspection, and superintendence of light-houses, light-vessels, beacons, buoys, sea-marks, and their appendages, and embracing the security of foundations of works already existing, procuring illuminating and other apparatus, supplies, and materials for all kinds for building, and for rebuilding when necessary, and keeping in good repair the light-houses, light-vessels, beacons, and buoys of the United States; and shall have the charge and custody of all the archives, books, documents, drawings, models, returns, apparatus, and other things appertaining to the Light-House Establishment.

General powers and duties of board.

Ibid., ss. 8, 10.

Estimates of light-house expenses.

Ibid., s. 16, p. 120.

Purchase of sites for light-houses.

2 March, 1867, c. 167, s. 4, v. 14, p. 466.

Cession of jurisdiction requisite.

3 March, 1821, c. 52, s. 3, v. 3, p. 644.

What cession is sufficient.

2 March, 1795, c. 40, ss. 1, 2, v. 1, p. 426.

Preliminary surveys.

3 March, 1851, c. 37, ss. 2, 3, 4, v. 9, pp. 628, 629.

31 Aug., 1852, c. 112, ss. 5, 6, 7, v. 10, p. 118.

18 Aug., 1856, c. 160, s. 5, v. 11, p. 101.

3 March, 1859, c. 81, s. 6, v. 11, p. 424.

3 March, 1863, c. 78, s. 1, v. 12, p. 743.

Superintendents of construction, &c., of light-houses.

3 March, 1831, c. 37, s. 9, v. 9, p. 629.

Contracts must be founded on official plans and on a vote of the board.

31 Aug., 1852, c. 112, s. 14, v. 10, p. 120.

Regulation of contracts for materials, &c.

Ibid., s. 14.

Contracts for erection must be upon advertisement for proposals.

2 March, 1867, c. 149, s. 1, v. 14, p. 425.

SEC. 4659. The Light-House Board shall furnish, upon the requisition of the Secretary of the Treasury, all the estimates of expense which the several branches of the light-house service may require, and such other information as may be required, to be laid before Congress at the commencement of each session. [See § 3085.]

SEC. 4660. The Light-House Board is authorized, whenever an appropriation has been or may be made by Congress for a new light-house, the proper site for which does not belong to the United States, to purchase the necessary land, provided the purchase-money be paid from the amount appropriated for such light-house. [See § 355.]

SEC. 4661. No light-house, beacon, public piers, or landmark, shall be built or erected on any site until cession of jurisdiction over the same has been made to the United States. [See § 1838.]

15 May, 1820, c. 112, s. 1, v. 3, p. 598.

SEC. 4662. A cession by a State of jurisdiction over a place selected as the site of a light-house, or other structure or work of the Light-House Establishment, shall be deemed sufficient within the preceding section, notwithstanding it contains a reservation that process issued under authority of such State may continue to be served within such place. And notwithstanding any such cession of jurisdiction contains no such reservation, all process may be served and executed within the place ceded, in the same manner as if no cession had been made.

SEC. 4663. Whenever preliminary surveys are required to ascertain the necessity for any light-house, light-ship, beacon, or other warning to vessels, the erection of which is or may be authorized by law, or to determine the proper site for the same, or to ascertain more fully what the public exigency requires, the Secretary of the Treasury may cause the necessary examinations and surveys on the sea-board to be made under the direction of the Superintendent of the Coast Survey, and those on the northwestern lakes to be made under the direction of the Corps of Engineers. In all cases in which adverse reports are made, they shall be submitted to Congress at its next session. In all cases in which the objects authorized are favorably reported upon, the works may be commenced immediately after valid titles and cessions of jurisdiction shall have been obtained to the sites.

SEC. 4664. The President shall cause to be detailed from the Engineer Corps of the Army, from time to time, such officers as may be necessary to superintend the construction and renovation of light-houses.

SEC. 4665. The Light-House Board shall cause to be prepared by the engineer secretary of the board, or by such officer of engineers of the Army as may be detailed for that service, all plans, drawings, specifications, and estimates of cost, of all illuminating and other apparatus, and of construction and repair of towers, buildings, &c., connected with the Light-House Establishment, and no bid or contract shall be accepted or entered into, except upon the decision of the board, at a regular or special meeting, and through their properly authorized officers.

SEC. 4666. All materials for the construction and repair of light-houses, light-vessels, beacons, buoys, and so forth, shall be procured by public contracts, under such regulations as the board may from time to time adopt, subject to the approval of the Secretary of the Treasury, and all works of construction, renovation, and repair shall be made by the orders of the board, under the immediate superintendence of their engineer secretary, or of such engineer of the Army as may be detailed for that service.

SEC. 4667. No contract for the erection of any light-house shall be made except after public advertisement for proposals in such form and manner as to secure general notice thereof, and the same shall only be made with the lowest bidder therefor, upon security deemed sufficient in the judgment of the Secretary of the Treasury.

SEC. 4668. Whenever any of the light-vessels occupying positions which are adapted to the erection of light-houses upon pile-foundations require to be rebuilt, or require such extensive repairs as to render the substitution of such light-houses advisable and practicable, such permanent structures may be erected in place of any such light-vessels; but the expense arising from all such changes and erections shall be defrayed from the general annual appropriations for repairs, and so forth, of light-vessels, except when a special appropriation is made for such change.

Substitution of light-houses for light-ships.

3 March, 1859, c. 81, s. 2, v. 11, p. 424.

SEC. 4669. The Light-House Board, with the approval of the Secretary of the Treasury, shall prescribe, and from time to time may alter or amend, and cause to be distributed, such regulations as they deem proper for securing an efficient, uniform, and economical administration of the Light-House Establishment.

Regulations for the light-house service.

31 Aug., 1852, c. 112, s. 13, v. 10, p. 120.

SEC. 4670. The Light-House Board shall arrange the Atlantic, Gulf, Pacific, and Lake coasts of the United States, into light-house districts, not exceeding twelve in number.

Light-house districts.

Ibid., s. 12, p. 119.

Light-house inspectors.

Ibid., s. 12.

SEC. 4671. An officer of the Army or Navy shall be assigned to each district as a light-house inspector, subject to the orders of the Light-House Board; and shall receive for such service the same pay and emoluments that he would be entitled to by law for the performance of duty in the regular line of his profession, and no other, except the legal allowance per mile, when traveling under orders connected with his duties.

SEC. 4672. The Secretary of the Treasury shall assign to any of the collectors of the customs the superintendence of such light-houses, beacons, light-ships, and buoys, as he deems best; but no person whose compensation as collector of customs exceeds three thousand dollars a year shall receive any compensation as disbursing agent for the Light-House Establishment, whether the sums disbursed by him be for articles to be used or services rendered within or without the limits of his superintendency or collection-district: *Provided*, That where the compensation of any collector as disbursing agent is not more than three thousand dollars a year, such agent shall receive for such services not more than four hundred dollars in any fiscal year.

Collectors of customs to act as superintendents.

28 Sept., 1850, c. 77, s. 7, v. 9, p. 504.

2 March, 1867, c. 167, s. 4, v. 14, p. 466.

SEC. 4673. The Secretary of the Treasury is authorized to regulate the salaries of the respective keepers of light-houses in such manner as he deems just and proper, but the whole sum allowed for such salaries shall not exceed an average of six hundred dollars to each keeper. [Sec § 4245.]

Their compensation.

2 March, 1867, c. 149, s. 4, v. 14, p. 425.

SEC. 4674. The Secretary of the Treasury may, upon the recommendation of the Light-House Board, discontinue from time to time such lights as may from any cause become useless or unnecessary. And he may, upon the like recommendation, from time to time re-establish any lights which have been thus discontinued, whenever he believes such re-establishment to be required by public convenience or the necessities of trade or commerce. [Sec § 5358.]

Discontinuance and re-establishment of lights.

3 March, 1859, c. 81, s. 3, v. 11, p. 424.

SEC. 4675. The Secretary of the Treasury may, after a week's notice to the public, sell and convey any real estate no longer used for light-house purposes, the avails of such sale to be paid into the national Treasury.

Sale of useless sites.

3 March, 1869, c. 122, s. 1, v. 15, pp. 301, 304.

SEC. 4676. The Light-House Board may, when they deem it is necessary, place a light-vessel, or other suitable warning of danger, on or over any wreck or temporary obstruction to the entrance of any harbor, or in the channel or fairway of any bay or sound.

Warnings to be placed over obstructions, &c.

2 March, 1868, Res. No. 16, s. 1, v. 15, p. 249.

SEC. 4677. The Light-House Board shall properly mark all pier-heads belonging to the United States situated on the northern and northwestern lakes, whenever the board is duly notified by the department charged with the construction or repair of pier-heads that the construction or repair of any such pier-heads has been completed.

Pier-heads to be marked.

15 July, 1870, c. 292, s. 3, v. 16, p. 309.

Color of buoys
prescribed.

28 Sept., 1850, c.
77, s. 6, v. 9, p. 504.

SEC. 4678. All buoys along the coast, or in bays, harbors, sounds, or channels, shall be colored and numbered, so that passing up the coast or sound, or entering the bay, harbor, or channel, red buoys with even numbers shall be passed on the starboard hand, black buoys with uneven numbers on the port hand, and buoys with red and black stripes on either hand. Buoys in channel-ways shall be colored with alternate white and black perpendicular stripes.

Restriction upon
c o m p e n s a t i o n of
officers, &c.

31 Aug., 1852, c. 112, s. 17, v. 10, p. 120.

Officers, &c., not
to be interested in
contracts.

31 Aug., 1852, c.
112, s. 17, v. 10, p.
120.

SEC. 4679. No additional salary shall be allowed to any civil, military, or naval officer on account of his being employed on the Light-House Board, or being in any manner attached to the light-house service.

SEC. 4680. No member of the Light-House Board, inspector, light-keeper, or other person in any manner connected with the light-house service, shall be interested, either directly or indirectly, in any contract for labor, materials, or supplies for the light-house service, or in any patent, plan, or mode of construction or illumination, or in any article of supply for the light-house service.

TITLE LVI.

THE COAST SURVEY.

Sec.

4681. President may authorize surveys.
 4682. Surveys beyond twenty leagues from shore.
 4683. Mode of conducting surveys.
 4684. Employment of officers of Army and Navy.
 4685. Power to use books, &c., and to employ persons.

Sec.

4686. Power to employ vessels.
 4687. Manner of employment of officers of Army or Navy.
 4688. Allowances for subsistence.
 4689. Salary of superintendent.
 4690. Report.
 4691. Disposal of maps and charts.

SEC. 4681. The President is authorized to cause a survey to be taken of the coasts of the United States, in which shall be designated the islands and shoals, with the roads or places of anchorage, within twenty leagues of any part of the shores of the United States; and also the respective courses and distances between the principal capes or headlands, together with such other matters as he may deem proper for completing an accurate chart of every part of the coasts.

President may authorize surveys.

10 Feb., 1807, c. 8, s. 1, v. 2, p. 413.
 10 July, 1832, c. 191, s. 1, v. 4, p. 570.

SEC. 4682. The President may also cause such examinations and observations to be made with respect to Saint George's Bank, and to any other bank, or shoal, and the soundings and currents, although beyond the distance of twenty leagues from the shore to the Gulf Stream, as he may deem especially subservient to the commercial interests of the United States.

Surveys beyond twenty leagues from shore.

10 Feb., 1807, c. 8, s. 2, v. 2, p. 413.

SEC. 4683. All appropriations made for the work of surveying the coast of the United States shall be expended in accordance with the plan of re-organizing the mode of executing the survey which has been submitted to the President by a board of officers organized under the act of March three, eighteen hundred and forty three, chapter one hundred.

Mode of conducting surveys.

3 March, 1843, c. 100, s. 1, v. 5, p. 640.

SEC. 4684. The President shall carry into effect the plan of the board, as agreed upon by a majority of its members; and shall cause to be employed as many officers of the Army and Navy of the United States as will be compatible with the successful prosecution of the work; the officers of the Navy to be employed on the hydrographical parts, and the officers of the Army on the topographical parts of the work; and no officer of the Army or Navy shall receive any extra pay out of any appropriations for surveys.

Employment of officers of Army and Navy.

Ibid.

SEC. 4685. The President is authorized, in executing the provisions of this Title, to use all maps, charts, books, instruments, and apparatus belonging to the United States, and to direct where the same shall be deposited, and to employ all persons in the land or naval service of the United States, and such astronomers and other persons, as he shall deem proper.

Power to use books, &c., and to employ persons.

10 July, 1832, c. 191, s. 2, v. 4, p. 571.

SEC. 4686. The President is authorized, for any of the purposes of surveying the coast of the United States, to cause to be employed such of the public vessels in actual service as he deems it expedient to employ, and to give such instructions for regulating their conduct as he deems proper, according to the tenor of this Title.

Power to employ vessels.

10 Feb., 1807, c. 8, s. 3, v. 2, p. 414.
 14 April, 1818, c. 58, s. 1, v. 3, p. 425.

SEC. 4687. Officers of the Army and Navy shall, as far as practicable, be employed in the work of surveying the coast of the United States, whenever and in the manner required by the Department having charge thereof.

Manner of employment of officers of Army or Navy.

17 June, 1844, c. 105, s. 1, v. 5, pp. 681, 691.

Allowance for
subsistence.

12 June, 1858, c.
154, s. 1, v. 11, pp.
319, 320.

SEC. 4688. The Secretary of the Treasury may make such allowances to the officers and men of the Army and Navy, while employed on Coast Survey service, for subsistence, in addition to their compensation, as he may deem necessary, not exceeding the sum authorized by the Treasury regulation of the eleventh day of May, eighteen hundred and forty-four.

Salary of super-
intendent.

SEC. 4689. The salary of the Superintendent of the Coast Survey shall be six thousand dollars a year.

3 March, 1853, c. 97, s. 2, v. 10, p. 209.

Report.

3 March, 1853, c.
98, s. 1, v. 10, pp.
214, 217.

SEC. 4690. The Coast Survey report shall be submitted to Congress during the month of December in each year, and shall be accompanied by a general chart of the whole coasts of the United States, on as large a scale as convenient and practicable, showing, as near as practicable, the configuration of the coasts, and showing, by lines, the probable limits of the Gulf Stream, and showing, by lines, the probable limit to which the soundings off the coast will extend, and showing, by the use of colors and explanations, the exact portions of our coasts, of which complete charts have been published by the Coast Survey; also, showing such other parts of the coasts of which the triangulation, the topography, and the soundings have been completed, but not published, and, also, such parts of the coasts of which the triangulation and topography, or the triangulation only, have been completed.

Disposal of maps
and charts.

3 June, 1844, c.
37, v. 5, p. 660.

SEC. 4691. The Secretary of the Treasury is authorized to dispose of the maps and charts of the survey of the coast of the United States at such prices and under such regulations as may from time to time be fixed by him; and a number of copies of each sheet, not to exceed three hundred, shall be distributed among foreign governments, and Departments of our own Government, and literary and scientific associations as may be designated by the Secretary of the Treasury.

TITLE LVII.

PENSIONS.

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| <p>Sec. 4692. Who may have pensions. 4693. Classes enumerated. 4694. Pension for wounds received or diseases contracted only in line of duty, &c. 4695. Rates of pension for total disability. 4696. Pension according to rank. 4697. Pensions for permanent specific disability prior to June 4, 1872. 4698. After June 4, 1872. 4698½. Increase of pensions. 4699. Pension for disability not otherwise provided for. 4700. Absentees. 4701. Period of service how construed. 4702. Pensions to widows, or to children under sixteen years, &c. 4703. Increased pension to widows, &c. 4704. What children deemed legitimate. 4705. Widows of colored and Indian soldiers, &c. 4706. Abandonment, &c., by widow. 4707. Succession of dependent relatives. 4708. Remarriage. 4709. Commencement of pensions after March 4, 1861. 4710. When pension deemed to have accrued. 4711. Arrears of pension. 4712. Provisions of pension-laws extended. 4713. Commencement of pensions for prior wars. 4714. Declaration of claimants. 4715. Only one pension at a time. 4716. Loyalty. 4717. Claims to be prosecuted within what time. 4718. Accrued pensions. 4719. Unclaimed pensions. 4720. Pensions under special acts of Congress. 4721. Indian claims. 4722. Provisions extended to Missouri State militia. 4723. Colored soldiers enrolled as slaves. 4724. Both pension and pay not allowed, unless, &c. 4725. Half-pay to widows under laws prior to June 3, 1858. 4726. To widow for life and to children under sixteen, &c. 4727. Half-monthly pay not to exceed that of lieutenant-colonel. 4728. Navy pensions. 4729. Naval pensions to widows and children. 4730. Pensions to soldiers of Mexican war. 4731. Widows and children of Mexican war pensioners. 4732. Widows and children of pensioners of war of 1812, and Indian wars. 4733. Continuance of pensions. 4734. Pensions not to be withheld. 4735. Time for which a widow shall not receive a pension. 4736. Pensions to certain soldiers of the war of 1812.</p> | <p>Sec. 4737. Pensions to be at what rate, &c. 4738. Pensions to surviving widows of officers, &c., of war of 1812. 4739. Proof required; names may be stricken from pension-rolls. 4740. Loss of certificate of discharge, &c. 4741. Pension to officers and seamen of revenue-cutters. 4742. Certain claims for revolutionary pensions prohibited. 4743. What evidence sufficient to entitle widow of revolutionary soldier to get pension. 4744. Special service in investigating suspected attempts at fraud. 4745. Any pledge or transfer of pension void. 4746. Penalty for false affidavit and post-dating vouchers. 4747. Pensions not liable to attachment. 4748. Commissioner to furnish printed instructions free of charge. 4749. Certain soldiers and sailors not to be deemed deserters from Army or Navy, &c. 4750. Secretary of Navy trustee of Navy pension-fund. 4751. Penalties, how to be sued for, &c. 4752. Prize-money accruing to United States to remain a fund for pensions. 4753. Naval pension-fund, how to be invested. 4754. Rate of interest on naval pension-fund. 4755. Naval pensions payable from fund. 4756. Half-rating to disabled enlisted persons serving twenty years in Navy or Marine Corps. 4757. Serving not less than ten years, may receive what aid. 4758. Secretary of Navy trustee of privateer pension-fund. 4759. Privateer pension-fund how derived. 4760. To be paid into Treasury, &c. 4761. Wounded, &c., privateersmen to be placed on pension-list. 4762. Commanding officers of privateers to enter names, &c., in a journal. 4763. Transcript of journals to be transmitted to Secretary of the Navy. 4764. Pension-agents to send quarterly voucher to each pensioner. 4765. Check to be drawn to order of each pensioner. 4766. Pensions to be paid only to persons entitled, &c. 4767. Blanks for vouchers; notice. 4768. Certificate of pension; fee of attorney. 4769. Pension-agent to deduct attorney's fee. 4770. Duplicates for lost checks, how issued. 4771. Biennial examinations, &c. 4772. More frequent examinations.</p> |
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| Sec. | Sec. |
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| 4773. Biennial examination by unappointed civil surgeons. | 4784. Pension-agents, &c., to take affidavits without fee. |
| 4774. Boards of examining surgeons. | 4785. Fees of attorney for prosecuting claims. |
| 4775. Special examinations. | 4786. Agreement for amount of fee to be filed. |
| 4776. Medical referee and examining surgeons. | 4787. Artificial limbs to be furnished every five years. |
| 4777. Appointment of civil examining surgeons authorized. | 4788. Commutation ratios in money value for limb, &c. |
| 4778. Pension-agents; appointment and term of office. | 4789. Money commutation, how paid. |
| 4779. Bond of pension-agents. | 4790. Commutation to persons who cannot use artificial limbs. |
| 4780. Establishment of pension-agencies. | 4791. Transportation for persons to whom artificial limbs are furnished. |
| 4781. Compensation, &c., of pension-agents. | |
| 4782. Additional allowance. | |
| 4783. Penalty for embezzlement, &c., by guardian. | |

Who may have pensions.

3 March, 1873, c. 234, s. 1, v. 17, pp. 566, 567.

SEC. 4692. Every person specified in the several classes enumerated in the following section, who has been, since the fourth day of March, eighteen hundred and sixty-one, or who is hereafter disabled under the conditions therein stated, shall, upon making due proof of the fact, according to such forms and regulations as are or may be provided in pursuance of law, be placed on the list of invalid pensioners of the United States, and be entitled to receive, for a total disability, or a permanent specific disability, such pension as is hereinafter provided in such cases; and for an inferior disability, except in cases of permanent specific disability, for which the rate of pension is expressly provided, an amount proportionate to that provided for total disability; and such pension shall commence as hereinafter provided, and continue during the existence of the disability.

Classes enumerated.

Officers of Army and Navy, and enlisted men, &c.

Ibid.

Master, &c., serving on gun-boat, &c.

Volunteers, not enlisted, &c.

Acting assistant surgeon, &c.

Provost-marshal, &c.

SEC. 4693. The persons entitled as beneficiaries under the preceding section are as follows:

First. Any officer of the Army, including regulars, volunteers, and militia, or any officer in the Navy or Marine Corps, or any enlisted man, however employed, in the military or naval service of the United States, or in its Marine Corps, whether regularly mustered or not, disabled by reason of any wound or injury received, or disease contracted, while in the service of the United States and in the line of duty.

Second. Any master serving on a gun-boat, or any pilot, engineer, sailor, or other person not regularly mustered, serving upon any gun-boat or war-vessel of the United States, disabled by any wound or injury received, or otherwise incapacitated while in the line of duty, for procuring his subsistence by manual labor.

Third. Any person not an enlisted soldier in the Army, serving for the time being as a member of the militia of any State, under orders of an officer of the United States, or who volunteered for the time being to serve with any regularly organized military or naval force of the United States, or who otherwise volunteered and rendered service in any engagement with rebels or Indians, disabled in consequence of wounds or injury received in the line of duty in such temporary service. But no claim of a State militiaman, or non-enlisted person, on account of disability from wounds, or injury received in battle with rebels or Indians, while temporarily rendering service, shall be valid unless prosecuted to a successful issue prior to the fourth day of July, eighteen hundred and seventy-four.

Fourth. Any acting assistant or contract surgeon disabled by any wound or injury received or disease contracted in the line of duty while actually performing the duties of assistant surgeon or acting assistant surgeon with any military force in the field, or in transitu, or in hospital.

Fifth. Any provost-marshal, deputy provost-marshal, or enrolling-officer disabled, by reason of any wound or injury, received in the discharge of his duty, to procure a subsistence by manual labor.

SEC. 4694. No person shall be entitled to a pension by reason of wounds or injury received or disease contracted in the service of the United States subsequent to the twenty-seventh day of July, eighteen hundred and sixty-eight, unless the person who was wounded, or injured, or contracted the disease was in the line of duty; and, if in the military service, was at the time actually in the field, or on the march, or at some post, fort, or garrison, or en route, by direction of competent authority, to some post, fort, or garrison; or, if in the naval service, was at the time borne on the books of some ship or other vessel of the United States, at sea or in harbor, actually in commission, or was at some naval station, or on his way, by direction of competent authority, to the United States, or to some other vessel or naval station, or hospital.

Pension for wounds received or diseases contracted only in line of duty, &c.

Ibid., p. 567.

SEC. 4695. The pension for total disability shall be as follows, namely: For lieutenant-colonel and all officers of higher rank in the military service and in the Marine Corps, and for captain, and all officers of higher rank, commander, surgeon, paymaster, and chief engineer, respectively ranking with commander by law, lieutenant commanding and master commanding, in the naval service, thirty dollars per month; for major in the military service and in the Marine Corps, and lieutenant, surgeon, paymaster, and chief engineer, respectively ranking with lieutenant by law, and passed assistant surgeon in the naval service, twenty-five dollars per month; for captain in the military service and in the Marine Corps, chaplain in the Army, and provost-marshal, professor of mathematics, master, assistant surgeon, assistant paymaster, and chaplain in the naval service, twenty dollars per month; for first lieutenant in the military service and in the Marine Corps, acting assistant or contract surgeon, and deputy provost-marshal, seventeen dollars per month; for second lieutenant in the military service and in the Marine Corps, first assistant engineer, ensign, and pilot in the naval service, and enrolling-officer, fifteen dollars per month; for cadet-midshipman, passed midshipman, midshipmen, clerks of admirals and paymasters and of other officers commanding vessels, second and third assistant engineer, master's mate, and all warrant-officers in the naval service, ten dollars per month; and for all other persons whose rank or office is not mentioned in this section, eight dollars per month; and the masters, pilots, engineers, sailors, and crews upon the gun-boats and war-vessels shall be entitled to receive the pension allowed herein to those of like rank in the naval service.

Rates of pension for total disability.

Ibid., s. 2, p. 567.

SEC. 4696. Every commissioned officer of the Army, Navy, or Marine Corps shall receive such and only such pension as is provided in the preceding section, for the rank he held at the time he received the injury or contracted the disease which resulted in the disability, on account of which he may be entitled to a pension; and any commission or presidential appointment, regularly issued to such person, shall be taken to determine his rank from and after the date, as given in the body of the commission or appointment conferring said rank: *Provided*, That a vacancy existed in the rank thereby conferred; that the person commissioned was not disabled for military duty; and that he did not willfully neglect or refuse to be mustered.

Pension according to rank.

Ibid.

SEC. 4697. For the period commencing July fourth, eighteen hundred and sixty-four, and ending June third, eighteen hundred and seventy-two, those persons entitled to a less pension than hereinafter mentioned, who shall have lost both feet in the military or naval service and in the line of duty, shall be entitled to a pension of twenty dollars per month; for the same period those persons who, under like circumstances, shall have lost both hands or the sight of both eyes, shall be entitled to a pension of twenty-five dollars per month; and for the period commencing March third, eighteen hundred and sixty-five, and ending June third, eighteen hundred and seventy-two, those persons who under like circumstances shall have lost one hand and one foot, shall be entitled to a pension of twenty dollars per month; and for the period commencing June sixth, eighteen hundred and sixty-six, and ending June third,

Pensions for permanent specific disability prior to June 4, 1872.

Ibid., s. 3, p. 568.

eighteen hundred and seventy-two, those persons who under like circumstances shall have lost one hand or one foot, shall be entitled to a pension of fifteen dollars per month; and for the period commencing June sixth, eighteen hundred and sixty-six, and ending June third, eighteen hundred and seventy-two, those persons entitled to a less pension than hereinafter mentioned, who by reason of injury received or disease contracted in the military or naval service of the United States and in the line of duty, shall have been permanently and totally disabled in both hands, or who shall have lost the sight of one eye, the other having been previously lost, or who shall have been otherwise so totally and permanently disabled as to render them utterly helpless, or so nearly so as to require regular personal aid and attendance of another person, shall be entitled to a pension of twenty-five dollars per month; and for the same period those who under like circumstances shall have been totally and permanently disabled in both feet, or in one hand and one foot, or otherwise so disabled as to be incapacitated for the performance of any manual labor, but not so much as to require regular personal aid and attendance, shall be entitled to a pension of twenty dollars per month; and for the same period all persons who under like circumstances shall have been totally and permanently disabled in one hand, or one foot, or otherwise so disabled as to render their inability to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of fifteen dollars per month.

Pensions for permanent specific disabilities after June 4, 1872.

Ibid., s. 4, p. 569.

SEC. 4698. From and after June fourth, eighteen hundred and seventy-two, all persons entitled by law to a less pension than hereinafter specified, who, while in the military or naval service of the United States, and in line of duty, shall have lost the sight of both eyes, or shall have lost the sight of one eye, the sight of the other having been previously lost, or shall have lost both hands, or shall have lost both feet, or been permanently and totally disabled in the same, or otherwise so permanently and totally disabled as to render them utterly helpless, or so nearly so as to require the regular personal aid and attendance of another person, shall be entitled to a pension of thirty-one dollars and twenty-five cents per month; and all persons who, under like circumstances, shall have lost one hand and one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to be incapacitated for performing any manual labor, but not so much as to require regular personal aid and attendance, shall be entitled to a pension of twenty-four dollars per month; and all persons who, under like circumstances, shall have lost one hand, or one foot, or been totally and permanently disabled in the same, or otherwise so disabled as to render their incapacity to perform manual labor equivalent to the loss of a hand or foot, shall be entitled to a pension of eighteen dollars per month: *Provided*, That all persons who, under like circumstances, have lost a leg above the knee, and in consequence thereof are so disabled that they cannot use artificial limbs, shall be rated in the second class and receive twenty-four dollars per month from and after June fourth, eighteen hundred and seventy-two; and all persons who, under like circumstances, shall have lost the hearing of both ears, shall be entitled to a pension of thirteen dollars per month from the same date: *Provided*, That the pension for a disability not permanent, equivalent in degree to any provided for in this section, shall, during the continuance of the disability in such degree, be at the same rate as that herein provided for a permanent disability of like degree.

Increase of pensions.

Ibid.

SEC. 4698½. Except in cases of permanent specific disabilities, no increase of pension shall be allowed to commence prior to the date of the examining surgeon's certificate establishing the same made under the pending claim for increase; and in this, as well as all other cases, the certificate of an examining surgeon, or of a board of examining surgeons, shall be subject to the approval of the Commissioner of Pensions.

SEC. 4699. The rate of eighteen dollars per month may be proportionately divided for any degree of disability established for which section forty-six hundred and ninety-five makes no provision.

Pensions for disability not otherwise provided for.

Ibid., s. 5, p. 569.

SEC. 4700. Officers absent on sick-leave, and enlisted men absent on sick-furlough, or on veteran-furlough with the organization to which they belong, shall be regarded in the administration of the pension-laws in the same manner as if they were in the field or hospital.

Absentees.

Ibid., s. 6.

SEC. 4701. The period of service of all persons entitled to the benefits of the pension-laws, or on account of whose death any person may become entitled to a pension, shall be construed to extend to the time of disbanding the organization to which such persons belonged, or until their actual discharge for other cause than the expiration of the service of such organization.

Period of service, how construed.

Ibid., s. 7.

SEC. 4702. If any person embraced within the provisions of sections forty-six hundred and ninety-two and forty-six hundred and ninety-three has died since the fourth day of March, eighteen hundred and sixty-one, or hereafter dies by reason of any wound, injury, or disease, which, under the conditions and limitations of such sections, would have entitled him to an invalid pension had he been disabled, his widow, or if there be no widow, or in case of her death, without payment to her of any part of the pension hereinafter mentioned, his child or children, under sixteen years of age, shall be entitled to receive the same pension as the husband or father would have been entitled to had he been totally disabled, to commence from the death of the husband or father, to continue to the widow during her widowhood, and to his child or children until they severally attain the age of sixteen years, and no longer; and, if the widow remarry, the child or children shall be entitled from the date of remarriage.

Pensions to widows or to children under sixteen years, &c.

Ibid., s. 8.

SEC. 4703. The pensions of widows shall be increased from and after the twenty-fifth day of July, eighteen hundred and sixty-six at the rate of two dollars per month for each child under the age of sixteen years, of the husband on account of whose death the claim has been, or shall be, granted. And in every case in which the deceased husband has left, or shall leave, no widow, or where his widow has died or married again, or where she has been deprived of her pension under the provisions of the pension-law, the pension granted to such child or children shall be increased to the same amount per month that would be allowed under the foregoing provisions to the widow, if living and entitled to a pension: *Provided*, That the additional pension herein granted to the widow on account of the child or children of the husband by a former wife shall be paid to her only for such period of her widowhood as she has been, or shall be, charged with the maintenance of such child or children; for any period during which she has not been, or she shall not be, so charged, it shall be granted and paid to the guardian of such child or children: *Provided further*, That a widow or guardian to whom increase of pension has been, or shall hereafter be, granted on account of minor children, shall not be deprived thereof by reason of their being maintained in whole or in part at the expense of a State or the public in any educational institution, or in any institution organized for the care of soldiers' orphans.

Increased pension to widows, &c.

Ibid., s. 9, p. 570.

SEC. 4704. In the administration of the pension-laws, children born before the marriage of their parents, if acknowledged by the father before or after the marriage, shall be deemed legitimate.

What children deemed legitimate.

Ibid., s. 10.

SEC. 4705. The widows of colored and Indian soldiers and sailors who have died, or shall hereafter die, by reason of wounds or injuries received, or casualty received, or disease contracted, in the military or naval service of the United States, and in the line of duty, shall be entitled to receive the pension provided by law without other evidence of marriage than satisfactory proof that the parties were joined in marriage by some ceremony deemed by them obligatory, or habitually recognized each other as man and wife, and were so recognized by their neighbors, and lived

Widows of colored and Indian soldiers, &c.

Ibid., s. 11.

together as such up to the date of enlistment, when such soldier or sailor died in the service, or, if otherwise, to date of death; and the children born of any marriage so proved shall be deemed and held to be lawful children of such soldier or sailor, but this section shall not be applicable to any claims on account of persons who enlist after the third day of March, one thousand eight hundred and seventy-three.

Abandonment,
&c., by widow.

Ibid., s. 12.

SEC. 4706. If any person has died, or shall hereafter die, leaving a widow entitled to a pension by reason of his death, and a child or children under sixteen years of age by such widow, and it shall be duly certified under seal by any court having probate jurisdiction, that satisfactory evidence has been produced before such court, upon due notice to the widow, that she has abandoned the care of such child or children, or that she is an unsuitable person, by reason of immoral conduct, to have the custody of the same, on presentation of satisfactory evidence thereof to the Commissioner of Pensions, no pension shall be allowed to such widow until such child or children shall have attained the age of sixteen years, any provisions of law to the contrary notwithstanding; and the said child or children shall be pensioned in the same manner, and from the same date, as if no widow had survived such person, and such pension shall be paid to the guardian of such child or children; but if in any case payment of pension shall have been made to the widow, the pension to the child or children shall commence from the date to which her pension has been paid.

Succession of de-
pendent relatives.

Ibid., s. 13, p. 571.

SEC. 4707. If any person embraced within the provisions of sections forty-six hundred and ninety-two and forty-six hundred and ninety-three has died since the fourth day of March, eighteen hundred and sixty-one, or shall hereafter die, by reason of any wound, injury, casualty, or disease, which, under the conditions and limitations of such sections, would have entitled him to an invalid pension, and has not left or shall not leave a widow or legitimate child, but has left or shall leave other relative or relatives who were dependent upon him for support, in whole or in part, at the date of his death, such relative or relatives shall be entitled, in the following order of precedence, to receive the same pension as such person would have been entitled to had he been totally disabled, to commence from the death of such person, namely: first, the mother; secondly, the father; thirdly, orphan brothers and sisters under sixteen years of age, who shall be pensioned jointly: *Provided*, That where orphan children of the same parent have different guardians, or a portion of them only are under guardianship, the share of the joint pension to which each ward shall be entitled shall be paid to the guardian of such ward: *Provided*, That if in any case said person shall have left father and mother who were dependent upon him, then, on the death of the mother, the father shall become entitled to the pension, commencing from and after the death of the mother; and upon the death of the mother and father, or upon the death of the father and the remarriage of the mother, the dependent brothers and sisters under sixteen years of age shall jointly become entitled to such pension until they attain the age of sixteen years respectively, commencing from the death or remarriage of the party who had the prior right to the pension: *Provided*, That a mother shall be assumed to have been dependent upon her son within the meaning of this section if, at the date of his death, she had no other adequate means of support than the ordinary proceeds of her own manual labor and the contributions of said son or of any other persons not legally bound to aid in her support; and if, by actual contributions, or in any other way, the son had recognized his obligations to aid in support of his mother, or was by law bound to such support, and that a father or minor brother or sister shall, in like manner and under like conditions, be assumed to have been dependent, except that the income which was derived or derivable from his actual or possible manual labor shall be taken into account in estimating a father's means of independent support: *Provided further*, That the pension allowed to any person on account of his or her dependence, as

hereinbefore provided, shall not be paid for any period during which it shall not be necessary as a means of adequate subsistence.

SEC. 4708. The remarriage of any widow, dependent mother, or dependent sister, entitled to pension, shall not bar her right to such pension to the date of her remarriage, whether an application therefor was filed before or after such marriage; but on the remarriage of any widow, dependent mother, or dependent sister, having a pension, such pension shall cease.

Remarriage.

Ibid., s. 14.

SEC. 4709. All pensions which have been, or which may hereafter be, granted in consequence of death occurring from a cause which originated in the service since the fourth day of March, eighteen hundred and sixty-one, or in consequence of wounds or injuries received or disease contracted since that date, shall commence from the death or discharge of the person on whose account the claim has been or is hereafter granted, or from the termination of the right of party having prior title to such pension; provided the application for such pension has been or is hereafter filed with the Commissioner of Pensions within five years after the right thereto has accrued; otherwise the pension shall commence from the date of filing the last evidence necessary to establish the same. But the limitation herein prescribed shall not apply to claims by or in behalf of insane persons and children under sixteen years.

Commencement
of pensions after
March 4, 1861.

Ibid., s. 15, p. 572.

SEC. 4710. In construing the preceding section, the right of persons entitled to pensions shall be recognized as accruing at the date therein stated for the commencement of such pension, and the right of a dependent father or dependent brother to pension shall not in any case be held to have accrued prior to the sixth day of June, eighteen hundred and sixty-six; and the right of all other classes of claimants, if applying on account of the death of a person who was regularly mustered into the service, or regularly employed in the Navy or upon the gun-boats or war-vessels of the United States, shall not be held to have accrued prior to the fourteenth day of July, eighteen hundred and sixty-two; if applying on account of a chaplain of the Army, their right shall not be held to have accrued prior to the ninth day of April, eighteen hundred and sixty-four; if applying on account of an enlisted soldier who was not mustered, or a non-enlisted man in temporary service, their right shall not be held to have accrued prior to the fourth day of July, eighteen hundred and sixty-four; if applying on account of an acting assistant or contract surgeon, their right shall not be held to have accrued prior to the third day of March, eighteen hundred and sixty-five; if applying on account of persons enlisted as teamsters, wagoners, artificers, hospital-stewards, or farriers, their right shall not be held to have accrued prior to the sixth day of June, eighteen hundred and sixty-six; and the right of all classes of claimants applying on account of a provost-marshal, deputy provost-marshal, or enrolling-officer, shall not be held to have accrued prior to the twenty-fifth day of July, eighteen hundred and sixty-six. But the right of a widow or dependent mother who married prior, and did not apply till subsequent to the twenty-seventh day of July, eighteen hundred and sixty-eight, shall not be held to have accrued prior to that date.

When pension
deemed to have ac-
crued.

Ibid., s. 16.

SEC. 4711. It shall be the duty of the Commissioner of Pensions, upon any application by letter or otherwise by or on behalf of any pensioner entitled to arrears of pension under section forty-seven hundred and nine, or if any such pensioner has died, upon a similar application by or on behalf of any person entitled to receive the accrued pension due such pensioner at his death, to pay or cause to be paid to such pensioner, or other person, all such arrears of pension as the pensioner may be entitled to, or, if dead, would have been entitled to under the provisions of that section had he survived; and no claim-agent or other person shall be entitled to receive any compensation for services in making application for arrears of pension.

Arrears of pen-
sion.

Ibid., s. 17.

Provisions of
pension laws ex-
tended, &c.

Ibid., s. 18.

SEC. 4712. The provisions of this Title in respect to the rates of pension to persons whose right accrued since the fourth day of March, eighteen hundred and sixty-one, are extended to pensioners whose right to pension accrued under general acts passed since the war of the Revolution and prior to the fourth day of March, eighteen hundred and sixty-one, to take effect from and after the twenty-fifth day of July, eighteen hundred and sixty-six; and the widows of revolutionary soldiers and sailors receiving a less sum shall be paid at the rate of eight dollars per month from and after the twenty-seventh day of July, eighteen hundred and sixty-eight.

Commencement
of pensions for
prior wars.

Ibid., s. 19, p. 573.

SEC. 4713. In all cases in which the cause of disability or death originated in the service prior to the fourth day of March, eighteen hundred and sixty-one, and an application for pension shall not have been filed within three years from the discharge or death of the person on whose account the claim is made, or within three years of the termination of a pension previously granted on account of the service and death of the same person, the pension shall commence from the date of filing by the party prosecuting the claim the last paper requisite to establish the same. But no claim allowed prior to the sixth day of June, eighteen hundred and sixty-six, shall be affected by anything herein contained.

Declaration of
claimants.

Ibid., s. 21.

SEC. 4714. Declarations of pension claimants shall be made before a court of record, or before some officer thereof having custody of its seal, said officer hereby being fully authorized and empowered to administer and certify any oath or affirmation relating to any pension or application therefor: *Provided*, That the Commissioner of Pensions may designate, in localities more than twenty-five miles distant from any place at which such court is holden, persons duly qualified to administer oaths, before whom declarations may be made and testimony taken, and may accept declarations of claimants residing in foreign countries, made before a United States minister or consul, or before some officer of the country duly authorized to administer oaths for general purposes, and whose official character and signature shall be duly authenticated by the certificate of a United States minister or consul; declarations in claims of Indians made before a United States agent; and declarations in claims under the provisions of this Title relating to pensions for services in the war of eighteen hundred and twelve, made before an officer duly authorized to administer oaths for general purposes, when the applicants, by reason of infirmity of age, are unable to travel: *Provided*, That any declaration made before an officer duly authorized to administer oaths for general purposes shall be accepted to exempt a claim from the limitation as to date of filing prescribed in section forty-seven hundred and nine.

Only one pension
at a time.

Ibid., s. 20.

SEC. 4715. Nothing in this Title shall be so construed as to allow more than one pension at the same time to the same person, or to persons entitled jointly; but any pensioner who shall so elect may surrender his certificate, and receive, in lieu thereof, a certificate for any other pension to which he would have been entitled had not the surrendered certificate been issued. But all payments previously made for any period covered by the new certificate shall be deducted from the amount allowed by such certificate.

Loyalty.

Ibid., s. 23.

SEC. 4716. No money on account of pension shall be paid to any person, or to the widow, children, or heirs of any deceased person, who in any manner voluntarily engaged in, or aided or abetted, the late rebellion against the authority of the United States.

Claims to be prosecuted within
what time.

Ibid., s. 24.

SEC. 4717. No claim for pension not prosecuted to successful issue within five years from the date of filing the same shall be admitted without record-evidence from the War or Navy Department of the injury or the disease which resulted in the disability or death of the person on whose account the claim is made: *Provided*, That in any case in which the limitation prescribed by this section bars the further prosecution of the claim, the claimant may present, through the Pension-Office, to the Adjutant-General of the Army, or the Surgeon-General of

the Navy, evidence that the disease or injury which resulted in the disability or death of the person on whose account the claim is made, originated in the service and in the line of duty; and if such evidence is deemed satisfactory by the officer to whom it may be submitted, he shall cause a record of the fact so proved to be made, and a copy of the same to be transmitted to the Commissioner of Pensions, and the bar to the prosecution of the claim shall thereby be removed.

SEC. 4718. If any pensioner has died or shall hereafter die; or if any person entitled to a pension, having an application therefor pending, has died or shall hereafter die, his widow, or if there is no widow, the child or children of such person under the age of sixteen years, shall be entitled to receive the accrued pension to the date of the death of such person. Such accrued pension shall not be considered as a part of the assets of the estate of deceased, nor liable to be applied to the payment of the debts of said estate in any case whatever, but shall inure to the sole and exclusive benefit of the widow or children; and if no widow or child survive, no payment whatsoever of the accrued pension shall be made or allowed, except so much as may be necessary to reimburse the person who bore the expenses of the last sickness and burial of the decedent, in cases where he did not leave sufficient assets to meet such expenses.

SEC. 4719. The failure of any pensioner to claim his pension for three years after the same shall have become due shall be deemed presumptive evidence that such pension has legally terminated by reason of the pensioner's death, remarriage, recovery from the disability, or otherwise, and the pensioner's name shall be stricken from the list of pensioners, subject to the right of restoration to the same on a new application by the pensioner, or, if the pensioner is dead, by the widow or minor children entitled to receive the accrued pension, accompanied by evidence satisfactorily accounting for the failure to claim such pension, and by medical evidence in cases of invalids who were not exempt from biennial examinations as to the continuance of the disability.

SEC. 4720. When the rate, commencement, and duration of a pension allowed by special act are fixed by such act, they shall not be subject to be varied by the provisions and limitations of the general pension-laws, but when not thus fixed the rate and continuance of the pension shall be subject to variation in accordance with the general laws, and its commencement shall date from the passage of the special act, and the Commissioner of Pensions shall, upon satisfactory evidence that fraud was perpetrated in obtaining such special act, suspend payment thereupon until the propriety of repealing the same can be considered by Congress.

SEC. 4721. The term of limitation prescribed by sections forty-seven hundred and nine and forty-seven hundred and seventeen shall, in pending claims of Indians, be extended to two years from and after the third day of March, eighteen hundred and seventy-three; all proof which has heretofore been taken before an Indian agent, or before an officer of any tribe, competent according to the rules of said tribe to administer oaths, shall be held and regarded by the Pension-Office, in the examining and determining of claims of Indians now on file, as of the same validity as if taken before an officer recognized by the law at the time as competent to administer oaths; all proof wanting in said claims hereafter, as well as in those filed after the third day of March, eighteen hundred and seventy-three, shall be taken before the agent of the tribe to which the claimants respectively belong; in regard to dates, all applications of Indians now on file shall be treated as though they were made before a competent officer at their respective dates, and if found to be in all other respects conclusive, they shall be allowed; and Indians shall be exempted from the obligation to take the oath to support the Constitution of the United States.

Accrued pensions.

Ibid., s. 25, p. 574.

Unclaimed pensions.

Ibid., s. 26.

Pensions under special acts of Congress.

Ibid., s. 27.

Indian claims.

Ibid., s. 28.

Provisions extended to Missouri State militia.

Ibid., s. 8, p. 570.

SEC. 4722. The provisions of this Title are extended to the officers and privates of the Missouri State militia, and the provisional Missouri militia, disabled by reason of injury received or disease contracted in the line of duty while such militia was co-operating with United States forces, and the widow or children of any such person, dying of injury received or disease contracted under the circumstances herein set forth, shall be entitled to the benefits of this Title. But the pensions on account of such militia shall not commence prior to the third day of March, one thousand eight hundred and seventy-three.

Colored soldiers enrolled as "slaves."

Ibid., c. 262, p. 601.

Both pension and pay not allowed, unless, &c.

30 April, 1844, c. 15, v. 5, p. 657.

16 Aug., 1841, c. 3, s. 2, v. 5, p. 440.

Half-pay to widows, &c., under laws prior to June 3, 1858.

3 June, 1858, c. 85, s. 1, v. 11, p. 309.

SEC. 4723. All colored persons who enlisted in the Army during the war of the rebellion, and who are now prohibited from receiving bounty and pension on account of being borne on the rolls of their regiments as "slaves," shall be placed on the same footing, as to bounty and pension, as though they had not been slaves at the date of their enlistment.

SEC. 4724. No person in the Army, Navy, or Marine Corps shall draw both a pension as an invalid, and the pay of his rank or station in the service, unless the disability for which the pension was granted be such as to occasion his employment in a lower grade, or in the civil branch of the service.

SEC. 4725. All those surviving widows and minor children who have been allowed five years' half-pay, under the provisions of any general laws passed prior to the third day of June, eighteen hundred and fifty-eight, are granted a continuance of such half-pay, to commence from the date of the last payment under the respective acts of Congress granting the same, and on the terms and limitations provided in the following section.

To widow for life, and to children under sixteen, &c.

Ibid.

SEC. 4726. Such half-pay is granted to such widows during life, and, where there is no widow, to the children, while under the age of sixteen years; but in case of the remarriage or death of any such widow, the half-pay shall go to the children of the decedent on account of whose services it is claimed, while such children are under sixteen years of age, and no longer.

Half-monthly pay not to exceed that of lieutenant-colonel.

Ibid.

SEC. 4727. The half-pay of such widows and children shall be half the monthly pay of the officers, non-commissioned officers, musicians, and privates of the infantry of the Regular Army, and no more, and no greater sum shall be allowed to any such widow or minor children than the half-pay of a lieutenant-colonel. But the two preceding sections shall not be construed to apply to or embrace the case of any person receiving a pension for life on the third day of June, eighteen hundred and fifty-eight; and, wherever half-pay has been granted by any special act of Congress, and renewed or continued under the provisions of those sections, the same shall continue from the date above named: *Provided*, That pensions under this and the two preceding sections, shall be varied in accordance with the provisions of section four thousand seven hundred and twelve of this Title.

Navy pensions.

11 Aug., 1848, c. 155, ss. 2, 3, v. 9, p. 283.

SEC. 4728. If any officer, warrant or petty officer, seaman, engineer, first, second, or third assistant engineer, fireman or coal-heaver of the Navy or any marine has been disabled prior to the fourth day of March eighteen hundred and sixty-one by reason of any injury received or disease contracted in the service and line of duty, he shall be entitled to receive during the continuance of his disability a pension proportionate to the degree of his disability not exceeding half the monthly pay of his rank as it existed in January eighteen hundred and thirty-five. But the pension of a chief-engineer shall be the same as that of a lieutenant of the Navy; the pension of a first assistant engineer the same as that of a lieutenant of marines; the pension of a second or third assistant engineer the same as that of a forward officer; the pension of a fireman or coal-heaver the same as that of a seaman; but an engineer, fireman or coal-heaver shall not be entitled to any pension by reason of a disability incurred prior to the thirty-first day of August eighteen hundred and forty-two.

SEC. 4729. If any person referred to in the preceding section has died in the service, of injury received or disease contracted under the conditions therein stated, his widow shall be entitled to receive half the monthly pay to which the deceased was entitled at the date of his death; and in case of her death or marriage, the child or children under sixteen years of age shall be entitled to the pension. But the rate of pension herein allowed shall be governed by the pay of the Navy as it existed in January, eighteen hundred and thirty-five; and the pension of the widow of a chief engineer shall be the same as that of a widow of a lieutenant in the Navy; the pension of the widow of a first assistant engineer shall be the same as that of the widow of a lieutenant of marines; the pension of the widow of a second or third assistant engineer the same as that of the widow of a forward officer; the pension of the widow of a fireman or coal-heaver shall be the same as that of the widow of a seaman. But the rate of pension prescribed by this and the preceding section shall be varied from and after the twenty-fifth day of July eighteen hundred and sixty-six in accordance with the provisions of section four thousand seven hundred and twelve of this Title; and the widow of an engineer, fireman, or coal-heaver shall not be entitled to any pension by reason of the death of her husband if his death was prior to the thirty-first day of August eighteen hundred and forty-two.

Naval pensions to widows and children.

Ibid., ss. 1, 2, 3.

SEC. 4730. Any officer, non-commissioned officer, musician or private, whether of the Regular Army or volunteers disabled by reason of injury received or disease contracted while in the line of duty in actual service in the war with Mexico, or in going to or returning from the same, who received an honorable discharge, shall be entitled to a pension proportionate to his disability, not exceeding for total disability half the pay of his rank at the date at which he received the wound or contracted the disease which resulted in such disability. But no pension shall exceed half the pay of a lieutenant-colonel.

Pensions to soldiers of Mexican war.

13 May, 1846, c. 16, s. 7, v. 9, p. 10.

SEC. 4731. If any officer or other person referred to in the preceding section has died or shall hereafter die by reason of any injury received or disease contracted under the circumstances therein set forth, his widow shall be entitled to receive the same pension as the husband would have been entitled to had he been totally disabled; and in case of her death or remarriage, the child or children of such officer or other person referred to in the preceding section, while under the age of sixteen years, shall be entitled to receive the pension. But the rate of pension prescribed by this and the preceding section shall be varied after the twenty-fifth day of July, eighteen hundred and sixty-six in accordance with the provisions of section four thousand seven hundred and twelve of this Title.

Widow and children of Mexican war pensioners.

3 March, 1873, c. 234, s. 18, v. 17, p. 572.

SEC. 4732. The widows and children under sixteen years of age of the officers, non-commissioned officers, musicians and privates of the regulars, militia, and volunteers of the war of one thousand eight hundred and twelve and the various Indian wars since one thousand seven hundred and ninety who remained at the date of their death in the military service of the United States, or who received an honorable discharge and have died or shall hereafter die of injury received or disease contracted in the service and in the line of duty shall be entitled to receive half the monthly pay to which the deceased was entitled at the time he received the injury or contracted the disease which resulted in his death. But no half-pay pension shall exceed the half-pay of a lieutenant-colonel and such half-pay pension shall be varied after the twenty-fifth day of July one thousand eight hundred and sixty-six in accordance with the provisions of section four thousand seven hundred and twelve of this Title.

Widows and children of pensioners of war of 1812 and Indian wars.

14 Feb., 1871, c. 50, v. 16, p. 411.

SEC. 4733. All pensioners whose names are now on the pension-roll or who are entitled to restoration to the roll under any act of Congress, shall be entitled to the continuance of such pensions under the provisions and limitations of this Title, and to such further increase of pension as is herein provided.

Continuance of pensions.

Pensions not to be withheld.

20 May, 1836, c. 77, v. 5, p. 31.

Time for which a widow shall not receive a pension.

30 April, 1844, c. 15, v. 5, p. 657.

Pensions to certain soldiers and sailors of the war of 1812.

14 Feb., 1871, c. 50, s. 1, v. 16, p. 411.

Pensions to be at what rate, &c.

Ibid., s. 2.

Pensions to surviving widows of officers, &c., of war of 1812.

Ibid., s. 1.

Proof required; names may be stricken from pension-rolls.

Ibid., s. 3.

Loss of certificate of discharge, &c.

Ibid.

Pensions to officers and seamen of revenue-cutters.

18 April, 1814, c. 65, v. 3, p. 127.

Certain claims for revolutionary pensions prohibited.

2 April, 1862, c. 53, v. 12, p. 376.

SEC. 4734. The provisions of law which allow the withholding of the compensation of any person who is in arrears shall not be construed to authorize the pension of any pensioner of the United States to be withheld.

SEC. 4735. No pension shall be granted to a widow for the same time that her husband received one.

SEC. 4736. The Secretary of the Interior is directed to place on the pension-roll the names of the surviving officers and enlisted and drafted men, including militia and volunteers, of the military and naval service of the United States, who served sixty days in the war with Great Britain of eighteen hundred and twelve, and were honorably discharged, and such other officers and soldiers as may have been personally named in any resolution of Congress for any specific service in that war, although their term of service may have been less than sixty days, subject, however, to the provisions of section forty-seven hundred and sixteen.

SEC. 4737. Pensions, under the preceding section, shall be at the rate of eight dollars per month, and shall be paid to the persons entitled thereto for the term of their lives, from and after the fourteenth day of February, eighteen hundred and seventy-one. But that section shall not apply to any person who is receiving a pension at the rate of eight dollars or more per month; nor to any person who is receiving a pension less than eight dollars per month, except for the difference between the pension now received and eight dollars per month.

SEC. 4738. The surviving widows of such persons as are embraced within the provisions of the two preceding sections, shall be allowed, on the conditions and limitations therein expressed, the same pension that such persons themselves would have been entitled to receive thereunder if living on the fourteenth day of February, eighteen hundred and seventy-one: *Provided, however,* Such widows were married to the husbands, on account of whose services the pension is claimed, prior to the treaty of peace which terminated the war of eighteen hundred and twelve, and have not remarried.

SEC. 4739. Before the name of any person is placed upon the pension-roll under the three preceding sections, proof shall be made, under such regulations as the Secretary of the Interior may prescribe, that the applicant is entitled to a pension under the provisions of the sections herein cited; and the Secretary of the Interior shall cause to be stricken from the pension-roll the name of any person whenever it appears, by proof satisfactory, that such name was put upon such roll through false or fraudulent representations.

SEC. 4740. The loss of a certificate of discharge shall not deprive an applicant of the benefits of sections forty-seven hundred and thirty-six, forty-seven hundred and thirty-seven, and forty-seven hundred and thirty-eight, but other proof of services performed and of an honorable discharge, if deemed satisfactory, shall be sufficient.

SEC. 4741. The officers and seamen of the revenue-cutters of the United States, who have been or may be wounded or disabled in the discharge of their duty while co-operating with the Navy by order of the President, shall be entitled to be placed on the Navy pension-list, at the same rate of pension and under the same regulations and restrictions as are provided by law for the officers and seamen of the Navy.

SEC. 4742. From and after the second day of April, eighteen hundred and sixty-two, no claim for a pension, or for an increase of pension, shall be allowed in favor of the children or other descendants of any person who served in the war of the Revolution, or of the widow of such person, when such person or his widow died without having established a claim to a pension.

SEC. 4743. In all cases where a pension has been granted to any officer or soldier of the Revolution in his life-time, the evidence upon which such pension was granted shall be conclusive of the service of such officer or soldier in the application of any widow, or woman who may have been the widow, of such officer or soldier, for a pension; and upon proof by her that she was married to any such officer or soldier, and that she is a widow, she shall thereupon be placed upon the pension-rolls at the same rate that such officer or soldier received during his life-time.

SEC. 4744. The Commissioner of Pensions is authorized to detail, from time to time, clerks in his office to investigate suspected attempts at fraud on the Government, through and by virtue of the provisions of the pension-laws, and to aid in prosecuting any person so offending, with such additional compensation as is customary in cases of special service; and any person so detailed shall have the power to administer oaths and take affidavits in the course of any such investigation.

SEC. 4745. Any pledge, mortgage, sale, assignment, or transfer of any right, claim, or interest in any pension which has been, or may hereafter be, granted, shall be void and of no effect; and any person acting as attorney to receive and receipt for money for and in behalf of any person entitled to a pension shall, before receiving such money, take and subscribe an oath, to be filed with the pension-agent, and by him to be transmitted, with the vouchers now required by law, to the proper accounting officer of the Treasury, that he has no interest in such money by any pledge, mortgage, sale, assignment, or transfer, and that he does not know or believe that the same has been so disposed of to any person.

SEC. 4746. Every person who knowingly or willfully in anywise procures the making or presentation of any false or fraudulent affidavit concerning any claim for pension, or payment thereof, or pertaining to any other matter within the jurisdiction of the Commissioner of Pensions, or who knowingly or willfully presents or causes to be presented at any pension-agency any power of attorney or other paper required as a voucher in drawing a pension, which paper bears a date subsequent to that on which it was actually signed or executed, shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for a term not exceeding three years, or by both.

SEC. 4747. No sum of money due, or to become due, to any pensioner, shall be liable to attachment, levy, or seizure by or under any legal or equitable process whatever, whether the same remains with the Pension-Office, or any officer or agent thereof, or is in course of transmission to the pensioner entitled thereto, but shall inure wholly to the benefit of such pensioner.

SEC. 4748. That the Commissioner of Pensions, on application being made to him in person, or by letter, by any claimant or applicant for pension, bounty-land, or other allowance required by law to be adjusted or paid by the Pension-Office, shall furnish such person, free of all expense, all such printed instructions and forms as may be necessary in establishing and obtaining said claim; and on the issuing of a certificate of pension or of a bounty-land warrant, he shall forthwith notify the claimant or applicant, and also the agent or attorney in the case, if there be one, that such certificate has been issued, or allowance made, and the date and amount thereof.

SEC. 4749. No soldier or sailor shall be taken or held to be a deserter from the Army or Navy who faithfully served according to his enlistment until the nineteenth day of April, eighteen hundred and sixty-five, and who, without proper authority or leave first obtained, quit his command or refused to serve after that date; but nothing herein contained shall operate as a remission of any forfeiture incurred by any such soldier or sailor of his pension; but this section shall be construed solely as a removal of any disability such soldier or sailor may have incurred by the loss of his citizenship in consequence of his desertion.

Evidence necessary to enable widow of revolutionary soldier to get pension.

1 July, 1848, Res. No. 13, v. 9, p. 336.

Special service in investigating suspected attempts at fraud.

3 March, 1873, c. 234, s. 30, v. 17, p. 575.

Any pledge or transfer of pension void.

Ibid., s. 32.

Penalty for false affidavit and post-dating vouchers, &c.

Ibid., s. 33.

Pension not liable to attachment, &c.

Ibid.

Commissioner to furnish printed instructions, free of charge.

Ibid., s. 22, p. 573.

Certain soldiers and sailors not to be deemed deserters, &c.

19 July, 1867, c. 28, v. 15, p. 14.

Secretary of Navy trustee of Navy pension-fund. SEC. 4750. The Secretary of the Navy shall be trustee of the Navy pension-fund.

10 July, 1832, c. 194, s. 1, v. 4, p. 572.

Penalties, how to be sued for, &c. SEC. 4751. All penalties and forfeitures incurred under the provisions of sections twenty-four hundred and sixty-one, twenty-four hundred and sixty-two, and twenty-four hundred and sixty-three, Title "THE PUBLIC LANDS," shall be sued for, recovered, distributed, and accounted for,

2 March, 1831, c. 66, s. 3, v. 4, p. 472.

under the directions of the Secretary of the Navy, and shall be paid over, one-half to the informers, if any, or captors, where seized, and the other half to the Secretary of the Navy for the use of the Navy pension-fund; and the Secretary is authorized to mitigate, in whole or in part, on such terms and conditions as he deems proper, by an order in writing, any fine, penalty, or forfeiture so incurred.

Prize-money accruing to the United States to remain a fund for pensions.

17 July, 1862, c. 204, s. 11, v. 12, p. 607.

SEC. 4752. All money accruing or which has already accrued to the United States from sale of prizes shall be and remain forever a fund for the payment of pensions to the officers, seamen, and marines who may be entitled to receive the same; and if such fund be insufficient for the purpose, the public faith is pledged to make up the deficiency; but if it should be more than sufficient, the surplus shall be applied to the making of further provision for the comfort of the disabled officers, seamen, and marines. [See § 4630.]

Naval pension-fund, how to be invested.

1 July, 1864, Res. No. 62, v. 13, p. 414.

SEC. 4753. The Secretary of the Navy, as trustee of the naval pension-fund, is directed to cause to be invested in the registered securities of the United States, on the first day of January and the first day of July of each year, so much of such fund then in the Treasury of the United States as may not be required for the payment of naval pensions for the then current fiscal year; and upon the requisition of the Secretary, so much of the fund as may not be required for such payment of pensions accruing during the current fiscal year shall be held in the Treasury on the days above named in each year, subject to his order, for the purpose of such immediate investment; and the interest payable in coin upon the securities in which the fund may be invested, shall be so paid, when due, to the order of the Secretary of the Navy, and he is authorized and directed to exchange the amount of such interest when paid in coin, for so much of the legal currency of the United States as may be obtained therefor at the current rates of premium on gold, and to deposit the interest so converted in the Treasury to the credit of the naval pension-fund; but nothing herein contained shall be construed to interfere with the payment of naval pensions under the supervision of the Secretary of the Interior, as regulated by law.

Rate of interest on naval pension-fund.

SEC. 4754. The interest on the naval pension-fund shall hereafter be at the rate of three per centum per annum in lawful money.

23 July, 1868, c. 229, s. 2, v. 15, p. 170.

Navy pensions payable from fund.

23 July, 1868, c. 229, s. 2, v. 15, p. 170.

SEC. 4755. The Navy pensions shall be paid from the Navy pension-fund, but no payments shall be made therefrom except upon appropriations authorized by Congress.

Half-rating to disabled enlisted persons serving twenty years in Navy or Marine Corps.

2 March, 1867, c. 174, s. 6, v. 14, p. 516.

11 July, 1870, c. 238, v. 16, p. 222.

SEC. 4756. There shall be paid out of the naval pension-fund to every person who, from age or infirmity, is disabled from sea-service, but who has served as an enlisted person in the Navy or Marine Corps for the period of twenty years, and not been discharged for misconduct, in lieu of being provided with a home in the Naval Asylum, Philadelphia, if he so elects, a sum equal to one-half the pay of his rating at the time he was discharged, to be paid to him quarterly, under the direction of the Commissioner of Pensions; and applications for such pension shall be made to the Secretary of the Navy, who, upon being satisfied that the applicant comes within the provisions of this section, shall certify the same to the Commissioner of Pensions, and such certificate shall be his warrant for making payment as herein authorized.

SEC. 4757. Every disabled person who has served in the Navy or Marine Corps as an enlisted man for a period not less than ten years, and not been discharged for misconduct, may apply to the Secretary of the Navy for aid from the surplus income of the naval pension-fund; and the Secretary of the Navy is authorized to convene a board of not less than three naval officers, one of whom shall be a surgeon, to examine into the condition of the applicant, and to recommend a suitable amount for his relief, and for a specified time, and upon the approval of such recommendation by the Secretary of the Navy, and certificate thereof to the Commissioner of Pensions, the amount shall be paid in the same manner as is provided in the preceding section for the payment to persons disabled by long service in the Navy; but no allowance so made shall exceed the rate of a pension for full disability corresponding to the grade of the applicant, nor, if in addition to a pension, exceed one-fourth the rate of such pension.

Serving not less than ten years, may receive what aid.

2 March, 1867, c. 174, s. 6, v. 14, p. 516.

SEC. 4758. The Secretary of the Navy shall be trustee of the privateer pension-fund.

Secretary of Navy trustee of privateer pension-fund.

10 July, 1832, c. 194, s. 1, v. 4, p. 572.—Decatur *vs.* Paulding, 14 Pet., 497.

SEC. 4759. Two per centum on the net amount, after deducting all charges and expenditures, of the prize-money arising from captured vessels and cargoes, and on the net amount of the salvage of vessels and cargoes recaptured by the private armed vessels of the United States, shall be secured and paid over to the collector or other chief officer of the customs at the port or place in the United States at which such captured or recaptured vessels may arrive; or to the consul or other public agent of the United States residing at the port or place, not within the United States, at which such captured or recaptured vessels may arrive. And the moneys arising therefrom are pledged by the Government of the United States as a fund for the support and maintenance of the widows and orphans of such persons as may be slain, and for the support and maintenance of such persons as may be wounded and disabled on board of the private armed vessels of the United States, in any engagement with the enemy, to be assigned and distributed in such manner as is or may be provided by law.

Privateer pension-fund; how derived.

26 June, 1812, c. 107, s. 17, v. 2, p. 763.

SEC. 4760. The two per centum reserved in the hands of the collectors and consuls by the preceding section, shall be paid to the Treasury, under the like regulations provided for other public money, and shall constitute a fund for the purposes provided for by that section.

To be paid into the Treasury, &c.

13 Feb., 1813, c. 22, s. 1, v. 2, p. 799.

SEC. 4761. The Secretary of the Interior is required to place on the pension-list, under the like regulations and restrictions as are used in relation to the Navy of the United States, any officer, seaman, or marine, who, on board of any private armed vessel bearing a commission of letter of marque, shall have been wounded or otherwise disabled in any engagement with the enemy, or in the line of their duty as officers, seamen, or marines of such private armed vessel; allowing to the captain a sum not exceeding twenty dollars per month; to lieutenants and sailing-master a sum not exceeding twelve dollars each per month; to marine officer, boatswain, gunner, carpenter, master's mate, and prize-masters, a sum not exceeding ten dollars each per month; to all other officers a sum not exceeding eight dollars each per month, for the highest rate of disability, and so in proportion; and to a seaman, or acting as a marine, the sum of six dollars per month, for the highest rate of disability, and so in proportion; which several pensions shall be paid from moneys appropriated for the payment of pensions.

Wounded, &c., privateersmen to be placed on pension-list.

13 Feb., 1813, c. 22, s. 2, v. 2, p. 799.

2 Aug., 1813, c. 58, v. 3, p. 86.

SEC. 4762. The commanding officer of every vessel having a commission, or letters of marque and reprisal, shall enter in his journal the name and rank of any officer, and the name of any seaman, who, during his cruise, is wounded or disabled, describing the manner and extent, as far as practicable, of such wound or disability.

Commanding officers of privateers to enter names, &c., in a journal.

13 Feb., 1813, c. 22, s. 3, v. 2, p. 800.

Transcript of journals to be transmitted to Secretary of the Navy.

Ibid., s. 4.

Pension-agents to send quarterly voucher to each pensioner, &c.

8 July, 1870, c. 225, s. 1, v. 16, p. 193.

Check to be drawn to order of each pensioner.

Ibid., s. 2, p. 194.

Pensions to be paid only to persons entitled, &c.

Ibid., s. 4.

Blanks for vouchers; notice.

Ibid., s. 5.

Certificate of pension and fee of attorney.

Ibid., s. 9, p. 195.

Pension-agent to deduct attorney's fees.

Ibid., s. 10.

Duplicates for lost checks, how issued.

19 April, 1871, c. 16, v. 17, p. 4.

SEC. 4763. Every collector shall transmit quarterly to the Secretary of the Navy a transcript of such journals as may have been reported to him, so far as it gives a list of the officers and crew, and the description of wounds and disabilities, the better to enable the Secretary to decide on claims for pensions.

SEC. 4764. Within fifteen days immediately preceding the fourth day of March, June, September, and December in each year, the several agents for the payment of pensions shall prepare a quarterly voucher for every person whose pension is payable at his agency, and transmit the same by mail, directed to the address of the pensioner named in such voucher, who, on or after the fourth day of March, June, September, and December next succeeding the date of such voucher, may execute and return the same to the agency at which it was prepared, and at which the pension of such person is due and payable.

SEC. 4765. Upon the receipt of such voucher, properly executed, and the identity of the pensioner being established and proved in the manner prescribed by the Secretary of the Interior, the agent for the payment of pensions shall immediately draw his check on the proper assistant treasurer or designated depository of the United States for the amount due such pensioner, payable to his order, and transmit the same by mail, directed to the address of the pensioner entitled thereto; but any pensioner may be required, if thought proper by the Commissioner of Pensions, to appear personally and receive his pension.

SEC. 4766. Hereafter no pension shall be paid to any person other than the pensioner entitled thereto, nor otherwise than according to the provisions of this Title, and no warrant, power of attorney, or other paper executed or purporting to be executed by any pensioner to any attorney, claim-agent, broker, or other person, shall be recognized by any agent for the payment of pensions, nor shall any pension be paid thereon. But payment to persons laboring under legal disabilities may be made to the guardians of such persons in the manner herein prescribed; and pensions payable to persons in foreign countries may be made according to the provisions of existing laws.

SEC. 4767. The Secretary of the Interior shall cause suitable blanks for the vouchers mentioned in section forty-seven hundred and sixty-four to be printed and distributed to the agents for the payment of pensions, upon which he shall cause a note to be printed informing pensioners of the fact that hereafter no pension will be paid, except upon the vouchers issued as herein directed.

SEC. 4768. The Commissioner of Pensions shall forward the certificate of pensions, granted in any case, to the agent for paying pensions where such certificate is made payable, and at the same time forward therewith one of the articles of agreement filed in the case and approved by the Commissioner, setting forth the fee agreed upon between the claimant and the attorney or agent, and where no agreement is on file, as hereinbefore provided, he shall direct that a fee of ten dollars only be paid the agent or attorney. [See § 5485.]

SEC. 4769. It shall be the duty of the agent paying such pension to deduct from the amount due the pensioner the amount of fee so agreed upon or directed by the Commissioner to be paid where no agreement is filed and approved, and to forward or cause to be forwarded to the agent or attorney of record named in such agreement, or, in case there is no agreement, to the agent prosecuting the case, the amount of the proper fee, deducting therefrom the sum of thirty cents in payment of his services in forwarding the same.

SEC. 4770. In place of original checks issued for pensions, when lost, stolen, or destroyed, disbursing officers and agents of the United States are authorized, after the expiration of six months from the date of such checks, to issue duplicate checks, and the Treasurer, assistant treasurers, and designated depositories of the United States are directed to pay such checks, drawn in pursuance of law by such officers or agents, upon notice and proof of the loss of the original checks, under such regula-

tions in regard to their issue and payment, and upon the execution of such bonds, with sureties, to indemnify the United States, as the Secretary of the Treasury may prescribe. But this section shall not apply to any check exceeding in amount the sum of five hundred dollars.

SEC. 4771. In all cases of application for the payment of pensions to invalid pensioners to the fourth day of September of an odd year, the certificate of an examining surgeon duly appointed by the Commissioner of Pensions, or of a surgeon of the Army or Navy, stating the continuance of the disability for which the pension was originally granted, describing it, and the degree of such disability at the time of making the certificate, shall be required to accompany the vouchers, and a duplicate thereof shall be filed in the Office of the Commissioner of Pensions; and if in a case of continued disability it shall be stated at a degree below that for which the pension was originally granted, or was last paid, the pensioner shall only be paid for the quarter then due at the rate stated in the certificate. But where the pension was originally granted for a disability in consequence of the loss of a limb, or other essential portion of the body, or for other cause which cannot, either in whole or in part, be removed, or when a disability is certified, by competent examining surgeons, to the satisfaction of the Commissioner of Pensions, to have become permanent in a degree equal to the whole rate of pension, the above certificate shall not be necessary to entitle the pensioner to payment.

SEC. 4772. Nothing in the preceding section shall be construed to prevent the Commissioner of Pensions from requiring a more frequent examination, if, in his judgment, it is necessary.

SEC. 4773. The biennial certificate of two unappointed civil surgeons shall not be accepted in any case, except upon satisfactory evidence that an examination by a commissioned or duly appointed surgeon is impracticable.

SEC. 4774. The Commissioner of Pensions is authorized to organize, at his discretion, boards of examining surgeons, not to exceed three members, and each member of a board thus organized who is actually present and makes, in connection with other members or member, an ordered or periodical examination, shall be entitled to the fee of one dollar, on the receipt of a proper certificate of such examination by the Commissioner of Pensions.

SEC. 4775. Examining surgeons duly appointed by the Commissioner of Pensions, and such other qualified surgeons as may be employed in the Pension-Office, may be required by him, from time to time, as he deems for the interests of the Government, to make special examinations of pensioners, or applicants for pension, and such examinations shall have precedence over previous examinations, whether special or biennial; but when injustice is alleged to have been done by an examination so ordered, the Commissioner of Pensions may, at his discretion, select a board of three duly appointed examining surgeons, who shall meet at a place to be designated by him, and shall review such cases as may be ordered before them on appeal from any special examination, and the decision of such board shall be final on the question so submitted thereto, provided the Commissioner approve the same. The compensation of each of such surgeons shall be three dollars, and shall be paid out of any appropriations made for the payment of pensions, in the same manner as the ordinary fees of appointed surgeons are or may be authorized to be paid.

SEC. 4776. The Secretary of the Interior is authorized to appoint a duly qualified surgeon as medical referee, who, under the control and direction of the Commissioner of Pensions, shall have charge of the examination and revision of the reports of examining surgeons, and such other duties touching medical and surgical questions in the Pension-Office, as the interests of the service may demand; and his salary shall be two thousand five hundred dollars per annum. And the Secretary

Biennial examinations, &c.

3 March, 1873, c. 234, s. 34, v. 17, p. 576.

More frequent examination.

Ibid.

Biennial examinations by unappointed civil surgeons, &c.

4 July, 1864, c. 247, s. 1, v. 13, p. 387.

Boards of examining surgeons.

3 March, 1873, c. 234, s. 36, v. 17, p. 576.

Special examinations.

Ibid., s. 37.

Medical referee and examining surgeons.

Ibid., s. 38, p. 577.

of the Interior is further authorized to appoint such qualified surgeons (not exceeding four) as the exigencies of the service may require, who may perform the duties of examining surgeons when so required, and who shall be borne upon the rolls as clerks of the fourth class; but such appointments shall not increase the clerical force of said Bureau.

Appointment of
civil examining
surgeons.

Ibid., s. 35, p. 576.

SEC. 4777. The Commissioner of Pensions is empowered to appoint, at his discretion, civil surgeons to make the periodical examinations of pensioners which are or may be required by law, and to examine applicants for pension, where he deems an examination by a surgeon appointed by him necessary; and the fee for such examinations, and the requisite certificates thereof in duplicate, including postage on such as are transmitted to pension-agents, shall be two dollars, which shall be paid by the agent for paying pensions in the district within which the pensioner or claimant resides, out of any money appropriated for the payment of pensions, under such regulations as the Commissioner of Pensions may prescribe.

Pension-agents,
appointment and
term of office.

5 Feb., 1867, c. 32,
v. 14, p. 391.

2 March, 1867, c.
154, ss. 1, 2, v. 14, p. 430.

Bond of pension-
agents.

5 Feb., 1867, c. 32,
v. 14, p. 391.

Establishment of
pension-agencies.

Ibid.

SEC. 4778. The President is authorized to appoint, by and with the advice and consent of the Senate, all pension-agents, who shall hold their respective offices for the term of four years, unless sooner removed or suspended, as provided by law, and until their successors are appointed and qualified.

5 Apr., 1869, c. 10, ss. 1, 2, v. 16, pp. 6, 7.

SEC. 4779. All pension-agents shall give bond, with good and sufficient sureties, for such amount and in such form as the Secretary of the Interior may approve.

SEC. 4780. The President is authorized to establish agencies for the payment of pensions wherever, in his judgment, the public interests and the convenience of the pensioners require; but the number of pension-agencies in any State or Territory shall in no case be increased hereafter so as to exceed three, and no such agency shall be established in addition to those now existing in any State or Territory in which the whole amount of pensions paid during the fiscal year next preceding shall not have exceeded the sum of five hundred thousand dollars.

Compensation,
&c., of pension-
agents.

20 Feb., 1847, c.
13, s. 2, v. 9, p. 127.

17 July, 1862, Res.
No. 70, v. 12, p. 629.

30 June, 1864, c.
183, v. 13, p. 325.

SEC. 4781. Agents for paying pensions shall receive two per centum on all disbursements made by them to pensioners. There shall be allowed, however, over and above such compensation, to every pension-agent disbursing fifty thousand dollars annually, not exceeding five hundred dollars a year for clerk-hire, office-rent, and office-expenses; to every agent disbursing one hundred thousand dollars annually, not exceeding seven hundred and fifty dollars a year; and for every fifty thousand dollars additional, not exceeding two hundred and fifty dollars a year, for like purposes. But in no case shall the aggregate amount of compensation to any one agent, paying both Army and Navy pensions, exceed four thousand dollars a year.

Additional allow-
ance.

8 July, 1870, c.
225, s. 4, v. 16, p.
194.

SEC. 4782. In addition to the compensation allowed in this Title, each pension-agent shall be allowed, as full compensation for all service, including postage required by the provisions of sections forty-seven hundred and sixty-four and forty-seven hundred and sixty-five, the sum of thirty cents, and no more, for each voucher prepared and paid by him, which amount shall be paid by the United States.

Penalty for em-
bezzlement, &c.,
by guardian.

3 March, 1873, c.
234, s. 31, v. 17, p.
575.

SEC. 4783. Every guardian having the charge and custody of the pension of his ward who embezzles the same in violation of his trust, or fraudulently converts the same to his own use, shall be punished by fine not exceeding two thousand dollars or imprisonment at hard labor for a term not exceeding five years, or both. [See § 5436.]

Pension-agents,
&c., to take affida-
vits without fee.

8 July, 1870, c.
225, s. 6, v. 16, p. 194.

SEC. 4784. Agents for the payment of pensions, and any clerks appointed by them and designated in writing for that purpose, which designation shall be returned to and filed in the office of the Commissioner of Pensions, are required, without any fee therefor, to take and certify the affidavits of all pensioners and their witnesses who may personally

appear before them for that purpose, in which case the check for the pension, when due and payable, shall be given direct to the hand of the party entitled thereto, if desired, and not mailed to his address as required by section forty-seven hundred and sixty-five.

SEC. 4785. No agent or attorney or other person shall demand or receive any other compensation for his services in prosecuting a claim for pension or bounty-land than such as the Commissioner of Pensions shall direct to be paid to him, not exceeding twenty-five dollars. [See § 5485.]

Fees of attorney for prosecuting claims.

3 March, 1873, c. 234, s. 31, v. 17, p. 575.

2 Abb. U. S., 531.

Agreement for amount of fee to be filed.

8 July, 1870, c. 225, s. 7, v. 16, p. 194.

SEC. 4786. It shall be the duty of the agent or attorney of record in the prosecution of the case to cause to be filed with the Commissioner of Pensions, for his approval, duplicate articles of agreement, without additional cost to the claimant, setting forth the fee agreed upon by the parties, which agreement shall be executed in the presence of and certified by some officer competent to administer oaths. In all cases where application is made for pension or bounty-land, and no agreement is filed with and approved by the Commissioner as herein provided, the fee shall be ten dollars and no more. [See § 4768.]

SEC. 4787. Every officer, soldier, seaman, and marine, who was disabled, during the war for the suppression of the rebellion, in the military or naval service, and in the line of duty, or in consequence of wounds received or disease contracted therein, and who was furnished by the War Department, since the seventeenth day of June, eighteen hundred and seventy, with an artificial limb or apparatus for resection, or who was entitled to receive such limb or apparatus since said date, shall be entitled to receive a new limb or apparatus at the expiration of every five years thereafter, under such regulations as have been or may be prescribed by the Surgeon-General of the Army. [See § 1176.]

Artificial limbs, &c.; to be furnished every five years.

30 June, 1870, c. 179, v. 16, p. 174.

17 June, 1870, c. 132, s. 1, v. 16, p. 153.

27 July, 1868, c. 264, s. 14, v. 15, p. 237.

SEC. 4788. Every person entitled to the benefits of the preceding section may, if he so elects, receive, instead of such limb or apparatus, the money value thereof, at the following rates, namely: For artificial legs, seventy-five dollars; for arms, fifty dollars; for feet, fifty dollars; for apparatus for resection, fifty dollars.

Commutation rates in money value for limb, &c.

17 June, 1870, c. 132, s. 1, v. 16, p. 153.

SEC. 4789. The Surgeon-General shall certify to the Commissioner of Pensions a list of all soldiers who elect to receive money commutation instead of limbs or apparatus, with the amount due to each, and the Commissioner of Pensions shall cause the same to be paid to such soldiers in the same manner as pensions are paid.

Money commutation, how to be paid.

Ibid., s. 2.

SEC. 4790. Every person in the military or naval service who lost a limb during the war of the rebellion, but from the nature of his injury is not able to use an artificial limb, shall be entitled to the benefits of section forty-seven hundred and eighty-eight, and shall receive money commutation as therein provided.

Money commutation to those who cannot use artificial limb.

Ibid., s. 3.

SEC. 4791. The Secretary of War is authorized and directed to furnish to the persons embraced by the provisions of section forty-seven hundred and eighty-seven, transportation to and from their homes and the place where they may be required to go to obtain artificial limbs provided for them under authority of law.

Transportation for persons to whom artificial limbs are furnished.

28 July, 1866, c. 305, v. 14, p. 342.

TITLE LVIII.

THE PUBLIC HEALTH.

Sec.

4792. State health-laws to be observed by United States officers, &c.

4793. Discharge of cargo of vessel in quarantine.

4794. Erection of quarantine warehouses.

4795. Deposit of goods in warehouse.

4796. Extending time for entry of vessels subject to quarantine.

Sec.

4797. Removal of revenue officers from port when contagious disease, &c.

4798. Removal of public officers from the capital.

4799. Adjournment of courts.

4800. Removal of prisoners.

State health-laws to be observed by United States officers, &c.

25 Feb., 1799, c. 12, s. 1, v. 1, p. 619.

Gibbons *vs.* Ogden, 9 Wh., 1; Passenger Cases, 7 How., 406.

Discharge of cargo of vessel in quarantine.

Ibid., s. 2.

Erection of quarantine warehouses.

Ibid., s. 3, p. 620.

Deposit of goods in warehouses.

Ibid., s. 2, p. 619.

SEC. 4792. The quarantines and other restraints established by the health-laws of any State, respecting any vessels arriving in, or bound to, any port or district thereof, shall be duly observed by the officers of the customs revenue of the United States, by the masters and crews of the several revenue-cutters, and by the military officers commanding in any fort or station upon the sea-coast; and all such officers of the United States shall faithfully aid in the execution of such quarantines and health-laws, according to their respective powers and within their respective precincts, and as they shall be directed, from time to time, by the Secretary of the Treasury. But nothing in this Title shall enable any State to collect a duty of tonnage or impost without the consent of Congress.

SEC. 4793. Whenever, by the health-laws of any State, or by the regulations made pursuant thereto, any vessel arriving within a collection-district of such State is prohibited from coming to the port of entry or delivery by law established for such district, and such health-laws require or permit the cargo of the vessel to be unladen at some other place within or near to such district, the collector, after due report to him of the whole of such cargo, may grant his warrant or permit for the unloading and discharge thereof, under the care of the surveyor, or of one or more inspectors, at some other place where such health-laws permit, and upon the conditions and restrictions which shall be directed by the Secretary of the Treasury, or which such collector may, for the time, deem expedient for the security of the public revenue.

SEC. 4794. There shall be purchased or erected, under the orders of the President, suitable warehouses, with wharves and inclosures, where merchandise may be unladen and deposited, from any vessel which shall be subject to a quarantine, or other restraint, pursuant to the health-laws of any State, at such convenient places therein as the safety of the public revenue and the observance of such health-laws may require.

SEC. 4795. Whenever the cargo of a vessel is unladen at some other place than the port of entry or delivery under the foregoing provisions, all the articles of such cargo shall be deposited, at the risk of the parties concerned therein, in such public or other warehouses or inclosures as the collector shall designate, there to remain under the joint custody of such collector and of the owner, or master, or other person having charge of such vessel, until the same are entirely unladen or discharged, and until the articles so deposited may be safely removed without contravening such health-laws. And when such removal is allowed, the collector having charge of such articles may grant permits to the respective owners or consignees, their factors or agents, to receive all merchandise which has been entered, and the duties accruing upon which have been paid, upon the payment by them of a reasonable rate of storage; which shall be fixed by the Secretary of the Treasury for all public warehouses and inclosures.

SEC. 4796. The Secretary of the Treasury is authorized, whenever a conformity to such quarantines and health-laws requires it, and in respect to vessels subject thereto, to prolong the terms limited for the entry of the same, and the report or entry of their cargoes, and to vary or dispense with any other regulations applicable to such reports or entries. No part of the cargo of any vessel shall, however, in any case, be taken out or unladed therefrom, otherwise than is allowed by law, or according to the regulations hereinafter established.

Extending time for entry of vessels subject to quarantine.

Ibid., s. 1.

SEC. 4797. Whenever, by the prevalence of any contagious or epidemic disease in or near the place by law established as the port of entry for any collection-district, it becomes dangerous or inconvenient for the officers of the revenue employed therein to continue the discharge of their respective offices at such port, the Secretary of the Treasury, or, in his absence, the First Comptroller, may direct the removal of the officers of the revenue from such port to any other more convenient place, within, or as near as may be to, such collection-district. And at such place such officers may exercise the same powers, and shall be liable to the same duties, according to existing circumstances, as in the port or district established by law. Public notice of any such removal shall be given as soon as may be. [See § 1776.]

Removal of revenue officers from port when contagious disease, &c.

Ibid., s. 4, p. 620.

SEC. 4798. In case of the prevalence of a contagious or epidemic disease at the seat of Government, the President may permit and direct the removal of any or all the public offices to such other place or places as he shall deem most safe and convenient for conducting the public business. [See § 1776.]

Removal of public offices from the capital.

Ibid., s. 6.

SEC. 4799. Whenever, in the opinion of the Chief Justice, or, in case of his death, or inability, of the senior associate justice of the Supreme Court, a contagious or epidemic sickness shall render it hazardous to hold the next stated session of the court at the seat of Government, the chief or such associate justice may issue his order to the marshal of the Supreme Court, directing him to adjourn the next session of the court to such other place as such justice deems convenient. The marshal shall thereupon adjourn the court, by making publication thereof in one or more public papers printed at the seat of Government from the time he shall receive such order until the time by law prescribed for commencing the session. The several circuit and district judges shall, respectively, under the same circumstances, have the same power, by the same means, to direct adjournments of the several circuit and district courts to some convenient place within their districts respectively. [See § 1776.]

Adjournment of courts.

Ibid., s. 7, p. 621.

3 March, 1867, c. 156, s. 2, v. 14, p. 433.

SEC. 4800. The judge of any district court, within whose district any contagious or epidemic disease shall at any time prevail, so as, in his opinion, to endanger the lives of persons confined in the prison of such district, in pursuance of any law of the United States, may direct the marshal to cause the persons so confined to be removed to the next adjacent prison where such disease does not prevail, there to be confined until they may safely be removed back to the place of their first confinement. Such removals shall be at the expense of the United States.

Removal of prisoners.

25 Feb., 1799, c. 12, s. 5, v. 1, p. 620.

TITLE LIX.

HOSPITALS, ASYLUMS, AND CEMETERIES.

CHAPTER ONE.

HOSPITAL RELIEF FOR SEAMEN.

| Sec. | Sec. |
|---|---|
| 4801. Power to receive gifts in aid of marine hospitals. | 4807. Superintendence of Navy hospitals. |
| 4802. Supervising surgeon of marine-hospital service. | 4808. Deductions from pay of seamen, &c., for Navy-hospital fund. |
| 4803. Custody and appropriation of "fund for the relief of sick and disabled seamen." | 4809. Appropriation of fines. |
| 4804. Persons employed on canal-boats in the coasting-trade excluded. | 4810. Purchase and erection of Navy hospitals. |
| 4805. Foreign seamen admitted. | 4811. Government of Naval Asylum. |
| 4806. Sale of marine hospitals. | 4812. Allowance of rations to Navy hospitals. |
| | 4813. Allowance from pensions. |

Power to receive gifts in aid of marine hospitals.

16 July, 1798, c. 77, s. 4, v. 1, p. 606.

Supervising surgeon of marine-hospital service.

29 June, 1870, c. 169, s. 6, v. 16, p. 170.

Custody and appropriation of "fund for relief of sick and disabled seamen."

Ibid., ss. 3, 4, 5.

Persons employed on canal-boats in the coasting-trade excluded.

10 Feb., 1871, Res. 27, s. 1, v. 16, p. 595.

Foreign seamen admitted.

3 May, 1802, c. 51, s. 5, v. 2, p. 193.

SEC. 4801. The President is authorized to receive donations of real or personal property, in the name of the United States, for the erection or support of hospitals for sick and disabled seamen.

SEC. 4802. The Secretary of the Treasury shall, from time to time, appoint a surgeon to act as supervising surgeon of marine-hospital service, who shall, under the direction of the Secretary, supervise all matters connected with the marine-hospital service, and with the disbursement of the fund for the relief of sick and disabled seamen. He shall be entitled to a salary of not more than two thousand dollars a year, and to his necessary traveling expenses. And he shall make monthly reports to the Secretary of the Treasury.

SEC. 4803. The several collectors of the customs shall respectively deposit, without abatement or reduction, the sums collected by them under the provisions of law imposing a tax upon seamen for hospital purposes, with the nearest depositary of public moneys, and shall make returns of the same, with proper vouchers, monthly, to the Secretary of the Treasury, upon forms to be furnished by him. All such moneys shall be placed to the credit of "the fund for the relief of sick and disabled seamen;" of which fund separate accounts shall be kept in the Treasury. Such fund is appropriated for the expenses of the marine-hospital service, and shall be employed, under the direction of the Secretary of the Treasury, for the care and relief of sick and disabled seamen employed in registered, enrolled, and licensed vessels of the United States.

SEC. 4804. No person employed in or connected with the navigation, management, or use of canal-boats engaged in the coasting-trade shall by reason thereof be entitled to any benefit or relief from the marine-hospital fund.

SEC. 4805. Sick foreign seamen may be admitted to the marine hospitals within the United States, if it can with convenience be done, on the application of the master of any foreign vessel to which any such seaman may belong. Each seaman so admitted shall be subject to a charge of seventy-five cents per day for each day he may remain in the hospital, which shall be paid by the master of such foreign vessel to the

collector of the collection-district in which such hospital is situated. And the collector shall not grant a clearance to any foreign vessel until the money so due from her master shall be paid. The officer in charge of each hospital is hereby directed, under penalty of fifty dollars, to make out the accounts against each foreign seaman that may be placed in the hospital under his direction, and render the same to the collector.

SEC. 4806. The Secretary of the Treasury is authorized to lease, or to sell at public auction, to the highest and best bidder, for cash, after due notice in the public newspapers, such marine-hospital buildings and lands appertaining thereto as he may deem it advisable to sell, and to make, execute, and deliver all needful conveyances to the lessees or purchasers thereof respectively; and the proceeds of such leases and sales are hereby appropriated for the marine-hospital establishment. But the hospitals at Cleveland in Ohio, and Portland in Maine, shall not be sold or leased. And this section shall not be construed to authorize the Secretary of the Treasury to lease or sell any such hospital where the relief furnished to sick mariners shall show an extent of relief equal to twenty cases a day on an average for the last preceding four years, or where no other suitable and sufficient hospital accommodations can be procured upon reasonable terms for the comfort and convenience of the patients.

SEC. 4807. The Secretary of the Navy shall have the general charge and superintendence of Navy hospitals.

26 Feb., 1811, c. 26, s. 1, v. 2, p. 650. 10 July, 1832, c.

SEC. 4808. The Secretary of the Navy shall deduct from the pay due each officer, seaman and marine, in the Navy, at the rate of twenty cents per month for each person, to be applied to the fund for Navy hospitals.

2 March, 1799, c. 36, s. 2, v. 1, p. 729. 26 Feb., 1811, c.

SEC. 4809. All fines imposed on navy officers, seamen, and marines shall be paid to the Secretary of the Navy, for the maintenance of Navy hospitals.

26, s. 2, v. 2, p. 650. 10 July, 1832, c.

SEC. 4810. The Secretary of the Navy shall procure at suitable places proper sites for Navy hospitals, and if the necessary buildings are not procured with the site, shall cause such to be erected, having due regard to economy, and giving preference to such plans as with most convenience and least cost will admit of subsequent additions, when the funds permit and circumstances require; and shall provide, at one of the establishments, a permanent asylum for disabled and decrepit Navy officers, seamen, and marines.

SEC. 4811. The asylum for disabled and decrepit Navy officers, seamen, and marines shall be governed in accordance with the rules and regulations prescribed by the Secretary of the Navy.

SEC. 4812. For every Navy officer, seaman, or marine admitted into a Navy hospital, the institution shall be allowed one ration per day during his continuance therein, to be deducted from the account of the United States with such officer, seaman, or marine.

SEC. 4813. Whenever any Navy officer, seaman, or marine, entitled to a pension, is admitted to a Navy hospital, the pension, during his continuance in the hospital, shall be paid to the Secretary of the Navy and deducted from the account of such pensioner.

Sale of marine hospitals.

20 April, 1866, c. 63, s. 1, v. 14, p. 40.
27 June, 1866, c. 142, v. 14, p. 76.

Superintendence of Navy hospitals.

194, s. 5, v. 4, p. 573.

Deduction from pay of seamen, &c., for Navy hospital-fund.

26, s. 1, v. 2, p. 650.

Appropriation of fines.

26 Feb., 1811, c. 194, s. 5, v. 4, p. 573.

Purchase and erection of Navy hospitals.

26 Feb., 1811, c. 26, s. 3, v. 2, p. 650.
10 July, 1832, c. 149, s. 5, v. 4, p. 573.

Government of Naval Asylum.

26 Feb., 1811, c. 26, s. 4, v. 2, p. 650.

Allowance of rations to Navy hospitals.

Ibid., s. 5.

Allowance from pensions.

Ibid.

CHAPTER TWO.

THE SOLDIERS' HOME.

Sec.

4814. Who may become members of the Soldiers' Home.

4815. Board of commissioners of the Soldiers' Home.

4816. Officers.

4817. Sites and buildings.

4818. Funds for Soldiers' Home.

4819. Deduction from pay.

Sec.

4820. Rights of pensioners and surrender of pensions.

4821. What persons are entitled to benefits of Soldiers' Home.

4822. Who are excluded.

4823. Discharge.

4824. Inmates subject to articles of war.

Who may become members of the Soldiers' Home.

3 March, 1851, c. 25, s. 1, v. 9, p. 595.
3 March, 1859, c. 83, ss. 5, 7, v. 11, p. 434.

Board of commissioners of the Soldiers' Home.

3 March, 1851, c. 25, s. 2, v. 9, p. 595.
3 March, 1859, c. 83, s. 4, v. 11, p. 434.

Officers.

3 March, 1851, c. 25, s. 3, v. 9, p. 595.

Sites and buildings.

Ibid., s. 8, p. 597.

Funds for Soldiers' Home.

3 March, 1851, c. 25, s. 7, v. 9, p. 596.
5 July, 1862, c. 133, s. 2, v. 12, p. 508.

Deduction from pay.

3 March, 1851, c. 25, s. 7, v. 9, p. 596.
3 March, 1859, c. 83, s. 7, v. 11, p. 434.

SEC. 4814. All soldiers of the Army of the United States, and all soldiers who have been, or may hereafter be, of the Army of the United States, and who have contributed, or may hereafter contribute, according to section forty-eight hundred and nineteen, to the support of the Soldiers' Home hereby created, and the invalid and disabled soldiers, whether regulars or volunteers, of the war of eighteen hundred and twelve, and of all subsequent wars, shall, under the restrictions and provisions which follow, be members of the Soldiers' Home, with all the rights annexed thereto. [See § 4521.]

SEC. 4815. The Commissary-General of Subsistence, the Surgeon-General, and the Adjutant-General shall constitute a board of commissioners for the Soldiers' Home, any two of whom shall be a quorum for the transaction of business, whose duty it shall be to examine and audit the accounts of the treasurer quarter-yearly, and to visit and inspect the Soldiers' Home at least once in every month. The majority shall also have power to establish, from time to time, regulations for the general and internal direction of the institution, to be submitted to the Secretary of War for approval; and may do any other acts necessary for the government and interests of the same, as authorized by this chapter.

SEC. 4816. The officers of the Soldiers' Home shall consist of a governor, a deputy governor, and a secretary, for each separate site of the home, the latter to be also treasurer; and the officers shall be taken from the Army, and appointed or removed, from time to time, as the interests of the institution may require, by the Secretary of War, on the recommendation of the board of commissioners. [See § 1259.]

SEC. 4817. The commissioners of the Soldiers' Home, by and with the approval of the President, shall procure for immediate use, at a suitable place or places, a site or sites for the Soldiers' Home, and if the necessary buildings cannot be procured with the sites, to have the same erected, having due regard to the health of the locations, facility of access, and economy, and giving preference to such places as, with the most convenience and least cost, will accommodate the persons entitled to the benefits of the Soldiers' Home.

SEC. 4818. For the support of the Soldiers' Home the following funds are set apart, and are hereby appropriated: All stoppages or fines adjudged against soldiers by sentence of courts-martial, over and above any amount that may be due for the reimbursement of Government, or of individuals; all forfeitures on account of desertion; and all moneys belonging to the estates of deceased soldiers, which are or may be unclaimed for the period of three years subsequent to the death of such soldiers, to be repaid by the commissioners of the institution, upon the demand of the heirs or legal representatives of the deceased.

SEC. 4819. There shall be deducted from the pay of every non-commissioned officer, musician, artificer, and private of the Army of the United States the sum of twelve and a half cents per month, which sum so deducted shall, by the Pay Department of the Army, be passed to the credit of the commissioners of the Soldiers' Home. The commissioners are also authorized to receive all donations of money or property made by any person for the benefit of the institution, and hold the same for its sole and exclusive use. But the deduction of twelve and a half

cents per month from the pay of non-commissioned officers, musicians, artificers, and privates of regiments of volunteers, or other corps or regiments raised for a limited period, or for a temporary purpose or purposes, shall only be made with their consent.

SEC. 4820. The fact that one to whom a pension has been granted for wounds or disability received in the military service has not contributed to the funds of the Soldiers' Home shall not preclude him from admission thereto. But all such pensioners shall surrender their pensions to the Soldiers' Home during the time they remain therein and voluntarily receive its benefits.

SEC. 4821. The following persons, members of the Soldiers' Home, according to section forty-eight hundred and fourteen, shall be entitled to the rights and benefits herein conferred, and no others:

First. Every soldier of the Army of the United States who has served, or may serve, honestly and faithfully twenty years in the same.

Second. Every soldier and every discharged soldier, whether regular or volunteer, who has suffered, or may suffer, by reason of disease or wounds incurred in the service and in the line of his duty, rendering him incapable of further military service, if such disability was not occasioned by his own misconduct.

Third. The invalid and disabled soldiers, whether regulars or volunteers, of the war of eighteen hundred and twelve and of all subsequent wars.

SEC. 4822. The benefits of the Soldiers' Home shall not be extended to any soldier in the regular or volunteer service, convicted of felony or other disgraceful or infamous crimes of a civil nature after his admission into the service of the United States; nor shall any one who has been a deserter, mutineer, or habitual drunkard be received, without such evidence of subsequent service, good conduct, and reformation of character, as is satisfactory to the commissioners.

SEC. 4823. Any soldier admitted into the Soldiers' Home for disability who recovers his health, so as to become fit again for military service, if under fifty years of age, shall be discharged.

SEC. 4824. All persons admitted into the Soldiers' Home shall be subject to the Rules and Articles of War in the same manner as soldiers in the Army.

Rights of pensioners and surrender of pensions.

3 March, 1851, c. 25, s. 5, v. 9, p. 596.

3 March, 1859, c. 83, s. 6, v. 11, p. 434.

What persons are entitled to benefits of Soldiers' Home.

3 March, 1851, c. 25, s. 4, v. 9, p. 596.

3 March, 1859, c. 83, s. 5, v. 11, p. 434.

Who are excluded.

3 March, 1851, c. 25, s. 6, v. 9, p. 596.

Discharge.

Ibid., s. 5.

Inmates subject to articles of war.

3 March, 1859, c. 83, s. 7, v. 11, p. 434.

CHAPTER THREE.

THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

| Sec. | Sec. |
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| 4825. Organization of the National Home for Disabled Volunteer Soldiers. | 4831. Funds for support of home. |
| 4826. Election of citizen managers. | 4832. What persons are entitled to benefit of National Home. |
| 4827. Election of officers of the board of managers. | 4833. Out-door relief. |
| 4828. Expenses of managers. | 4834. Duties of board of managers. |
| 4829. Officers of the National Home. | 4835. Inmates subject to articles of war. |
| 4830. Sites for homes may be purchased and buildings erected. | 4836. Amendment, &c., of laws. |
| | 4837. Documents to be furnished to certain homes. |

SEC. 4825. The President, Secretary of War, Chief Justice, and such other persons as have been or from time to time may be associated with them, shall constitute a board of managers of an establishment for the care and relief of the disabled volunteers of the United States Army, to be known by the name and style of "The National Home for Disabled Volunteer Soldiers," and have perpetual succession, with powers to take, hold, and convey real and personal property, establish a common seal, and to sue and be sued in courts of law and equity; and to make by-laws, rules, and regulations, not inconsistent with law, for carrying on the business and government of the home, and to affix penalties thereto.

Organization of the National Home for Disabled Volunteer Soldiers.

21 March, 1866, c. 21, s. 1, v. 14, p. 10.

23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

Election of citizens managers.

21 March, 1866, c. 21, s. 3, v. 14, p. 10.
12 March, 1867, c. 1, v. 15, p. 1.
23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

Election of officers of the board of managers.

21 March, 1866, c. 21, s. 2, v. 14, p. 10.
23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

Expenses of managers.

21 March, 1866, c. 21, s. 3, v. 14, p. 10.
12 March, 1867, c. 1, v. 15, p. 1.
23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

Officers of the National Home.

21 March, 1866, c. 21, s. 6, v. 14, p. 11.
23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

Sites for homes may be purchased, and buildings erected.

21 March, 1866, c. 21, s. 4, v. 14, p. 10.
23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

Funds for support of home.

21 March, 1866, c. 21, s. 5, v. 14, p. 10.
23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

What persons are entitled to benefit of National Home.

21 March, 1866, c. 21, s. 7, v. 14, p. 11.
28 Feb., 1871, Res. 45, v. 16, p. 599.
23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

SEC. 4826. Nine managers of the National Home for Disabled Volunteers shall be elected from time to time, as vacancies occur, by joint resolution of Congress. They shall all be citizens of the United States, and all residents of States which furnished organized bodies of soldiers to aid in suppressing the rebellion commenced in eighteen hundred and sixty-one; and no two of them shall be residents of the same State, and no person who gave aid or countenance to the rebellion shall ever be eligible. The term of office of these managers shall be for six years, and until a successor is elected.

SEC. 4827. The twelve managers of the National Home for Disabled Volunteer Soldiers shall elect from their own number a president, who shall be the chief executive officer of the board, two vice-presidents, and a secretary. Seven of the board, of whom the president or one of the vice-presidents shall be one, shall form a quorum for the transaction of business at any meeting of the board.

SEC. 4828. No member of the board of managers of the National Home shall receive any compensation as such member. But the traveling and other actual expenses of a member incurred while upon the business of the home may be paid, and any member of the board having other duties connected with the home may receive a reasonable compensation therefor, to be determined by the board.

SEC. 4829. The officers of the National Home shall consist of a governor, a deputy governor, a secretary, and a treasurer; and such other officers as the managers may deem necessary. They shall be appointed from disabled officers who served as mentioned in the following section; and they may be appointed and removed from time to time, as the interests of the institution may require, by the board of managers.

SEC. 4830. The board of managers shall have authority to procure from time to time, at suitable places, sites for military homes for all persons serving in the Army of the United States at any time in the war of the rebellion, not otherwise provided for, who have been or may be disqualified for procuring their own support by reason of wounds received or sickness contracted while in the line of their duty during the rebellion; and to have the necessary buildings erected, having due regard to the health of location, facility of access, and capacity to accommodate the persons entitled to the benefits thereof.

SEC. 4831. For the establishment and support of the National Home for Disabled Volunteer Soldiers there shall be appropriated all stoppages or fines adjudged against such officers and soldiers by sentence of court-martial or military commission, over and above the amounts necessary for the reimbursement of the Government or of individuals; all forfeitures on account of desertion from such service; and all moneys due such deceased officers and soldiers, which now are or may be unclaimed for three years after the death of such officers and soldiers, to be repaid upon the demand of the heirs or legal representatives of such deceased officers or soldiers. The board of managers are also authorized to receive all donations of money or property made by any person or persons for the benefit of the home, and to hold or dispose of the same for its sole and exclusive use.

SEC. 4832. The following persons only shall be entitled to the benefits of the National Home for Disabled Volunteer Soldiers, and may be admitted thereto, upon the recommendation of three of the board of managers, namely: All officers and soldiers who served in the late war for the suppression of the rebellion, and the volunteer soldiers and sailors of the war of eighteen hundred and twelve and of the Mexican war, and not provided for by existing laws, who have been or may be disabled by wounds received or sickness contracted in the line of their duty; and such of these as have neither wife, child, nor parent dependent upon them, on becoming inmates of this home, or receiving relief therefrom, shall assign thereto their pensions when required by the board of managers, during the time they shall remain therein or receive its benefits.

SEC. 4833. The managers of the National Home for Disabled Volunteers are authorized to aid persons who are entitled to its benefits by outdoor relief in such manner and to such extent as they may deem proper; but such relief shall not exceed the average cost of maintaining an inmate of the home.

Out-door relief.

21 March, 1866, c. 21, s. 10, v. 14, p. 11.
23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

SEC. 4834. The board of managers shall make an annual report of the condition of the National Home for Disabled Volunteer Soldiers to Congress on the first Monday of every January; and the board shall examine and audit the accounts of the treasurer and visit the home quarterly.

Duties of board of managers.

21 March, 1866, c. 21, s. 8, v. 14, p. 11. 23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

SEC. 4835. All inmates of the National Home for Disabled Volunteer Soldiers shall be subject to the Rules and Articles of War, and in the same manner as if they were in the Army.

Inmates subject to articles of war.

21 March, 1866, c. 21, s. 9, v. 14, p. 11. 23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

SEC. 4836. Congress may at any time alter, amend, or repeal the laws relating to the National Home for Disabled Volunteer Soldiers.

Amendment, &c., of laws.

21 March, 1866, c. 21, s. 13, v. 14, p. 11. 23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

SEC. 4837. The Secretary of the Senate and the Clerk of the House of Representatives shall cause to be sent to the National Home for Disabled Volunteer Soldiers, at Dayton in Ohio, and to the branches at Augusta in Maine, and Milwaukee in Wisconsin, at Hampton, Virginia, and the Soldiers' Home at Knightstown Springs, near Knightstown in Indiana, each, one copy of each of the following documents: The Journals of each House of Congress at each and every session; all laws of Congress; the annual messages of the President, with accompanying documents; and all other documents or books which may be printed and bound by order of either House of Congress, including the Congressional Record.

Documents to be furnished to certain homes.

8 June, 1868, Res. No. 32, v. 15, p. 253.
23 Jan., 1873, c. 51, s. 1, v. 17, p. 417.

CHAPTER FOUR.

THE GOVERNMENT HOSPITAL FOR THE INSANE.

Sec.
4838. Establishment of the Government Hospital for the Insane.
4839. The superintendent.
4840. Board of visitors.
4841. President of board of visitors.
4842. Powers and duties of board.
4843. Admission of insane persons of the Army, Navy, Marine Corps, &c.
4844. Admission of the indigent insane of the District of Columbia.
4845. Order of admission.
4846. Certificate of judge or justice.
4847. Application by visitor.
4848. Conveyance to hospital.
4849. Admission of insane persons having property.

Sec.
4850. Admission of non-residents of District.
4851. Admission of insane persons accused of crime.
4852. Insane convicts.
4853. Private patients.
4854. Admission of pay patients.
4855. Delivery of insane criminals restored to sanity.
4856. Discharge of patients upon bond.
4857. Insane persons not to be confined in jail.
4858. Disbursement of appropriations for the insane.

SEC. 4838. There shall be in the District of Columbia a Government Hospital for the Insane, and its objects shall be the most humane care and enlightened curative treatment of the insane of the Army and Navy of the United States and of the District of Columbia.

Establishment of the Government Hospital for the Insane.

3 March, 1855, c. 199, s. 1, v. 10, p. 682.

SEC. 4839. The chief executive officer of the Hospital for the Insane shall be a superintendent, who shall be appointed by the Secretary of the Interior, and shall be entitled to a salary of two thousand five hundred dollars a year, and shall give bond for the faithful performance of his duties, in such sum and with such securities as may be required by

The superintendent.

Ibid., s. 3.

the Secretary of the Interior. The superintendent shall be a well-educated physician, possessing competent experience in the care and treatment of the insane; he shall reside on the premises, and devote his whole time to the welfare of the institution; he shall, subject to the approval of the visitors, engage and discharge all needful and usual employes in the care of the insane, and all laborers on the farm, and determine their wages and duties; he shall be the responsible disbursing agent of the institution, and shall be ex-officio secretary of the board of visitors.

Board of visitors.

Ibid., s. 2.

SEC. 4840. Nine citizens of the District of Columbia, to be appointed by the President, shall constitute a board of visitors of the Hospital for the Insane. The term of office of three visitors shall expire biennially on the thirtieth day of June in every alternate year, dating from the thirtieth day of June, eighteen hundred and fifty-seven. Should any vacancy occur by death, resignation, or otherwise, it shall be filled by appointment for the unexpired term of such visitor. The office of visitor shall be honorary and without compensation.

President of board of visitors.

Ibid.

SEC. 4841. The board of visitors shall select from their number a president, to preside at their meetings for one year, or until a successor is elected.

Powers and duties of the board of visitors.

Ibid.

SEC. 4842. The board of visitors, subject to the approval of the Secretary of the Interior, may make any needful by-laws for the government of themselves, and of the superintendent and his employes, and of the patients, not inconsistent with law; they shall visit the hospital at stated periods, and exercise so careful a supervision over its expenditures and general operations that the Government and community may have confidence in the correctness of its management; they shall make annually to the Secretary of the Interior a report for the preceding fiscal year setting forth the condition and wants of the institution.

Admission of insane persons of the Army, Navy, Marine Corps, &c.

15 June, 1860, c. 66, s. 1, v. 12, p. 23.

13 July, 1866, c. 179, ss. 1, 2, v. 14, pp. 93, 94.

SEC. 4843. The superintendent, upon the order of the Secretary of War, of the Secretary of the Navy, and of the Secretary of the Treasury, respectively, shall receive, and keep in custody until they are cured, or removed by the same authority which ordered their reception, insane persons of the following descriptions:

First. Insane persons belonging to the Army, Navy, Marine Corps, and revenue-cutter service.

Second. Civilians employed in the Quartermaster's and Subsistence Departments of the Army who may be, or may hereafter become, insane while in such employment.

Third. Men who, while in the service of the United States, in the Army, Navy, or Marine Corps, have been admitted to the hospital, and have been thereafter discharged from it on the supposition that they have recovered their reason, and have, within three years after such discharge, become again insane from causes existing at the time of such discharge, and have no adequate means of support.

Fourth. Indigent insane persons who have been in either of the said services and been discharged therefrom on account of disability arising from such insanity.

Fifth. Indigent insane persons who have become insane within three years after their discharge from such service, from causes which arose during and were produced by said service.

Admission of the indigent insane of the District of Columbia.

3 March, 1855, c. 199, s. 5, v. 10, p. 683.

SEC. 4844. All indigent insane persons residing in the District of Columbia at the time they became insane shall be entitled to the benefits of the Hospital for the Insane and shall be admitted on the authority of the Secretary of the Interior, which he may grant after due process of law showing the person to be insane and unable to support himself and family, or himself, if he has no family, under the visitation of insanity.

Order of admission.

28 Feb., 1861, c. 60, s. 1, v. 12, p. 177.

3 March, 1863, c. 91, s. 3, v. 12, p. 763.

SEC. 4845. The Secretary of the Interior may grant an order for the admission into the hospital of any insane person not charged with a breach of the peace, when he shall receive the certificate, as provided in the next section, of any judge of the supreme court for the District of Columbia, or of any justice of the peace of the District, and an ap-

plication in writing, as provided in the next section, by a member of the board of visitors, requesting that such order may be issued.

SEC. 4846. It must appear by the certificate aforesaid that two respectable physicians, residents of the District, appeared before said judge or justice and deposed, in writing sworn to and subscribed by them, that they knew the person alleged to be insane; that, from personal examination, they believed such person to be in fact insane, and a fit subject for treatment in said hospital, and that said person was a resident of the District at the time he or she was seized with the mental disorder under which he or she then labored. And it must further appear by such certificate that two respectable householders, resident of the District, appeared before said judge or justice and deposed, in writing sworn to and subscribed by them, that they knew the person alleged to be insane, and that, from a personal examination of his or her affairs, they believed said person to be unable, under the visitation of insanity, to support himself, or herself, and family, in case such person have a family, or to support himself or herself alone, in case such person have no family, and unable to pay his or her board and other expenses in the hospital. The affidavits of said physicians and householders shall accompany the certificate of said judge or justice of the peace.

SEC. 4847. The application by a member of the board of visitors must be made within five days after the date of the affidavits aforesaid, and it must appear therein that the visitor made the application after an inspection of the affidavits and certificate. It shall be the duty of such visitor to withhold his application, if he has reason to doubt the indigence of the party in whose behalf the application is desired, until his doubt is removed by satisfactory testimony.

SEC. 4848. The order of the Secretary of the Interior, granted upon the certificate of a judge or justice and the application of a member of the board of visitors, shall authorize any police officer or constable to assist in carrying such indigent insane person to the hospital, whenever such assistance is represented to be necessary by the person holding the order; but all the expenses of witnesses before the judge or justice of the peace, and of carrying such patient to the hospital, shall be borne by his friends, or by the local authorities of the District.

SEC. 4849. Whenever it appears in the case of any insane person whose insanity commenced while he was a resident of the District of Columbia that he is able to defray a portion but not the whole of the expenses of his support and treatment in the Government Hospital for the Insane, the board of visitors of the hospital is authorized to inquire into the facts of the case; and if it appears to the board, upon such inquiry, that such insane person has property and no family, or has more property than is required for the support of his family, then, as a condition upon which such insane person, admitted or to be admitted upon the order of the Secretary of the Interior, shall receive or continue to receive the benefits of the hospital, there shall be paid to the superintendent from the income, property, or estate of such insane person such portion of his expenses in the hospital as a majority of the board shall determine to be just and reasonable, under all the circumstances.

SEC. 4850. Any indigent insane person who did not reside in the District at the time he became insane may, in like manner, upon the certificate of a judge or justice and the application of a member of the board of visitors, be admitted into the hospital upon the application of the governor of the District, and at the expense of the District during the continuance of such insane person therein, it being hereby designed to give the superintendent thereof authority to take charge of such insane person until the governor can discover who his friends are, or whence he came, with a view to the return of such person to such friends, or to the place of his residence, and thus relieve the District of the expense and charge of such indigent insane non-resident.

Certificate of
judge or justice.

28 Feb., 1861, c.
60, s. 1, v. 12, p. 177.

Application by
visitor.

Ibid.

Conveyance to
hospital.

7 Feb., 1857, c.
36, s. 3, v. 11, p. 157.

Admission of in-
sane persons hav-
ing property.

28 Feb., 1861, c.
60, s. 2, v. 12, p. 177.

Admission of non-
residents of Dis-
trict.

7 Feb., 1857, c.
36, s. 4, v. 11, p. 157.

Admission of insane persons accused of crime.

Ibid., s. 5, p. 158.

Insane convicts.

Ibid., s. 6.

Private patients.

3 March, 1855, c. 199, s. 6, v. 10, p. 683.

Admission of pay patients.

7 Feb., 1857, c. 36, s. 8, v. 11, p. 158.

Delivery of insane criminals restored to sanity.

Ibid., s. 7.

Discharge of patients upon bond.

Ibid., s. 9.

Insane persons not to be confined in jail.

7 Feb., 1857, c. 36, s. 1, v. 11, p. 157.

Disbursement of appropriations for the insane.

3 March, 1855, c. 199, s. 7, v. 10, p. 683.

SEC. 4851. If any person, charged with crime, be found, in the court before which he is so charged, to be an insane person, such court shall certify the same to the Secretary of the Interior, who may order such person to be confined in the Hospital for the Insane, and, if he be not indigent, he and his estate shall be charged with expenses of his support in the hospital.

SEC. 4852. Any person becoming insane during the continuance of his sentence in the United States penitentiary shall have the same privilege of treatment in the hospital during the continuance of his mental disorder as is granted in the preceding section to persons who escape the consequences of criminal acts by reason of insanity, unless it be the opinion, both of the physician to the penitentiary and the superintendent of the hospital, that such insane convict is so depraved and furious in his character as to render his custody in the hospital insecure, and his example pernicious.

SEC. 4853. Whenever there are vacancies, private patients from the District may be received at a rate of board to be determined by the visitors, to be in no case less than the actual cost of their support.

SEC. 4854. The independent or pay patients may be received into the hospital for the insane on the certificate of two respectable physicians of the District, stating that they have personally examined the patient, and believe him to be insane at the time of giving the certificate, and a fit subject for treatment in the institution, accompanied by a written request for the admission from the nearest relatives, legal guardian, or friend of the patient, where he may remain until restored to reason. The friends of the patient shall comply with the regulations of the hospital in respect to payment of board, and in all other respects. The request for admission must be made within five days of the date of the certificate of insanity.

SEC. 4855. When any person confined in the Hospital for the Insane charged with crime and subject to be tried therefor, or convicted of crime and undergoing sentence therefor, shall be restored to sanity, the superintendent of the hospital shall give notice thereof to the judge of the criminal court, and deliver him to the court in obedience to the proper precept.

SEC. 4856. If any person will give bond with sufficient security, to be approved by the supreme court of the District of Columbia, or by any judge thereof in vacation, payable to the United States, with condition to restrain and take care of any independent or indigent insane person not charged with a breach of the peace, whether in the hospital or not, until the insane person is restored to sanity, such court or judge thereof may deliver such insane person to the party giving such bond.

SEC. 4857. No insane person not charged with any breach of the peace shall ever be confined in the United States jail in the District of Columbia.

SEC. 4858. All appropriations of money by Congress for the support of the Hospital for the Insane shall be drawn from the Treasury on the requisition of the Secretary of the Interior, and shall be disbursed and accounted for in all respects according to the laws regulating ordinary disbursements of public money.

CHAPTER FIVE.

THE COLUMBIA INSTITUTION FOR THE DEAF AND DUMB.

| Sec. | Sec. |
|--|--|
| 4859. Establishment of the Columbia Institution for the Deaf and Dumb. | 4865. Admission of pupils from States and Territories. |
| 4860. Terms of deed made part of charter. | 4866. Justices of the peace to report deaf and dumb persons in District. |
| 4861. Restriction on disposal of real property. | 4867. Report of superintendent to Congress. |
| 4862. Election of officers. | 4868. Annual report of president and directors. |
| 4863. Appointment of Government directors. | 4869. Education of indigent blind persons. |
| 4864. Admission of pupils from District of Columbia. | |

SEC. 4859. The corporation created by the act of February sixteen, eighteen hundred and fifty-seven, under the name of the "Columbia Institution for the Instruction of the Deaf and Dumb," shall have perpetual succession, and be capable to take, hold, and enjoy lands, tenements, hereditaments, and personal property, to use a common seal, and to alter the same at pleasure. But no real or personal property shall be held by the corporation, except such as may be necessary to the maintenance and efficient management of the institution.

Establishment of the Columbia Institution for the Deaf and Dumb.

16 Feb., 1857, c. 46, s. 1, v. 11, p. 161.
23 Feb., 1865, c. 50, s. 1, v. 13, p. 436.

SEC. 4860. The terms and conditions of the deed of transfer of the funds and property of Washington's Manual-Labor School and Male Orphan Asylum Society of the District of Columbia shall be as obligatory upon the Columbia Institution for the Instruction of the Deaf and Dumb as if they formed a part of its charter.

Terms of deed made part of charter.

13 June, 1860, c. 120, s. 2, v. 12, p. 30.

SEC. 4861. No part of the real or personal property now held or hereafter acquired by the Columbia Institution for the Instruction of the Deaf and Dumb shall be devoted to any other purpose than the education of the deaf and dumb, nor shall any portion of the real estate be aliened, sold, or conveyed, except under the authority of a special act of Congress.

Restriction on disposal of real property.

27 July, 1868, c. 262, s. 3, v. 15, p. 233.

SEC. 4862. The Columbia Institution for the Instruction of the Deaf and Dumb shall be managed as provided for in its present constitution, and such additional regulations as may from time to time be found necessary; but as soon as sufficient contributions shall have been paid in to authorize an election according to the provisions of the constitution, the provisional officers therein named shall give notice of a general meeting to the contributors for the election of officers, and the officers elected at such general meeting shall hold their offices for one year and until their successors shall be elected as in the constitution provided; and the constitution may be altered consistently with law, in the manner therein provided.

Election of officers.

16 Feb., 1857, c. 46, s. 2, v. 11, p. 161.

SEC. 4863. In addition to the directors whose appointment has heretofore been provided for by law, there shall be three other directors of the Columbia Institution for the Instruction of the Deaf and Dumb, appointed in the following manner: One Senator by the President of the Senate, and two Representatives by the Speaker of the House. These directors shall hold their offices for the term of a single Congress, and be eligible to a re-appointment.

Appointment of Government directors.

27 July, 1868, c. 262, s. 2, v. 15, p. 233.

SEC. 4864. Whenever the Secretary of the Interior is satisfied, by evidence produced by the President of the Columbia Institution for the Instruction of the Deaf and Dumb, that any deaf and dumb person of teachable age, properly belonging to the District of Columbia, is in indigent circumstances and cannot command the means to secure an education, it shall be his duty to authorize such person to enter the institution for instruction.

Admission of pupils from District of Columbia.

16 Feb., 1857, c. 46, s. 4, v. 11, p. 162.
27 July, 1868, c. 262, s. 4, v. 15, p. 233.

SEC. 4865. Deaf mutes, not exceeding forty in number, residing in the several States and Territories, applying for admission to the collegiate department of the Columbia Institution for the Instruction of the Deaf

Admission of pupils from States and Territories.

2 March, 1867, c. 167, s. 1, v. 14, p. 464.

15 July, 1870, c. 292, s. 1, v. 16, pp. 291, 294.

Justices of the peace to report deaf and dumb persons in District.

16 Feb., 1857, c. 46, s. 3, v. 11, p. 162.

Report of superintendent to Congress.

27 July, 1868, c. 262, s. 7, v. 15, p. 234.

Annual report of president and directors.

16 Feb., 1857, c. 46, s. 6, v. 11, p. 162.

Education of indigent blind persons.

16 Feb., 1857, c. 46, s. 4, v. 11, p. 162.

23 Feb., 1865, c. 50, s. 2, v. 13, p. 436.

and Dumb, shall be received on the same terms and conditions as those prescribed by law for residents of the District of Columbia, at the discretion of the president of the institution; but no student coming from either of the States shall be supported by the United States during any portion of the time he remains therein.

SEC. 4866. It shall be the duty of the justices of the peace for the District of Columbia to ascertain the names and residences of all deaf and dumb persons within their respective districts; who of them are of teachable age, and also who of them are in indigent circumstances; and to report the same to the president of the Columbia Institution for the Instruction of the Deaf and Dumb.

SEC. 4867. The superintendent of the Columbia Institution for the Instruction of the Deaf and Dumb shall, at the commencement of every December session of Congress, make a full and complete statement of all the expenditures made by virtue of any appropriations by Congress, including the amounts and the rates paid to the superintendent, and for teachers.

SEC. 4868. It shall be the duty of the president and directors of the Columbia Institution for the Instruction of the Deaf and Dumb to report to the Secretary of the Interior the condition of the institution on the first day of July in each year, embracing in the report the number of pupils of each description received and discharged during the preceding year, and the number remaining in the institution; also the branches of knowledge and industry taught, and the progress made therein; also a statement showing the receipts of the institution, and from what sources, and its disbursements, and for what objects.

SEC. 4869. Whenever the Secretary of the Interior is satisfied, by evidence produced by the president of the Columbia Institution for the Instruction of the Deaf and Dumb, that any blind person of teachable age cannot command the means to secure an education, he may cause such person to be instructed in some institution for the education of the blind, in Maryland, or some other State, at a cost not greater for each pupil than is, or may be for the time being, paid by such State, and to cause the same to be paid out of the Treasury of the United States.

CHAPTER SIX.

NATIONAL CEMETERIES.

Sec.

4870. How lands for cemeteries may be acquired.

4871. Appraisement of real estate when taken.

4872. Payment of appraised value.

4873. Superintendents of cemeteries.

4874. Who may be selected as superintendents.

4875. Salary of superintendents.

4876. Annual inspection of cemeteries.

Sec.

4877. Inclosures, headstones, and register.

4878. Who may be buried in national cemeteries.

4879. Cemetery near the city of Mexico.

4880. To be subject to what regulations.

4881. Penalty for defacing national cemeteries.

4882. Jurisdiction of United States over national cemeteries.

How lands for cemeteries may be acquired.

22 Feb., 1867, c. 61, s. 4, v. 14, p. 400.

SEC. 4870. The Secretary of War shall purchase from the owners thereof, at such price as may be mutually agreed upon between the Secretary and such owners, such real estate as in his judgment is suitable and necessary for the purpose of carrying into effect the provisions for national cemeteries, and obtain from such owners the title in fee-simple for the same. And in case the Secretary of War is not able to agree with any owner upon the price to be paid for any real estate needed for such purpose, or to obtain from such owner title in fee-simple for the same, the Secretary is hereby authorized to enter upon and appropriate any real estate which, in his judgment, is suitable and necessary for such purposes.

SEC. 4871. The Secretary of War or the owners of any real estate thus entered upon and appropriated, are authorized to make application for an appraisement of real estate thus entered upon and appropriated, to any circuit or district court within any State or district where such real estate is situated; and such courts shall, upon such application, and in such mode and under such rules and regulations as it may adopt, make a just and equitable appraisement of the cash value of the several interests of each and every owner of such real estate and improvements thereon.

Appraisement of real estate when taken.

Ibid., s. 5.

SEC. 4872. When appraisement of the real estate thus entered upon and appropriated has been made under the order and direction of the court, the fee-simple thereof shall, upon payment to the owner of the appraised value, or in case such owner refuses or neglects for thirty days after the appraisement of the cash value of the real estate or improvements as aforesaid, to demand the same from the Secretary of War, upon depositing the appraised value in the court making such appraisement, to the credit of such owner, be vested in the United States, and its jurisdiction over such real estate shall be exclusive and the same as its jurisdiction over real estate purchased, ceded, or appropriated for the purposes of navy-yards, forts, and arsenals. The Secretary of War is authorized and required to pay to the several owner or owners, respectively, the appraised value of the several pieces or parcels of real estate, as specified in the appraisement of any of such courts, or to pay into any of such courts by deposit, as hereinbefore provided, the appraised value; and the sum necessary for such purpose may be taken from any moneys appropriated for the purposes of national cemeteries.

Payment of appraised value.

Ibid., s. 6.

SEC. 4873. The Secretary of War shall cause to be erected at the principal entrance of each national cemetery a suitable building to be occupied as a porter's lodge; and shall appoint a meritorious and trustworthy superintendent to reside therein, for the purpose of guarding and protecting the cemetery and giving information to parties visiting the same.

Superintendents of cemeteries.

Ibid., s. 2.

SEC. 4874. The superintendents of the national cemeteries shall be selected from meritorious and trustworthy soldiers, either commissioned officers or enlisted men of the volunteer or regular Army, who have been honorably mustered out or discharged from the service of the United States, and who may have been disabled for active field service in the line of duty.

Who may be selected as superintendents.

18 May, 1872, c. 173, s. 1, v. 17, p. 135.

SEC. 4875. The superintendents of the national cemeteries shall receive for their compensation from sixty dollars to seventy-five dollars a month, each, according to the extent and importance of the cemeteries to which they may be respectively assigned, to be determined by the Secretary of War; and they shall also be furnished with quarters and fuel at the several cemeteries.

Salary of superintendents.

Ibid., s. 2.

SEC. 4876. The Secretary of War shall detail some officer of the Army, not under the rank of major, to visit annually all of the national cemeteries, and to inspect and report to him the condition of the same, and the amount of money necessary to protect them, to sod the graves, gravel and grade the walks and avenues, and to keep the grounds in complete order; and the Secretary shall transmit such report to Congress at the commencement of each session, together with an estimate of the appropriation necessary for that purpose.

Annual inspection of cemeteries.

22 Feb., 1867, c. 61, s. 2, v. 14, p. 399.

SEC. 4877. In the arrangement of the national cemeteries established for the burial of deceased soldiers and sailors, the Secretary of War is hereby directed to have the same inclosed with a good and substantial stone or iron fence; and to cause each grave to be marked with a small headstone or block, which shall be of durable stone, and of such design and weight as shall keep it in place when set, and shall bear the name of the soldier and the name of his State inscribed thereon, when the same are known, and also with the number of the grave inscribed thereon, corresponding with the number opposite to the name of the party in a register of burials to be kept at each cemetery and at the

Inclosures, headstones, and registers.

Ibid., s. 1.

8 June, 1872, c. 368, v. 17, p. 345.
3 March, 1873, c. 229, v. 17, p. 545.

office of the Quartermaster-General, which shall set forth the name, rank, company, regiment, and date of death of the officer or soldier; or if these are unknown, it shall be so recorded.

Who may be buried in national cemeteries.

17 July, 1862, c. 200, s. 18, v. 12, p. 596.

1 June, 1872, c. 257, v. 17, p. 202.

3 March, 1873, c. 276, v. 17, p. 605.

Cemetery near the city of Mexico.

3 March, 1873, c. 267, v. 17, p. 602.

To be subject to what regulations.

Ibid.

Penalty for defacing national cemeteries.

22 Feb., 1867, c. 61, s. 3, v. 14, p. 400.

Jurisdiction of United States over national cemeteries.

1 July, 1870, c. 200, s. 1, v. 16, p. 188.

SEC. 4878. All soldiers, sailors, or marines, dying in the service of the United States, or dying in a destitute condition, after having been honorably discharged from the service, or who served during the late war, either in the regular or volunteer forces, may be buried in any national cemetery free of cost. The production of the honorable discharge of a deceased man shall be sufficient authority for the superintendent of any cemetery to permit the interment.

SEC. 4879. The President is authorized to provide, out of the ordinary annual appropriations for establishing and maintaining United States military cemeteries, for the proper care and preservation and maintenance of the cemetery or burial ground near the city of Mexico, in which are interred the remains of officers and soldiers of the United States, and of citizens of the United States, who fell in battle, or died in and around said city.

SEC. 4880. The cemetery in Mexico shall be subject to the rules and regulations affecting United States national military cemeteries within the limits of the United States, so far as they may, in the opinion of the President, be applicable thereto.

SEC. 4881. Every person who willfully destroys, mutilates, defaces, injures, or removes any monument, grave-stone, or other structure, or who willfully destroys, cuts, breaks, injures, or removes any tree, shrub, or plant within the limits of any national cemetery, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than twenty-five dollars, and not more than one hundred, or by imprisonment for not less than fifteen days, and not more than sixty. The superintendent in charge of any national cemetery is authorized to arrest forthwith any person engaged in committing any misdemeanor herein prohibited, and to bring such person before any United States commissioner or judge of any district or circuit court of the United States within any State or district where any of the cemeteries are situated, for the purpose of holding such person to answer for such misdemeanor, and then and there shall make complaint in due form.

SEC. 4882. From the time any State legislature shall have given, or shall hereafter give, the consent of such State to the purchase by the United States of any national cemetery, the jurisdiction and power of legislation of the United States over such cemetery shall in all courts and places be held to be the same as is granted by section eight, article one, of the Constitution of the United States; and all provisions relating to national cemeteries shall be applicable to the same.

TITLE LX.

PATENTS, TRADE-MARKS, AND COPY.
RIGHTS.

CHAPTER ONE.

PATENTS.

| Sec. | Sec. |
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| 4883. Patents, how issued, attested, and recorded. | 4910. From examiners-in-chief to Commissioner. |
| 4884. Their contents and duration. | 4911. From the Commissioner to the supreme court D. C. |
| 4885. Date of patent. | 4912. Notice of such appeal. |
| 4886. What inventions are patentable. | 4913. Proceedings on appeal to supreme court. |
| 4887. Patents for inventions previously patented abroad. | 4914. Determination of such appeal and its effect. |
| 4888. Requisites of specification and claim. | 4915. Patents obtainable by bill in equity. |
| 4889. Drawings, when requisite. | 4916. Re-issue of defective patents. |
| 4890. Specimens of ingredients, &c. | 4917. Disclaimer. |
| 4891. Model, when requisite. | 4918. Suits touching interfering patents. |
| 4892. Oath required from applicant. | 4919. Suits for infringement; damages. |
| 4893. Examination and issuing patent. | 4920. Pleading and proof in actions for infringement. |
| 4894. Limitation upon time of completing application. | 4921. Power of courts to grant injunctions and estimate damages. |
| 4895. Patents granted to assignee. | 4922. Suit for infringement where specification is too broad. |
| 4896. When, and on what oath, executor or administrator may obtain patent. | 4923. Patent not void on account of previous use in foreign country. |
| 4897. Renewal of application in cases of failure to pay fees in season. | 4924. Extension of patents granted prior to March 2, 1861. |
| 4898. Assignment of patents. | 4925. What notice of application for extension must be given. |
| 4899. Persons purchasing of inventor before application may use or sell the thing purchased. | 4926. Applications for extension to whom to be referred. |
| 4900. Patented articles must be marked as such. | 4927. Commissioner to hear and decide the question of extension. |
| 4901. Penalty for falsely marking or labeling articles as patented. | 4928. Operation of extension. |
| 4902. Filing and effect of caveats. | 4929. Patent for designs authorized. |
| 4903. Notice of rejection of claim for patent to be given to applicant. | 4930. Models of designs. |
| 4904. Interferences. | 4931. Duration of patents for designs. |
| 4905. Affidavits and depositions. | 4932. Extension of patents for designs. |
| 4906. Subpoenas to witnesses. | 4933. Patents for designs subject to general rules of patent-law. |
| 4907. Witness fees. | 4934. Fees in obtaining patents, &c. |
| 4908. Penalty for failing to attend or refusing to testify. | 4935. Mode of payment. |
| 4909. Appeals from primary examiners to examiners-in-chief. | 4936. Refunding. |

SEC. 4883. All patents shall be issued in the name of the United States of America, under the seal of the Patent-Office, and shall be signed by the Secretary of the Interior and countersigned by the Commissioner of Patents, and they shall be recorded, together with the specifications, in the Patent-Office, in books to be kept for that purpose.

Patents, how issued, attested, and recorded.

8 July, 1870, c. 230, s. 21, v. 16, p. 200.

Doughty vs. West, 6 Blatch., 429.

SEC. 4884. Every patent shall contain a short title or description of the invention or discovery, correctly indicating its nature and design, and a grant to the patentee, his heirs or assigns, for the term of seventeen years, of the exclusive right to make, use, and vend the invention or discovery throughout the United States, and the Territories thereof, re-

Contents and duration.

8 July, 1870 c. 230, s. 22, v. 16, p. 201.

Simpson vs. Wilson, 4 How., 709; *Pitts vs. Whitman*, 2 Story, 614; *Sullivan vs. Redfield*, 1 Paine, 441; *Emerson vs. Hogg*, 2 Blatch., 9; *Doughty vs. West*, 6 Blatch., 429; *Whitney vs. Emmett*, Baldw., 314; *Boyd vs. Brown*, 3 McLean, 297.

Date of patent.

8 July, 1870, c. 230, s. 23, v. 16, p. 201.

What inventions are patentable.

8 July, 1870, c. 230, s. 24, v. 16, p. 201.

Gayler vs. Brown, 10 How., 477; *Hotchkiss vs. Greenwood*, 11 How., 248; *Le Roy vs. Tatham*, 14 How., 156; *O'Reilly vs. Morse*, 15 How., 62; *Corning vs. Burden*, 15 How., 252; *Kendall vs. Winsor*, 21 How., 322; *Appleton vs. Bacon and North*, 2 Bl., 699; *Barr vs. Duryee*, 1 Wall., 531; *Jacobs vs. Baker*, 7 Wall., 295; *Tyler vs. Boston*, 7 Wall., 327; *Agawam Co. vs. Jordan*, 7 Wall., 583; *Whitely vs. Swayne*, 7 Wall., 685; *Rubber Co. vs. Goodyear*, 9 Wall., 788; *Stimpson vs. Woodman*, 10 Wall., 117; *Gorham Co. vs. White*, 14 Wall., 511; *Mowry vs. Whitney*, 14 Wall., 620; *Carlton vs. Bokee*, 17 Wall., 463; *Coffin vs. Ogden*, 18 Wall., 120; *Hicks vs. Kelsey*, 18 Wall., 670; *Woodcock vs. Parker*, 1 Gallis., 437; *Odiorne vs. Winkley*, 2 Gallis., 51; *Ames vs. Howard*, 1 Sumn., 482; *Ryan vs. Goodwin*, 3 Sumn., 518; *How vs. Abbott*, 2 Story, 194; *Bean vs. Smallwood*, 2 Story, 411; *Carver vs. Braintree Manuf. Co.*, 2 Story, 438; *Hovey vs. Stevens*, 3 Wood. & M., 17; *Foote vs. Silsby*, 1 Blatch., 445; *Parkhurst vs. Kinsman*, 1 Blatch., 493; *Hall vs. Wiles*, 2 Blatch., 194; *McCormick vs. Seymour*, 2 Blatch., 240; *Ellithorpe vs. Robinson*, 4 Blatch., 307; *Morton vs. The New York Eye Infirmary*, 5 Blatch., 116; *Hoffman vs. Stiefel*, 7 Blatch., 58; *Reutgen vs. Kanovrs and Graunt*, 1 Wash., 171; *Park vs. Little and Wood*, 3 Wash., 198; *Kneass vs. The Schuylkill Bank*, 4 Wash., 12; *Whitney vs. Emmett*, Baldw., 314; *Goodyear vs. The Railroad*, 2 Wall., jr., 360; *Smith vs. Pearce*, 2 McLean, 178; *Root vs. Ball and Davis*, 4 McLean, 177; *Hotchkiss vs. Greenwood and Wood*, 4 McLean, 461; *Stainthorp vs. Humiston*, 1 Fish. Pat. Cas., 475; *Poillon vs. Schmidt*, 3 Fish. Pat. Cas., 476.

Patents for inventions previously patented abroad.

8 July, 1870, c. 230, s. 25, v. 16, p. 201.

O'Reilly vs. Morse, 15 How., 62; *Hays vs. Sulzor*, 1 Fish. Pat. Cas., 532; *Judson vs. Cope*, 1 Fish. Pat. Cas., 615.

Requisites of application, description, specification, and claim.

8 July, 1870, c. 230, s. 26, v. 16, p. 201.

Evans vs. Eaton, 7 Wh., 434; *Wood vs. Underhill*, 5 How., 1; *Hogg vs. Emerson*, 11 How., 587; *O'Reilly vs. Morse*, 15 How., 62; *Corning vs. Burden*, 15 How., 252; *Le Roy vs. Tatham*, 22 How., 132; *Phillips vs. Paige*, 24 How., 164; *Tyler vs. Boston*, 7 Wall., 327; *Carlton vs. Bokee*, 17 Wall., 463; *Langdon vs. De Groot*, 1 Paine, 203; *Sullivan vs. Redfield*, 1 Paine, 450; *Many vs. Jagger*, 1 Blatch., 372; *Gray and Osgood vs. James*, Pet. C. C., 401; *Park vs. Little and Wood*, 3 Wash., 198; *Brooks and Morris vs. Bicknell and Jenkins*, 3 McLean, 250.

ferring to the specification for the particulars thereof. A copy of the specification and drawings shall be annexed to the patent and be a part thereof.

SEC. 4885. Every patent shall bear date as of a day not later than six months from the time at which it was passed and allowed and notice thereof was sent to the applicant or his agent; and if the final fee is not paid within that period the patent shall be withheld.

SEC. 4886. Any person who has invented or discovered any new and useful art, machine, manufacture or composition of matter, or any new and useful improvement thereof, not known or used by others in this country, and not patented or described in any printed publication in this or any foreign country, before his invention or discovery thereof, and not in public use or on sale for more than two years prior to his application, unless the same is proved to have been abandoned, may, upon payment of the fees required by law, and other due proceedings had, obtain a patent therefor.

SEC. 4887. No person shall be debarred from receiving a patent for his invention or discovery, nor shall any patent be declared invalid, by reason of its having been first patented or caused to be patented in a foreign country, unless the same has been introduced into public use in the United States for more than two years prior to the application. But every patent granted for an invention which has been previously patented in a foreign country shall be so limited as to expire at the same time with the foreign patent, or, if there be more than one, at the same time with the one having the shortest term, and in no case shall it be in force more than seventeen years.

SEC. 4888. Before any inventor or discoverer shall receive a patent for his invention or discovery, he shall make application therefor, in writing, to the Commissioner of Patents, and shall file in the Patent-Office a written description of the same, and of the manner and process of making, constructing, compounding, and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art or science to which it appertains, or with which it is most nearly connected, to make, construct, compound, and use the same; and in case of a machine, he shall explain the principle thereof, and the best mode in which he has contemplated applying that principle, so as to distinguish it from other inventions; and he shall particularly point out and distinctly claim the part, improvement, or combination which he claims as his invention or discovery. The specification and claim shall be signed by the inventor and attested by two witnesses.

SEC. 4889. When the nature of the case admits of drawings, the applicant shall furnish one copy signed by the inventor or his attorney in fact, and attested by two witnesses, which shall be filed in the Patent-Office; and a copy of the drawing, to be furnished by the Patent-Office, shall be attached to the patent as a part of the specification.

Drawings, when requisite.

8 July, 1870, c. 230, s. 27, v. 16, p. 201.

O'Reilly vs. Morse, 15 How., 62; *Washburn vs. Gould*, 3 Story, 133.

SEC. 4890. When the invention or discovery is of a composition of matter, the applicant, if required by the Commissioner, shall furnish specimens of ingredients and of the composition, sufficient in quantity for the purpose of experiment.

Specimens of ingredients, &c.

8 July, 1870, c. 230, s. 28, v. 16, p. 201.

SEC. 4891. In all cases which admit of representation by model, the applicant, if required by the Commissioner, shall furnish a model of convenient size to exhibit advantageously the several parts of his invention or discovery.

Model, when requisite.

8 July, 1830, c. 230, s. 29, v. 16, p. 201.

Hogg vs. Emerson, 6 How., 437; *McCormick vs. Talcott*, 20 How., 409.

SEC. 4892. The applicant shall make oath that he does verily believe himself to be the original and first inventor or discoverer of the art, machine, manufacture, composition, or improvement for which he solicits a patent; that he does not know and does not believe that the same was ever before known or used; and shall state of what country he is a citizen. Such oath may be made before any person within the United States authorized by law to administer oaths, or when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent, holding commission under the Government of the United States, or before any notary public of the foreign country in which the applicant may be.

Oath required from applicant.

8 July, 1870, c. 230, s. 30, v. 16, p. 202.

Hogg vs. Emerson, 6 How., 437; *Whittemore vs. Cutter*, 1 Gall., 429; *Crompton vs. Belknap Mills*, 3 Fish. Pat. Cas., 536.

SEC. 4893. On the filing of any such application and the payment of the fees required by law, the Commissioner of Patents shall cause an examination to be made of the alleged new invention or discovery; and if on such examination it shall appear that the claimant is justly entitled to a patent under the law, and that the same is sufficiently useful and important, the Commissioner shall issue a patent therefor.

Examination, and issuing patent.

8 July, 1870, c. 230, s. 31, v. 16, p. 202.

SEC. 4894. All applications for patents shall be completed and prepared for examination within two years after the filing of the application, and in default thereof, or upon failure of the applicant to prosecute the same within two years after any action therein, of which notice shall have been given to the applicant, they shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner of Patents that such delay was unavoidable.

Limitation upon time of completing applications.

8 July, 1870, c. 230, s. 32, v. 16, p. 202.

Bell vs. Daniels, 1 Bond, 212.

SEC. 4895. Patents may be granted and issued or re-issued to the assignee of the inventor or discoverer; but the assignment must first be entered of record in the Patent-Office. And in all cases of an application by an assignee for the issue of a patent, the application shall be made and the specification sworn to by the inventor or discoverer; and in all cases of an application for a re-issue of any patent, the application must be made and the corrected specification signed by the inventor or discoverer, if he is living, unless the patent was issued and the assignment made before the eighth day of July, eighteen hundred and seventy.

Patents granted to assignee.

8 July, 1870, c. 230, s. 33, v. 16, p. 202.
3 March, 1871, c. 132, v. 16, p. 583.

Gayler vs. Leonard, 10 How., 477; *Swift vs. Whisen*, 3 Fish. Pat. Cas., 343.

SEC. 4896. When any person, having made any new invention or discovery for which a patent might have been granted, dies before a patent is granted, the right of applying for and obtaining the patent shall devolve on his executor or administrator, in trust for the heirs at law of the deceased, in case he shall have died intestate; or if he shall have left a will, disposing of the same, then in trust for his devisees, in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him in his life time; and when the application is made by such legal representatives, the oath or affirmation required to be made shall be so varied in form that it can be made by them.

When and on what oath executor or administrator may obtain patent.

8 July, 1870, c. 230, s. 34, v. 16, p. 202.

Rubber Co. vs. Goodyear, 9 Wall., 788.

Renewal of application in cases of failure to pay fees in season.

8 July, 1870, c. 230, s. 35, v. 16, p. 202.

SEC. 4897. Any person who has an interest in an invention or discovery, whether as inventor, discoverer, or assignee, for which a patent was ordered to issue upon the payment of the final fee, but who fails to make payment thereof within six months from the time at which it was passed and allowed, and notice thereof was sent to the applicant or his agent, shall have a right to make an application for a patent for such invention or discovery the same as in the case of an original application. But such second application must be made within two years after the allowance of the original application. But no person shall be held responsible in damages for the manufacture or use of any article or thing for which a patent was ordered to issue under such renewed application prior to the issue of the patent. And upon the hearing of renewed applications preferred under this section, abandonment shall be considered as a question of fact.

Assignments of patents.

8 July, 1870, c. 230, s. 36, v. 16, p. 203.

SEC. 4898. Every patent or any interest therein shall be assignable in law, by an instrument in writing; and the patentee or his assigns or legal representatives may, in like manner, grant and convey an exclusive right under his patent to the whole or any specified part of the United States. An assignment, grant, or conveyance shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, unless it is recorded in the Patent-Office within three months from the date thereof.

Woodworth *vs.* Wilson, 4 How., 712; Wilson *vs.* Simpson, 9 How., 109; Gaylor *vs.* Wilder, 10 How., 494; Bloomer *vs.* McQuewan, 14 How., 539; Kinsman *vs.* Parkhurst, 18 How., 289; Hartshorn *vs.* Day, 19 How., 211; Railroad Co. *vs.* Trimble, 10 Wall., 367; Nicolson Pavement Co. *vs.* Jenkins, 14 Wall., 452; Adams *vs.* Burke, 17 Wall., 453; Eunson *vs.* Dodge, 18 Wall., 414; Goodyear *vs.* Cary, 4 Blatch., 271; Perry *vs.* Corning, 7 Blatch., 195; Bell *vs.* McCullough, 1 Bond, 194; Hussey *vs.* Whitely, 1 Bond, 407; Pitts *vs.* Jameson, 15 Barb., (N. Y.), 310.

Persons purchasing of inventor, before application, may use or sell the thing purchased.

8 July, 1870, c. 230, s. 37, v. 16, p. 203.

SEC. 4899. Every person who purchases of the inventor, or discoverer, or with his knowledge and consent constructs any newly invented or discovered machine, or other patentable article, prior to the application by the inventor or discoverer for a patent, or who sells or uses one so constructed, shall have the right to use, and vend to others to be used, the specific thing so made or purchased, without liability therefor.

Kendall *vs.* Winsor, 21 How., 322; Sargent *vs.* Seagrave, 2 Curt. C. C., 555; Root *vs.* Ball and Davis, 4 McLean, 177.

Patented articles must be marked as such.

8 July, 1870, c. 230, s. 38, v. 16, p. 203.

Rubber Co. *vs.* Goodyear, 9 Wall., 788; Goodyear *vs.* Allyn, 6 Blatch., 33.

SEC. 4900. It shall be the duty of all patentees, and their assigns and legal representatives, and of all persons making or vending any patented article for or under them, to give sufficient notice to the public that the same is patented; either by fixing thereon the word "patented," together with the day and year the patent was granted; or when, from the character of the article, this cannot be done, by fixing to it, or to the package wherein one or more of them is inclosed, a label containing the like notice; and in any suit for infringement, by the party failing so to mark, no damages shall be recovered by the plaintiff, except on proof that the defendant was duly notified of the infringement, and continued, after such notice, to make, use, or vend the article so patented.

Penalty for falsely marking or labeling articles as patented.

8 July, 1870, c. 230, s. 39, v. 16, p. 203.

SEC. 4901. Every person who, in any manner, marks upon anything made, used, or sold by him for which he has not obtained a patent, the name or any imitation of the name of any person who has obtained a patent therefor without the consent of such patentee, or his assigns or legal representatives; or

Who, in any manner, marks upon or affixes to any such patented article the word "patent" or "patentee," or the words "letters-patent," or any word of like import, with intent to imitate or counterfeit the mark or device of the patentee, without having the license or consent of such patentee or his assigns or legal representatives; or

Who, in any manner, marks upon or affixes to any unpatented article the word "patent," or any word importing that the same is patented, for the purpose of deceiving the public, shall be liable, for every such offense, to a penalty of not less than one hundred dollars, with costs; one-half of said penalty to the person who shall sue for the same, and the other to the use of the United States, to be recovered by suit in any district

court of the United States within whose jurisdiction such offense may have been committed.

SEC. 4902. Any citizen of the United States who makes any new invention or discovery, and desires further time to mature the same, may, on payment of the fees required by law, file in the Patent-Office a caveat setting forth the design thereof, and of its distinguishing characteristics, and praying protection of his right until he shall have matured his invention. Such caveat shall be filed in the confidential archives of the office and preserved in secrecy, and shall be operative for the term of one year from the filing thereof; and if application is made within the year by any other person for a patent with which such caveat would in any manner interfere, the Commissioner shall deposit the description, specification, drawings, and model of such application in like manner in the confidential archives of the office, and give notice thereof, by mail, to the person by whom the caveat was filed. If such person desires to avail himself of his caveat, he shall file his description, specifications, drawings, and model within three months from the time of placing the notice in the post-office in Washington, with the usual time required for transmitting it to the caveator added thereto; which time shall be indorsed on the notice. An alien shall have the privilege herein granted, if he has resided in the United States one year next preceding the filing of his caveat, and has made oath of his intention to become a citizen.

SEC. 4903. Whenever, on examination, any claim for a patent is rejected, the Commissioner shall notify the applicant thereof, giving him briefly the reasons for such rejection, together with such information and references as may be useful in judging of the propriety of renewing his application or of altering his specification; and if, after receiving such notice, the applicant persists in his claim for a patent, with or without altering his specifications, the Commissioner shall order a re-examination of the case.

SEC. 4904. Whenever an application is made for a patent which, in the opinion of the Commissioner, would interfere with any pending application, or with any unexpired patent, he shall give notice thereof to the applicants, or applicant and patentee, as the case may be, and shall direct the primary examiner to proceed to determine the question of priority of invention. And the Commissioner may issue a patent to the party who is adjudged the prior inventor, unless the adverse party appeals from the decision of the primary examiner, or of the board of examiners-in-chief, as the case may be, within such time, not less than twenty days, as the Commissioner shall prescribe.

SEC. 4905. The Commissioner of Patents may establish rules for taking affidavits and depositions required in cases pending in the Patent-Office, and such affidavits and depositions may be taken before any officer authorized by law to take depositions to be used in the courts of the United States, or of the State where the officer resides.

SEC. 4906. The clerk of any court of the United States, for any district or Territory wherein testimony is to be taken for use in any contested case pending in the Patent-Office, shall, upon the application of any party thereto, or of his agent or attorney, issue a subpoena for any witness residing or being within such district or Territory, commanding him to appear and testify before any officer in such district or Territory authorized to take depositions and affidavits, at any time and place in the subpoena stated. But no witness shall be required to attend at any place more than forty miles from the place where the subpoena is served upon him.

SEC. 4907. Every witness duly subpoenaed and in attendance shall be allowed the same fees as are allowed to witnesses attending the courts of the United States.

SEC. 4908. Whenever any witness, after being duly served with such subpoena, neglects or refuses to appear, or after appearing refuses to testify, the judge of the court whose clerk issued the subpoena may, on proof of such neglect or refusal, enforce obedience to the process, or pun-

Filing and effect of caveats.

8 July, 1870, c. 230, s. 40, v. 16, p. 203.

Bell vs. Daniels, 1 Bond, 212.

Notice of rejection of claim for patent to be given to applicant.

8 July, 1870, c. 230, s. 41, v. 16, p. 204.

Interferences.

8 July, 1870, c. 230, s. 42, v. 16, p. 204.

Affidavits and depositions.

8 July, 1870, c. 230, s. 43, v. 16, p. 204.

Subpœnas to witnesses.

8 July, 1870, c. 230, ss. 44, 45, v. 16, p. 204.

Witness fees.

Ibid., s. 45.

Penalty for failing to attend or refusing to testify.

Ibid., ss. 44, 45.

ish the disobedience, as in other like cases. But no witness shall be deemed guilty of contempt for disobeying such subpoena, unless his fees and traveling expenses in going to, returning from, and one day's attendance at the place of examination, are paid or tendered him at the time of the service of the subpoena; nor for refusing to disclose any secret invention or discovery made or owned by himself.

Appeals from primary examiners to examiners-in-chief

Ibid., s. 46.

From examiners-in-chief to Commissioner.

Ibid., s. 47, p. 205.

From the Commissioner to the supreme court, D. C.

Ibid., s. 48.

Notice of such appeal.

Ibid., s. 49.

Proceedings on appeal to supreme court.

Ibid., s. 51.

Determination of such appeal, and its effect.

Ibid., s. 50.

Patents obtainable by bill in equity.

Ibid., s. 52.

SEC. 4909. Every applicant for a patent or for the re-issue of a patent, any of the claims of which have been twice rejected, and every party to an interference, may appeal from the decision of the primary examiner, or of the examiner in charge of interferences in such case, to the board of examiners-in-chief; having once paid the fee for such appeal.

SEC. 4910. If such party is dissatisfied with the decision of the examiners-in-chief, he may, on payment of the fee prescribed, appeal to the Commissioner in person.

SEC. 4911. If such party, except a party to an interference, is dissatisfied with the decision of the Commissioner, he may appeal to the supreme court of the District of Columbia, sitting in banc.

SEC. 4912. When an appeal is taken to the supreme court of the District of Columbia, the appellant shall give notice thereof to the Commissioner, and file in the Patent-Office, within such time as the Commissioner shall appoint, his reasons of appeal, specifically set forth in writing.

SEC. 4913. The court shall, before hearing such appeal, give notice to the Commissioner of the time and place of the hearing, and on receiving such notice the Commissioner shall give notice of such time and place in such manner as the court may prescribe, to all parties who appear to be interested therein. The party appealing shall lay before the court certified copies of all the original papers and evidence in the case, and the Commissioner shall furnish the court with the grounds of his decision, fully set forth in writing, touching all the points involved by the reasons of appeal. And at the request of any party interested, or of the court, the Commissioner and the examiners may be examined under oath, in explanation of the principles of the thing for which a patent is demanded.

SEC. 4914. The court, on petition, shall hear and determine such appeal, and revise the decision appealed from in a summary way, on the evidence produced before the Commissioner, at such early and convenient time as the court may appoint; and the revision shall be confined to the points set forth in the reasons of appeal. After hearing the case, the court shall return to the Commissioner a certificate of its proceedings and decision, which shall be entered of record in the Patent-Office, and shall govern the further proceedings in the case. But no opinion or decision of the court in any such case shall preclude any person interested from the right to contest the validity of such patent in any court wherein the same may be called in question.

SEC. 4915. Whenever a patent on application is refused, either by the Commissioner of Patents or by the supreme court of the District of Columbia upon appeal from the Commissioner, the applicant may have remedy by bill in equity; and the court having cognizance thereof, on notice to adverse parties and other due proceedings had, may adjudge that such applicant is entitled, according to law, to receive a patent for his invention, as specified in his claim, or for any part thereof, as the facts in the case may appear. And such adjudication, if it be in favor of the right of the applicant, shall authorize the Commissioner to issue such patent on the applicant filing in the Patent-Office a copy of the adjudication, and otherwise complying with the requirements of law. In all cases, where there is no opposing party, a copy of the bill shall be served on the Commissioner; and all the expenses of the proceeding shall be paid by the applicant, whether the final decision is in his favor or not. [Sec § 429, P. 9.]

SEC. 4916. Whenever any patent is inoperative or invalid, by reason of a defective or insufficient specification, or by reason of the patentee claiming as his own invention or discovery more than he had a right to claim as new, if the error has arisen by inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, the Commissioner shall, on the surrender of such patent and the payment of the duty required by law, cause a new patent for the same invention, and in accordance with the corrected specification, to be issued to the patentee, or, in the case of his death or of an assignment of the whole or any undivided part of the original patent, then to his executors, administrators, or assigns, for the unexpired part of the term of the original patent. Such surrender shall take effect upon the issue of the amended patent. The Commissioner may, in his discretion, cause several patents to be issued for distinct and separate parts of the thing patented, upon demand of the applicant, and upon payment of the required fee for a re-issue for each of such re-issued letters-patent. The specifications and claim in every such case shall be subject to revision and restriction in the same manner as original applications are. Every patent so re-issued, together with the corrected specification, shall have the same effect and operation in law, on the trial of all actions for causes thereafter arising, as if the same had been originally filed in such corrected form; but no new matter shall be introduced into the specification, nor in case of a machine-patent shall the model or drawings be amended, except each by the other; but when there is neither model nor drawing, amendments may be made upon proof satisfactory to the Commissioner that such new matter or amendment was a part of the original invention, and was omitted from the specification by inadvertence, accident, or mistake, as aforesaid.

Blunt, 2 Wood. & M., 138; Woodworth vs. Edwards, 3 Wood. & M., 126; Forbes vs. Stove Co., 2 Cliff., 379; Cahart vs. Austin, 2 Cliff., 528; Gibson vs. Harris, 1 Blatch., 169; Potter vs. Holland, 4 Blatch., 266; Batten vs. Taggart, 2 Wall., jr., 102; Stanley vs. Whipple, 2 McLean, 37; Moffit vs. Garr, 1 Bond, 315.

SEC. 4917. Whenever, through inadvertence, accident, or mistake, and without any fraudulent or deceptive intention, a patentee has claimed more than that of which he was the original or first inventor or discoverer, his patent shall be valid for all that part which is truly and justly his own, provided the same is a material or substantial part of the thing patented; and any such patentee, his heirs or assigns, whether of the whole or any sectional interest therein, may, on payment of the fee required by law, make disclaimer of such parts of the thing patented as he shall not choose to claim or to hold by virtue of the patent or assignment, stating therein the extent of his interest in such patent. Such disclaimer shall be in writing, attested by one or more witnesses, and recorded in the Patent-Office; and it shall thereafter be considered as part of the original specification to the extent of the interest possessed by the claimant and by those claiming under him after the record thereof. But no such disclaimer shall affect any action pending at the time of its being filed, except so far as may relate to the question of unreasonable neglect or delay in filing it.

SEC. 4918. Whenever there are interfering patents, any person interested in any one of them, or in the working of the invention claimed under either of them, may have relief against the interfering patentee, and all parties interested under him, by suit in equity against the owners of the interfering patent; and the court, on notice to adverse parties, and other due proceedings had according to the course of equity, may adjudge and declare either of the patents void in whole or in part, or inoperative, or invalid in any particular part of the United States, according to the interest of the parties in the patent or the invention patented. But no such judgment or adjudication shall affect the right of any person except the parties to the suit and those deriving title under them subsequent to the rendition of such judgment.

Re-issue of defective patents.

8 July, 1870, c. 230, s. 53, v. 16, p. 205.

Shaw vs. Cooper, 7 Pet., 292; Wilson vs. Rousseau, 4 How., 646; Moffit vs. Garr, 1 Bl., 273; Reed vs. Bowman, 2 Wall., 591; Commissioner vs. Whitely, 4 Wall., 522; Bennet vs. Fowler, 8 Wall., 445; Morey vs. Lockwood, 8 Wall., 230; Seymour vs. Osborne, 11 Wall., 516; Carlton vs. Boker, 17 Wall., 463; Ames vs. Howard, 1 Summ., 488; Carver vs. Braintree Manufacturing Co., 2 Story, 439; Allen vs. Blunt, 3 Story, 743; Woodward vs. Stone, 3 Story, 753; Woodworth vs. Hall, 1 Wood. & M., 261, 262; Allen vs.

Disclaimer.

8 July, 1870, c. 230, s. 54, v. 16, p. 206.

Silsby vs. Foote, 14 How., 218; O'Reilly vs. Morse, 15 How., 121; Seymour vs. McCormick, 19 How., 206; Wyeth vs. Stone, 1 Story, 294; Reed vs. Cutter, 1 Story, 600; Guyon vs. Serrell, 1 Blatch., 244; Hall vs. Wilds, 2 Blatch., 193; Tuck vs. Bramhill, 6 Blatch., 95; Whitney vs. Emmett, 1 Baldw., 313; Brooks vs. Jenkins, 4 McLean, 449.

Suits touching interfering patents.

8 July, 1870, c. 230, s. 58, v. 16, p. 207.

Suits for infringement; damages.

8 July, 1870, c. 230, s. 59, v. 16, p. 207.

Dean *vs.* Mason, 20 How., 198; Corporation of New York *vs.* Ransom, 23 How., 487; Moore *vs.* Marsh, 7 Wall., 515; Mowry *vs.* Whitney, 14 Wall., 620; Mitchell *vs.* Hawley, 16 Wall., 544; Philp *vs.* Nock, 17 Wall., 460.

Pleading and proof in actions for infringement.

Ibid., s. 61, p. 208.

Blanchard *vs.* Putnam, 8 Wall., 420; Wise *vs.* Allis, 9 Wall., 737.

SEC. 4919. Damages for the infringement of any patent may be recovered by action on the case, in the name of the party interested, either as patentee, assignee, or grantee. And whenever in any such action a verdict is rendered for the plaintiff, the court may enter judgment thereon for any sum above the amount found by the verdict as the actual damages sustained, according to the circumstances of the case, not exceeding three times the amount of such verdict, together with the costs.

SEC. 4920. In any action for infringement the defendant may plead the general issue, and having given notice in writing to the plaintiff or his attorney, thirty days before, may prove on trial any one or more of the following special matters:

First. That for the purpose of deceiving the public the description and specification filed by the patentee in the Patent-Office was made to contain less than the whole truth relative to his invention or discovery, or more than is necessary to produce the desired effect; or,

Second. That he had surreptitiously or unjustly obtained the patent for that which was in fact invented by another, who was using reasonable diligence in adapting and perfecting the same; or,

Third. That it had been patented or described in some printed publication prior to his supposed invention or discovery thereof; or,

Fourth. That he was not the original and first inventor or discoverer of any material and substantial part of the thing patented; or,

Fifth. That it had been in public use or on sale in this country for more than two years before his application for a patent, or had been abandoned to the public.

And in notices as to proof of previous invention, knowledge, or use of the thing patented, the defendant shall state the names of patentees and the dates of their patents, and when granted, and the names and residences of the persons alleged to have invented, or to have had the prior knowledge of the thing patented, and where and by whom it had been used; and if any one or more of the special matters alleged shall be found for the defendant, judgment shall be rendered for him with costs. And the like defenses may be pleaded in any suit in equity for relief against an alleged infringement; and proofs of the same may be given upon like notice in the answer of the defendant, and with the like effect.

Power of courts to grant injunctions and estimate damages.

Ibid., s. 55, p. 206.

Woodworth *vs.* Wilson, 4 How., 712; Hogg *vs.* Emerson, 11 How., 587; Livingston *vs.* Woodworth, 15 How., 546; Seymour *vs.* McCormick, 16 How., 489; Dean *vs.* Mason, 20 How., 198; Corporation of New York *vs.* Ransom, 23 How., 487; Moore *vs.* Marsh, 7 Wall., 515; Rubber Co. *vs.* Goodyear, 9 Wall., 788; Mowry *vs.* Whitney, 14 Wall., 629; Mitchell *vs.* Hawley, 16 Wall., 544; Philp *vs.* Nock, 17 Wall., 460; Nesmith *vs.* Calvert, 1 Wood. & M., 34; Woodworth *vs.* Edwards, 3 Wood. & M., 120; Woodworth *vs.* Weed, 1 Blatch., 165; Allen *vs.* Blunt, 1 Blatch., 486; Wilson *vs.* Sherman, 1 Blatch., 536; Goodyear *vs.* Day, 1 Blatch., 565; Goodyear *vs.* Rubber Co., 4 Blatch., 63; Tatham *vs.* Lowher, 4 Blatch., 86; Goodyear *vs.* Allyn, 6 Blatch., 33; Ogilvie *vs.* Ege, 4 Wash., 584; Blank *vs.* Manufacturing Co., 3 Wall., jr., 196; Brooks *vs.* Stolley, 3 McLean, 523; Hussy *vs.* Whitely, 1 Bond, 407.

SEC. 4921. The several courts vested with jurisdiction of cases arising under the patent laws shall have power to grant injunctions according to the course and principles of courts of equity, to prevent the violation of any right secured by patent, on such terms as the court may deem reasonable; and upon a decree being rendered in any such case for an infringement, the complainant shall be entitled to recover, in addition to the profits to be accounted for by the defendant, the damages the complainant has sustained thereby; and the court shall assess the same or cause the same to be assessed under its direction. And the court shall have the same power to increase such damages, in its discretion, as is given to increase the damages found by verdicts in actions in the nature of actions of trespass upon the case.

SEC. 4922. Whenever, through inadvertence, accident, or mistake, and without any willful default or intent to defraud or mislead the public, a patentee has, in his specification, claimed to be the original and first inventor or discoverer of any material or substantial part of the thing patented, of which he was not the original and first inventor or discoverer, every such patentee, his executors, administrators, and assigns, whether of the whole or any sectional interest in the patent, may maintain a suit at law or in equity, for the infringement of any part thereof, which was bona fide his own, if it is a material and substantial part of the thing patented, and definitely distinguishable from the parts claimed without right, notwithstanding the specifications may embrace more than that of which the patentee was the first inventor or discoverer. But in every such case in which a judgment or decree shall be rendered for the plaintiff no costs shall be recovered unless the proper disclaimer has been entered at the Patent-Office before the commencement of the suit. But no patentee shall be entitled to the benefits of this section if he has unreasonably neglected or delayed to enter a disclaimer.

Hall vs. Wilds, 2 Blatch., 198, 199; Brooks vs. Jenkins, 3 McLean, 449.

SEC. 4923. Whenever it appears that a patentee, at the time of making his application for the patent, believed himself to be the original and first inventor or discoverer of the thing patented, the same shall not be held to be void on account of the invention or discovery, or any part thereof, having been known or used in a foreign country, before his invention or discovery thereof, if it had not been patented or described in a printed publication.

Judson vs. Cope, 1 Bond, 327; Bartholomew vs. Sawyer, 1 Fish. Pat. Cas., 516; How vs. Morton, 1 Fish. Pat. Cas., 586.

SEC. 4924. Where the patentee of any invention or discovery, the patent for which was granted prior to the second day of March, eighteen hundred and sixty-one, shall desire an extension of this patent beyond the original term of its limitation, he shall make application therefor, in writing, to the Commissioner of Patents, setting forth the reasons why such extension should be granted; and he shall also furnish a written statement under oath of the ascertained value of the invention or discovery, and of his receipts and expenditures on account thereof, sufficiently in detail to exhibit a true and faithful account of the loss and profit in any manner accruing to him by reason of the invention or discovery. Such application shall be filed not more than six months nor less than ninety days before the expiration of the original term of the patent; and no extension shall be granted after the expiration of the original term.

SEC. 4925. Upon the receipt of such application, and the payment of the fees required by law, the Commissioner shall cause to be published in one newspaper in the city of Washington, and in such other papers published in the section of the country most interested adversely to the extension of the patent as he may deem proper, for at least sixty days prior to the day set for hearing the case, a notice of such application, and of the time and place when and where the same will be considered, that any person may appear and show cause why the extension should not be granted.

SEC. 4926. Upon the publication of the notice of an application for an extension, the Commissioner shall refer the case to the principal examiner having charge of the class of inventions to which it belongs, who shall make the Commissioner a full report of the case, stating particularly whether the invention or discovery was new and patentable when the original patent was granted.

SEC. 4927. The Commissioner shall, at the time and place designated in the published notice, hear and decide upon the evidence produced, both for and against the extension; and if it shall appear to the satisfaction of the Commissioner that the patentee, without neglect or fault on his part, has failed to obtain from the use and sale of his invention

Suit for infringement where specification is too broad.

8 July, 1870, c. 230, s. 60, v. 16, p. 207.

O'Reilly vs. Morse, 15 How., 62; Seymour vs. Mc Cormick, 19 How., 106; Silsby vs. Fiske, 20 How., 378; Vance vs. Campbell, 1 Bl., 427; Wyeth vs. Stone, 1 Story, 273; Reed vs. Cutter, 1 Story, 600; Pitts vs. Whitman, 2 Story, 621; Guyon vs. Serrell, 1 Blatch., 244; Hall vs. Wilds, 2 Blatch., 198, 199; Brooks vs. Jenkins, 3 McLean, 449.

Patent not void on account of previous use in foreign country.

8 July, 1870, c. 230, s. 62, v. 16, p. 208.

Extension of patents granted prior to March 2, 1861.

8 July, 1870, c. 230, s. 63, v. 16, p. 208.

Commissioner vs. Whitely, 4 Wall., 522.

What notice of application for extension must be given.

8 July, 1870, c. 230, s. 64, v. 16, p. 208.

Applications for extension, to whom to be referred.

Ibid., s. 65.

Commissioner to hear and decide the question of extension.

Ibid., s. 66, p. 209.

Woodworth vs. Edwards, 3 Wood. & M., 120; *Gibson vs. Harris*, 1 Blatch., 167; *Colt vs. Young*, 2 Blatch., 471.

or discovery a reasonable remuneration for the time, ingenuity, and expense bestowed upon it, and the introduction of it into use, and that it is just and proper, having due regard to the public interest, that the term of the patent should be extended, the Commissioner shall make a certificate thereon, renewing and extending the patent for the term of seven years from the expiration of the first term. Such certificate shall be recorded in the Patent-Office; and thereupon such patent shall have the same effect in law as though it had been originally granted for twenty-one years.

Operation of extensions.

SEC. 4928. The benefit of the extension of a patent shall extend to the assignees and grantees of the right to use the thing patented, to the extent of their interest therein.

8 July, 1870, c.

230, s. 67, v. 16, p. 209.—*Wilson vs. Rousseau*, 4 How., 646; *Bloomer vs. McQuewan*, 14 How., 549; *Chaffee vs. The Boston Belting Co.*, 22 How., 223; *Bloomer vs. Millinger*, 1 Wall., 340; *Nicolson Paving Co. vs. Jenkins*, 14 Wall., 452; *Eunson vs. Dodge*, 18 Wall., 414; *Gibson vs. Cook*, 2 Blatch., 146; *Blanchard vs. Whitney*, 3 Blatch., 307; *Day vs. Rubber Co.*, 3 Blatch., 488; *Phelps vs. Comstock*, 4 McLean, 353.

Patents for designs authorized.

SEC. 4929. Any person who, by his own industry, genius, efforts, and expense, has invented and produced any new and original design for a manufacture, bust, statue, alto-relievo, or bas-relief; any new and original design for the printing of woolen, silk, cotton, or other fabrics; any new and original impression, ornament, patent, print, or picture to be printed, painted, cast, or otherwise placed on or worked into any article of manufacture; or any new, useful, and original shape or configuration of any article of manufacture, the same not having been known or used by others before his invention or production thereof, or patented or described in any printed publication, may, upon payment of the fee prescribed, and other due proceedings had the same as in cases of inventions or discoveries, obtain a patent therefor.

8 July, 1870, c. 230, s. 71, v. 16, p. 209.

Clark vs. Bousfield, 10 Wall., 133; *Gorham Co. vs. White*, 14 Wall., 511; *Booth vs. Garelly*, 1 Blatch., 247; *Root vs. Ball*, 4 McLean, 180.

Models of designs.

SEC. 4930. The Commissioner may dispense with models of designs when the design can be sufficiently represented by drawings or photographs.

8 July, 1870, c. 230, s. 72, v. 16, p. 210.

Duration of patents for designs.

SEC. 4931. Patents for designs may be granted for the term of three years and six months, or for seven years, or for fourteen years, as the applicant may, in his application, elect.

Ibid., s. 73.
Extension of patents for designs.

SEC. 4932. Patentees of designs issued prior to the second day of March, eighteen hundred and sixty-one, shall be entitled to extension of their respective patents for the term of seven years, in the same manner and under the same restrictions as are provided for the extension of patents for inventions or discoveries, issued prior to the second day of March, eighteen hundred and sixty-one.

Patents for designs subject to general rules of patent law.

SEC. 4933. All the regulations and provisions which apply to obtaining or protecting patents for inventions or discoveries not inconsistent with the provisions of this Title, shall apply to patents for designs.

Ibid., s. 76.
Fees in obtaining patents, &c.

SEC. 4934. The following shall be the rates for patent-fees:

8 July, 1870, c. 230, s. 68, v. 16, p. 209.

On filing each original application for a patent, except in design cases, fifteen dollars.

8 July, 1870, c. 230, s. 75, v. 16, p. 210.

On issuing each original patent, except in design cases, twenty dollars.

In design cases: For three years and six months, ten dollars; for seven years, fifteen dollars; for fourteen years, thirty dollars.

24 March, 1871, c. 5, s. 2, v. 17, p. 3.

On filing each caveat, ten dollars.

On every application for the re-issue of a patent, thirty dollars.

On filing each disclaimer, ten dollars.

On every application for the extension of a patent, fifty dollars.

On the granting of every extension of a patent, fifty dollars.

On an appeal for the first time from the primary examiners to the examiners-in-chief, ten dollars.

On every appeal from the examiners-in-chief to the Commissioner, twenty dollars.

For certified copies of patents and other papers, including certified printed copies, ten cents per hundred words.

For recording every assignment, agreement, power of attorney, or other paper, of three hundred words or under, one dollar; of over three hundred and under one thousand words, two dollars; of over one thousand words, three dollars.

For copies of drawings, the reasonable cost of making them.

SEC. 4935. Patent-fees may be paid to the Commissioner of Patents, or to the Treasurer or any of the assistant treasurers of the United States, or to any of the designated depositaries, national banks, or receivers of public money, designated by the Secretary of the Treasury for that purpose; and such officer shall give the depositor a receipt or certificate of deposit therefor. All money received at the Patent-Office, for any purpose, or from any source whatever, shall be paid into the Treasury as received, without any deduction whatever.

SEC. 4936. The Treasurer of the United States is authorized to pay back any sum or sums of money to any person who has through mistake paid the same into the Treasury, or to any receiver or depositary, to the credit of the Treasury, as for fees accruing at the Patent-Office, upon a certificate thereof being made to the Treasurer by the Commissioner of Patents.

Mode of payment.

8 July, 1870, c. 230, s. 69, v. 16, p. 209.

Refunding.

Ibid., s. 70.

CHAPTER TWO.

TRADE-MARKS.

Sec.

4937. Registration of trade-marks authorized.

4938. Accompanying declaration under oath.

4939. Restriction on the registration of trade-marks.

4940. Time of receipt of trade-mark for registration to be certified.

4941. Duration of protection of registered trade-marks, and renewal.

4942. Remedy for infringement of registered trade-marks.

Sec.

4943. Restriction upon actions for infringement.

4944. Penalty for false registration of trade-marks.

4945. Former rights and remedies preserved.

4946. Saving as to rights after expiration of term for which a trade-mark has been registered.

4947. Regulations for transfer of rights to trade-marks.

SEC. 4937. Any person or firm domiciled in the United States and any corporation created by the authority of the United States, or of any State or Territory thereof, and any person, firm, or corporation resident of or located in any foreign country which by treaty or convention affords similar privileges to citizens of the United States, and who are entitled to the exclusive use of any lawful trade-mark, or who intend to adopt and use any trade-mark for exclusive use within the United States, may obtain protection for such lawful trade-mark by complying with the following requirements:

Registration of trade-marks authorized.

8 July, 1870, c. 230, s. 77, v. 16, p. 210.

First. By causing to be recorded in the Patent-Office a statement specifying the names of the parties, and their residences and place of business, who desire the protection of the trade-mark; the class of merchandise, and the particular description of goods comprised in such class, by which the trade-mark has been or is intended to be appropriated; a description of the trade-mark itself, with fac-similes thereof, showing the mode in which it has been or is intended to be applied and used; and the length of time, if any, during which the trade-mark has been in use.

Second. By making payment of a fee of twenty-five dollars, in the same manner and for the same purpose as the fee required for patents.

Third. By complying with such regulations as may be prescribed by the Commissioner of Patents.

Accompanying
declaration under
oath.

Ibid.

Restriction on
the registration of
trade-marks.

Ibid., s. 79, p. 211.

Time of receipt
of trade-mark for
registration to be
certified.

Ibid., s. 80.

Duration of pro-
tection of regis-
tered trade-mark,
and renewal.

8 July, 1870, c.
230, s. 78, v. 16, p.
211.

Remedy for in-
fringement of reg-
istered trade-
marks

Ibid., s. 79.

Restriction upon
actions for in-
fringement.

Ibid., s. 84, p. 212.

SEC. 4938. The certificate prescribed by the preceding section must, in order to create any right whatever in favor of the party filing it, be accompanied by a written declaration verified by the person, or by some member of the firm or officer of the corporation by whom it is filed, to the effect that the party claiming protection for the trade-mark has a right to the use of the same, and that no other person, firm, or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as might be calculated to deceive; and that the description and fac-similes presented for record are true copies of the trade-mark sought to be protected.

SEC. 4939. The Commissioner of Patents shall not receive and record any proposed trade-mark which is not and cannot become a lawful trade-mark, or which is merely the name of a person, firm, or corporation unaccompanied by a mark sufficient to distinguish it from the same name when used by other persons, or which is identical with a trade-mark appropriate to the same class of merchandise and belonging to a different owner, and already registered or received for registration, or which so nearly resembles such last-mentioned trade-mark as to be likely to deceive the public. But this section shall not prevent the registry of any lawful trade-mark rightfully in use on the eighth day of July, eighteen hundred and seventy.

SEC. 4940. The time of the receipt of any trade-mark at the Patent-Office for registration shall be noted and recorded. Copies of the trade-mark and of the date of the receipt thereof, and of the statement filed therewith, under the seal of the Patent-Office, certified by the Commissioner, shall be evidence in any suit in which such trade-mark shall be brought in controversy.

SEC. 4941. A trade-mark registered as above prescribed shall remain in force for thirty years from the date of such registration; except in cases where such trade-mark is claimed for and applied to articles not manufactured in this country and in which it receives protection under the laws of any foreign country for a shorter period, in which case it shall cease to have any force in this country by virtue of this act at the same time that it becomes of no effect elsewhere. Such trade-mark during the period that it remains in force shall entitle the person, firm, or corporation registering the same to the exclusive use thereof so far as regards the description of goods to which it is appropriated in the statement filed under oath as aforesaid, and no other person shall lawfully use the same trade-mark, or substantially the same, or so nearly resembling it as to be calculated to deceive, upon substantially the same description of goods. And at any time during the six months prior to the expiration of the term of thirty years, application may be made for a renewal of such registration, under regulations to be prescribed by the Commissioner of Patents. The fee for such renewal shall be the same as for the original registration; and a certificate of such renewal shall be issued in the same manner as for the original registration; and such trade-mark shall remain in force for a further term of thirty years.

SEC. 4942. Any person who shall reproduce, counterfeit, copy, or imitate any recorded trade-mark, and affix the same to goods of substantially the same descriptive properties and qualities as those referred to in the registration, shall be liable to an action on the case for damages for such wrongful use of such trade-mark, at the suit of the owner thereof; and the party aggrieved shall also have his remedy according to the course of equity to enjoin the wrongful use of his trade-mark and to recover compensation therefor in any court having jurisdiction over the person guilty of such wrongful use.

SEC. 4943. No action shall be maintained under the provisions of this chapter by any person claiming the exclusive right to any trade-mark which is used or claimed in any unlawful business, or upon any article which is injurious in itself, or upon any trade-mark which has been fraudulently obtained, or which has been formed and used with the de-

sign of deceiving the public in the purchase or use of any article of merchandise.

SEC. 4944. Any person who shall procure the registry of any trade-mark, or of himself as the owner of a trade-mark, or an entry respecting a trade-mark in the Patent-Office, by making any false or fraudulent representations or declarations, verbally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such registry or entry, to the person injured thereby; to be recovered in an action on the case.

SEC. 4945. Nothing in this chapter shall prevent, lessen, impeach, or avoid any remedy at law or in equity, which any party aggrieved by any wrongful use of any trade-mark might have had if the provisions of this chapter had not been enacted.

SEC. 4946. Nothing in this chapter shall be construed by any court as abridging or in any matter affecting unfavorably the claim of any person to any trade-mark after the expiration of the term for which such trade-mark was registered.

SEC. 4947. The Commissioner of Patents is authorized to make rules, regulations, and prescribe forms for the transfer of the right to the use of trade-marks, conforming as nearly as practicable to the requirements of law respecting the transfer and transmission of copyrights.

Penalty for false registration of trade-marks.

Ibid., s. 82.

Former rights and remedies preserved.

Ibid., s. 83.

Saving as to rights after expiration of term for which a trade-mark has been registered.

Ibid., s. 78, p. 211.

Regulations for transfer of rights to trade-marks.

Ibid., s. 81.

CHAPTER THREE.

COPYRIGHTS.

| Sec. | Sec. |
|---|--|
| 4948. Copyrights to be under charge of Librarian of Congress. | 4962. Publication of notice of entry for copyright prescribed. |
| 4949. Seal of office. | 4963. Penalty for false publication of notice of entry. |
| 4950. Bond of Librarian. | 4964. Damages for violation of copyright of books. |
| 4951. Annual report. | 4965. For violating copyright of maps, charts, prints, &c. |
| 4952. What publications may be entered for copyright. | 4966. For violating copyright of dramatic compositions. |
| 4953. Term of copyrights. | 4967. Damages for printing or publishing any manuscript without consent of author, &c. |
| 4954. Continuance of term. | 4968. Limitation of action in copyright cases. |
| 4955. Assignment of copyrights and recording. | 4969. Defenses to action in copyright cases. |
| 4956. Deposit of title and published copies. | 4970. Injunctions in copyright cases. |
| 4957. Record of entry and attested copy. | 4971. Aliens and non-residents not privileged. |
| 4958. Fees. | |
| 4959. Copies of copyright works to be furnished to Librarian of Congress. | |
| 4960. Penalty for omission. | |
| 4961. Postmasters to give receipts. | |

SEC. 4948. All records and other things relating to copyrights and required by law to be preserved, shall be under the control of the Librarian of Congress, and kept and preserved in the Library of Congress; and the Librarian of Congress shall have the immediate care and supervision thereof, and, under the supervision of the joint committee of Congress on the Library, shall perform all acts and duties required by law touching copyrights.

SEC. 4949. The seal provided for the office of the Librarian of Congress shall be the seal thereof, and by it all records and papers issued from the office and to be used in evidence shall be authenticated.

SEC. 4950. The Librarian of Congress shall give a bond, with sureties, to the Treasurer of the United States, in the sum of five thousand dollars, with the condition that he will render to the proper officers of the Treasury a true account of all moneys received by virtue of his office.

Copyrights to be under charge of Librarian of Congress.

8 July, 1870, c. 230, s. 85, v. 16, p. 212.

Seal of office.

Ibid.

Bond of Librarian.

Ibid.

Annual report.
Ibid.

What publica-
tions may be en-
tered for copyright.

Ibid., s. 86.

Wheaton vs. Peters, 8 Pet., 591; *Stephens vs. Cady*, 14 How., 528; *Jolie vs. Jaques*, 1 Blatch., 625; *Bonicault vs. Fox*, 5 Blatch., 87; *Wood vs. Abbott*, 5 Blatch., 325; *Rossiter vs. Hall*, 5 Blatch., 362; *Daly vs. Palmer*, 6 Blatch., 256.

Term of copy-
rights.

8 July, 1870, c. 230, s. 87, v. 16, p. 212.

Continuance of
term.

Ibid., s. 88.

Wheaton vs. Peters, 8 Pet., 591; *Pierrpont vs. Fowle*, 2 Wood. & M., 42.

Assignment of
copyrights and re-
cording.

8 July, 1870, c. 230, s. 89, v. 16, p. 213.

Wheaton vs. Peters, 8 Pet., 591; *Little vs. Hall*, 18 How., 165; *Pierrpont vs. Fowle*, 2 Wood. & M., 42; *Webb vs. Powers*, 2 Wood. & M., 497.

Deposit of title
and published
copies.

8 July, 1870, c. 230, s. 90, v. 16, p. 213.

Record of entry
and attested copy.

8 July, 1870, c. 230, s. 91, v. 16, p. 213.

SEC. 4951. The Librarian of Congress shall make an annual report to Congress of the number and description of copyright publications for which entries have been made during the year.

SEC. 4952. Any citizen of the United States or resident therein, who shall be the author, inventor, designer, or proprietor of any book, map, chart, dramatic or musical composition, engraving, cut, print, or photograph or negative thereof, or of a painting, drawing, chromo, statue, statuary, and of models or designs intended to be perfected as works of the fine arts, and the executors, administrators, or assigns of any such person shall, upon complying with the provisions of this chapter, have the sole liberty of printing, reprinting, publishing, completing, copying, executing, finishing, and vending the same; and, in the case of a dramatic composition, of publicly performing or representing it, or causing it to be performed or represented by others. And authors may reserve the right to dramatize or to translate their own works.

SEC. 4953. Copyrights shall be granted for the term of twenty-eight years from the time of recording the title thereof, in the manner herein-after directed.

SEC. 4954. The author, inventor, or designer, if he be still living and a citizen of the United States or resident therein, or his widow or children, if he be dead, shall have the same exclusive right continued for the further term of fourteen years, upon recording the title of the work or description of the article so secured a second time, and complying with all other regulations in regard to original copyrights, within six months before the expiration of the first term. And such person shall, within two months from the date of said renewal, cause a copy of the record thereof to be published in one or more newspapers, printed in the United States, for the space of four weeks.

SEC. 4955. Copyrights shall be assignable in law, by any instrument of writing, and such assignment shall be recorded in the office of the Librarian of Congress within sixty days after its execution; in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice.

SEC. 4956. No person shall be entitled to a copyright unless he shall, before publication, deliver at the office of the Librarian of Congress or deposit in the mail addressed to the Librarian of Congress, at Washington, District of Columbia, a printed copy of the title of the book or other article, or a description of the painting, drawing, chromo, statue, statuary, or a model or design for a work of the fine arts, for which he desires a copyright, nor unless he shall also, within ten days from the publication thereof, deliver at the office of the Librarian of Congress or deposit in the mail addressed to the Librarian of Congress, at Washington, District of Columbia, two copies of such copyright book or other article, or in case of a painting, drawing, statue, statuary, model, or design for a work of the fine arts, a photograph of the same.

SEC. 4957. The Librarian of Congress shall record the name of such copyright book or other article, forthwith, in a book to be kept for that purpose, in the words following: "Library of Congress, to wit: Be it remembered that on the day of , A. B., of , hath deposited in this office the title of a book, (map, chart, or otherwise, as the case may be, or description of the article,) the title or description of which is in the following words, to wit: (here insert the title or description,) the right whereof he claims as author, (originator, or proprietor, as the case may be,) in conformity with the laws of the United States respecting copyrights. C. D., Librarian of Congress." And he shall give a copy of the title or description, under the seal of the Librarian of Congress, to the proprietor whenever he shall require it,

SEC. 4958. The Librarian of Congress shall receive, from the persons to whom the services designated are rendered, the following fees:

First. For recording the title or description of any copyright book or other article, fifty cents.

Second. For every copy under seal of such record actually given to the person claiming the copyright, or his assigns, fifty cents.

Third. For recording any instrument of writing for the assignment of a copyright, fifteen cents for every one hundred words.

Fourth. For every copy of an assignment, ten cents for every one hundred words.

All fees so received shall be paid into the Treasury of the United States.

SEC. 4959. The proprietor of every copyright book or other article shall deliver at the office of the Librarian of Congress, or deposit in the mail addressed to the Librarian of Congress at Washington, District of Columbia, within ten days after its publication, two complete printed copies thereof, of the best edition issued, or description or photograph of such article as hereinbefore required, and a copy of every subsequent edition wherein any substantial changes shall be made.

SEC. 4960. For every failure on the part of the proprietor of any copyright to deliver or deposit in the mail either of the published copies, or description or photograph, required by sections four thousand nine hundred and fifty-six, and four thousand nine hundred and fifty-nine, the proprietor of the copyright shall be liable to a penalty of twenty-five dollars, to be recovered by the Librarian of Congress, in the name of the United States, in an action in the nature of an action of debt, in any district court of the United States within the jurisdiction of which the delinquent may reside or be found.

SEC. 4961. The postmaster to whom such copyright book, title, or other article is delivered, shall, if requested, give a receipt therefor; and when so delivered he shall mail it to its destination.

SEC. 4962. No person shall maintain an action for the infringement of his copyright unless he shall give notice thereof by inserting in the several copies of every edition published, on the title-page or the page immediately following, if it be a book; or if a map, chart, musical composition, print, cut, engraving, photograph, painting, drawing, chromo, statue, statuary, or model or design intended to be perfected and completed as a work of the fine arts, by inscribing upon some portion of the face or front thereof, or on the face of the substance on which the same shall be mounted, the following words, "Entered according to act of Congress, in the year _____, by A. B., in the office of the Librarian of Congress, at Washington."

SEC. 4963. Every person who shall insert or impress such notice, or words of the same purport, in or upon any book, map, chart, musical composition, print, cut, engraving, or photograph, or other article, for which he has not obtained a copyright, shall be liable to a penalty of one hundred dollars, recoverable one-half for the person who shall sue for such penalty, and one-half to the use of the United States.

SEC. 4964. Every person who, after the recording of the title of any book as provided by this chapter, shall within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, print, publish, or import, or knowing the same to be so printed, published, or imported, shall sell or expose to sale any copy of such book, shall forfeit every copy thereof to such proprietor, and shall also forfeit and pay such damages as may be recovered in a civil action by such proprietor in any court of competent jurisdiction.

Van Hook *vs.* Pendleton, 2 Blatch., 85; Story's *Exr's vs.* Holcombe, 4 McLean, 306; Webb *vs.* Powers, 2 Wood. & M., 497.

Fees.
Ibid., s. 92.

Copies of copy-
right works to be
furnished to Libra-
rian of Congress.

Ibid., s. 93.

Penalty for omis-
sion.

8 July, 1870, c.
230, s. 94, v. 16, p.
213.

Postmasters to
give receipts.

Ibid., s. 96, p. 214.

Publication of
notice of entry for
copyright pre-
scribed.

Ibid., s. 97.

Rossiter *vs.* Hall,
5 Blatch., 362.

Penalty for false
publication of no-
tice of entry.

8 July, 1870, c.
230, s. 98, v. 16, p. 214.

Ferrett *vs.* Atwill,
1 Blatch., 154.

Damages for vio-
lation of copyright
of books.

8 July, 1870, c.
230, s. 99, v. 16, p. 214.

Gray *vs.* Russell,
1 Story, 19; Folsom
vs. Marsh, 2 Story,
115; Atwill *vs.* Fer-
rett, 2 Blatch., 39;
McLean, 306; Webb

For violating copyright of maps, charts, prints, &c.

8 July, 1870, c. 230, s. 100, v. 16, p. 214.

Gray vs. Russell, 1 Story, 19; *Folsom vs. Marsh*, 2 Story, 115; *Atwill vs. Ferrett*, 2 Blatch., 39; *Van Hook vs. Pendleton*, 2 Blatch., 85; *Story's Ex'rs vs. Holcombe*, 4 McLean, 306.

SEC. 4965. If any person, after the recording of the title of any map, chart, musical composition, print, cut, engraving, or photograph, or chromo, or of the description of any painting, drawing, statue, statuary, or model or design intended to be perfected and executed as a work of the fine arts, as provided by this chapter, shall, within the term limited, and without the consent of the proprietor of the copyright first obtained in writing, signed in presence of two or more witnesses, engrave, etch, work, copy, print, publish, or import, either in whole or in part, or by varying the main design with intent to evade the law, or, knowing the same to be so printed, published, or imported, shall sell or expose to sale any copy of such map or other article, as aforesaid, he shall forfeit to the proprietor all the plates on which the same shall be copied, and every sheet thereof, either copied or printed, and shall further forfeit one dollar for every sheet of the same found in his possession, either printing, printed, copied, published, imported, or exposed for sale; and in case of a painting, statue, or statuary, he shall forfeit ten dollars for every copy of the same in his possession, or by him sold or exposed for sale; one-half thereof to the proprietor and the other half to the use of the United States.

For violating copyright of dramatic compositions.

8 July, 1870, c. 230, s. 101, v. 16, p. 214.

Boucicault vs. Fox, 5 Blatch., 87; *Daly vs. Palmer*, 6 Blatch., 256.

Damages for printing or publishing any manuscript without consent of author, &c.

SEC. 4966. Any person publicly performing or representing any dramatic composition for which a copyright has been obtained, without the consent of the proprietor thereof, or his heirs or assigns, shall be liable for damages therefor, such damages in all cases to be assessed at such sum, not less than one hundred dollars for the first, and fifty dollars for every subsequent performance, as to the court shall appear to be just.

8 July, 1870, c. 230, s. 102, v. 16, p. 215.—*Wheaton vs. Peters*, 8 Pet., 657; *Bartlette vs. Crittenden*, 4 McLean, 300; *Eyre vs. Higbee*, 22 How. Pr. R., 207.

Limitation of action in copyright cases.

SEC. 4968. No action shall be maintained in any case of forfeiture or penalty under the copyright laws, unless the same is commenced within two years after the cause of action has arisen.

8 July, 1870, c. 230, s. 104, v. 16, p. 215.

Defenses to action in copyright cases.

SEC. 4969. In all actions arising under the laws respecting copyrights, the defendant may plead the general issue, and give the special matter in evidence.

Ibid., s. 105. Injunctions in copyright cases.

SEC. 4970. The circuit courts, and district courts having the jurisdiction of circuit courts, shall have power, upon bill in equity, filed by any party aggrieved, to grant injunctions to prevent the violation of any right secured by the laws respecting copyrights, according to the course and principles of courts of equity, on such terms as the court may deem reasonable.

Aliens and non-residents not privileged.

SEC. 4971. Nothing in this chapter shall be construed to prohibit the printing, publishing, importation, or sale of any book, map, chart, dramatic or musical composition, print, cut, engraving, or photograph, written, composed, or made by any person not a citizen of the United States nor resident therein.

Ibid., s. 103.

TITLE LXI.

BANKRUPTCY.

CHAPTER ONE.

COURTS OF BANKRUPTCY, THEIR JURISDICTION, ORGANIZATION, AND POWERS.

| Sec. | Sec. |
|--|--|
| 4972. Scope of the jurisdiction of courts of bankruptcy. | 4990. Supreme Court may prescribe rules. |
| 4973. Authority of district courts and judges. | 4991. What constitutes commencement of proceedings. |
| 4974. Sessions of the district courts. | 4992. Records of bankruptcy proceedings. |
| 4975. Power of district courts to compel obedience. | 4993. Registers in bankruptcy. |
| 4976. Powers of circuit judge during absence, sickness, or disability of district judge. | 4994. Who are eligible. |
| 4977. Powers of the supreme court for the District of Columbia. | 4995. Qualification. |
| 4978. Powers of the supreme courts for the Territories. | 4996. Restrictions upon registers. |
| 4979. Jurisdiction of actions between assignees and persons claiming adverse interest. | 4997. Removal of registers. |
| 4980. Appeals to circuit court. | 4998. Powers of registers. |
| 4981. How taken. | 4999. Limitations upon powers of registers. |
| 4982. How entered. | 5000. Registers to keep memoranda of proceedings. |
| 4983. Waiver of appeal. | 5001. Registers to attend at place directed by judge. |
| 4984. Appeal from decision rejecting claim. | 5002. Power to summon witnesses. |
| 4985. Costs. | 5003. Mode of taking evidence. |
| 4986. Power of general superintendence conferred on circuit court. | 5004. Depositions and acts to be reduced to writing. |
| 4987. Superintendence by supreme courts of Territories. | 5005. Witnesses must attend. |
| 4988. Power of district judge in a district not within any organized circuit. | 5006. Contempt before register. |
| 4989. Appeal and writ of error to Supreme Court. | 5007. Registers may act for each other. |
| | 5008. Payment of fees of registers. |
| | 5009. Contested issues to be decided by judge. |
| | 5010. Certificates of matters to be decided by judge. |
| | 5011. Appeal from judge's decision upon questions submitted. |
| | 5012. Penalties against officers. |
| | 5013. Meaning of terms and computation of time. |

SEC. 4972. The jurisdiction conferred upon the district courts as courts of bankruptcy shall extend:

First. To all cases and controversies arising between the bankrupt and any creditor or creditors who shall claim any debt or demand under the bankruptcy.

Second. To the collection of all the assets of the bankrupt.

Third. To the ascertainment and liquidation of the liens and other specific claims thereon.

Fourth. To the adjustment of the various priorities and conflicting interests of all parties.

Fifth. To the marshaling and disposition of the different funds and assets, so as to secure the rights of all parties and due distribution of the assets among all the creditors.

Sixth. To all acts, matters, and things to be done under and in virtue of the bankruptcy, until the final distribution and settlement of the estate of the bankrupt, and the close of the proceedings in bankruptcy.

vs. Bishop, 1 Wool., 324; *Sherman vs. Bingham*, 5 Bank. Reg., 34; *Alden vs. Bosten, &c.*, R. R., 5 Bank. Reg., 230; *Sweatt vs. Railroad*, 5 Bank. Reg., 234; *In re Iron Mountain Com.*, 9 Blatch., 320; *In re Sacchi*, 10 Blatch., 29.

Scope of the jurisdiction of courts of bankruptcy.

2 March, 1867, c. 176, s. 1, v. 14, p. 517.

Markson vs. Heaney, 1 Dill., 497; *In re Wilbur*, 1 Ben., 527; *In re Bernstein*, 2 Ben., 44; *In re Schnepf*, 2 Ben., 72; *In re Olcott*, 2 Ben., 443; *In re Richardson*, 2 Ben., 517; *In re Schwab*, 3 Ben., 231; *In re Davidson*, 4 Ben., 10; *Johnson*

Authority of district courts and judges.

2 March, 1867, c. 176, s. 1, v. 14, p. 517.

Smith *vs.* Mason, 14 Wall., 419.

Sessions of the district courts.

2 March, 1867, c. 176, s. 1, v. 14, p. 517.

Power of district courts to compel obedience.

Ibid.

In re Hirsch, 2 Ben., 493.

Powers of circuit judge during absence, sickness, or disability of district judge.

30 June, 1870, c. 177, s. 2, v. 16, p. 174.

Powers of the supreme court for the District of Columbia.

2 March, 1867, c. 176, s. 49, v. 14, p. 541.

Powers of the supreme courts for the Territories.

Ibid.

30 June, 1870, c. 177, s. 1, v. 16, p. 173.

Jurisdiction of actions between assignees and persons claiming adverse interests.

2 March, 1867, c. 176, s. 2, v. 14, p. 518.

8 June, 1872, c. 340, v. 17, p. 334.

Smith *vs.* Mason, 14 Wall., 419; Marshall *vs.* Knox, 16 Wall., 551; *In re Masterson*, 4 Bank. Reg., 180; Barston *vs.* Peckham, 5 Bank. Reg., 72.

Appeals to circuit court.

2 March, 1867, c. 176, s. 8, v. 14, p. 520.

Morgan *vs.* Thornhill, 11 Wall., 65; Hall *vs.* Allen, 12 Wall., 452; Insurance

How taken.

2 March, 1867, c. 176, s. 8, v. 14, p. 520.

In re Coleman, 7 Blatch., 192; Rud-

SEC. 4973. The district courts shall be always open for the transaction of business in the exercise of their jurisdiction as courts of bankruptcy; and their powers and jurisdiction as such courts shall be exercised as well in vacation as in term time; and a judge sitting at chambers shall have the same powers and jurisdiction, including the power of keeping order and of punishing any contempt of his authority, as when sitting in court.

SEC. 4974. A district court may sit for the transaction of business in bankruptcy, at any place within the district, of which place and of the time of commencing session the court shall have given notice, as well as at the places designated by law for holding sessions of such court.

SEC. 4975. The district courts as courts of bankruptcy shall have full authority to compel obedience to all orders and decrees passed by them in bankruptcy, by process of contempt and other remedial process, to the same extent that the circuit courts now have in any suit pending therein in equity.

SEC. 4976. In case of a vacancy in the office of district judge in any district, or in case any district judge shall, from sickness, absence, or other disability, be unable to act, the circuit judge of the circuit in which such district is included may make, during such disability or vacancy, all necessary rules and orders preparatory to the final hearing of all causes in bankruptcy, and cause the same to be entered or issued, as the case may require, by the clerk of the district court.

SEC. 4977. The same jurisdiction, power, and authority which are hereby conferred upon the district courts in cases in bankruptcy are also conferred upon the supreme court of the District of Columbia, when the bankrupt resides in that District.

SEC. 4978. The same jurisdiction, power, and authority which are hereby conferred upon the district courts in cases in bankruptcy are also conferred upon the supreme courts of the several Territories when the bankrupt resides in either of the Territories. This jurisdiction may be exercised, upon petitions regularly filed in such courts, by either of the justices thereof while holding the district court in the district in which the petitioner or the alleged bankrupt resides.

SEC. 4979. The several circuit courts shall have within each district concurrent jurisdiction with the district court, whether the powers and jurisdiction of a circuit court have been conferred on such district court or not, of all suits at law or in equity brought by an assignee in bankruptcy against any person claiming an adverse interest, or by any such person against an assignee, touching any property or rights of the bankrupt transferable to or vested in such assignee.

SEC. 4980. Appeals may be taken from the district to the circuit courts in all cases in equity, and writs of error from the circuit courts to the district courts may be allowed in cases at law, arising under or authorized by this Title, when the debt or damages claimed amount to more than five hundred dollars; and any supposed creditor, whose claim is wholly or in part rejected, or an assignee who is dissatisfied with the allowance of a claim, may appeal from the decision of the district court to the circuit court for the same district.

SEC. 4981. No appeal shall be allowed in any case from the district to the circuit court unless it is claimed, and notice given thereof to the clerk of the district court, to be entered with the record of the proceedings, and also to the assignee or creditor, as the case may be, or to the defeated party in equity, within ten days after the entry of the decree or decision appealed from; nor unless the appellant at the time of claim-

ing the same shall give bond in the manner required in cases of appeals in suits in equity; nor shall any writ of error be allowed unless the party claiming it shall comply with the provisions of law regulating the granting of such writs.

Bank. Reg., 178; *Baldwin vs. Rapplee*, 5 Bank. Reg., 19.

SEC. 4982. Such appeal shall be entered at the term of the circuit court which shall be held within the district next after the expiration of ten days from the time of claiming the same.

Baldwin vs. Rapplee, 5 Bank. Reg., 19.

SEC. 4983. If the appellant, in writing, waives his appeal before any decision thereon, proceedings may be had in the district court as if no appeal had been taken.

How entered.

2 March, 1867, c. 176, s. 8, v. 14, p. 520.

Waiver of appeal.

2 March, 1867, c. 176, s. 8, v. 14, p. 520.

Appeal from decision rejecting claim.

Ibid., s. 24, p. 528.

SEC. 4984. A supposed creditor who takes an appeal to the circuit court from the decision of the district court, rejecting his claim in whole or in part, shall, upon entering his appeal in the circuit court, file in the clerk's office thereof a statement in writing of his claim, setting forth the same, substantially, as in a declaration for the same cause of action at law, and the assignee shall plead or answer thereto in like manner, and like proceeding shall thereupon be had in the pleadings, trial, and determination of the cause, as in actions at law commenced and prosecuted, in the usual manner, in the courts of the United States, except that no execution shall be awarded against the assignee for the amount of a debt found due to the creditor.

SEC. 4985. The final judgment of the circuit court, rendered upon any appeal provided for in the preceding section, shall be conclusive, and the list of debts shall, if necessary, be altered to conform thereto. The party prevailing in the suit shall be entitled to costs against the adverse party, to be taxed and recovered as in suits at law; if recovered against the assignee, they shall be allowed out of the estate.

Costs.

2 March, 1867, c. 176, s. 24, v. 14, p. 528.

SEC. 4986. The circuit court for each district shall have a general superintendence and jurisdiction of all cases and questions arising in the district court for such district when sitting as a court of bankruptcy, whether the powers and jurisdiction of a circuit court have been conferred on such district court or not; and except when special provision is otherwise made, may, upon bill, petition, or other proper process, of any party aggrieved, hear and determine the case as in a court of equity; and the powers and jurisdiction hereby granted may be exercised either by the court in term time, or, in vacation, by the circuit justice or by the circuit judge of the circuit.

Power of general superintendence conferred on circuit court.

Ibid., s. 2, p. 518.

8 June, 1872, c. 340, v. 17, p. 334.

Morgan vs. Thornhill, 11 Wall., 65; *Hall vs. Allen*, 12 Wall., 452; *Mead vs. Thompson*, 15

Wall., 635; *In re Binninger*, 7 Blatch., 159; *In re Binninger*, 7 Blatch., 165; *In re Hall*, 1 Dill., 586; *Ruddick vs. Billings*, 1 Wool., 330; *Littlefield vs. Canal Co.*, 4 Bank. Reg., 77; *In re Place et al.*, 4 Bank. Reg., 178.

SEC. 4987. The several supreme courts of the Territories shall have the same general superintendence and jurisdiction over the acts and decisions of the justices thereof in cases of bankruptcy as is conferred on the circuit courts over proceedings in the district courts.

Superintendence by supreme courts of Territories.

30 June, 1870, c. 177, s. 1, v. 16, p. 173.

SEC. 4988. In districts which are not within any organized circuit of the United States, the power and jurisdiction of a circuit court in bankruptcy may be exercised by the district judge.

Power of district judge in a district not within any organized circuit.

2 March, 1867, c. 176, s. 49, v. 14, p. 541.

SEC. 4989. No appeal or writ of error shall be allowed in any case arising under this Title from the circuit courts to the Supreme Court, unless the matter in dispute in such case exceeds two thousand dollars.

Appeal and writ of error to Supreme Court.

Ibid., s. 9, p. 520.

Morgan vs. Thornhill, 11 Wall., 65; *Hall vs. Allen*, 12 Wall., 452; *Smith vs. Mason*, 14 Wall., 419; *Insurance Com. vs. Comstock*, 16 Wall., 258; *Thornhill vs. Bank of Louisiana*, 5 Bank. Reg., 377.

Supreme Court may prescribe rules.

2 March, 1867, c. 176, s. 10, v. 14, p. 521.

In re Robinson, 2 Ben., 145.

SEC. 4990. The general orders in bankruptcy heretofore adopted by the justices of the Supreme Court, as now existing, may be followed in proceedings under this Title; and the justices may, from time to time, subject to the provisions of this Title, rescind or vary any of those general orders, and may frame, rescind, or vary other general orders, for the following purposes:

First. For regulating the practice and procedure of the district courts in bankruptcy, and the forms of petitions, orders, and other proceedings to be used in such courts in all matters under this Title.

Second. For regulating the duties of the various officers of such courts.

Third. For regulating the fees payable and the charges and costs to be allowed, except such as are established by this Title or by law, with respect to all proceedings in bankruptcy before such courts, not exceeding the rate of fees now allowed by law for similar services in other proceedings.

Fourth. For regulating the practice and procedure upon appeals.

Fifth. For regulating the filing, custody, and inspection of records.

Sixth. And generally for carrying the provisions of this Title into effect.

All such general orders shall from time to time be reported to Congress, with such suggestions as the justices may think proper.

What constitutes commencement of proceedings.

2 March, 1867, c. 176, s. 38, v. 14, p. 535.

SEC. 4991. The filing of the petition for an adjudication in bankruptcy, either by a debtor in his own behalf, or by any creditor against a debtor, shall be deemed to be the commencement of proceedings in bankruptcy.

In re Patterson, 1 Ben., 508.

Records of bankruptcy proceedings.

2 March, 1867, c. 176, s. 38, v. 14, p. 535.

SEC. 4992. The proceedings in all cases of bankruptcy shall be deemed matters of record, but the same shall not be required to be recorded at large, but shall be carefully filed, kept, and numbered in the office of the clerk of the court, and a docket only, or short memorandum thereof, kept in books to be provided for that purpose, which shall be open to public inspection. Copies of such records, duly certified under the seal of the court, shall in all cases be presumptive evidence of the facts therein stated.

Registers in bankruptcy.

2 March, 1867, c. 176, s. 3, v. 14, p. 518.

SEC. 4993. Each district judge shall appoint, upon the nomination and recommendation of the Chief Justice of the Supreme Court, one or more registers in bankruptcy, when any vacancy occurs in such office, to assist him in the performance of his duties, under this Title, unless he shall deem the continuance of the particular office unnecessary.

Who are eligible.

Ibid.

SEC. 4994. No person shall be eligible for appointment as register in bankruptcy, unless he is a counselor of the district court for the district in which he is appointed, or of some one of the courts of record of the State in which he resides.

Qualification.

2 March, 1867, c. 176, s. 3, v. 14, p. 518.

SEC. 4995. Before entering upon the duties of his office, every person appointed a register in bankruptcy shall give a bond to the United States, for the faithful discharge of the duties of his office, in a sum not less than one thousand dollars, to be fixed by the district judge, with sureties satisfactory to such judge; and he shall, in open court, take and subscribe the oath prescribed in section seventeen hundred and fifty-six, Title, "PROVISIONS APPLICABLE TO SEVERAL CLASSES OF OFFICERS," and also an oath that he will not, during his continuance in office, be, directly or indirectly, interested in or benefited by the fees or emoluments arising from any suit or matter pending in bankruptcy, in either the district or circuit court in his district.

Restrictions upon registers.

Ibid., s. 4, p. 519.

SEC. 4996. No register shall be of counsel or attorney, either in or out of court, in any suit or matter pending in bankruptcy in either the circuit or district court of his district, nor in an appeal therefrom; nor shall he be executor, administrator, guardian, commissioner, appraiser, divider, or assignee of or upon any estate within the jurisdiction of either of those courts as courts of bankruptcy, nor shall he be interested in the fees or emoluments arising from any such trusts.

SEC. 4997. Registers are subject to removal from office by the judge of the district court.

Removal of registers.

SEC. 4998. Every register in bankruptcy has power :

Ibid., s. 5.

First. To make adjudication of bankruptcy in cases unopposed.

Powers of registers.

Second. To receive the surrender of any bankrupt.

Ibid., s. 4.

Third. To administer oaths in all proceedings before him.

Fourth. To hold and preside at meetings of creditors.

Fifth. To take proof of debts.

In re Hasbrouck, 1 Ben., 402; *In re Orne*, 1 Ben., 420; *In re Adams*, 3 Ben., 7; *In re Hyman*, 3 Ben., 28; *In re Speyer*, 6 Bank. Reg., 255.

Sixth. To make all computations of dividends, and all orders of distribution.

Seventh. To furnish the assignee with a certified copy of such orders, and of the schedules of creditors and assets filed in each case.

Eighth. To audit and pass accounts of assignees.

Ninth. To grant protection.

Tenth. To pass the last examination of any bankrupt in cases whenever the assignee or a creditor do not oppose.

Eleventh. To sit in chambers and dispatch there such part of the administrative business of the court and such uncontested matters as shall be defined in general rules and orders, or as the district judge shall in any particular matter direct.

SEC. 4999. No register shall have power to commit for contempt, or to make adjudication of bankruptcy when opposed; or to decide upon the allowance or suspension of an order of discharge.

Limitations upon powers of registers.

2 March, 1867, c. 176, s. 4, v. 14, p. 519.

SEC. 5000. Every register shall make short memoranda of his proceedings in each case in which he acts, in a docket to be kept by him for that purpose, and shall forthwith, as the proceedings are taken, forward to the clerk of the district court a certified copy of these memoranda, which shall be entered by the clerk in the proper minute-book to be kept in his office.

Registers to keep memoranda of proceedings.

Ibid.

SEC. 5001. The judge of the district court may direct a register to attend at any place within the district for the purpose of hearing such voluntary applications under this Title as may not be opposed, of attending any meeting of creditors, or receiving any proof of debts, and, generally, for the prosecution of any proceedings under this Title.

Registers to attend at place directed by judge.

Ibid., s. 5.

SEC. 5002. Every register, so acting, shall have and exercise all powers, except the power of commitment, vested in the district court for the summoning and examination of persons or witnesses, and for requiring the production of books, papers, and documents.

Power to summon witnesses.

Ibid.

SEC. 5003. Evidence or examination in any of the proceedings under this Title may be taken before the court, or a register in bankruptcy, viva voce or in writing, before a commissioner of the circuit court, or by affidavit, or on commission, and the court may direct a reference to a register in bankruptcy, or other suitable person, to take and certify such examination, and may compel the attendance of witnesses, the production of books and papers, and the giving of testimony in the same manner as in suits in equity in the circuit court.

Mode of Taking evidence.

Ibid., s. 38, p. 535.

Lawrence vs. Graves, 5 Bank. Reg., 279.

SEC. 5004. All depositions of persons and witnesses taken before a register, and all acts done by him, shall be reduced to writing, and be signed by him, and shall be filed in the clerk's office as part of the proceedings. He shall have power to administer oaths in all cases and in relation to all matters in which oaths may be administered by commissioners of circuit courts.

Depositions and acts to be reduced to writing.

Ibid., s. 5, p. 519.

SEC. 5005. Parties and witnesses summoned before a register shall be bound to attend in pursuance of such summons at the place and time designated therein, and shall be entitled to protection, and be liable to process of contempt in like manner as parties and witnesses are now liable thereto in case of default in attendance under any writ of subpoena.

Witnesses must attend.

2 March, 1867, c. 176, s. 7, v. 14, p. 520.

In re Fredenburg,

2 Ben., 133; *In re Woolford* 4 Ben., 9; *Tenny et al. vs. Collins*, 4 Bank. Reg., 150.

Contempt before
register.

Ibid.

Registers may act
for each other.

Ibid., s. 4, p. 519.

Payment of fees
of registers.

Ibid.

In re MacIntire, 1

Contested issues
to be decided by
judge.

2 March, 1867, c.
176, s. 4, v. 14, p. 519.

In re Patterson, 1

Certificates of
matters to be de-
cided by judge.

2 March, 1867, c.
176, s. 6, v. 14, p. 520

In re Pulver, 1
Ben., 381; *In re*
Levy, 1 Ben., 496;
In re Haskell, 4 Bank. Reg., 181.

Appeal from
judge's decision
upon questions
submitted.

2 March, 1867, c.
176, s. 6, v. 14, p. 520.

Penalties against
officers.

2 March, 1867, c.
176, s. 45, v. 14, p. 539.

Meaning of terms
and computation
of time.

2 March, 1867, c.
176, s. 48, v. 14, p. 540.

SEC. 5006. Whenever any person examined before a register refuses or declines to answer, or to swear to or sign his examination when taken, the register shall refer the matter to the judge, who shall have power to order the person so acting to pay the costs thereby occasioned, and to punish him for contempt, if such person be compellable by law to answer such question or to sign such examination.

SEC. 5007. Any register may act in the place of any other register appointed by and for the same district court.

SEC. 5008. The fees of registers, as established by law or by rules and orders framed pursuant to law, shall be paid to them by the parties for whom the services may be rendered.

In re MacIntire, 1 Ben., 277.

SEC. 5009. In all matters where an issue of fact or of law is raised and contested by any party to the proceedings before any register, he shall cause the question or issue to be stated by the opposing parties in writing, and he shall adjourn the same into court for decision by the judge.

In re Patterson, 1 Ben., 448; *In re Levy*, 1 Ben., 496; *In re Watts*, 3 Ben., 166.

SEC. 5010. Any party shall, during the proceedings before a register, be at liberty to take the opinion of the district judge upon any point or matter arising in the course of such proceedings, or upon the result of such proceedings, which shall be stated by the register in the shape of a short certificate to the judge, who shall sign the same if he approve thereof; and such certificate, so signed, shall be binding on all the parties to the proceeding; but every such certificate may be discharged or varied by the judge at chambers or in open court.

SEC. 5011. In any proceedings within the jurisdiction of the court, under this Title, the parties concerned, or submitting to such jurisdiction, may at any stage of the proceedings, by consent, state any questions in a special case for the opinion of the court, and the judgment of the court shall be final unless it is agreed and stated in the special case that either party may appeal, if, in such case, an appeal is allowed by this Title. The parties may also, if they think fit, agree, that upon the questions raised by such special case being finally decided, a sum of money, fixed by the parties, or to be ascertained by the court, or in such manner as the court may direct, or any property, or the amount of any disputed debt or claim, shall be paid, delivered, or transferred by one of such parties to the other of them, either with or without costs.

SEC. 5012. If any judge, register, clerk, marshal, messenger, assignee, or any other officer of the several courts of bankruptcy shall, for anything done or pretended to be done under this Title, or under color of doing anything thereunder, willfully demand or take, or appoint or allow any person whatever to take for him or on his account, or for or on account of any other person, or in trust for him or for any other person, any fee, emolument, gratuity, sum of money, or anything of value whatever, other than is allowed by law, such person shall forfeit and pay a sum not less than three hundred dollars and not more than five hundred dollars, and be imprisoned not exceeding three years.

SEC. 5013. In this Title the word "assignee," and the word "creditor," shall include the plural also; and the word "messenger" shall include his assistant or assistants, except in the provision for the fees of that officer. The word "marshal" shall include the marshal's deputies; the word "person" shall also include "corporation;" and the word "oath" shall include "affirmation." And in all cases in which any particular number of days is prescribed by this Title, or shall be mentioned in any rule or order of court or general order which shall at any time be made under this Title, for the doing of any act, or for any other purpose, the same shall be reckoned, in the absence of any expression to the contrary, exclusive of the first and inclusive of the last day,

unless the last day shall fall on a Sunday, Christmas day, or on any day appointed by the President of the United States as a day of public fast or thanksgiving, or on the Fourth of July, in which case the time shall be reckoned exclusive of that day also.

CHAPTER TWO.

VOLUNTARY BANKRUPTCY.

Sec.

5014. Petition and schedule.

5015. Schedule of debts.

5016. Inventory of property.

5017. Oath to petition and schedule.

Sec.

5018. Oath of allegiance.

5019. Warrant to marshal.

5020. Amendment of schedule.

SEC. 5014. If any person residing within the jurisdiction of the United States, and owing debts provable in bankruptcy exceeding the amount of three hundred dollars, shall apply by petition addressed to the judge of the judicial district in which such debtor has resided or carried on business for the six months next preceding the time of filing such petition, or for the longest period during such six months, setting forth his place of residence, his inability to pay all his debts in full, his willingness to surrender all his estate and effects for the benefit of his creditors, and his desire to obtain a discharge from his debts, and shall annex to his petition a schedule and inventory, in compliance with the next two sections, the filing of such petition shall be an act of bankruptcy, and such petitioner shall be adjudged a bankrupt.

SEC. 5015. The said schedule must contain a full and true statement of all his debts, exhibiting, as far as possible, to whom each debt is due, the place of residence of each creditor, if known to the debtor, and if not known the fact that it is not known; also the sum due to each creditor; the nature of each debt or demand, whether founded on written security, obligation, or contract, or otherwise; the true cause and consideration of the indebtedness in each case, and the place where such indebtedness accrued; and also a statement of any existing mortgage, pledge, lien, judgment, or collateral or other security given for the payment of the same.

SEC. 5016. The said inventory must contain an accurate statement of all the petitioner's estate, both real and personal, assignable under this Title, describing the same and stating where it is situated, and whether there are any, and, if so, what incumbrances thereon.

In re Hill, 1 Ben., 321; *In re Sallee*, 2 Bank. Reg., 78.

SEC. 5017. The schedule and inventory must be verified by the oath of the petitioner, which may be taken either before the district judge, or before a register, or before a commissioner of the circuit court.

SEC. 5018. Every citizen of the United States petitioning to be declared bankrupt shall, on filing his petition, and before any proceedings thereon, take and subscribe an oath of allegiance and fidelity to the United States, which oath may be taken before either of the officers mentioned in the preceding section, and shall be filed and recorded with the proceedings in bankruptcy.

SEC. 5019. Upon the filing of such petition, schedule, and inventory, the judge or register shall forthwith, if he is satisfied that the debts due from the petitioner exceed three hundred dollars, issue a warrant, to be signed by such judge or register, directed to the marshal for the district, authorizing him forthwith, as messenger, to publish notices in such newspapers as the warrant specifies; to serve written or printed notice, by mail or personally, on all creditors upon the schedule filed with the debtor's petition, or whose names may be given to him in addition by

Petition and schedule.

2 March, 1867, c. 176, s. 11, v. 14, p. 521.

In re Magie, 2 Ben., 369; *In re Wyelarski*, 4 Bank. Reg., 130; *In re Fogerty and Gerity*, 4 Bank. Reg., 148.

Schedule of debts.

2 March, 1867, c. 176, s. 11, v. 14, p. 521.

In re Hill, 1 Ben., 321; *In re Pulver*, 1 Ben., 381; *In re Orne*, 1 Ben., 420.

Inventory of property.

2 March, 1867, c. 176, s. 11, v. 14, p. 521.

Oath to petition and schedule.

2 March, 1867, c. 176, s. 11, v. 14, p. 521.

Oath of allegiance.

Ibid.

Warrant to marshal.

Ibid.

the debtor; and to give such personal or other notice to any persons concerned as the warrant specifies.

Amendment of
schedule.

2 March, 1867, c.
176, s.26, v.4, p.529.

In re Morford, 1 Ben., 264; *In re Orne*, 1 Ben., 420; *In re Watts*, 3 Ben., 166; *In re Ratcliffe*, 1 Bank. Reg., 98.

SEC. 5020. Every bankrupt shall be at liberty, from to time, upon oath, to amend and correct his schedule of creditors and property, so that the same shall conform to the facts.

CHAPTER THREE.

INVOLUNTARY BANKRUPTCY.

Sec.

5021. Acts of bankruptcy.
5022. Prior acts of bankruptcy.
5023. Who may file petition.
5024. Proceedings after filing petition.
5025. Service of order to show cause.
5026. Proceedings on return day.

Sec.

5027. Costs at trial.
5028. Warrant.
5029. Distribution of property of debtor.
5030. Schedule and inventory.
5031. Proceedings when debtor is absent.

Acts of bank-
ruptcy.

2 March, 1867, c.
176, s.39, v.14, p.536.

In re Marvin, 1 Dill., 178; *Wright vs. Filley*, 1 Dill., 171; *In re Shick*, 2 Ben., 5; *In re Black and Secor*, 2 Ben., 196; *In re Dunham and Orr*, 2 Ben., 488; *In re Dibblee et al.*, 3 Ben., 283; *In re Patent Bolt Co.*, 3 Ben., 369; *In re Wynne*, 4 Bank. Reg., 5; *In re Leighton*, 5 Bank. Reg., 95; *In re Massachusetts Brick Co.*, 5 Bank. Reg., 408; *In re Merchants' Insurance Co.*, 6 Bank. Reg., 43; *In re Independent Insurance Co.*, 6 Bank. Reg., 169.

SEC. 5021. Any person residing within the jurisdiction of the United States and owing debts provable in bankruptcy exceeding the amount of three hundred dollars:

First. Who departs from the State, district, or Territory of which he is an inhabitant with intent to defraud his creditors, or, being absent, remains absent with such intent; or,

Second. Who conceals himself to avoid the service of legal process in any action for the recovery of a debt or demand provable in bankruptcy; or,

Third. Who conceals or removes any of his property to avoid its being attached, taken, or sequestered on legal process; or,

Fourth. Who makes any assignment, gift, sale, conveyance, or transfer of his estate, property, rights, or credits, either within the United States or elsewhere, with intent to delay, defraud, or hinder his creditors; or,

Fifth. Who has been arrested and held in custody under or by virtue of mesne process or execution, issued out of any court of any State, district, or Territory within which such debtor resides or has property, founded upon a demand in its nature provable against a bankrupt's estate, and for a sum exceeding one hundred dollars, if such process is remaining in force and not discharged by payment, or in some other manner provided by the law of such State, district, or Territory applicable thereto, for a period of seven days; or,

Sixth. Who has been actually imprisoned for more than seven days in a civil action founded on contract, for the sum of one hundred dollars or upward; or,

Seventh. Who, being bankrupt or insolvent, or in contemplation of bankruptcy or insolvency, makes any payment, gift, grant, sale, conveyance, or transfer of money or other property, estate, rights, or credits, or gives any warrant to confess judgment; or procures or suffers his property to be taken on legal process, with intent to give a preference to one or more of his creditors, or to any person or persons who are or may be liable for him as indorsers, bail, sureties, or otherwise, or with the intent, by such disposition of his property, to defeat or delay the operation of this act; or,

Eighth. Who, being a banker, broker, merchant, trader, manufacturer, or miner, has fraudulently stopped payment, or who has stopped or suspended and not resumed payment of his commercial paper, within a period of fourteen days, shall be deemed to have committed an act of bankruptcy, and to have become liable to be adjudged a bankrupt. And if such person shall be adjudged a bankrupt, the assignee may re-

cover back the money or other property so paid, conveyed, sold, assigned, or transferred contrary to this Title, provided the person receiving such payment or conveyance had reasonable cause to believe that a fraud on this Title was intended, and that the debtor was insolvent, and such creditor shall not be allowed to prove his debt in bankruptcy.

SEC. 5022. Any act of bankruptcy committed since the second day of March, eighteen hundred and sixty-seven, may be the foundation of an adjudication of involuntary bankruptcy, upon a petition filed within the time prescribed by law, equally with one committed hereafter.

SEC. 5023. An adjudication of bankruptcy may be made on the petition of one or more creditors, the aggregate of whose provable debts amounts to at least two hundred and fifty dollars, provided such petition is brought within six months after the act of bankruptcy shall have been committed.

4 Bank. Reg., 12; *In re Skelley*, 5 Bank. Reg., 214; *In re Hunt*, 5 Bank. Reg., 433; *In re Stansell*, 6 Bank. Reg., 183.

SEC. 5024. Upon the filing of the petition authorized by the preceding section, if it appears that sufficient grounds exist therefor, the court shall direct the entry of an order requiring the debtor to appear and show cause, at a court of bankruptcy to be holden at a time to be specified in the order, not less than five days from the service thereof, why the prayer of the petition should not be granted. The court may also, by injunction, restrain the debtor, and any other person, in the mean time, from making any transfer or disposition of any part of the debtor's property not excepted by this Title from the operation thereof and from any interference therewith; and if it shall appear that there is probable cause for believing that the debtor is about to leave the district, or to remove or conceal his goods and chattels or his evidence of property, or to make any fraudulent conveyance or disposition thereof, the court may issue a warrant to the marshal of the district, commanding him to arrest and safely keep the alleged debtor, unless he shall give bail to the satisfaction of the court for his appearance from time to time, as required by the court, until its decision upon the petition, or until its further order, and forthwith to take possession provisionally of all the property and effects of the debtor, and safely keep the same until the further order of the court.

SEC. 5025. A copy of the petition and order to show cause shall be served on the debtor by delivering the same to him personally, or leaving the same at his last or usual place of abode; or, if the debtor cannot be found, and his place of residence cannot be ascertained, service shall be made by publication in such manner as the judge may direct. No further proceedings, unless the debtor appears and consents thereto, shall be had until proof has been given, to the satisfaction of the court, of such service or publication; and if such proof is not given on the return day of such order, the proceedings shall be adjourned and an order made that the notice be forthwith so served or published.

SEC. 5026. On such return day or adjourned day, if the notice has been duly served or published, or is waived by the appearance and consent of the debtor, the court shall proceed summarily to hear the allegations of the petitioner and debtor, and may adjourn the proceedings from time to time, on good cause shown, and shall, if the debtor on the same day so demands, in writing, order a trial by jury at the first term of the court at which a jury shall be in attendance, to ascertain the fact of the alleged bankruptcy. If the petitioning creditor does not appear and proceed on the return day, or adjourned day, the court may upon the petition of any other creditor, to the required amount, proceed to adjudicate on such petition, without requiring a new service or publication of notice to the debtor.

62 R S

Prior acts of bankruptcy.

Who may file petition.

2 March, 1867, c. 176, s. 39, v. 14, p. 536.

In re Linn et al., 5 Bank. Reg., 433; *In*

Proceedings after filing the petition.

2 March, 1867, c. 176, s. 40, v. 14, p. 536.

In re Metzler et al., 1 Ben., 356; *In re Cone et al.*, 2 Ben., 502; *National Bank vs. Iron Co.*, 5 Bank. Reg., 491.

Service of order to show cause.

2 March, 1867, c. 176, s. 40, v. 14, p. 536.

In re Washington, &c., 1 Ben., 356; *In re Cone et al.*, 2 Ben., 502; *Alabama, &c., R. R. Co. vs. Jones*, 5 Bank. Reg., 97.

Proceedings on return day.

2 March, 1867, c. 176, ss. 41, 42, v. 14, p. 537.

Insurance Com. *vs. Comstock*, 16 Wall., 258; *In re Pupke*, 1 Ben., 342; *In re Weyhausen et al.*, 1 Ben., 397; *In re Hoppock*, 2 Ben., 478; *In re Ulrich et al.*, 3 Ben., 355.

Costs at trial.
2 March, 1867, c.
176, s. 41, v. 14, p.
537.

Warrant.
2 March, 1867, c.
176, s. 42, v. 14, p.
537.

Distribution of
property of debtor.
2 March, 1867, c.
176, s. 42, v. 14, p.
537.

Schedule and in-
ventory.
Ibid.

Proceedings when
debtor is absent.
Ibid.

SEC. 5027. If upon such hearing or trial the debtor proves to the satisfaction of the court or of the jury, as the case may be, that the facts set forth in the petition are not true, or that the debtor has paid and satisfied all liens upon his property, in case the existence of such liens was the sole ground of the proceeding, the proceedings shall be dismissed and the respondent shall recover costs.

SEC. 5028. If upon the hearing or trial the facts set forth in the petition are found to be true, or if upon default made by the debtor to appear pursuant to the order, due proof of service thereof is made, the court shall adjudge the debtor to be a bankrupt, and shall forthwith issue a warrant to take possession of his estate.

SEC. 5029. The warrant shall be directed, and the property of the debtor shall be taken thereon, and shall be assigned and distributed in the same manner and with similar proceedings to those hereinbefore provided for the taking possession, assignment, and distribution of the property of the debtor upon his own petition.

SEC. 5030. The order of adjudication of bankruptcy shall require the bankrupt forthwith, or within such number of days not exceeding five after the date of the order or notice thereof, as shall by the order be prescribed, to make and deliver, or transmit by mail, post-paid, to the messenger, a schedule of the creditors and an inventory of his estate in the form and verified in the manner required of a petitioning debtor.

SEC. 5031. If the debtor has failed to appear in person, or by attorney, a certified copy of the adjudication shall be forthwith served on him by delivery or publication in the manner provided for the service of the order to show cause; and if the bankrupt is absent or cannot be found, such schedule and inventory shall be prepared by the messenger and the assignee from the best information they can obtain.

CHAPTER FOUR.

PROCEEDINGS TO REALIZE THE ESTATE FOR CREDITORS.

| Sec. | Sec. |
|---|--|
| 5032. Contents of notice to creditors. | 5059. Assignee to keep money and goods separate. |
| 5033. Marshal's return. | 5060. Temporary investment of money. |
| 5034. Choice of assignee. | 5061. Arbitration. |
| 5035. Who are disqualified. | 5062. Assignee to sell property. |
| 5036. Bond of assignee. | 5063. Sale of disputed property. |
| 5037. Assignee liable for contempt. | 5064. Sale of uncollectible assets. |
| 5038. Resignation of the trust. | 5065. Sale of perishable property. |
| 5039. Removal of assignee. | 5066. Discharge of liens. |
| 5040. Effect of resignation or removal. | 5067. Provable debts. |
| 5041. Filling vacancies. | 5068. Contingent debts. |
| 5042. Vesting estate in remaining assignee. | 5069. Liability of bankrupt as surety. |
| 5043. Former assignee to execute instruments. | 5070. Sureties for bankrupt. |
| 5044. Assignment. | 5071. Debts falling due at stated periods. |
| 5045. Exemptions. | 5072. No other debts provable. |
| 5046. What property vests in assignee. | 5073. Set-offs. |
| 5047. Right of action of assignee. | 5074. Distinct liabilities. |
| 5048. No abatement by death or removal. | 5075. Secured debts. |
| 5049. Copy of assignment conclusive evidence of title. | 5076. Proof of debt. |
| 5050. Bankrupt's books of account. | 5077. Creditor's oath. |
| 5051. Debtor must execute instruments. | 5078. Oath, by whom made. |
| 5052. Chattel-mortgages. | 5079. Oath, before whom taken; proof sent to register. |
| 5053. Trust property. | 5080. Proof to be sent to assignee. |
| 5054. Notice of appointment of assignee and record of assignment. | 5081. Examination by court into proof of claims. |
| 5055. Assignee to demand and receive all assigned estate. | 5082. Withdrawal of papers. |
| 5056. Notice prior to suit against assignee. | 5083. Postponement of proof. |
| 5057. Time of commencing suits. | 5084. Surrender of preferences. |
| 5058. Assignee's accounts of money received. | 5085. Allowance and list of debts. |
| | 5086. Examination of bankrupt. |
| | 5087. Examination of witness. |
| | 5088. Examination of bankrupt's wife. |

| Sec. | Sec. |
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| 5089. Examination of imprisoned or disabled bankrupt. | 5097. Dividend not to be disturbed. |
| 5090. No abatement upon death of debtor. | 5098. Omission of assignee to call meetings. |
| 5091. Distribution of bankrupt's estate. | 5099. Compensation of assignee. |
| 5092. Second meeting of creditors. | 5100. Commissions. |
| 5093. Third meeting of creditors. | 5101. Debts entitled to priority. |
| 5094. Notice of meetings. | 5102. Notice of dividend to each creditor. |
| 5095. Creditor may act by attorney. | 5103. Settlement of bankrupt estates by trustees. |
| 5096. Settlement of assignee's account. | |

SEC. 5032. The notice to creditors under warrant shall state:

First. That a warrant in bankruptcy has been issued against the estate of the debtor. Contents of notice to creditors.

Second. That the payment of any debts and the delivery of any property belonging to such debtor to him or for his use, and the transfer of any property by him, are forbidden by law. 2 March, 1867, c. 176, s. 11, v. 14, p. 521.

Third. That a meeting of the creditors of the debtor, giving the names, residences, and amounts, so far as known, to prove their debts and choose one or more assignees of his estate, will be held at a court of bankruptcy, to be holden at a time and place designated in the warrant, not less than ten nor more than ninety days after the issuing of the same. In re Hill, 1 Ben., 321; In re Heys, 1 Ben., 333; In re Pulver, 1 Ben., 381.

SEC. 5033. At the meeting held in pursuance of the notice, one of the registers of the court shall preside, and the messenger shall make return of the warrant and of his doings thereon; and if it appears that the notice to the creditors has not been given as required in the warrant, the meeting shall forthwith be adjourned, and a new notice given as required. Marshal's return.
2 March, 1867, c. 176, s. 12, v. 14, p. 522.

In re Hill, 1 Ben., 321; In re Devlin, 1 Ben., 335; In re Pulver, 1 Ben., 381.

SEC. 5034. The creditors shall, at the first meeting held after due notice from the messenger in presence of a register designated by the court, choose one or more assignees of the estate of the debtor; the choice to be made by the greater part in value and in number of the creditors who have proved their debts. If no choice is made by the creditors at the meeting, the judge, or if there be no opposing interest, the register, shall appoint one or more assignees. If an assignee, so chosen or appointed, fails within five days to express in writing his acceptance of the trust, the judge or register may fill the vacancy. All elections or appointments of assignees shall be subject to the approval of the judge; and when in his judgment it is for any cause needful or expedient, he may appoint additional assignees, or order a new election. Choice of assignee.
2 March, 1867, c. 176, s. 13, v. 14, p. 522.

In re Hill, 1 Ben., 321; In re Devlin, 1 Ben., 335, (338); In re Bliss, 1 Ben., 407; In re Smith, 2 Ben., 113; In re A. B., 3 Ben., 66; In re Phelps, Caldwell & Co., 1 Bank. Reg., 139; In re Scheiffer & Garrett, 2 Bank. Reg., 179; In re Zinn, 4 Bank. Reg., 145; In re Boston, &c., R. R., 5 Bank. Reg., 233.

SEC. 5035. No person who has received any preference contrary to the provisions of this Title shall vote for or be eligible as assignee; but no title to property, real or personal, sold, transferred, or conveyed by an assignee, shall be affected or impaired by reason of his ineligibility. Who are disqualified.
2 March, 1867, c. 176, s. 18, v. 14, p. 525.

In re Powell, 2 Bank. Reg., 17; In re Barrett, 2 Bank. Reg., 165; In re Clairmont, 1 Bank. Reg., 42.

SEC. 5036. The district judge at any time may, and upon the request in writing of any creditor who has proved his claim shall, require the assignee to give good and sufficient bond to the United States, with a condition for the faithful performance and discharge of his duties; the bond shall be approved by the judge or register by his indorsement thereon, shall be filed with the record of the case, and inure to the benefit of all creditors proving their claims, and may be prosecuted in the name and for the benefit of any injured party. If the assignee fails to give the bond within such time as the judge or register orders, not exceeding ten days after notice to him of such order, the judge shall remove him and appoint another in his place. Bond of assignee.
2 March, 1867, c. 176, s. 13, v. 14, p. 522.

In re Fernberg, 2 Bank. Reg., 114.

Assignee liable for contempt.

2 March, 1867, c. 176, s. 18, v. 14, p. 525.

Resignation of the trust.

Ibid.

Removal of assignee.

Ibid.

In re Stokes, 1 Bank. Reg., 130; *In re Scheiffer & Garrett*, 2 Bank. Reg., 179; *In re Mallory*, 4 Bank. Reg., 38; *In re Price*, 4 Bank. Reg., 137; *In re Carson*, 5 Bank. Reg., 290; *In re Blodget & Sanford*, 5 Bank. Reg., 472.

Effect of resignation or removal.

2 March, 1867, c. 176, s. 18, v. 14, p. 525.

Filling vacancies.

Ibid.

Vesting estate in remaining assignee.

Ibid.

Former assignee to execute instruments.

Ibid.

Assignment.

Ibid., s. 14, p. 522.

Allen vs. Massey, 17 Wall., 351; *In re Voge*, 7 Blatch., 18; *Johnson vs. Bishop*, 1 Wool., 324; *In re Ellis*, 1 Bank. Reg., 154; *Bowman vs. Harding*, 4 Bank. Reg., 5.

Exemptions.

2 March, 1867, c. 176, s. 14, v. 14, p. 522.

8 June, 1872, c. 330, v. 17, p. 334.

3 March, 1873, c. 235, v. 17, p. 577.

In re Beckerford, 1 Dill., 45; *In re Van Buren Cobb*, 1 Bank. Reg., 106; *In*

SEC. 5037. Any assignee who refuses or unreasonably neglects to execute an instrument when lawfully required by the court, or disobeys a lawful order or decree of the court in the premises, may be punished as for a contempt of court.

SEC. 5038. An assignee may, with the consent of the judge, resign his trust and be discharged therefrom.

SEC. 5039. The court, after due notice and hearing, may remove an assignee for any cause which, in its judgment, renders such removal necessary or expedient. At a meeting called for the purpose by order of the court, in its discretion, or called upon the application of a majority of the creditors in number and value, the creditors may, with consent of the court, remove any assignee by such a vote as is provided for the choice of assignee.

SEC. 5040. The resignation or removal of an assignee shall in no way release him from performing all things requisite on his part for the proper closing up of his trust and the transmission thereof to his successors, nor shall it affect the liability of the principal or surety on the bond given by the assignee.

SEC. 5041. Vacancies caused by death or otherwise in the office of assignee may be filled by appointment of the court, or at its discretion by an election by the creditors, in the same manner as in the original choice of an assignee, at a regular meeting, or at a meeting called for the purpose, with such notice thereof in writing to all known creditors, and by such person as the court shall direct.

SEC. 5042. When, by death or otherwise, the number of assignees is reduced, the estate of the debtor not lawfully disposed of shall vest in the remaining assignee or assignees; and in the persons selected to fill vacancies, if any, with the same powers and duties relative thereto as if they were originally chosen.

SEC. 5043. Any former assignee, his executors or administrators, upon request, and at the expense of the estate, shall make and execute to the new assignee all deeds, conveyances, and assurances, and do all other lawful acts requisite to enable him to recover and receive all the estate. And the court may make all orders which it may deem expedient to secure the proper fulfillment of the duties of any former assignee, and the rights and interests of all persons interested in the estate.

SEC. 5044. As soon as an assignee is appointed and qualified, the judge, or, where there is no opposing interest, the register, shall, by an instrument under his hand, assign and convey to the assignee all the estate, real and personal, of the bankrupt, with all his deeds, books, and papers relating thereto, and such assignment shall relate back to the commencement of the proceedings in bankruptcy, and by operation of law shall vest the title to all such property and estate, both real and personal, in the assignee, although the same is then attached on mesne process as the property of the debtor, and shall dissolve any such attachment made within four months next preceding the commencement of the bankruptcy proceedings.

SEC. 5045. There shall be excepted from the operation of the conveyance the necessary household and kitchen furniture, and such other articles and necessities of the bankrupt as the assignee shall designate and set apart, having reference to the amount to the family, condition, and circumstances of the bankrupt, but altogether not to exceed in value, in any case, the sum of five hundred dollars; also the wearing apparel of the bankrupt, and that of his wife and children, and the uniform, arms, and equipments of any person who is or has been a soldier in the militia, or in the service of the United States; and such other property as now is, or hereafter shall be, exempted from attachment, or seizure, or levy on execution by the laws of the United States, and such

other property not included in the foregoing exceptions as is exempted from levy and sale upon execution or other process or order of any court by the laws of the State in which the bankrupt has his domicile at the time of the commencement of the proceedings in bankruptcy, to an amount allowed by the constitution and laws of each State, as existing in the year eighteen hundred and seventy-one; and such exemptions shall be valid against debts contracted before the adoption and passage of such State constitution and laws, as well as those contracted after the same, and against liens by judgment or decree of any State court, any decision of any such court rendered since the adoption and passage of such constitution and laws to the contrary notwithstanding. These exceptions shall operate as a limitation upon the conveyance of the property of the bankrupt to his assignee; and in no case shall the property hereby excepted pass to the assignee, or the title of the bankrupt thereto be impaired or affected by any of the provisions of this Title; and the determination of the assignee in the matter shall, on exception taken, be subject to the final decision of the said court.

SEC. 5046. All property conveyed by the bankrupt in fraud of his creditors; all rights in equity, choses in action, patent-rights, and copy-rights; all debts due him, or any person for his use, and all liens and securities therefor; and all his rights of action for property or estate, real or personal, and for any cause of action which he had against any person arising from contract or from the unlawful taking or detention, or injury to the property of the bankrupt; and all his rights of redeeming such property or estate; together with the like right, title, power, and authority to sell, manage, dispose of, sue for, and recover or defend the same, as the bankrupt might have had if no assignment had been made, shall, in virtue of the adjudication of bankruptcy and the appointment of his assignee, but subject to the exceptions stated in the preceding section, be at once vested in such assignee.

SEC. 5047. The assignee shall have the like remedy to recover all the estate, debts, and effects in his own name, as the debtor might have had if the decree in bankruptcy had not been rendered and no assignment had been made. If at the time of the commencement of the proceedings in bankruptcy, an action is pending in the name of the debtor for the recovery of a debt or other thing which might or ought to pass to the assignee by the assignment, the assignee shall, if he requires it, be admitted to prosecute the action in his own name, in like manner and with like effect as if it had been originally commenced by him. And if any suit at law or in equity, in which the bankrupt is a party in his own name, is pending at the time of the adjudication of bankruptcy, the assignee may defend the same in the same manner and with the like effect as it might have been defended by the bankrupt.

SEC. 5048. No suit pending in the name of the assignee shall be abated by his death or removal; but upon the motion of the surviving or remaining or new assignee, as the case may be, he shall be admitted to prosecute the suit in like manner and with like effect as if it had been originally commenced by him.

SEC. 5049. A copy duly certified by the clerk of the court, under the seal thereof, of the assignment, shall be conclusive evidence of the title of the assignee to take, hold, sue for, and recover the property of the bankrupt.

SEC. 5050. No person shall be entitled, as against the assignee, to withhold from him possession of any books of account of the bankrupt, or claim any lien thereon.

re Thornton, 2 Bank. Reg., 64; *In re Griffin*, 2 Bank. Reg., 85; *In re Lambert*, 2 Bank. Reg., 138; *In re Jefferson and Pearce*, 2 Bank. Reg., 158; *In re Gainey*, 2 Bank. Reg., 163; *In re McLean*, 2 Bank. Reg., 173; *In re Hester*, 5 Bank. Reg., 285; *In re Stevens*, 5 Bank. Reg., 298; *In re Welsh*, 5 Bank. Reg., 348; *In re Hunt*, 5 Bank. Reg., 493; *Bennett vs. Erben*, 2 Bank. Reg., 66.

What property vests in assignee.

2 March, 1867, c. 176, s. 14, v. 14, p. 522.

Allan vs. Massay, 17 Wall., 351; *Shackleford vs. Collier*, 6 Bush., (Ky.), 149; *Boone vs. Hall*, 7 Bush., (Ky.), 66; *Pratt vs. Curtis*, 6 Bank. Reg., 139; *Dwight et al. vs. Ames*, 2 Bank. Reg., 147.

Right of action of assignee.

2 March, 1867, c. 176, ss. 14, 16, v. 14, pp. 523, 524.

Herndon vs. Howard, 9 Wall., 664; *North Carolina vs. Trustees of University*, 5 Bank. Reg., 466; *Neal vs. Beckwith et al.*, 2 Bank. Reg., 82.

No abatement by death or removal.

2 March, 1867, c. 176, s. 16, v. 14, p. 524.

Copy of assignment conclusive evidence of title.

Ibid., s. 14, p. 522.

Herndon vs. Howard, 9 Wall., 664.

Bankrupt's books of account.

2 March, 1867, c. 176, s. 14, v. 14, p. 522.

Rogers vs. Winsor, 6 Bank. Reg., 246.

Debtor must execute instruments.

2 March, 1867, c. 176, s. 14, v. 14, p. 522.

Chattel mortgages.

Ibid.

In re Soldiers' Business and Dispatch Co., 3 Ben., 204; *Potter et al. vs. Coggeshall*, 4 Bank. Reg., 19; *In re Eldridge*, 4 Bank. Reg., 162; *In re Daw*, 6 Bank. Reg., 10.

Trust property.

2 March, 1867, c. 176, s. 14, v. 14, p. 522.

In re Jaueway, 4 Bank. Reg., 26; *White vs. Jones*, 6 Bank. Reg., 175.

Notice of appointment of assignee and record of assignment.

2 March, 1867, c. 176, s. 14, v. 14, p. 522.

In re Bellamy, 1 Ben., 390; *Davis vs. Anderson*, 6 Bank. Reg., 145.

Assignee to demand and receive all assigned estate.

2 March, 1867, c. 176, s. 15, v. 14, p. 524.

Notice prior to suit against assignee.

Ibid., s. 14, p. 522.

Time of commencing suits.

Ibid., s. 2, p. 518.

Sedgwick vs. Casey, 4 Bank. Reg., 161; *In re Master-son*, 4 Bank. Reg., 180; *In re Krogman*, 5 Bank. Reg., 116; *Peiper vs. Harmer*, 5 Bank. Reg., 252; *Davis vs. Anderson*, 6 Bank. Reg., 145.

Assignee's accounts of money received.

2 March, 1867, c. 176, s. 15, v. 14, p. 524.

Assignee to keep money and goods separate.

Ibid., s. 17.

Temporary investment of money.

Ibid.

Sedgwick vs. Place, 3 Ben., 360.

SEC. 5051. The debtor shall, at the request of the assignee and at the expense of the estate, make and execute any instruments, deeds, and writings which may be proper to enable the assignee to possess himself fully of all the assets of the bankrupt.

SEC. 5052. No mortgage of any vessel or of any other goods or chattels, made as security for any debt, in good faith and for a present consideration and otherwise valid, and duly recorded pursuant to any statute of the United States or of any State, shall be invalidated or affected by an assignment in bankruptcy.

SEC. 5053. No property held by the bankrupt in trust shall pass by the assignment.

SEC. 5054. The assignee shall immediately give notice of his appointment, by publication at least once a week for three successive weeks in such newspapers as shall for that purpose be designated by the court, due regard being had to their general circulation in the district or in that portion of the district in which the bankrupt and his creditors shall reside, and shall, within six months, cause the assignment to him to be recorded in every registry of deeds or other office within the United States where a conveyance of any lands owned by the bankrupt ought by law to be recorded.

SEC. 5055. The assignee shall demand and receive, from all persons holding the same, all the estate assigned or intended to be assigned.

SEC. 5056. No person shall be entitled to maintain an action against an assignee in bankruptcy for anything done by him as such assignee, without previously giving him twenty days' notice of such action, specifying the cause thereof, to the end that such assignee may have an opportunity of tendering amends, should he see fit to do so.

SEC. 5057. No suit, either at law or in equity, shall be maintainable in any court between an assignee in bankruptcy and a person claiming an adverse interest, touching any property or rights of property transferable to or vested in such assignee, unless brought within two years from the time when the cause of action accrued for or against such assignee. And this provision shall not in any case revive a right of action barred at the time when an assignee is appointed.

SEC. 5058. The assignee shall keep a regular account of all money received by him as assignee, to which every creditor shall, at reasonable times, have free resort.

SEC. 5059. The assignee shall, as soon as may be after receiving any money belonging to the estate, deposit the same in some bank in his name as assignee, or otherwise keep it distinct from all other money in his possession; and shall, as far as practicable, keep all goods and effects belonging to the estate separate from all other goods in his possession, or designated by appropriate marks, so that they may be easily and clearly distinguished, and may not be liable to be taken as his property or for the payment of his debts.

SEC. 5060. When it appears that the distribution of the estate may be delayed by litigation or other cause, the court may direct the temporary investment of the money belonging to such estate in securities to be approved by the judge or register, or may authorize it to be deposited in any convenient bank, upon such interest, not exceeding the legal rate, as the bank may contract with the assignee to pay thereon.

SEC. 5061. The assignee, under the direction of the court, may submit any controversy arising in the settlement of demands against the estate, or of debts due to it, to the determination of arbitrators to be chosen by him and the other party to the controversy, and, under such direction, may compound and settle any such controversy, by agreement with the other party, as he thinks proper and most for the interest of the creditors.

SEC. 5062. The assignee shall sell all such unincumbered estate, real and personal, which comes to his hands, on such terms as he thinks most for the interest of the creditors; but upon petition of any person interested, and for cause shown, the court may make such order concerning the time, place, and manner of sale as will, in its opinion, prove to the interest of the creditors.

en Co., 8 Blatch., 465; *In re Mott*, 1 Bank. Reg., 9; *March vs. Heaton et al.*, 2 Bank. Reg., 66; *In re Hitchings*, 4 Bank. Reg., 125; *In re Ryon and Griffin*, 6 Bank. Reg., 235.

SEC. 5063. Whenever it appears to the satisfaction of the court that the title to any portion of an estate, real or personal, which has come into possession of the assignee, or which is claimed by him, is in dispute, the court may, upon the petition of the assignee, and after such notice to the claimant, his agent or attorney, as the court shall deem reasonable, order it to be sold, under the direction of the assignee, who shall hold the funds received in place of the estate disposed of; and the proceeds of the sale shall be considered the measure of the value of the property in any suit or controversy between the parties in any court. But this provision shall not prevent the recovery of the property from the possession of the assignee by any proper action commenced at any time before the court orders the sale.

SEC. 5064. The assignee may sell and assign, under the direction of the court and in such manner as the court shall order, any outstanding claims or other property in his hands, due or belonging to the estate, which cannot be collected and received by him without unreasonable or inconvenient delay or expense.

SEC. 5065. When it appears to the satisfaction of the court that the estate of the debtor, or any part thereof, is of a perishable nature, or liable to deteriorate in value, the court may order the same to be sold, in such manner as may be deemed most expedient, under the direction of the messenger or assignee, as the case may be, who shall hold the funds received in place of the estate disposed of.

SEC. 5066. The assignee shall have authority, under the order and direction of the court, to redeem or discharge any mortgage or conditional contract, or pledge or deposit, or lien upon any property, real or personal, whenever payable, and to tender due performance of the condition thereof, or to sell the same subject to such mortgage, lien, or other incumbrance.

450; *In re Stuart*, 1 Bank. Reg., 42; *Dwight et al. vs. Ames*, 2 Bank. Reg., 47; *In re Wynne*, 4 Bank. Reg., 5; *In re Trin*, 5 Bank. Reg., 23.

SEC. 5067. All debts due and payable from the bankrupt at the time of the commencement of proceedings in bankruptcy, and all debts then existing but not payable until a future day, a rebate of interest being made when no interest is payable by the terms of the contract, may be proved against the estate of the bankrupt. All demands against the bankrupt for or on account of any goods or chattels wrongfully taken, converted, or withheld by him may be proved and allowed as debts to the amount of the value of the property so taken or withheld, with interest. When the bankrupt is liable for unliquidated damages arising out of any contract or promise, or on account of any goods or chattels wrongfully taken, converted, or withheld, the court may cause such damages to be assessed in such mode as it may deem best, and the sum so assessed may be proved against the estate.

41; *In re Stevens*, 4 Bank. Reg., 122; *In re Blandin*, 5 Bank. Reg., 39; *In re Gallison*, 5 Bank. Reg., 353; *In re Knoepfel*, 1 Ben., 398; *In re Paddock*, 6 Bank. Reg., 132.

Arbitration.

2 March, 1867, c. 176, s. 17, v. 14, p. 524.

In re Graves, 2 Ben., 100; *In re Dibblee*, 3 Ben., 354.

Assignee to sell property.

2 March, 1867, c. 176, s. 15, v. 14, p. 524.

In re Troy Wool-
en Co., 2 Bank. Reg.,

Sale of disputed property.

2 March, 1867, c. 176, s. 25, v. 14, p. 528.

In re Bogle, 7 Blatch., 18; *Markson vs. Heaney*, 1 Dill., 497; *Pennington vs. Sale et al.*, 1 Bank. Reg., 157; *Dwight et al. vs. Ames*, 2 Bank. Reg., 305.

Sale of uncollectible assets.

2 March, 1867, c. 176, s. 28, v. 14, p. 530.

Sale of perishable property.

Ibid., s. 25, p. 528.

In re Metzger et al., 1 Ben., 356.

Discharge of liens.

2 March, 1867, c. 176, s. 14, v. 14, p. 522.

In re Dey, 3 Ben.,

Provable debts.

2 March, 1867, c. 176, s. 19, v. 14, p. 525.

In re Orne, 1 Ben., 361; *In re Patterson*, 1 Ben., 508; *In re Lathrop et al.*, 3 Ben., 490; *In re Williams*, 2 Bank. Reg., 79; *In re Bloss*, 4 Bank. Reg., 37; *In re Whittaker*, 4 Bank. Reg.,

Contingent debts.

2 March, 1867, c. 176, s. 19, v. 14, p. 525.

Sigsby vs. Willis, 3 Ben., 371.

Liability of bankrupt as surety.

2 March, 1867, c. 176, s. 19, v. 14, p. 525.

In re Ellersborst & Co., 5 Bank. Reg., 144; *In re Crawford*, 5 Bank. Reg., 301.

Sureties for bankrupt.

2 March, 1867, c. 176, s. 19, v. 14, p. 525.

In re Wynne, 4 Bank. Reg., 5; *In re Trin*, 5 Bank. Reg., 23.

Debts falling due at stated periods.

2 March, 1867, c. 176, s. 19, v. 14, p. 525.

No other debts provable.

2 March, 1867, c. 176, s. 19, v. 14, p. 525.

Set-offs.

Ibid., s. 20, p. 526.

Sawyer vs. Hoag, 17 Wall., 610; *Gray vs. Rollo*, 18 Wall., 629; *In re City Bank of Savings, &c.*, 6 Bank. Reg., 71.

Distinct liabilities.

2 March, 1867, c. 176, s. 21, v. 14, p. 526.

Mead vs. National Bank, &c., 6 Blatch., 180; *In re Bigelow et al.*, 3 Ben., 146.

Secured debts.

2 March, 1867, c. 176, s. 20, v. 14, p. 526.

In re Bigelow, 2 Ben., 480; *In re Wynn*, 1 Bank. Reg., 131; *In re Cram*, 1 Bank. Reg.,

SEC. 5068. In all cases of contingent debts and contingent liabilities contracted by the bankrupt, and not herein otherwise provided for, the creditor may make claim therefor, and have his claim allowed, with the right to share in the dividends, if the contingency happens before the order for the final dividend; or he may, at any time, apply to the court to have the present value of the debt or liability ascertained and liquidated, which shall then be done in such manner as the court shall order, and he shall be allowed to prove for the amount so ascertained.

SEC. 5069. When the bankrupt is bound as drawer, indorser, surety, bail, or guarantor upon any bill, bond, note, or any other specialty or contract, or for any debt of another person, but his liability does not become absolute until after the adjudication of bankruptcy, the creditor may prove the same after such liability becomes fixed, and before the final dividend is declared.

SEC. 5070. Any person liable as bail, surety, guarantor, or otherwise for the bankrupt, who shall have paid the debt, or any part thereof, in discharge of the whole, shall be entitled to prove such debt or to stand in the place of the creditor if the creditor has proved the same, although such payments shall have been made after the proceedings in bankruptcy were commenced. And any person so liable for the bankrupt, and who has not paid the whole of such debt, but is still liable for the same or any part thereof, may, if the creditor fails or omits to prove such debt, prove the same either in the name of the creditor or otherwise, as may be provided by the general orders, and subject to such regulations and limitations as may be established by such general orders.

SEC. 5071. Where the bankrupt is liable to pay rent or other debt falling due at fixed and stated periods, the creditor may prove for a proportionate part thereof up to the time of the bankruptcy, as if the same grew due from day to day, and not at such fixed and stated periods.

SEC. 5072. No debts other than those specified in the five preceding sections shall be proved or allowed against the estate.

SEC. 5073. In all cases of mutual debts or mutual credits between the parties, the account between them shall be stated, and one debt set off against the other, and the balance only shall be allowed or paid; but no set-off shall be allowed in favor of any debtor to the bankrupt of a claim in its nature not provable against the estate, or of a claim purchased by or transferred to him after the filing of the petition.

In re City Bank of Savings, &c., 6 Bank. Reg., 71.

SEC. 5074. When the bankrupt, at the time of adjudication, is liable upon any bill of exchange, promissory note, or other obligation in respect of distinct contracts as a member of two or more firms carrying on separate and distinct trades, and having distinct estates to be wound up in bankruptcy, or as a sole trader and also as a member of a firm, the circumstance that such firms are in whole or in part composed of the same individuals, or that the sole contractor is also one of the joint contractors, shall not prevent proof and receipt of dividend in respect of such distinct contracts against the estates respectively liable upon such contracts.

SEC. 5075. When a creditor has a mortgage or pledge of real or personal property of the bankrupt, or a lien thereon for securing the payment of a debt owing to him from the bankrupt, he shall be admitted as a creditor only for the balance of the debt after deducting the value of such property, to be ascertained by agreement between him and the assignee, or by a sale thereof, to be made in such manner as the court shall direct; or the creditor may release or convey his claim to the assignee upon such property, and be admitted to prove his whole debt. If the value of the property exceeds the sum for which it is so held as

security, the assignee may release to the creditor the bankrupt's right of redemption therein on receiving such excess; or he may sell the property, subject to the claim of the creditor thereon; and in either case the assignee and creditor, respectively, shall execute all deeds and writings necessary or proper to consummate the transaction. If the property is not so sold or released and delivered up, the creditor shall not be allowed to prove any part of his debt.

SEC. 5076. Creditors residing within the judicial district where the proceedings in bankruptcy are pending shall prove their debts before one of the registers of the court, or before a commissioner of the circuit court, within the said district. Creditors residing without the district, but within the United States, may prove their debts before a register in bankruptcy, or a commissioner of a circuit court, in the judicial district where such creditor, or either one of joint creditors, reside; but proof taken before a commissioner, shall be subject to revision by the register of the court.

SEC. 5077. To entitle a claimant against the estate of a bankrupt to have his demand allowed, it must be verified by a deposition in writing, under oath, and signed by the deponent, setting forth the demand, the consideration thereof, whether any and what securities are held therefor, and whether any and what payments have been made thereon; that the sum claimed is justly due from the bankrupt to the claimant; that the claimant has not, nor has any other person, for his use, received any security or satisfaction whatever other than that by him set forth; that the claim was not procured for the purpose of influencing the proceedings in bankruptcy; and that no bargain or agreement, express or implied, has been made or entered into, by or on behalf of such creditor, to sell, transfer, or dispose of the claim, or any part thereof, or to take or receive, directly or indirectly, any money, property, or consideration whatever, whereby the vote of such creditor for assignee, or any action on the part of such creditor, or any other person in the proceedings, is or shall be in any way affected, influenced, or controlled. No claim shall be allowed unless all the statements set forth in such deposition shall appear to be true.

SEC. 5078. Such oath shall be made by the claimant, testifying of his own knowledge, unless he is absent from the United States or prevented by some other good cause from testifying, in which case the demand may be verified by the attorney or authorized agent of the claimant, testifying to the best of his knowledge, information, and belief, and setting forth his means of knowledge. Corporations may verify their claims by the oath of their president, cashier, or treasurer. The court may require or receive further pertinent evidence either for or against the admission of any claim.

SEC. 5079. Such oath may be taken in any district before any register or any commissioner of the circuit court authorized to administer oaths; or, if the creditor is in a foreign country, before any minister, consul, or vice-consul of the United States. When the proof is so made it shall be delivered or sent by mail to the register having charge of the case.

SEC. 5080. If the proof is satisfactory to the register it shall be delivered or sent by mail to the assignee, who shall examine the same and compare it with the books and accounts of the bankrupt, and shall register, in a book to be kept by him for that purpose, the names of creditors who have proved their claims, in the order in which such proof is received, stating the time of receipt of such proof, and the amount and nature of the debts. Such books shall be open to the inspection of all the creditors. The court may require or receive further pertinent evidence either for or against the admission of any claim.

132; *Davis vs. Carpenter et al.*, 2 Bank. Reg., 125; *In re Frizelle*, 5 Bank. Reg., 122; *In re Stansell*, 6 Bank. Reg., 183.

Proof of debt.

2 March, 1867, c. 176, s. 22, v. 14, p. 527.

27 July, 1868, c. 258, s. 3, v. 15, p. 228.

In re Sheppard, 1 Bank. Reg., 115; *In re Haley*, 2 Bank. Reg., 13; *In re Strouse*, 2 Bank. Reg., 18.

Creditor's oath.

2 March, 1867, c. 176, s. 22, v. 14, p. 527.

Oath by whom made.

2 March, 1867, c. 176, s. 22, v. 14, p. 527.

Oath, before whom taken; proof sent to register.

2 March, 1867, c. 176, s. 22, v. 14, p. 527.

27 July, 1868, c. 258, s. 3, v. 15, p. 228.

Proof to be sent to assignee.

2 March, 1867, c. 176, s. 22, v. 14, p. 527.

Examination by court into proof of claims.

2 March, 1867, c. 176, s. 22, v. 14, p. 527.

In re Orne, 1 Ben., 361; *In re Ray*, 2 Ben., 53; *In re Kyler*, 2 Ben., 414; *Comstock vs. Wheeler*, 2 Bank. Reg., 171; *McKinsey et al. vs. Harding*, 4 Bank. Reg., 10; *In re Paddock*, 6 Bank. Reg., 132.

Withdrawal of papers.

2 March, 1867, c. 176, s. 24, v. 14, p. 528.

Postponement of proof.

Ibid., s. 23.

In re Orne, 1 Ben., 361; *In re Noble*, 3 Ben., 332; *In re Herrman*, 4 Ben., 126; *In re Stevens*, 4 Bank. Reg., 122.

Surrender of preferences.

2 March, 1867, c. 176, s. 23, v. 14, p. 528.

In re Richter, 1 Dill., 544; *In re Davidson*, 4 Ben., 10; *In re Tonkin*, 4 Bank. Reg., 13; *In re Scott and McCarthy*, 4 Bank. Reg., 139; *In re Kipp*, 4 Bank. Reg., 190; *Hall vs. Wager & Falcs*, 5 Bank. Reg., 181; *Hood vs. Karver*, 5 Bank. Reg., 358.

Allowance and list of debts.

2 March, 1867, c. 176, s. 23, v. 14, p. 528.

Examination of bankrupt.

Ibid., s. 26, p. 529.

In re Baum, 1 Ben., 274; *In re Ray*, 2 Ben., 53; *In re Solis*, 4 Ben., 143.

Examination of witness.

2 March, 1867, c. 176, s. 26, v. 14, p. 529.

In re Levy, 1 Ben., 454; *In re Fredenberg*, 2 Ben., 133; *In re Bellis and Milligan*, 3 Ben., 386; *In re Lewis*, 4 Ben., 67; *In re Lathrop, Cady, and Burtis*, 4 Bank. Reg., 93.

Examination of bankrupt's wife.

2 March, 1867, c. 176, s. 26, v. 14, p. 529.

In re Griffen, 2 Ben., 209; *In re Van Tuyl*, 3 Ben., 237; *In re Woolford*, 4 Ben., 9; *In re Craig*, 4 Bank. Reg., 50.

SEC. 5081. The court may, on the application of the assignee, or of any creditor, or of the bankrupt, or without any application, examine upon oath the bankrupt, or any person tendering or who has made proof of a claim, and may summon any person capable of giving evidence concerning such proof, or concerning the debt sought to be proved, and shall reject all claims not duly proved, or where the proof shows the claim to be founded in fraud, illegality, or mistake.

SEC. 5082. A bill of exchange, promissory note, or other instrument, used in evidence upon the proof of a claim, and left in court or deposited in the clerk's office, may be delivered, by the register or clerk having the custody thereof, to the person who used it, upon his filing a copy thereof, attested by the clerk of the court, who shall indorse upon it the name of the party against whose estate it has been proved, and the date and amount of any dividend declared thereon.

SEC. 5083. When a claim is presented for proof before the election of the assignee, and the judge or register entertains doubts of its validity or of the right of the creditor to prove it, and is of opinion that such validity or right ought to be investigated by the assignee, he may postpone the proof of the claim until the assignee is chosen.

SEC. 5084. Any person who, since the second day of March, eighteen hundred and sixty-seven, has accepted any preference, having reasonable cause to believe that the same was made or given by the debtor, contrary to any provisions of the act of March two, eighteen hundred and sixty-seven, chapter one hundred and seventy-six, to establish a uniform system of bankruptcy, or to any provisions of this Title, shall not prove the debt or claim on account of which the preference is made or given, nor shall he receive any dividend therefrom until he shall first surrender to the assignee all property, money, benefit, or advantage received by him under such preference.

SEC. 5085. The court shall allow all debts duly proved, and shall cause a list thereof to be made and certified by one of the registers.

SEC. 5086. The court may, on the application of the assignee, or of any creditor, or without any application, at all times require the bankrupt, upon reasonable notice, to attend and submit to an examination, on oath, upon all matters relating to the disposal or condition of his property, to his trade and dealings with others, to his accounts concerning the same, to all debts due to or claimed from him, and to all other matters concerning his property and estate and the due settlement thereof according to law. Such examination shall be in writing, and shall be signed by the bankrupt and filed with the other proceedings.

SEC. 5087. The court may, in like manner, require the attendance of any other person as a witness, and if such person fails to attend, on being summoned thereto, the court may compel his attendance by warrant directed to the marshal, commanding him to arrest such person and bring him forthwith before the court, or before a register in bankruptcy, for examination as a witness.

SEC. 5088. For good cause shown, the wife of any bankrupt may be required to attend before the court to the end that she may be examined as a witness; and if she does not attend at the time and place specified in the order, the bankrupt shall not be entitled to a discharge unless he proves to the satisfaction of the court that he was unable to procure her attendance.

SEC. 5089. If the bankrupt is imprisoned, absent, or disabled from attendance, the court may order him to be produced by the jailer, or any officer in whose custody he may be, or may direct the examination to be had, taken, and certified at such time and place and in such manner as the court may deem proper, and with like effect as if such examination had been had in court.

Examination of imprisoned or disabled bankrupt.

2 March, 1867, c. 176, s. 26, v. 14, p. 529.

SEC. 5090. If the debtor dies after the issuing of the warrant, the proceedings may be continued and concluded in like manner as if he had lived.

No abatement upon death of debtor.

Ibid., s. 12, p. 522.

SEC. 5091. All creditors whose debts are duly proved and allowed shall be entitled to share in the bankrupt's property and estate, pro rata, without any priority or preference whatever, except as allowed by section fifty-one hundred and one. No debt proved by any person liable, as bail, surety, guarantor, or otherwise, for the bankrupt, shall be paid to the person so proving the same until satisfactory evidence shall be produced of the payment of such debt by such person so liable, and the share to which such debt would be entitled may be paid into court, or otherwise held for the benefit of the party entitled thereto, as the court may direct.

Distribution of bankrupt's estate.

Ibid., s. 27, p. 529.

In re Downing, 1 Dill., 33; *In re Webb and Johnson*, 2 Bank. Reg., 183; *In re Lathrop*, 5 Bank. Reg., 43; *In re The Buncyrus Machine Co.*, 5 Bank. Reg., 303.

SEC. 5092. At the expiration of three months from the date of the adjudication of bankruptcy in any case, or as much earlier as the court may direct, the court, upon request of the assignee, shall call a general meeting of the creditors, of which due notice shall be given, and the assignee shall then report, and exhibit to the court and to the creditors just and true accounts of all his receipts and payments, verified by his oath, and he shall also produce and file vouchers for all payments for which vouchers are required by any rule of the court; he shall also submit the schedule of the bankrupt's creditors and property as amended, duly verified by the bankrupt, and a statement of the whole estate of the bankrupt as then ascertained, of the property recovered and of the property outstanding, specifying the cause of its being outstanding, and showing what debts or claims are yet undetermined, and what sum remains in his hands. The majority in value of the creditors present shall determine whether any and what part of the net proceeds of the estate, after deducting and retaining a sum sufficient to provide for all undetermined claims which, by reason of the distant residence of the creditor, or for other sufficient reason, have not been proved, and for other expenses and contingencies, shall be divided among the creditors; but unless at least one-half in value of the creditors attend the meeting, either in person or by attorney, it shall be the duty of the assignee so to determine.

Second meeting of creditors.

2 March, 1867, c. 176, s. 27, v. 14, p. 529.

In re Son, 1 Bank. Reg., 58.

SEC. 5093. Like proceedings shall be had at the expiration of the next three months, or earlier, if practicable, and a third meeting of creditors shall then be called by the court, and a final dividend then declared, unless any suit at law or in equity is pending, or unless some other estate or effects of the debtor afterward come to the hands of the assignee, in which case the assignee shall, as soon as may be, convert such estate and effects into money, and within two months after the same are so converted they shall be divided in manner aforesaid. Further dividends shall be made in like manner as often as occasion requires, and after the third meeting of creditors no further meeting shall be called, unless ordered by the court.

Third meeting of creditors.

2 March, 1867, c. 176, s. 28, v. 14, p. 530.

SEC. 5094. The assignee shall give such notice to all known creditors, by mail or otherwise, of all meetings, after the first, as may be ordered by the court.

Notice of meetings.

2 March, 1867, c. 176, s. 17, v. 14, p. 524.

Creditor may act by attorney.

SEC. 5095. Any creditor may act at all meetings by his duly constituted attorney the same as though personally present.

Ibid., s. 23, p. 528.—*In re Hill*, 1 Ben., 321; *In re Knoepfel*, 1 Ben., 330; *In re Knoepfel*, 1 Ben., 398; *In re Powell*, 2 Bank. Reg., 17.

Settlement of assignee's account.

2 March, 1867, c. 176, s. 28, v. 14, p. 530.

SEC. 5096. Preparatory to the final dividend, the assignee shall submit his account to the court and file the same, and give notice to the creditors of such filing, and shall also give notice that he will apply for a settlement of his account, and for a discharge from all liability as assignee, at a time to be specified in such notice, and at such time the court shall audit and pass the accounts of the assignee, and the assignee shall, if required by the court, be examined as to the truth of his account, and if it is found correct he shall thereby be discharged from all liability as assignee to any creditor of the bankrupt. The court shall thereupon order a dividend of the estate and effects, or of such part thereof as it sees fit, among such of the creditors as have proved their claims, in proportion to the respective amount of their debts.

Dividend not to be disturbed.

Ibid.

SEC. 5097. No dividend already declared shall be disturbed by reason of debts being subsequently proved, but the creditors proving such debts shall be entitled to a dividend equal to those already received by the other creditors before any further payment is made to the latter.

Omission of assignee to call meetings.

Ibid.

SEC. 5098. If by accident, mistake, or other cause, without fault of the assignee, either or both of the second and third meetings should not be held within the times limited, the court may, upon motion of an interested party, order such meetings, with like effect as to the validity of the proceedings as if the meeting had been duly held.

Compensation of assignee.

Ibid.

SEC. 5099. The assignee shall be allowed, and may retain out of money in his hands, all the necessary disbursements made by him in the discharge of his duty, and a reasonable compensation for his services, in the discretion of the court.

In re Dean, 1 Bank. Reg., 26.

Commissioners.

2 March, 1867, c. 176, s. 28, v. 14, p. 530.

In re Dean, 1 Bank. Reg., 26.

SEC. 5100. In addition to all expenses necessarily incurred by him in the execution of his trust, in any case, the assignee shall be entitled to an allowance for his services in such case on all moneys received and paid out by him therein, for any sum not exceeding one thousand dollars, five per centum thereon; for any larger sum, not exceeding five thousand dollars, two and a half per centum on the excess over one thousand dollars; and for any larger sum, one per centum on the excess over five thousand dollars. If, at any time, there is not in his hands a sufficient amount of money to defray the necessary expenses required for the further execution of his trust, he shall not be obliged to proceed therein until the necessary funds are advanced or satisfactorily secured to him.

Debts entitled to priority.

2 March, 1867, c. 176, s. 28, v. 14, p. 530.

SEC. 5101. In the order for a dividend, the following claims shall be entitled to priority, and to be first paid in full in the following order:

First. The fees, costs, and expenses of suits, and of the several proceedings in bankruptcy under this Title, and for the custody of property, as herein provided.

Second. All debts due to the United States, and all taxes and assessments under the laws thereof.

Third. All debts due to the State in which the proceedings in bankruptcy are pending, and all taxes and assessments made under the laws thereof.

Fourth. Wages due to any operative, clerk, or house-servant, to an amount not exceeding fifty dollars, for labor performed within six months next preceding the first publication of the notice of proceedings in bankruptcy.

Fifth. All debts due to any persons who, by the laws of the United States, are, or may be, entitled to a priority, in like manner as if the provisions of this Title had not been adopted. But nothing contained in this Title shall interfere with the assessment and collection of taxes by the authority of the United States or any State. [See §§ 3460-3468.]

Triplett vs. Hanley, 1 Dill., 217; *In re Smith*, 2 Ben., 122; *In re Griffin*, 2 Ben., 209; *In re Hirschberg*, 2 Ben., 466; *In re Hausberger*, 2 Ben., 504; *In re Loder*, 3 Ben., 211; *In re Montgomery*, 3 Ben., 364; *In re New York Mail Steamship Co.*, 2 Bank. Reg., 170; *In re Whitehead*, 2 Bank. Reg., 180.

SEC. 5102. Whenever a dividend is ordered, the register shall, within ten days after the meeting, prepare a list of creditors entitled to dividend, and shall calculate and set opposite to the name of each creditor who has proved his claim the dividend to which he is entitled out of the net proceeds of the estate set apart for dividend, and shall forward, by mail, to every creditor a statement of the dividend to which he is entitled, and such creditors shall be paid by the assignee in such manner as the court may direct.

Notice of dividend to each creditor.

2 March, 1867, c. 176, s. 27, v. 14, p. 529.

SEC. 5103. If at the first meeting of creditors, or at any meeting of creditors specially called for that purpose, and of which previous notice shall have been given for such length of time and in such manner as the court may direct, three-fourths in value of the creditors whose claims have been proved shall resolve that it is for the interest of the general body of the creditors that the estate of the bankrupt shall be settled by trustees, under the inspection and direction of a committee of the creditors, the creditors may certify and report such resolution to the court, and may nominate one or more trustees to take and hold and distribute the estate, under the direction of such committee. If it appears, after hearing the bankrupt and such creditors as desire to be heard, that the resolution was duly passed, and that the interests of the creditors will be promoted thereby, the court shall confirm it; and upon the execution and filing, by or on behalf of three-fourths in value of all the creditors whose claims have been proved, of a consent that the estate of the bankrupt shall be wound up and settled by trustees, according to the terms of such resolution, the bankrupt, or, if an assignee has been appointed, the assignee, shall, under the direction of the court, and under oath, convey, transfer, and deliver all the property and estate of the bankrupt to the trustees, who shall, upon such conveyance and transfer, have and hold the same in the same manner, and with the same powers and rights, in all respects, as the bankrupt would have had or held the same if no proceedings in bankruptcy had been taken, or as the assignee in bankruptcy would have done, had such resolution not been passed. Such consent and the proceedings under it shall be as binding in all respects on any creditor whose debt is provable, who has not signed the same, as if he had signed it, and on any creditor whose debt, if provable, is not proved, as if he had proved it. The court, by order, shall direct all acts and things needful to be done to carry into effect such resolution of the creditors, and the trustees shall proceed to wind up and settle the estate under the direction and inspection of such committee of the creditors, for the equal benefit of all such creditors; and the winding up and settlement of any estate under the provisions of this section shall be deemed to be proceedings in bankruptcy; and the trustees shall have all the rights and powers of assignees in bankruptcy. The court, on the application of such trustees, shall have power to summon and examine, on oath or otherwise, the bankrupt, or any creditor, or any person indebted to the estate, or known or suspected of having any of the estate in his possession, or any other person whose examination may be material or necessary to aid the trustees in the execution of their trust, and to compel the attendance of such persons and the production of books and papers in the same manner as in other proceedings in bankruptcy; and the bankrupt shall have the like right to apply for and obtain a discharge after the passage of such resolution and the appointment of such trustees as if such resolution had not been passed, and as if all the proceedings had continued in the manner provided in the preceding sections of this Title. If the resolution is not duly reported, or the consent of the creditors is not duly filed, or if, upon its filing, the court does not think fit to approve thereof, the bankruptcy shall proceed as if no resolution had been passed, and the court may make all necessary orders for resuming the proceedings. And the period of time which shall have elapsed between the date of the resolution and the date of the order for resuming proceedings shall not be reckoned in calculating periods of time prescribed by this Title.

Settlement of bankrupt estates by trustees.

Ibid., s. 43, p. 538.

In re American Cloth Co., 1 Ben., 526; *In re Jones*, 2 Bank. Reg., 20; *In re Stillwell*, 2 Bank. Reg., 164; *In re Darby*, 4 Bank. Reg., 98; *In re Zinu*, 4 Bank. Reg., 145; *In re Bakewell*, 4 Bank. Reg., 198.

CHAPTER FIVE.

PROTECTION AND DISCHARGE OF BANKRUPTS.

Sec.

5104. Bankrupt subject to orders of court.
 5105. Waiver of suit by proof of debt.
 5106. Stay of suits.
 5107. Exemption from arrest.
 5108. Application for discharge.
 5109. Notice to creditors.
 5110. Grounds for opposing discharge.
 5111. Specification of grounds of opposition.
 5112. Assets equal to fifty per cent. required.

Sec.

5113. Final oath of bankrupt.
 5114. Discharge of bankrupt.
 5115. Form of certificate of discharge.
 5116. Second bankruptcy.
 5117. Certain debts not released.
 5118. Liability of other persons not released.
 5119. Effect of discharge.
 5120. Application to annul discharge.

Bankrupt subject to orders of court.

2 March, 1867, c. 176, s. 26, v. 14, p. 529.

SEC. 5104. The bankrupt shall at all times, until his discharge, be subject to the order of the court, and shall, at the expense of the estate, execute all proper writings and instruments, and do all acts required by the court touching the assigned property or estate, and to enable the assignee to demand, recover, and receive all the property and estate assigned, wherever situated. For neglect or refusal to obey any order of the court, the bankrupt may be committed and punished as for a contempt of court. If the bankrupt is without the district, and unable to return and personally attend at any of the times or do any of the acts which may be required pursuant to this section, and if it appears that such absence was not caused by willful default, and if, as soon as may be after the removal of such impediment, he offers to attend and submit to the order of the court in all respects, he shall be permitted so to do, with like effect as if he had not been in default.

Waiver of suit by proof of debt.

2 March, 1867, c. 176, s. 21, v. 14, p. 526.

SEC. 5105. No creditor proving his debt or claim shall be allowed to maintain any suit at law or in equity therefor against the bankrupt, but shall be deemed to have waived all right of action against him; and all proceedings already commenced or unsatisfied judgments already obtained thereon against the bankrupt shall be deemed to be discharged and surrendered thereby.

In re Robinson, 6 Blatch., 253; *In re Wright*, 2 Ben., 509; *In re Rosenberg*, 3 Ben., 14; *In re Migel*, 2 Bank. Reg., 153; *In re Meyers*, 2 Ben., 424.

Stay of suits.

2 March, 1867, c. 176, s. 21, v. 14, p. 526.

Markson vs. Heaney, 1 Dill., 497; *In re Wilbur*, 1 Ben., 527; *Ex parte Seymour*, 1 Ben., 348; *In re Bernstein*, 2 Ben., 44; *In re Schnepf*, 2 Ben., 72; *In re Duncan*, 2 Ben., 78; *In re Meyers*, 2 Ben., 424; *In re Olcott*, 2 Ben., 443; *In re Richardson*, 2 Ben., 517; *In re Schwab*, 3 Ben., 231; *In re People's Steamship Co.*, 3 Ben., 226; *In re Leszynsky*, 3 Ben., 487; *Sampson vs. Burton*, 4 Bank. Reg., 1; *In re Ghiradelli*, 4 Bank. Reg., 42; *Maxwell vs. Faxton*, 4 Bank. Reg., 60.

SEC. 5106. No creditor whose debt is provable shall be allowed to prosecute to final judgment any suit at law or in equity therefor against the bankrupt, until the question of the debtor's discharge shall have been determined; and any such suit or proceedings shall, upon the application of the bankrupt, be stayed to await the determination of the court in bankruptcy on the question of the discharge, provided there is no unreasonable delay on the part of the bankrupt in endeavoring to obtain his discharge, and provided, also, that if the amount due the creditor is in dispute, the suit, by leave of the court in bankruptcy, may proceed to judgment for the purpose of ascertaining the amount due, which amount may be proved in bankruptcy, but execution shall be stayed. [See § 720.]

Exemption from arrest.

2 March, 1867, c. 176, s. 26, v. 14, p. 529.—*In re Robinson*, 6 Blatch., 253; *In re Kimball*, 6 Blatch., 292; *In re Patterson*, 2 Ben., 155; *In re Glaser*, 2 Ben., 180; *Ex parte Seymour*, 1 Ben., 348; *In re Valk*, 3 Ben., 431; *In re Devoe*, 2 Bank. Reg., 11; *In re Migel*, 2 Bank. Reg., 153; *Minon vs. Van Nostrand*, 4 Bank. Reg., 28.

SEC. 5107. No bankrupt shall be liable during the pendency of the proceedings in bankruptcy to arrest in any civil action, unless the same is founded on some debt or claim from which his discharge in bankruptcy would not release him.

SEC. 5108. At any time after the expiration of six months from the adjudication of bankruptcy, or if no debts have been proved against the bankrupt, or if no assets have come to the hands of the assignee, at any time after the expiration of sixty days, and within one year from the adjudication of bankruptcy, the bankrupt may apply to the court for a discharge from his debts.

Application for discharge.

2 March, 1867, c. 176, s. 29, v. 14, p. 531.

In re Greenfield, 6 Blatch., 287; *In re Dodge*, 2 Ben., 347; *In re Solis*, 4 Ben., 143; *In re Woolums*, 1 Bank. Reg., 131; *In re Bodenheim*, 2 Bank. Reg., 133; *In re Martin*, 2 Bank. Reg., 169; *In re Bunster*, 5 Bank. Reg., 82; *In re Schenck*, 5 Bank. Reg., 93; *In re Farrell*, 5 Bank. Reg., 125; *In re Gallison*, 5 Bank. Reg., 353.

SEC. 5109. Upon application for a discharge being made the court shall order notice to be given by mail to all creditors who have proved their debts, and by publication at least once a week in such newspapers as the court shall designate, due regard being had to the general circulation of the same in the district, or in that portion of the district in which the bankrupt and his creditors shall reside to appear on a day appointed for that purpose, and show cause why a discharge should not be granted to the bankrupt.

Notice to creditors.

2 March, 1867, c. 176, s. 29, v. 14, p. 531.

In re Bellamy, 1 Ben., 390; *In re McIntire*, 1 Ben., 643; *In re Townsend*, 2 Ben., 62; *In re Blaisdell*, 6 Bank. Reg., 78.

SEC. 5110. No discharge shall be granted, or, if granted, shall be valid, in any of the following cases:

Grounds for opposing discharge.

First. If the bankrupt has willfully sworn falsely in his affidavit annexed to his petition, schedule, or inventory, or upon any examination in the course of the proceedings in bankruptcy, in relation to any material fact.

2 March, 1867, c. 176, s. 29, v. 14, p. 531.

1 Bank. Reg., 52; *In re Solomon*, 2 Bank. Reg., 94; *In re Needham*, 2 Bank. Reg., 124; *In re Keefer*, 4 Bank. Reg., 126; *In re Smith & Bickford*, 5 Bank. Reg., 20; *In re Rainsford*, 5 Bank. Reg., 381.

Second. If the bankrupt has concealed any part of his estate or effects, or any books or writings relating thereto, or has been guilty of any fraud or negligence in the care, custody, or delivery to the assignee of the property belonging to him at the time of the presentation of his petition and inventory, excepting such property as he is permitted to retain under the provisions of this Title, or if he has caused, permitted, or suffered any loss, waste, or destruction thereof.

In re Beardsley, 2 Bank. Reg., 124; *In re Hill*, 1 Bank. Reg., 114; *In re Rathbone*, 1 Bank. Reg., 145; *In re O'Bannon*, 2 Bank. Reg., 6; *In re Solomon*, 2 Bank. Reg., 94; *In re Goodridge*, 2 Bank. Reg., 179; *In re Beal*, 2 Bank. Reg., 178; *In re Hussman*, 2 Bank. Reg., 140; *In re White*, 2 Bank. Reg., 179; *In re Beal*, 2 Bank. Reg., 381.

Third. If, within four months before the commencement of such proceedings, the bankrupt has procured his lands, goods, money, or chattels to be attached, sequestered, or seized on execution.

In re Belden, 2 Bank. Reg., 14.

Fourth. If, at any time after the second day of March, eighteen hundred and sixty-seven, the bankrupt has destroyed, mutilated, altered, or falsified any of his books, documents, papers, writings, or securities, or has made or been privy to the making of any false or fraudulent entry in any book of account or other document, with intent to defraud his creditors; or has removed or caused to be removed any part of his property from the district, with intent to defraud his creditors.

Fifth. If the bankrupt has given any fraudulent preference contrary to the provisions of the act of March two, eighteen hundred and sixty-seven, to establish a uniform system of bankruptcy, or to the provisions of this Title, or has made any fraudulent payment, gift, transfer, conveyance, or assignment of any part of his property, or has lost any part thereof in gaming, or has admitted a false or fictitious debt against his estate.

In re Rosenfeld, 1 Bank. Reg., 161; *In re Rosenfeld*, 2 Bank. Reg., 49; *In re Metzger*, 2 Bank. Reg., 114; *In re Locke*, 2 Bank. Reg., 123; *In re Freeman*, 4 Bank. Reg., 17; *In re Warner*, 5 Bank. Reg., 414.

Sixth. If the bankrupt, having knowledge that any person has proved such false or fictitious debt, has not disclosed the same to his assignee within one month after such knowledge.

Seventh. If the bankrupt, being a merchant or tradesman, has not, at all times after the second day of March, eighteen hundred and sixty-seven, kept proper books of account.

In re Coeks, 3 Ben., 260; *In re Solomon*, 2 Bank. Reg., 94; *In re Newman et al.*, 4 Bank. Reg., 17; *In re Gay*, 2 Bank. Reg., 114; *In re Murdock*, 2 Bank. Reg., 99; *In re Tyler*, 4 Bank. Reg., 27; *In re Bound*, 4 Bank. Reg., 164.

In re Mawson, 2 Ben., 332; *In re Mawson*, 2 Ben., 412.

In re Brodhead, 3 Ben., 106; *In re Freeman*, 4 Bank. Reg., 17; *In re Critew*, 5 Bank. Reg., 423.

Eighth. If the bankrupt, or any person in his behalf, has procured the assent of any creditor to the discharge, or influenced the action of any creditor at any stage of the proceedings, by any pecuniary consideration or obligation.

Ninth. If the bankrupt has, in contemplation of becoming bankrupt, made any pledge, payment, transfer, assignment, or conveyance of any part of his property, directly or indirectly, absolutely or conditionally, for the purpose of preferring any creditor or person having a claim against him, or who is or may be under liability for him, or for the purpose of preventing the property from coming into the hands of the assignee, or of being distributed in satisfaction of his debts.

Tenth. If the bankrupt has been convicted of any misdemeanor under this Title.

Specification of grounds of opposition.

2 March, 1867, c. 176, s. 31, v. 14, p. 532.—*In re Rathbone*, 1 Bank. Reg., 50; *In re Rathbone*, 1 Bank. Reg., 65; *In re Mawson*, 1 Bank. Reg., 115; *In re Boutell*, 2 Bank. Reg., 51; *In re Smith & Bickford*, 5 Bank. Reg., 20; *In re Frizelle*, 5 Bank. Reg., 119.

Assets equal to fifty per cent. required.

27 July, 1868, c. 258, s. 1, v. 15, p. 227.

In re Billing, 3 Ben., 212; *In re Rockwell & Woodruff*, 4 Bank. Reg., 74; *In re Sey*, 4 Bank. Reg., 2; *In re Bunster*, 5 Bank. Reg., 82; *In re Borden & Geary*, 5 Bank. Reg., 128; *In re Graham*, 5 Bank. Reg., 155; *In re Kahley*, 6 Bank. Reg., 189.

Final oath of bankrupt.

14 July, 1870, c. 262, s. 1, v. 16, p. 276.

2 March, 1867, c. 106, s. 29, v. 14, p. 531.—*In re Bellamy*, 1 Ben., 426; *In re Pulver*, 3 Ben., 65; *In re O'Farrell*, 3 Ben., 191; *In re Machad*, 2 Bank. Reg., 113; *In re Guinke*, 4 Bank. Reg., 23; *In re Frizelle*, 5 Bank. Reg., 119.

Discharge of bankrupt.

2 March, 1867, c. 176, s. 32, v. 14, p. 532.

In re Bunster, 5 Bank. Reg., 82.

Form of certificate of discharge.

2 March, 1867, c. 176, s. 32, v. 14, p. 532.

SEC. 5111. Any creditor opposing the discharge of any bankrupt may file a specification in writing of the grounds of his opposition, and the court may in its discretion order any question of fact so presented to be tried at a stated session of the district court.

SEC. 5112. In all proceedings in bankruptcy commenced after the first day of January, eighteen hundred and sixty-nine, no discharge shall be granted to a debtor whose assets shall not be equal to fifty per centum of the claims proved against his estate upon which he shall be liable as the principal debtor, unless the assent in writing of a majority in number and value of his creditors to whom he shall have become liable as principal debtor, and who shall have proved their claims, is filed in the case at or before the time of the hearing of the application for discharge; but this provision shall not apply to those debts from which the bankrupt seeks a discharge which were contracted prior to the first day of January, eighteen hundred and sixty-nine.

SEC. 5113. Before any discharge is granted, the bankrupt must take and subscribe an oath to the effect that he has not done, suffered, or been privy to any act, matter, or thing specified as a ground for withholding such discharge, or as invalidating such discharge if granted.

SEC. 5114. If it shall appear to the court that the bankrupt has in all things conformed to his duty under this Title, and that he is entitled, under the provisions thereof, to receive a discharge, the court shall grant him a discharge from all his debts except as hereinafter provided, and shall give him a certificate thereof under the seal of the court.

SEC. 5115. The certificate of a discharge in bankruptcy shall be in substance in the following form:

District court of the United States, district of

Whereas has been duly adjudged a bankrupt under the Revised Statutes of the United States, Title "BANKRUPTCY," and appears to have conformed to all the requirements of law in that behalf, it is therefore ordered by the court that said be forever discharged from all debts and claims which by said Title are made provable against his estate, and which existed on the day of , on which day the petition for adjudication was filed by (or against) him; excepting such debts, if any, as are by law excepted from the operation of a discharge in bankruptcy. Given under my hand and the seal of the court at , in the said district, this day of (Seal.) , Judge.

SEC. 5116. No person who has been discharged, and afterward becomes bankrupt on his own application, shall be again entitled to a discharge whose estate is insufficient to pay seventy per centum of the debts proved against it, unless the assent in writing of three-fourths in value of his creditors who have proved their claims is filed at or before the time of application for discharge; but a bankrupt who proves to the satisfaction of the court that he has paid all the debts owing by him at the time of any previous bankruptcy, or who has been voluntarily released therefrom by his creditors, shall be entitled to a discharge in the same manner and with the same effect as if he had not previously been bankrupt.

Second bank-
ruptcy.
Ibid., s. 30, p. 532.

SEC. 5117. No debt created by the fraud or embezzlement of the bankrupt, or by his defalcation as a public officer, or while acting in any fiduciary character, shall be discharged by proceedings in bankruptcy; but the debt may be proved, and the dividend thereon shall be a payment on account of such debt.

Certain debts not
released.
Ibid., s. 33, p. 533.

Seymour, 1 Ben., 348; *In re Kimball*, 2 Ben., 554; *In re Devoe*, 2 Bank. Reg., 11; *In re Whitehouse*, 4 Bank. Reg., 15; *Morse vs. Hutchins*, 102 Mass., 439; *Cronan vs. Cotting*, 104 Mass., 245.

In re Kimball, 6
Blatch, 292; *In re*
Bank. Reg., 11; *In re*
Cronan vs. Cotting,

SEC. 5118. No discharge shall release, discharge, or affect any person liable for the same debt for or with the bankrupt, either as partner, joint-contractor, indorser, surety, or otherwise.

Liability of other
persons not re-
leased.

2 March, 1867, c. 176, s. 33, v. 14, p. 533.—*In re Levy*, 2 Ben., 169.

SEC. 5119. A discharge in bankruptcy duly granted shall, subject to the limitations imposed by the two preceding sections, release the bankrupt from all debts, claims, liabilities, and demands which were or might have been proved against his estate in bankruptcy. It may be pleaded by a simple averment that on the day of its date such discharge was granted to the bankrupt, setting a full copy of the same forth in its terms as a full and complete bar to all suits brought on any such debts, claims, liabilities, or demands. The certificate shall be conclusive evidence in favor of such bankrupt of the fact and the regularity of such discharge.

Effect of dis-
charge.

2 March, 1867, c.
176, s. 34, v. 14, p.
533.

Humble & Co. vs.
Carson.

SEC. 5120. Any creditor of a bankrupt, whose debt was proved or provable against the estate in bankruptcy, who desires to contest the validity of the discharge on the ground that it was fraudulently obtained, may, at any time within two years after the date thereof, apply to the court which granted it to annul the same. The application shall be in writing, and shall specify which, in particular, of the several acts mentioned in section fifty-one hundred and ten it is intended to prove against the bankrupt, and set forth the grounds of avoidance; and no evidence shall be admitted as to any other of such acts; but the application shall be subject to amendment at the discretion of the court. The court shall cause reasonable notice of the application to be given to the bankrupt, and order him to appear and answer the same, within such time as to the court shall seem proper. If, upon the hearing of the parties, the court finds that the fraudulent acts, or any of them, set forth by the creditor against the bankrupt, are proved, and that the creditor had no knowledge of the same until after the granting of the discharge, judgment shall be given in favor of the creditor, and the discharge of the bankrupt shall be annulled. But if the court finds that the fraudulent acts and all of them so set forth are not proved, or that they were known to the creditor before the granting of the discharge, judgment shall be rendered in favor of the bankrupt, and the validity of his discharge shall not be affected by the proceedings.

Application to
annul discharge.

2 March, 1867, c.
176, s. 34, v. 14, p.
533.

CHAPTER SIX.

PROCEEDINGS PECULIAR TO PARTNERSHIPS AND CORPORATIONS.

Sec.

5121. Bankruptcy of partnerships.
5122. Of corporations and joint-stock companies.

Sec.

5123. Authority of State courts proceeding against corporations.

Bankruptcy of partnerships.

2 March, 1867, c. 176, s. 36, v. 14, p. 534.

Mead vs. National Bank, &c., 6 Blatch., 180; *In re Boylan*, 1 Ben., 266; *In re Lewis*, 2 Ben., 96; *In re Little*, 2 Ben., 186; *In re Crockett et al.*, 2 Ben., 514; *In re Foster*, 3 Ben., 386; *In re Prankard*, 1 Bank. Reg., 51; *In re Abbe*, 2 Bank. Reg., 26; *In re Wilkins*, 2 Bank. Reg., 113; *In re Melick*, 4 Bank. Reg., 26; *In re Howard, Cole & Co.*, 4 Bank. Reg., 185; *In re Penn*, 5 Bank. Reg., 30; *In re Stevens*, 5 Bank. Reg., 112; *In re Leland*, 5 Bank. Reg., 222; *In re Isaacs & Cohn*, 6 Bank. Reg., 92.

Of corporations and joint-stock companies.

2 March, 1867, c. 176, s. 37, v. 14, p. 535.

Rankin & Pullan vs. Florida, &c., R. R. Co., 1 Bank. Reg., 196; *In re The Lady Bryan Mining Co.*, 4 Bank. Reg., 36; *Adams vs. Boston, &c.*, R. R. Co., 4 Bank. Reg., 99; *Alabama and Chattanooga R. R. vs. Jones*, 5 Bank. Reg., 97; *Sweatt vs. Railroad*, 5 Bank. Reg., 234.

SEC. 5121. Where two or more persons who are partners in trade are adjudged bankrupt, either on the petition of such partners or of any one of them, or on the petition of any creditor of the partners, a warrant shall issue, in the manner provided by this Title, upon which all the joint stock and property of the copartnership, and also all the separate estate of each of the partners, shall be taken, excepting such parts thereof as are hereinbefore excepted. All the creditors of the company, and the separate creditors of each partner, may prove their respective debts. The assignee shall be chosen by the creditors of the company. He shall keep separate accounts of the joint stock or property of the copartnership and of the separate estate of each member thereof; and after deducting out of the whole amount received by the assignee the whole of the expenses and disbursements, the net proceeds of the joint stock shall be appropriated to pay the creditors of the copartnership, and the net proceeds of the separate estate of each partner shall be appropriated to pay his separate creditors. If there is any balance of the separate estate of any partner, after the payment of his separate debts, such balance shall be added to the joint stock for the payment of the joint creditors; and if there is any balance of the joint stock after payment of the joint debts, such balance shall be appropriated to and divided among the separate estates of the several partners according to their respective right and interest therein, and as it would have been if the partnership had been dissolved without any bankruptcy; and the sum so appropriated to the separate estate of each partner shall be applied to the payment of his separate debts. The certificate of discharge shall be granted or refused to each partner as the same would or ought to be if the proceedings had been against him alone. In all other respects the proceedings against partners shall be conducted in the like manner as if they had been commenced and prosecuted against one person alone. If such copartners reside in different districts, that court in which the petition is first filed shall retain exclusive jurisdiction over the case.

SEC. 5122. The provisions of this Title shall apply to all moneyed business or commercial corporations and joint-stock companies, and upon the petition of any officer of any such corporation or company, duly authorized by a vote of a majority of the corporators at any legal meeting called for the purpose, or upon the petition of any creditor of such corporation or company, made and presented in the manner provided in respect to debtors, the like proceedings shall be had and taken as are provided in the case of debtors. All the provisions of this Title which apply to the debtor, or set forth his duties in regard to furnishing schedules and inventories, executing papers, submitting to examinations, disclosing, making over, secreting, concealing, conveying, assigning, or paying away his money or property, shall in like manner, and with like force, effect, and penalties, apply to each and every officer of such corporations or company in relation to the same matters concerning the corporation or company, and the money and property thereof. All payments, conveyances, and assignments declared fraudulent and void by this Title when made by a debtor, shall in like manner, and to the like extent, and with like remedies, be fraudulent and void when made by a corporation or company. Whenever any corporation by proceedings under this Title is declared bankrupt, all its property and assets shall be distributed to the creditors of such corporations in the manner provided in this Title in respect to natural persons. But no allowance or

discharge shall be granted to any corporation or joint-stock company, or to any person or officer or member thereof.

SEC. 5123. Whenever a corporation created by the laws of any State, whose business is carried on wholly within the State creating the same, and also any insurance company so created, whether all its business shall be carried on in such State or not, has had proceedings duly commenced against such corporation or company before the courts of such State for the purpose of winding up the affairs of such corporation or company and dividing its assets ratably among its creditors and lawfully among those entitled thereto prior to proceedings having been commenced against such corporation or company under the bankrupt laws of the United States, any order made, or that shall be made, by such court agreeably to the State law for the ratable distribution or payment of any dividend of assets to the creditors of such corporation or company while such State court shall remain actually or constructively in possession or control of the assets of such corporation or company shall be deemed valid notwithstanding proceedings in bankruptcy may have been commenced and be pending against such corporation or company.

Authority of State courts in proceedings against corporations, &c.

3 Feb., 1873, c. 135, v. 17, p. 436.

CHAPTER SEVEN.

FEES AND COSTS.

Sec.

5124. Fees.

5125. Traveling and incidental expenses.

5126. Marshal's fees.

Sec.

5127. Justices of the Supreme Court may change tariff of fees.

SEC. 5124. In each case there shall be allowed and paid, in addition to the fees of the clerk of the court as now established by law, or as may be established by general order for fees in bankruptcy, the following fees, which shall be applied to paying for the services of the registers:

First. For issuing every warrant, two dollars.

Second. For each day in which a meeting is held, three dollars.

Third. For each order for a dividend, three dollars.

Fourth. For every order substituting an arrangement by trust-deed for bankruptcy, two dollars.

Fifth. For every bond with sureties, two dollars.

Sixth. For every application for any meeting in any matter under this act, one dollar.

Seventh. For every day's service while actually employed under a special order of the court, a sum not exceeding five dollars, to be allowed by the court.

Eighth. For taking depositions, the fees now allowed by law.

Ninth. For every discharge when there is no opposition, two dollars.

Such fees shall have priority of payment over all other claims out of the estate, and, before a warrant issues, the petitioner shall deposit with the clerk of the court fifty dollars as security for the payment thereof; and if there are not sufficient assets for the payment of the fees, the person upon whose petition the warrant is issued shall pay the same, and the court may issue an execution against him to compel payment to the register.

SEC. 5125. The traveling and incidental expenses of the register, and of any clerk or other officer attending him, shall be settled by the court in accordance with the rules prescribed by the justices of the Supreme Court, and paid out of the assets of the estate in respect of which such register has acted; or if there are no such assets, or if the assets are insufficient, such expenses shall form a part of the costs in the case in which the register acts, to be apportioned by the judge.

Fees.

2 March, 1867, c. 176, s. 47, v. 14, p. 540.

In re MacIntire, 1 Ben., 277; *In re Clark*, 2 Ben., 72; *In re Robinson*, 2 Ben., 145; *In re Lowenstine*, 3 Ben., 422; *In re Dean*, 1 Bank. Reg., 26; *In re Sherwood*, 1 Bank. Reg., 74; *In re Talbot*, 2 Bank. Reg., 93.

Traveling and incidental expenses.

2 March, 1867, c. 176, s. 5, v. 14, p. 519.

In re Dean, 1 Bank. Reg., 26; *In re Sherwood*, 1 Bank. Reg., 74.

Marshal's fees.

2 March, 1867, c. 176, s. 47, v. 14, p. 540.

In re Lowenstine, 3 Ben., 422; *In re Dean*, 1 Bank. Reg., 26; *In re Talbot*, 2 Bank. Reg., 93.

Justices of Supreme Court may change tariff of fees.

2 March, 1867, c. 176, s. 47, v. 14, p. 540.

SEC. 5126. Before any dividend is ordered, the assignee shall pay out of the estate to the messenger the following fees, and no more:

First. For service of warrant, two dollars.

Second. For all necessary travel, at the rate of five cents a mile each way.

Third. For each written note to creditor named in the schedule, ten cents.

Fourth. For custody of property, publication of notices, and other services, his actual and necessary expenses upon returning the same in specific items, and making oath that they have been actually incurred and paid by him, and are just and reasonable, the same to be taxed or adjusted by the court, and the oath of the messenger shall not be conclusive as to the necessity of such expenses.

For cause shown, and upon hearing thereon, such further allowance may be made as the court, in its discretion, may determine.

SEC. 5127. The enumeration of the foregoing fees shall not prevent the justices of the Supreme Court from prescribing a tariff of fees for all other services of the officers of courts of bankruptcy, or from reducing the fees prescribed in the three preceding sections, in classes of cases to be named in their general orders.

CHAPTER EIGHT.

PROHIBITED AND FRAUDULENT TRANSFERS.

Sec.

5128. Preferences by insolvent.
5129. Fraudulent transfers of property.
5130. Presumptive evidence of fraud.

Sec.

5131. Fraudulent agreements.
5132. Penalties against fraudulent bankruptcy.

Preferences by insolvent.

2 March, 1867, c. 176, ss. 35, 39, v. 14, pp. 534, 536.

Toof vs. Martin, 13 Wall., 40; *Traders' Bank vs. Campbell*, 14 Wall., 87; *Gibson vs. Warden*, 14 Wall., 244; *Buchanan vs. Smith*, 16 Wall., 277; *Walbrun vs. Babbitt*, 16 Wall., 577; *Wager vs. Hall*, 16 Wall., 584; *Wilson vs. City Bank*, 17 Wall., 473; *In re Binninger et al.*, 7 Blatch., 262; *Cookingham vs. Morgan*, 7 Blatch., 480; *Collins vs. Gray*, 8 Blatch., 483; *Bean vs. Brookmeyer et al.*, 1 Dill., 151; *Wright vs. Filley*, 1 Dill., 171; *Rison vs. Knapp*, 1 Dill., 186; *Vanderhoof's Assignee vs. City Bank, &c.*, 1 Dill., 476; *In re Dibblee*, 3 Ben., 283; *Graham vs. Stark*, 3 Ben., 520; *In re Davidson*, 4 Ben., 10; *In re Terry et al.*, 4 Bank. Reg., 33; *In re Butler*, 4 Bank. Reg., 91; *Vogle vs. Lathrop*, 4 Bank. Reg., 146; *Golson vs. Neihoff*, 5 Bank. Reg., 56; *Kohlsaat vs. Hognet*, 5 Bank. Reg., 159; *Haskell vs. Ingalls*, 5 Bank. Reg., 205; *Hood vs. Karper*, 5 Bank. Reg., 358; *Scammon vs. Cole*, 5 Bank. Reg., 257.

Fraudulent transfers of property.

2 March, 1867, c. 176, ss. 35, 39, v. 14, pp. 534, 536.

Toof vs. Martin, 13 Wall., 40; *Gibson vs. Warden*, 14 Wall., 244; *Tiffany*

SEC. 5128. If any person, being insolvent, or in contemplation of insolvency, within four months before the filing of the petition by or against him, with a view to give a preference to any creditor or person having a claim against him, or who is under any liability for him, procures or suffers any part of his property to be attached, sequestered, or seized on execution, or makes any payment, pledge, assignment, transfer, or conveyance of any part of his property, either directly or indirectly, absolutely or conditionally, the person receiving such payment, pledge, assignment, transfer, or conveyance, or to be benefited thereby, or by such attachment, having reasonable cause to believe such person is insolvent, and that such attachment, payment, pledge, assignment, or conveyance is made in fraud of the provisions of this Title, the same shall be void, and the assignee may recover the property, or the value of it, from the person so receiving it, or so to be benefited.

Toof vs. Martin, 13 Wall., 40; *Traders' Bank vs. Campbell*, 14 Wall., 87; *Gibson vs. Warden*, 14 Wall., 244; *Buchanan vs. Smith*, 16 Wall., 277; *Walbrun vs. Babbitt*, 16 Wall., 577; *Wager vs. Hall*, 16 Wall., 584; *Wilson vs. City Bank*, 17 Wall., 473; *In re Binninger et al.*, 7 Blatch., 262; *Cookingham vs. Morgan*, 7 Blatch., 480; *Collins vs. Gray*, 8 Blatch., 483; *Bean vs. Brookmeyer et al.*, 1 Dill., 151; *Wright vs. Filley*, 1 Dill., 171; *Rison vs. Knapp*, 1 Dill., 186; *Vanderhoof's Assignee vs. City Bank, &c.*, 1 Dill., 476; *In re Dibblee*, 3 Ben., 283; *Graham vs. Stark*, 3 Ben., 520; *In re Davidson*, 4 Ben., 10; *In re Terry et al.*, 4 Bank. Reg., 33; *In re Butler*, 4 Bank. Reg., 91; *Vogle vs. Lathrop*, 4 Bank. Reg., 146; *Golson vs. Neihoff*, 5 Bank. Reg., 56; *Kohlsaat vs. Hognet*, 5 Bank. Reg., 159; *Haskell vs. Ingalls*, 5 Bank. Reg., 205; *Hood vs. Karper*, 5 Bank. Reg., 358; *Scammon vs. Cole*, 5 Bank. Reg., 257.

SEC. 5129. If any person, being insolvent, or in contemplation of insolvency or bankruptcy, within six months before the filing of the petition by or against him, makes any payment, sale, assignment, transfer, conveyance, or other disposition of any part of his property to any person who then has reasonable cause to believe him to be insolvent, or to be acting in contemplation of insolvency, and that such payment, sale, assignment, transfer, or other conveyance is made with a view to prevent his property from coming to his assignee in bankruptcy, or to

prevent the same from being distributed under this act, or to defeat the object of, or in any way impair, hinder, impede, or delay the operation and effect of, or to evade any of the provisions of this Title, the sale, assignment, transfer, or conveyance shall be void, and the assignee may recover the property, or the value thereof, as assets of the bankrupt.

18 Wall., 635; Hubbard *vs.* Allaire Works, 7 Blatch., 284; Andrews *vs.* Graves, 1 Dill., 108; Bean *vs.* Brookmeyer *et al.*, 4 Bank. Reg., 57; *In re* Butler, 4 Bank. Reg., 91; Burkholder *vs.* Stump, 4 Bank. Reg., 191; *In re* Hunt, 2 Bank. Reg., 166; Judson *vs.* Keltz, 6 Bank. Reg., 165.

SEC. 5130. The fact that such a payment, pledge, sale, assignment, transfer, conveyance, or other disposition of a debtor's property as is described in the two preceding sections, is not made in the usual and ordinary course of business of the debtor, shall be prima-facie evidence of fraud.

Presumptive evidence of fraud.

2 March, 1867, c. 176, s. 35, v. 14, p. 534.

Walbrun *vs.* Babbitt, 16 Wall., 577; *In re* Hunt, 2 Bank. Reg., 166; Rison *vs.* Heddens, 4 Bank. Reg., 114.

SEC. 5131. Any contract, covenant, or security made or given by a bankrupt or other person with, or in trust for, any creditor, for securing the payment of any money as a consideration for or with intent to induce the creditor to forbear opposing the application for discharge of the bankrupt, shall be void; and any creditor who obtains any sum of money or other goods, chattels, or security from any person as an inducement for forbearing to oppose, or consenting to such application for discharge, shall forfeit all right to any share or dividend in the estate of the bankrupt, and shall also forfeit double the value or amount of such money, goods, chattels, or security so obtained, to be recovered by the assignee for the benefit of the estate.

Fraudulent agreements.

2 March, 1867, c. 176, s. 35, v. 14, p. 534.

SEC. 5132. Every person respecting whom proceedings in bankruptcy are commenced, either upon his own petition or upon that of a creditor:

Penalties against fraudulent bankrupt.

First. Who secretes or conceals any property belonging to his estate; or,

2 March, 1867, c. 176, s. 44, v. 14, p. 539.

Second. Who parts with, conceals, destroys, alters, mutilates, or falsifies, or causes to be concealed, destroyed, altered, mutilated, or falsified, any book, deed, document, or writing relating thereto; or,

Third. Who removes or causes to be removed any such property or book, deed, document, or writing out of the district, or otherwise disposes of any part thereof, with intent to prevent it from coming into the possession of the assignee in bankruptcy, or to hinder, impede, or delay him in recovering or receiving the same; or,

U. S. *vs.* Lattore, 8 Blatch., 134; U. S. *vs.* Clark, 4 Bank. Reg., 14; U. S. *vs.* Prescott, 4 Bank. Reg., 29; U. S. *vs.* Posey, 6 Bank. Reg., 284.

Fourth. Who makes any payment, gift, sale, assignment, transfer, or conveyance of any property belonging to his estate with the like intent; or,

Fifth. Who spends any property belonging to his estate in gaming; or,

Sixth. Who, with intent to defraud, willfully and fraudulently conceals from his assignee or omits from his inventory any property or effects required by this Title to be described therein; or,

Seventh. Who, having reason to suspect that any other person has proved a false or fictitious debt against his estate, fails to disclose the same to his assignee within one month after coming to the knowledge or belief thereof; or,

Eighth. Who attempts to account for any of his property by fictitious losses or expenses; or,

Ninth. Who, within three months before the commencement of proceedings in bankruptcy, under the false color and pretense of carrying on business and dealing in the ordinary course of trade, obtains on credit from any person any goods or chattels with intent to defraud; or,

Tenth. Who, within three months next before the commencement of proceedings in bankruptcy, with intent to defraud his creditors, pawns, pledges, or disposes of, otherwise than by transactions made in good faith in the ordinary way of his trade, any of his goods or chattels which have been obtained on credit and remain unpaid for,

Shall be punishable by imprisonment, with or without hard labor, for not more than three years.

TITLE LXII. NATIONAL BANKS.

CHAPTER ONE.

ORGANIZATION AND POWERS.

| Sec. | Sec. |
|---|--|
| 5133. Formation of national banking associations. | 5146. Requisite qualifications of directors. |
| 5134. Requisites of organization certificate. | 5147. Oath required from directors. |
| 5135. How certificate shall be acknowledged and filed. | 5148. Filling vacancies. |
| 5136. Corporate powers of associations. | 5149. Proceedings where no election is held on the proper day. |
| 5137. Power to hold real property. | 5150. Election of president of the board. |
| 5138. Requisite amount of capital. | 5151. Individual liability of shareholders. |
| 5139. Shares of stock and transfers. | 5152. Executors, trustees, &c., not personally liable. |
| 5140. How payment of the capital stock must be made and proved. | 5153. Duties and liabilities when designated as depositaries of public moneys. |
| 5141. Proceedings if shareholder fails to pay installments. | 5154. Organization of State banks as national banking associations. |
| 5142. Increase of capital stock. | 5155. State banks having branches. |
| 5143. Reduction of capital stock. | 5156. Reservation of rights of associations organized under act of 1863. |
| 5144. Right of shareholders to vote. | |
| 5145. Election of directors. | |

Formation of national banking associations.

3 June, 1864, c. 106, s. 5, v. 13, p. 100.

Requisites of organization certificate.

3 June, 1864, c. 106, s. 6, v. 13, p. 101.

How certificate shall be acknowledged and filed.

Ibid.

SEC. 5133. Associations for carrying on the business of banking under this Title may be formed by any number of natural persons, not less in any case than five. They shall enter into articles of association, which shall specify in general terms the object for which the association is formed, and may contain any other provisions, not inconsistent with law, which the association may see fit to adopt for the regulation of its business and the conduct of its affairs. These articles shall be signed by the persons uniting to form the association, and a copy of them shall be forwarded to the Comptroller of the Currency, to be filed and preserved in his office. [See § 324.]

SEC. 5134. The persons uniting to form such an association shall, under their hands, make an organization certificate, which shall specifically state:

First. The name assumed by such association; which name shall be subject to the approval of the Comptroller of the Currency.

Second. The place where its operations of discount and deposit are to be carried on, designating the State, Territory, or district, and the particular county and city, town, or village.

Third. The amount of capital stock and the number of shares into which the same is to be divided.

Fourth. The names and places of residence of the shareholders and the number of shares held by each of them.

Fifth. The fact that the certificate is made to enable such persons to avail themselves of the advantages of this Title.

SEC. 5135. The organization certificate shall be acknowledged before a judge of some court of record, or notary public; and shall be, together with the acknowledgment thereof, authenticated by the seal of such court, or notary, transmitted to the Comptroller of the Currency, who shall record and carefully preserve the same in his office. [See § 325.]

SEC. 5136. Upon duly making and filing articles of association and an organization certificate, the association shall become, as from the date of the execution of its organization certificate, a body corporate, and as such; and in the name designated in the organization certificate, it shall have power—

Corporate powers of associations.

Ibid., s. 8.

2 Abb. U. S., 416.

First. To adopt and use a corporate seal.

Second. To have succession for the period of twenty years from its organization, unless it is sooner dissolved according to the provisions of its articles of association, or by the act of its shareholders owning two-thirds of its stock, or unless its franchise becomes forfeited by some violation of law.

Third. To make contracts.

Fourth. To sue and be sued, complain and defend, in any court of law and equity, as fully as natural persons.

Fifth. To elect or appoint directors, and by its board of directors to appoint a president, vice-president, cashier, and other officers, define their duties, require bonds of them and fix the penalty thereof, dismiss such officers or any of them at pleasure, and appoint others to fill their places.

Sixth. To prescribe, by its board of directors, by-laws not inconsistent with law, regulating the manner in which its stock shall be transferred, its directors elected or appointed, its officers appointed, its property transferred, its general business conducted, and the privileges granted to it by law exercised and enjoyed.

Seventh. To exercise by its board of directors, or duly authorized officers or agents, subject to law, all such incidental powers as shall be necessary to carry on the business of banking; by discounting and negotiating promissory notes, drafts, bills of exchange, and other evidences of debt; by receiving deposits; by buying and selling exchange, coin, and bullion; by loaning money on personal security; and by obtaining, issuing, and circulating notes according to the provisions of this Title.

But no association shall transact any business except such as is incidental and necessarily preliminary to its organization, until it has been authorized by the Comptroller of the Currency to commence the business of banking.

SEC. 5137. A national banking association may purchase, hold, and convey real estate for the following purposes, and for no others:

Power to hold real property.

First. Such as shall be necessary for its immediate accommodation in the transaction of its business.

3 June, 1864, c. 106, s. 28, v. 13, p. 107.

Second. Such as shall be mortgaged to it in good faith by way of security for debts previously contracted.

Third. Such as shall be conveyed to it in satisfaction of debts previously contracted in the course of its dealings.

Fourth. Such as it shall purchase at sales under judgments, decrees, or mortgages held by the association, or shall purchase to secure debts due to it.

But no such association shall hold the possession of any real estate under mortgage, or the title and possession of any real estate purchased to secure any debts due to it, for a longer period than five years.

Requisite amount of capital.

Ibid., s. 7, p. 101.

SEC. 5138. No association shall be organized under this Title with a less capital than one hundred thousand dollars; except that banks with a capital of not less than fifty thousand dollars may, with the approval of the Secretary of the Treasury, be organized in any place the population of which does not exceed six thousand inhabitants. No association shall be organized in a city the population of which exceeds fifty thousand persons with a less capital than two hundred thousand dollars.

Shares of stock and transfers.

Ibid., s. 12, p. 102.

SEC. 5139. The capital stock of each association shall be divided into shares of one hundred dollars each, and be deemed personal property, and transferable on the books of the association in such manner as may be prescribed in the by-laws or articles of association. Every person becoming a shareholder by such transfer shall, in proportion to his shares, succeed to all the rights and liabilities of the prior holder of

Van Allen vs. The Assessors, 3 Wall., 573.

such shares; and no change shall be made in the articles of association by which the rights, remedies, or security of the existing creditors of the association shall be impaired.

How payment of the capital stock must be made and proved.

Ibid., s. 14, p. 103.

SEC. 5140. At least fifty per centum of the capital stock of every association shall be paid in before it shall be authorized to commence business; and the remainder of the capital stock of such association shall be paid in installments of at least ten per centum each, on the whole amount of the capital, as frequently as one installment at the end of each succeeding month from the time it shall be authorized by the Comptroller of the Currency to commence business; and the payment of each installment shall be certified to the Comptroller, under oath, by the president or cashier of the association.

Proceedings if shareholder fails to pay installments.

Ibid., s. 15.

SEC. 5141. Whenever any shareholder, or his assignee, fails to pay any installment on the stock when the same is required by the preceding section to be paid, the directors of such association may sell the stock of such delinquent shareholder at public auction, having given three weeks' previous notice thereof in a newspaper published and of general circulation in the city or county where the association is located, or if no newspaper is published in said city or county, then in a newspaper published nearest thereto, to any person who will pay the highest price therefor, to be not less than the amount then due thereon, with the expenses of advertisement and sale; and the excess, if any, shall be paid to the delinquent shareholder. If no bidder can be found who will pay for such stock the amount due thereon to the association, and the cost of advertisement and sale, the amount previously paid shall be forfeited to the association, and such stock shall be sold as the directors may order, within six months from the time of such forfeiture, and if not sold it shall be canceled and deducted from the capital stock of the association. If any such cancellation and reduction shall reduce the capital of the association below the minimum of capital required by law, the capital stock shall, within thirty days from the date of such cancellation, be increased to the required amount; in default of which a receiver may be appointed, according to the provisions of section fifty-two hundred and thirty-four, to close up the business of the association.

Increase of capital stock.

Ibid., s. 13.

SEC. 5142. Any association formed under this Title may, by its articles of association, provide for an increase of its capital from time to time, as may be deemed expedient, subject to the limitations of this Title. But the maximum of such increase to be provided in the articles of association shall be determined by the Comptroller of the Currency; and no increase of capital shall be valid until the whole amount of such increase is paid in, and notice thereof has been transmitted to the Comptroller of the Currency, and his certificate obtained specifying the amount of such increase of capital stock, with his approval thereof, and that it has been duly paid in as part of the capital of such association.

Reduction of capital stock.

Ibid.

SEC. 5143. Any association formed under this Title may, by the vote of shareholders owning two-thirds of its capital stock, reduce its capital to any sum not below the amount required by this Title to authorize the formation of associations; but no such reduction shall be allowable which will reduce the capital of the association below the amount required for its outstanding circulation, nor shall any such reduction be made until the amount of the proposed reduction has been reported to the Comptroller of the Currency and his approval thereof obtained.

Right of shareholders to vote.

Ibid., s. 11, p. 102.

SEC. 5144. In all elections of directors, and in deciding all questions at meetings of shareholders, each shareholder shall be entitled to one vote on each share of stock held by him. Shareholders may vote by proxies duly authorized in writing; but no officer, clerk, teller, or book-keeper of such association shall act as proxy; and no shareholder whose liability is past due and unpaid shall be allowed to vote.

SEC. 5145. The affairs of each association shall be managed by not less than five directors, who shall be elected by the shareholders at a meeting to be held at any time before the association is authorized by the Comptroller of the Currency to commence the business of banking; and afterward at meetings to be held on such day in January of each year as is specified therefor in the articles of association. The directors shall hold office for one year, and until their successors are elected and have qualified.

Election of directors.

3 June, 1864, c. 106, ss. 9, 10, v. 13, p. 102.

SEC. 5146. Every director must, during his whole term of service, be a citizen of the United States, and at least three-fourths of the directors must have resided in the State, Territory, or District in which the association is located, for at least one year immediately preceding their election, and must be residents therein during their continuance in office. Every director must own, in his own right, at least ten shares of the capital stock of the association of which he is a director. Any director who ceases to be the owner of ten shares of the stock, or who becomes in any other manner disqualified, shall thereby vacate his place.

Requisite qualifications of directors.

Ibid.

SEC. 5147. Each director, when appointed or elected, shall take an oath that he will, so far as the duty devolves on him, diligently and honestly administer the affairs of such association, and will not knowingly violate, or willingly permit to be violated, any of the provisions of this Title, and that he is the owner in good faith, and in his own right, of the number of shares of stock required by this Title, subscribed by him, or standing in his name on the books of the association, and that the same is not hypothecated, or in any way pledged, as security for any loan or debt. Such oath, subscribed by the director making it, and certified by the officer before whom it is taken, shall be immediately transmitted to the Comptroller of the Currency, and shall be filed and preserved in his Office.

Oath required from directors.

Ibid., s. 9.

SEC. 5148. Any vacancy in the board shall be filled by appointment by the remaining directors, and any director so appointed shall hold his place until the next election.

Filling vacancies.

Ibid., s. 10.

SEC. 5149. If, from any cause, an election of directors is not made at the time appointed, the association shall not for that cause be dissolved, but an election may be held on any subsequent day, thirty days' notice thereof in all cases having been given in a newspaper published in the city, town, or county in which the association is located; and if no newspaper is published in such city, town, or county, such notice shall be published in a newspaper published nearest thereto. If the articles of association do not fix the day on which the election shall be held, or if no election is held on the day fixed, the day for the election shall be designated by the board of directors in their by-laws, or otherwise; or if the directors fail to fix the day, shareholders representing two-thirds of the shares may do so.

Proceedings where no election is held on the proper day.

Ibid., s. 9.

SEC. 5150. One of the directors, to be chosen by the board, shall be the president of the board.

Election of president of the board.

Ibid., s. 9.

SEC. 5151. The shareholders of every national banking association shall be held individually responsible, equally and ratably, and not one for another, for all contracts, debts, and engagements of such association, to the extent of the amount of their stock therein, at the par value thereof, in addition to the amount invested in such shares; except that shareholders of any banking association now existing under State laws, having not less than five millions of dollars of capital actually paid in, and a surplus of twenty per centum on hand, both to be determined by the Comptroller of the Currency, shall be liable only to the amount invested in their shares; and such surplus of twenty per centum shall be kept undiminished, and be in addition to the surplus provided for in this Title; and if at any time there is a deficiency in such surplus of twenty per centum, such association shall not pay any dividends to its shareholders until the deficiency is made good; and in case of

Individual liability of shareholders.

Ibid., s. 12.

such deficiency, the Comptroller of the Currency may compel the association to close its business and wind up its affairs under the provisions of Chapter four of this Title.

Executors, trustees, &c., not personally liable.

Ibid., s. 63, p. 118.

Duties and liabilities when designated as depositaries of public moneys.

Ibid., s. 45, p. 113.

Organization of State banks as national banking associations.

Ibid., s. 44, p. 112.

State banks having branches.

3 March, 1865, c. 78, s. 7, v. 13, p. 484.

SEC. 5152. Persons holding stock as executors, administrators, guardians, or trustees, shall not be personally subject to any liabilities as stockholders; but the estates and funds in their hands shall be liable in like manner and to the same extent as the testator, intestate, ward, or person interested in such trust-funds would be, if living and competent to act and hold the stock in his own name.

SEC. 5153. All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositaries of public money, except receipts from customs, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositaries of public moneys and financial agents of the Government, as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government. And every association so designated as receiver or depositary of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue, or for loans or stocks. [See §§ 3639-3649, 5489.]

SEC. 5154. Any bank incorporated by special law, or any banking institution organized under a general law of any State, may become a national association under this Title by the name prescribed in its organization certificate; and in such case the articles of association and the organization certificate may be executed by a majority of the directors of the bank or banking institution; and the certificate shall declare that the owners of two-thirds of the capital stock have authorized the directors to make such certificate, and to change and convert the bank or banking institution into a national association. A majority of the directors, after executing the articles of association and organization certificate, shall have power to execute all other papers, and to do whatever may be required to make its organization perfect and complete as a national association. The shares of any such bank may continue to be for the same amount each as they were before the conversion, and the directors may continue to be the directors of the association until others are elected or appointed in accordance with the provisions of this chapter; and any State bank which is a stockholder in any other bank, by authority of State laws, may continue to hold its stock, although either bank, or both, may be organized under and have accepted the provisions of this Title. When the Comptroller of the Currency has given to such association a certificate, under his hand and official seal, that the provisions of this Title have been complied with, and that it is authorized to commence the business of banking, the association shall have the same powers and privileges, and shall be subject to the same duties, responsibilities, and rules, in all respects, as are prescribed for other associations originally organized as national banking associations, and shall be held and regarded as such an association. But no such association shall have a less capital than the amount prescribed for associations organized under this Title.

SEC. 5155. It shall be lawful for any bank or banking association organized under State laws, and having branches, the capital being joint and assigned to and used by the mother-bank and branches in definite proportions, to become a national banking association in conformity with existing laws, and to retain and keep in operation its branches, or such one or more of them as it may elect to retain; the amount of the circulation redeemable at the mother-bank, and each branch, to be regulated by the amount of capital assigned to and used by each.

SEC. 5156. Nothing in this Title shall affect any appointments made, acts done, or proceedings had or commenced prior to the third day of June, eighteen hundred and sixty-four, in or toward the organization of any national banking association under the act of February twenty-five, eighteen hundred and sixty-three; but all associations which, on the third day of June, eighteen hundred and sixty-four, were organized or commenced to be organized under that act, shall enjoy all the rights and privileges granted, and be subject to all the duties, liabilities, and restrictions imposed by this Title, notwithstanding all the steps prescribed by this Title for the organization of associations were not pursued, if such associations were duly organized under that act.

Reservation of rights of associations organized under act of 1863.

3 June 1864, c. 106, s. 62, v. 13, p. 118.

CHAPTER TWO.

OBTAINING AND ISSUING CIRCULATING NOTES.

| Sec. | Sec. |
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| 5157. What associations are governed by chapters 2, 3, and 4. | 5175. Limit to issue of notes under five dollars. |
| 5158. Registered bonds intended by the term "United States bonds." | 5176. Limit to amount of circulation of certain banks. |
| 5159. Deposit of bonds required before issue of circulating notes. | 5177. Limit to aggregate amount of circulating notes. |
| 5160. Increase or reduction of deposits to correspond with capital. | 5178. Apportionment of aggregate amount of circulating notes. |
| 5161. Exchange of coupon for registered bonds. | 5179. Equalizing the apportionment of circulating notes. |
| 5162. Manner of making transfers of bonds. | 5180. How the necessary amount of notes shall be withdrawn. |
| 5163. Registry of transfers. | 5181. Removal of association to another State. |
| 5164. Notice of transfer to be given to associations interested. | 5182. For what demands national-bank notes may be received. |
| 5165. Examination of registry and bonds. | 5183. Issue of other notes prohibited. |
| 5166. Annual examination of bonds by associations. | 5184. Destroying and replacing worn-out and mutilated notes. |
| 5167. Custody of bonds, collection of interest, &c. | 5185. Organization of associations to issue gold-notes authorized. |
| 5168. Comptroller to determine if association can commence business. | 5186. Their lawful-money reserve, and duty of receiving notes of other associations. |
| 5169. Certificate of authority to commence banking to be issued. | 5187. Penalty for issuing circulating notes to unauthorized associations. |
| 5170. Publication of certificate. | 5188. Penalty for imitating national-bank notes, &c. |
| 5171. Delivery of circulating notes. | 5189. Penalty for defacing, &c., national-bank notes. |
| 5172. Printing, denominations, and form of the circulating notes. | |
| 5173. Plates and dies to be under control of the Comptroller. | |
| 5174. Annual examination of plates, dies, &c. | |

SEC. 5157. The provisions of chapters two, three, and four of this Title, which are expressed without restrictive words, as applying to "national banking associations," or to "associations," apply to all associations organized to carry on the business of banking under any act of Congress.

What associations are governed by chapters 2, 3, and 4.

SEC. 5158. The term "United States bonds," as used throughout this chapter, shall be construed to mean registered bonds of the United States.

Registered bonds intended by the term "United States bonds."

3 June, 1864, c. 106, s. 4, v. 13, p. 100.

SEC. 5159. Every association, after having complied with the provisions of this Title, preliminary to the commencement of the banking business, and before it shall be authorized to commence banking business under this Title, shall transfer and deliver to the Treasurer of the United States any United States registered bonds, bearing interest, to an amount not less than thirty thousand dollars and not less than one-third of the capital stock paid in. Such bonds shall be received by the

Deposit of bonds required before issue of circulating notes.

Ibid., s. 16, p. 104.

Treasurer upon deposit, and shall be by him safely kept in his office, until they shall be otherwise disposed of, in pursuance of the provisions of this Title.

Increase or reduction of deposit to correspond with capital.

3 June, 1864, c. 106, s. 16, v. 13, p. 104.

SEC. 5160. The deposit of bonds made by each association shall be increased as its capital may be paid up or increased, so that every association shall at all times have on deposit with the Treasurer registered United States bonds to the amount of at least one-third of its capital stock actually paid in. And any association that may desire to reduce its capital or to close up its business and dissolve its organization, may take up its bonds upon returning to the Comptroller its circulating notes in the proportion hereinafter required, or may take up any excess of bonds beyond one-third of its capital stock, and upon which no circulating notes have been delivered.

Exchange of coupon for registered bonds.

3 June, 1864, c. 106, s. 16, v. 13, p. 104.

SEC. 5161. To facilitate a compliance with the two preceding sections, the Secretary of the Treasury is authorized to receive from any association, and cancel, any United States coupon bonds, and to issue in lieu thereof registered bonds of like amount, bearing a like rate of interest, and having the same time to run.

Manner of making transfers of bonds.

Ibid., s. 19, p. 105.

SEC. 5162. All transfers of United States bonds, made by any association under the provisions of this Title, shall be made to the Treasurer of the United States in trust for the association, with a memorandum written or printed on each bond, and signed by the cashier, or some other officer of the association making the deposit. A receipt shall be given to the association, by the Comptroller of the Currency, or by a clerk appointed by him for that purpose, stating that the bond is held in trust for the association on whose behalf the transfer is made, and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association. No assignment or transfer of any such bond by the Treasurer shall be deemed valid unless countersigned by the Comptroller of the Currency.

Registry of transfers.

Ibid., ss. 19, 20.

SEC. 5163. The Comptroller of the Currency shall keep in his Office a book in which he shall cause to be entered, immediately upon countersigning it, every transfer or assignment by the Treasurer, of any bonds belonging to a national banking association, presented for his signature. He shall state in such entry the name of the association from whose accounts the transfer is made, the name of the party to whom it is made, and the par value of the bonds transferred.

Notice of transfer to be given to association interested.

Ibid., s. 19.

SEC. 5164. The Comptroller of the Currency shall, immediately upon countersigning and entering any transfer or assignment by the Treasurer, of any bonds belonging to a national banking association, advise by mail the association from whose accounts the transfer is made, of the kind and numerical designation of the bonds, and the amount thereof so transferred.

Examination of registry and bonds.

Ibid., s. 20.

SEC. 5165. The Comptroller of the Currency shall have at all times, during office-hours, access to the books of the Treasurer of the United States for the purpose of ascertaining the correctness of any transfer or assignment of the bonds deposited by an association, presented to the Comptroller to countersign; and the Treasurer shall have the like access to the book mentioned in section fifty-one hundred and sixty-three, during office-hours, to ascertain the correctness of the entries in the same; and the Comptroller shall also at all times have access to the bonds on deposit with the Treasurer, to ascertain their amount and condition.

Annual examination of bonds by associations.

Ibid., s. 25, p. 106.

SEC. 5166. Every association having bonds deposited in the office of the Treasurer of the United States shall, once or oftener in each fiscal year, examine and compare the bonds pledged by the association with the books of the Comptroller of the Currency and with the accounts of the association, and, if they are found correct, to execute to the Treasurer a certificate setting forth the different kinds and the amounts thereof, and that the same are in the possession and custody of the Treasurer at the date of the certificate. Such examination shall be made at

such time or times, during the ordinary business hours, as the Treasurer and the Comptroller, respectively, may select, and may be made by an officer or agent of such association, duly appointed in writing for that purpose; and his certificate before mentioned shall be of like force and validity as if executed by the president or cashier. A duplicate of such certificate, signed by the Treasurer, shall be retained by the association.

SEC. 5167. The bonds transferred to and deposited with the Treasurer of the United States, by any association, for the security of its circulating notes, shall be held exclusively for that purpose, until such notes are redeemed, except as provided in this Title. The Comptroller of the Currency shall give to any such association powers of attorney to receive and appropriate to its own use the interest on the bonds which it has so transferred to the Treasurer; but such powers shall become inoperative whenever such association fails to redeem its circulating notes. Whenever the market or cash value of any bonds thus deposited with the Treasurer is reduced below the amount of the circulation issued for the same, the Comptroller may demand and receive the amount of such depreciation in other United States bonds at cash value, or in money, from the association, to be deposited with the Treasurer as long as such depreciation continues. And the Comptroller, upon the terms prescribed by the Secretary of the Treasury, may permit an exchange to be made of any of the bonds deposited with the Treasurer by any association, for other bonds of the United States authorized to be received as security for circulating notes, if he is of opinion that such an exchange can be made without prejudice to the United States; and he may direct the return of any bonds to the association which transferred the same, in sums of not less than one thousand dollars, upon the surrender to him and the cancellation of a proportionate amount of such circulating notes: *Provided*, That the remaining bonds which shall have been transferred by the association offering to surrender circulating notes are equal to the amount required for the circulating notes not surrendered by such association, and that the amount of bonds in the hands of the Treasurer is not diminished below the amount required to be kept on deposit with him, and that there has been no failure by the association to redeem its circulating notes, nor any other violation by it of the provisions of this Title, and that the market or cash value of the remaining bonds is not below the amount required for the circulation issued for the same.

SEC. 5168. Whenever a certificate is transmitted to the Comptroller of the Currency, as provided in this Title, and the association transmitting the same notifies the Comptroller that at least fifty per centum of its capital stock has been duly paid in, and that such association has complied with all the provisions of this Title required to be complied with before an association shall be authorized to commence the business of banking, the Comptroller shall examine into the condition of such association, ascertain especially the amount of money paid in on account of its capital, the name and place of residence of each of its directors, and the amount of the capital stock of which each is the owner in good faith, and generally whether such association has complied with all the provisions of this Title required to entitle it to engage in the business of banking; and shall cause to be made and attested by the oaths of a majority of the directors, and by the president or cashier of the association, a statement of all the facts necessary to enable the Comptroller to determine whether the association is lawfully entitled to commence the business of banking.

SEC. 5169. If, upon a careful examination of the facts so reported, and of any other facts which may come to the knowledge of the Comptroller, whether by means of a special commission appointed by him for the purpose of inquiring into the condition of such association, or otherwise, it appears that such association is lawfully entitled to commence the business of banking, the Comptroller shall give to such association

Custody of bonds, collection of interest, &c.

3 June, 1864, c. 106, s. 26, v. 13, p. 107.

Comptroller to determine if associations can commence business.

Ibid., s. 17, p. 104.

Certificate of authority to commence banking to be issued.

3 June, 1864, c. 106, ss. 12, 18, v. 13, pp. 102, 104.

a certificate, under his hand and official seal, that such association has complied with all the provisions required to be complied with before commencing the business of banking, and that such association is authorized to commence such business. But the Comptroller may withhold from an association his certificate authorizing the commencement of business, whenever he has reason to suppose that the shareholders have formed the same for any other than the legitimate objects contemplated by this Title.

Publication of certificate.

3 June, 1864, c. 106, s. 18, v. 13, p. 104.

Delivery of circulating notes.

3 March, 1865, c. 82, v. 13, p. 498.

SEC. 5170. The association shall cause the certificate issued under the preceding section to be published in some newspaper printed in the city or county where the association is located, for at least sixty days next after the issuing thereof; or, if no newspaper is published in such city or county, then in the newspaper published nearest thereto.

SEC. 5171. Upon a deposit of bonds as prescribed by sections fifty-one hundred and fifty-nine and fifty-one hundred and sixty, the association making the same shall be entitled to receive from the Comptroller of the Currency circulating notes of different denominations, in blank, registered and countersigned as hereinafter provided, equal in amount to ninety per centum of the current market-value of the United States bonds so transferred and delivered, but not exceeding ninety per centum of the amount of the bonds at the par value thereof, if bearing interest at a rate not less than five per centum per annum: *Provided*, That the amount of circulating notes to be furnished to each association shall be in proportion to its paid-up capital, as follows, and no more:

First. To each association whose capital does not exceed five hundred thousand dollars, ninety per centum of such capital.

Second. To each association whose capital exceeds five hundred thousand dollars, but does not exceed one million of dollars, eighty per centum of such capital.

Third. To each association whose capital exceeds one million of dollars, but does not exceed three million of dollars, seventy-five per centum of such capital.

Fourth. To each association whose capital exceeds three millions of dollars, sixty per centum of such capital.

Printing, denominations, and form of the circulating notes.

3 June, 1864, c. 104, s. 22, v. 13, p. 105.

SEC. 5172. In order to furnish suitable notes for circulation, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and shall have printed therefrom, and numbered, such quantity of circulating notes, in blank, of the denominations of one dollar, two dollars, three dollars, five dollars, ten dollars, twenty dollars, fifty dollars, one hundred dollars, five hundred dollars, and one thousand dollars, as may be required to supply the associations entitled to receive the same. Such notes shall express upon their face that they are secured by United States bonds, deposited with the Treasurer of the United States, by the written or engraved signatures of the Treasurer and Register, and by the imprint of the seal of the Treasury; and shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the signatures of the president or vice-president and cashier; and shall bear such devices and such other statements, and shall be in such form, as the Secretary of the Treasury shall, by regulation, direct. [See §§ 5415, 5434.]

Plates and dies to be under control of Comptroller

Ibid., c. 106, s. 41, v. 13, p. 111.

SEC. 5173. The plates and special dies to be procured by the Comptroller of the Currency for the printing of such circulating notes shall remain under his control and direction, and the expenses necessarily incurred in executing the laws respecting the procuring of such notes, and all other expenses of the Bureau of the Currency, shall be paid out of the proceeds of the taxes or duties assessed and collected on the circulation of national banking associations under this Title.

SEC. 5174. The Comptroller of the Currency shall cause to be examined, each year, the plates, dies, but-pieces, and other material from which the national-bank circulation is printed, in whole or in part, and file in his Office annually a correct list of the same. Such material as shall have been used in the printing of the notes of associations which are in liquidation, or have closed business, shall be destroyed under such regulations as shall be prescribed by the Comptroller of the Currency and approved by the Secretary of the Treasury. The expenses of any such examination or destruction shall be paid out of any appropriation made by Congress for the special examination of national banks and bank-note plates.

Annual examination of plates, dies, &c.

3 March, 1873, c. 269, s. 4, v. 17, p. 603.

SEC. 5175. Not more than one-sixth part of the notes furnished to any association shall be of a less denomination than five dollars. After specie payments are resumed no association shall be furnished with notes of a less denomination than five dollars.

Limit to issue of notes under five dollars.

3 June, 1864, c. 106, s. 22, v. 13, p. 105.

SEC. 5176. No banking association organized subsequent to the twelfth day of July, eighteen hundred and seventy, shall have a circulation in excess of five hundred thousand dollars.

Limit to amount of circulation of certain banks.

12 July, 1870, c. 252, s. 1, v. 16, p. 251.

SEC. 5177. The aggregate amount of circulating notes issued under the act of February twenty-five, eighteen hundred and sixty-three, and under the act of June three, eighteen hundred and sixty-four, and under section one of the act of July twelve, eighteen hundred and seventy, and under this Title, shall not exceed three hundred and fifty-four millions of dollars.

Limit to aggregate amount of circulating notes.

3 June, 1864, c. 106, s. 22, v. 13, p. 105.

Ibid., s. 62, p. 118.
12 July, 1870, c. 252, s. 1, v. 16, p. 251.

SEC. 5178. One hundred and fifty millions of dollars of the entire amount of circulating notes authorized to be issued shall be apportioned to associations in the States, in the Territories, and in the District of Columbia, according to representative population. One hundred and fifty millions shall be apportioned by the Secretary of the Treasury among associations formed in the several States, in the Territories, and in the District of Columbia, having due regard to the existing banking capital, resources, and business of such States, Territories, and District. The remaining fifty-four millions shall be apportioned among associations in States and Territories having, under the apportionments above prescribed, less than their full proportion of the aggregate amount of notes authorized, which made due application for circulating notes prior to the twelfth day of July, eighteen hundred and seventy-one. Any remainder of such fifty-four millions shall be issued to banking associations applying for circulating notes in other States or Territories having less than their proportion.

Apportionment of aggregate amount of circulating notes.

3 March, 1865, c. 82, v. 13, p. 498.

12 July, 1870, c. 252, s. 1, v. 16, p. 251.

SEC. 5179. In order to secure a more equitable distribution of the national banking currency, there may be issued circulating notes to banking associations organized in States and Territories having less than their proportion, and the amount of circulation herein authorized shall, under the direction of the Secretary of the Treasury, as it may be required for this purpose, be withdrawn, as herein provided, from banking associations organized in States having more than their proportion, but the amount so withdrawn shall not exceed twenty-five million dollars: *Provided*, That no circulation shall be withdrawn under the provisions of this section until after the fifty-four millions granted in the first section of the act of July twelfth, eighteen hundred and seventy, shall have been taken up.

Equalizing the apportionment of circulating notes.

12 July, 1870, c. 252, s. 6, v. 16, p. 253.

SEC. 5180. The Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, make a statement showing the amount of circulation in each State and Territory, and the amount necessary to be withdrawn from each association, and shall forthwith make a requisition for such amount upon such associations, commencing with those having a circulation exceeding one million of dollars, in States having an excess of circulation, and withdrawing their circula-

How the necessary amount of notes shall be withdrawn.

Ibid.

tion in excess of one million of dollars, and then proceeding proportionately with other associations having a circulation exceeding three hundred thousand dollars, in States having the largest excess of circulation, and reducing the circulation of such associations in States having the greatest proportion in excess, leaving undisturbed the associations in States having a smaller proportion, until those in greater excess have been reduced to the same grade, and continuing thus to make such reductions until the full amount of twenty-five millions has been withdrawn; and the circulation so withdrawn shall be distributed among the States and Territories having less than their proportion, so as to equalize the same. Upon failure of any association to return the amount of circulating notes so required, within one year, the Comptroller shall sell at public auction, having given twenty days' notice thereof in one daily newspaper printed in Washington and one in New York City, an amount of the bonds deposited by that association as security for its circulation, equal to the circulation required to be withdrawn from the association and not returned in compliance with such requisition; and he shall, with the proceeds, redeem so many of the notes of such association, as they come into the Treasury, as will equal the amount required and not returned; and shall pay the balance, if any, to the association.

Removal of association to another State.

Ibid., s. 7, p. 254.

For what demands national bank notes may be received.

3 June, 1864, c. 106, s. 23, v. 13, p. 106.

Issue of other notes prohibited.

Ibid.

Merchants' Bank vs. State Bank, 10 Wall., 604.

Destroying and replacing worn-out and mutilated notes.

Ibid.

SEC. 5181. Any association located in any State having more than its proportion of circulation may be removed to any State having less than its proportion of circulation, under such rules and regulations as the Comptroller of the Currency, with the approval of the Secretary of the Treasury, shall prescribe: *Provided*, That the amount of the issue of said banks shall not be deducted from the issue of fifty-four millions mentioned in section five thousand one hundred and seventy-eight.

SEC. 5182. After any association receiving circulating notes under this Title has caused its promise to pay such notes on demand to be signed by the president or vice-president and cashier thereof, in such manner as to make them obligatory promissory notes, payable on demand, at its place of business, such association may issue and circulate the same as money. And the same shall be received at par in all parts of the United States in payment of taxes, excises, public lands, and all other dues to the United States, except duties on imports; and also for all salaries and other debts and demands owing by the United States to individuals, corporations, and associations within the United States, except interest on the public debt, and in redemption of the national currency.

SEC. 5183. No national banking association shall issue any other notes to circulate as money than such as are authorized by the provisions of this Title.

SEC. 5184. It shall be the duty of the Comptroller of the Currency to receive worn-out or mutilated circulating notes issued by any banking association, and also, on due proof of the destruction of any such circulating notes, to deliver in place thereof to the association other blank circulating notes to an equal amount. Such worn-out or mutilated notes, after a memorandum has been entered in the proper books, in accordance with such regulations as may be established by the Comptroller, as well as all circulating notes which shall have been paid or surrendered to be canceled, shall be burned to ashes in presence of four persons, one to be appointed by the Secretary of the Treasury, one by the Comptroller of the Currency, one by the Treasurer of the United States, and one by the association, under such regulations as the Secretary of the Treasury may prescribe. A certificate of such burning, signed by the parties so appointed, shall be made in the books of the Comptroller, and a duplicate thereof forwarded to the association whose notes are thus canceled.

SEC. 5185. Associations may be organized in the manner prescribed by this Title for the purpose of issuing notes payable in gold; and upon the deposit of any United States bonds bearing interest payable in gold with the Treasurer of the United States, in the manner prescribed for other associations, it shall be lawful for the Comptroller of the Currency to issue to the association making the deposit circulating notes of different denominations, but none of them of less than five dollars, and not exceeding in amount eighty per centum of the par value of the bonds deposited, which shall express the promise of the association to pay them, upon presentation at the office at which they are issued, in gold coin of the United States, and shall be so redeemable. But no such association shall have a circulation of more than one million of dollars.

Organization of associations to issue gold-notes authorized.

12 July, 1870, c. 282, s. 3, v. 16, p. 252.

SEC. 5186. Every association organized under the preceding section shall at all times keep on hand not less than twenty-five per centum of its outstanding circulation, in gold or silver coin of the United States; and shall receive at par in the payment of debts the gold-notes of every other such association which at the time of such payment is redeeming its circulating notes in gold coin of the United States, and shall be subject to all the provisions of this Title: *Provided*, That, in applying the same to associations organized for issuing gold notes, the terms "lawful money" and "lawful money of the United States" shall be construed to mean gold or silver coin of the United States; and the circulation of such associations shall not be within the limitation of circulation mentioned in this Title.

Their lawful-money reserve, and duty of receiving notes of other associations.

12 July, 1870, c. 282, ss. 3, 4, 5, v. 16, pp. 252, 253.

SEC. 5187. No officer acting under the provisions of this Title shall countersign or deliver to any association, or to any other company or person, any circulating notes contemplated by this Title, except in accordance with the true intent and meaning of its provisions. Every officer who violates this section shall be deemed guilty of a high misdemeanor, and shall be fined not more than double the amount so countersigned and delivered, and imprisoned not less than one year and not more than fifteen years.

Penalty for issuing circulating notes to unauthorized associations.

3 June, 1864, c. 106, s. 27, v. 13, p. 107.

SEC. 5188. It shall not be lawful to design, engrave, print, or in any manner make or execute, or to utter, issue, distribute, circulate, or use, any business or professional card, notice, placard, circular, hand-bill, or advertisement, in the likeness or similitude of any circulating note or other obligation or security of any banking association organized or acting under the laws of the United States which has been or may be issued under this Title, or any act of Congress, or to write, print, or otherwise impress upon any such note, obligation, or security any business or professional card, notice or advertisement, or any notice or advertisement of any matter or thing whatever. Every person who violates this section shall be liable to a penalty of one hundred dollars, recoverable one-half to the use of the informer.

Penalty for imitating national-bank notes, &c.

5 Feb., 1867, c. 26, s. 2, v. 14, p. 383.

SEC. 5189. Every person who mutilates, cuts, defaces, disfigures, or perforates with holes, or unites or cements together, or does any other thing to any bank-bill, draft, note, or other evidence of debt, issued by any national banking association, or who causes or procures the same to be done, with intent to render such bank-bill, draft, note, or other evidence of debt unfit to be re-issued by said association, shall be liable to a penalty of fifty dollars, recoverable by the association.

Penalty for defacing, &c., national-bank notes.

3 June, 1864, c. 106, s. 58, v. 13, p. 117.

CHAPTER THREE.

REGULATION OF THE BANKING BUSINESS.

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| Sec. | Sec. |
| 5190. Place of business of banking associations. | 5203. Restriction upon use of circulating notes. |
| 5191. "Lawful-money reserve" prescribed. | 5204. Prohibition upon withdrawal of capital. |
| 5192. What may be counted toward the "lawful-money reserve." | 5205. Enforcing payment of deficiency in capital stock. |
| 5193. Certain certificates of deposit may be counted. | 5206. Restriction upon use of notes of other banks. |
| 5194. Limitation on the power to issue such certificates. | 5207. United States notes not to be held as collateral, &c.; penalty. |
| 5195. Place for redemption of circulating notes to be designated. | 5208. Penalty for falsely certifying checks. |
| 5196. National banks to receive notes of other national banks. | 5209. Embezzlement; penalty. |
| 5197. Limitation upon rate of interest which may be taken. | 5210. List of shareholders, &c., to be kept. |
| 5198. Consequences of taking usurious interest. | 5211. Reports to Comptroller of the Currency. |
| 5199. Dividends. | 5212. Report as to dividends. |
| 5200. Limit to liabilities which may be incurred by any one person, &c. | 5213. Penalty for failure to make reports. |
| 5201. Associations not to loan or purchase their own stock. | 5214. Duties payable to the United States. |
| 5202. Limit upon indebtedness to be incurred. | 5215. Half-yearly return of circulation, deposit, and capital stock. |
| | 5216. Penalty for failure to make return. |
| | 5217. Penalty for failure to pay duties. |
| | 5218. Refunding excessive duties. |
| | 5219. State taxation. |

Place of business.
3 June, 1864, c.
106, s. 8, v. 13, p. 101.

SEC. 5190. The usual business of each national banking association shall be transacted at an office or banking-house located in the place specified in its organization certificate.

Merchants' Bank
"Lawful-money
reserve" prescribed.

3 June, 1864, c.
106, s. 31, v. 13, p.
108.
1 March, 1872, c.
22, v. 17, p. 32.

vs. State Bank, 10 Wall., 604.

SEC. 5191. Every national banking association in either of the following cities: Albany, Baltimore, Boston, Cincinnati, Chicago, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburgh, Saint Louis, San Francisco, and Washington, shall at all times have on hand, in lawful money of the United States, an amount equal to at least twenty-five per centum of the aggregate amount of its notes in circulation and its deposits; and every other association shall at all times have on hand, in lawful money of the United States, an amount equal to at least fifteen per centum of the aggregate amount of its notes in circulation, and of its deposits. Whenever the lawful money of any association in any of the cities named shall be below the amount of twenty-five per centum of its circulation and deposits, and whenever the lawful money of any other association shall be below fifteen per centum of its circulation and deposits, such association shall not increase its liabilities by making any new loans or discounts otherwise than by discounting or purchasing bills of exchange payable at sight, nor make any dividend of its profits until the required proportion, between the aggregate amount of its outstanding notes of circulation and deposits and its lawful money of the United States, has been restored. And the Comptroller of the Currency may notify any association, whose lawful-money reserve shall be below the amount above required to be kept on hand, to make good such reserve; and if such association shall fail for thirty days thereafter so to make good its reserve of lawful money, the Comptroller may, with the concurrence of the Secretary of the Treasury, appoint a receiver to wind up the business of the association, as provided in section fifty-two hundred and thirty-four.

What may be
counted toward
the "lawful-money
reserve."

3 June, 1864, c.
106, s. 31, v. 13, p. 108.

SEC. 5192. Three-fifths of the reserve of fifteen per centum required by the preceding section to be kept, may consist of balances due to an association, available for the redemption of its circulating notes, from associations approved by the Comptroller of the Currency, organized under the act of June three, eighteen hundred and sixty-four, or under this Title, and doing business in the cities of Albany, Baltimore, Boston,

Charleston, Chicago, Cincinnati, Cleveland, Detroit, Louisville, Milwaukee, New Orleans, New York, Philadelphia, Pittsburgh, Richmond, Saint Louis, San Francisco, and Washington. Clearing-house certificates, representing specie or lawful money specially deposited for the purpose, of any clearing-house association, shall also be deemed to be lawful money in the possession of any association belonging to such clearing-house, holding and owning such certificate, within the preceding section.

SEC. 5193. The Secretary of the Treasury may receive United States notes on deposit, without interest, from any national banking associations, in sums of not less than ten thousand dollars, and issue certificates therefor in such form as he may prescribe, in denominations of not less than five thousand dollars, and payable on demand in United States notes at the place where the deposits were made. The notes so deposited shall not be counted as part of the lawful-money reserve of the association; but the certificates issued therefor may be counted as part of its lawful-money reserve, and may be accepted in the settlement of clearing-house balances at the places where the deposits therefor were made.

SEC. 5194. The power conferred on the Secretary of the Treasury, by the preceding section, shall not be exercised so as to create any expansion or contraction of the currency. And United States notes for which certificates are issued under that section, or other United States notes of like amount, shall be held as special deposits in the Treasury, and used only for the redemption of such certificates.

SEC. 5195. Each association organized in any of the cities named in section fifty-one hundred and ninety-one shall select, subject to the approval of the Comptroller of the Currency, an association in the city of New York, at which it will redeem its circulating notes at par; and may keep one-half of its lawful-money reserve in cash deposits in the city of New York. But the foregoing provision shall not apply to associations organized and located in the city of San Francisco for the purpose of issuing notes payable in gold. Each association not organized within the cities named, shall select, subject to the approval of the Comptroller, an association in either of the cities named, at which it will redeem its circulating notes at par. The Comptroller shall give public notice of the names of the associations selected, at which redemptions are to be made by the respective associations, and of any change that may be made of the association at which the notes of any association are redeemed. Whenever any association fails either to make the selection or to redeem its notes as aforesaid, the Comptroller of the Currency may, upon receiving satisfactory evidence thereof, appoint a receiver, in the manner provided for in section fifty-two hundred and thirty-four, to wind up its affairs. But this section shall not relieve any association from its liability to redeem its circulating notes at its own counter, at par, in lawful money on demand.

SEC. 5196. Every national banking association formed or existing under this Title, shall take and receive at par, for any debt or liability to it, any and all notes or bills issued by any lawfully organized national banking association. But this provision shall not apply to any association organized for the purpose of issuing notes payable in gold.

SEC. 5197. Any association may take, receive, reserve, and charge on any loan or discount made, or upon any note, bill of exchange, or other evidences of debt, interest at the rate allowed by the laws of the State, Territory, or district where the bank is located, and no more, except that where by the laws of any State a different rate is limited for banks of issue organized under State laws, the rate so limited shall be allowed for associations organized or existing in any such State under this Title. When no rate is fixed by the laws of the State, or Territory, or district, the bank may take, receive, reserve, or charge a rate not exceeding seven per centum, and such interest may be taken in advance, reckoning the days for which the note, bill, or other evidence of debt

Certain certificates of deposit may be counted.

8 June, 1872, c. 346, ss. 1, 2, v. 17, p. 336.

Limitation on the power to issue such certificates.

Ibid., s. 3.

Place for redemption of circulating notes to be designated.

3 June, 1864, c. 106, s. 32, v. 13, p. 109.

National banks to receive notes of other national banks.

Ibid.

12 July, 1870, c. 282, s. 5, v. 16, p. 253.

Limitation upon rate of interest which may be taken.

3 June, 1864, c. 106, s. 30, v. 13, p. 108.

Tiffany vs. National Bank of Missouri, 18 Wall., 409.

has to run. And the purchase, discount, or sale of a bona-fide bill of exchange, payable at another place than the place of such purchase, discount, or sale, at not more than the current rate of exchange for sight-drafts in addition to the interest, shall not be considered as taking or receiving a greater rate of interest.

Consequences of taking usurious interest.

3 June, 1864, c. 106, s. 30, v. 13, p. 108.

SEC. 5198. The taking, receiving, reserving, or charging a rate of interest greater than is allowed by the preceding section, when knowingly done, shall be deemed a forfeiture of the entire interest which the note, bill, or other evidence of debt carries with it, or which has been agreed to be paid thereon. In case the greater rate of interest has been paid, the person by whom it has been paid, or his legal representatives, may recover back, in an action in the nature of an action of debt, twice the amount of the interest thus paid from the association taking or receiving the same; provided such action is commenced within two years from the time the usurious transaction occurred.

Dividends.

Ibid., s. 33, p. 109.

SEC. 5199. The directors of any association may, semi-annually, declare a dividend of so much of the net profits of the association as they shall judge expedient; but each association shall, before the declaration of a dividend, carry one-tenth part of its net profits of the preceding half-year to its surplus fund until the same shall amount to twenty per centum of its capital stock.

Limit to liabilities which may be incurred by any one person, &c.

Ibid., s. 29, p. 108.

SEC. 5200. The total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including, in the liabilities of a company or firm, the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such association actually paid in. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same, shall not be considered as money borrowed.

Associations not to loan or purchase their own stock.

Ibid., s. 35, p. 110.

Bank vs. Lanier, 11 Wall., 369; *Bal-lard vs. Bank*, 18 Wall., 589.

SEC. 5201. No association shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares, unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall, within six months from the time of its purchase, be sold or disposed of at public or private sale; or, in default thereof, a receiver may be appointed to close up the business of the association, according to section fifty-two hundred and thirty-four.

Limit upon indebtedness to be incurred.

3 June, 1864, c. 106, s. 36, v. 13, p. 110.

SEC. 5202. No association shall at any time be indebted, or in any way liable, to an amount exceeding the amount of its capital stock at such time actually paid in and remaining undiminished by losses or otherwise, except on account of demands of the nature following:

First. Notes of circulation.

Second. Moneys deposited with or collected by the association.

Third. Bills of exchange or drafts drawn against money actually on deposit to the credit of the association, or due thereto.

Fourth. Liabilities to the stockholders of the association for dividends and reserved profits.

Restriction upon use of circulating notes.

Ibid., s. 37.

SEC. 5203. No association shall, either directly or indirectly, pledge or hypothecate any of its notes or circulation, for the purpose of procuring money to be paid in on its capital stock, or to be used in its banking operations, or otherwise; nor shall any association use its circulating notes, or any part thereof, in any manner or form, to create or increase its capital stock.

Prohibition upon withdrawal of capital.

Ibid., s. 38.

SEC. 5204. No association, or any member thereof, shall, during the time it shall continue its banking operations, withdraw, or permit to be withdrawn, either in the form of dividends or otherwise, any portion of its capital. If losses have at any time been sustained by any such association, equal to or exceeding its undivided profits then on hand, no dividend shall be made; and no dividend shall ever be made by any association, while it continues its banking operations, to an amount

greater than its net profits then on hand, deducting therefrom its losses and bad debts. All debts due to any associations, on which interest is past due and unpaid for a period of six months, unless the same are well secured, and in process of collection, shall be considered bad debts within the meaning of this section. But nothing in this section shall prevent the reduction of the capital stock of the association under section fifty-one hundred and forty-three.

SEC. 5205. Every association which shall have failed to pay up its capital stock, as required by law, and every association whose capital stock shall have become impaired by losses or otherwise, shall, within three months after receiving notice thereof from the Comptroller of the Currency, pay the deficiency in the capital stock, by assessment upon the shareholders pro rata for the amount of capital stock held by each; and the Treasurer of the United States shall withhold the interest upon all bonds held by him in trust for any such association, upon notification from the Comptroller of the Currency, until otherwise notified by him. If any such association shall fail to pay up its capital stock, and shall refuse to go into liquidation, as provided by law, for three months after receiving notice from the Comptroller, a receiver may be appointed to close up the business of the association, according to the provisions of section fifty-two hundred and thirty-four.

SEC. 5206. No association shall at any time pay out on loans or discounts, or in purchasing drafts or bills of exchange, or in payment of deposits, or in any other mode pay or put in circulation, the notes of any bank or banking association which are not, at any such time, receivable, at par, on deposit, and in payment of debts by the association so paying out or circulating such notes; nor shall any association knowingly pay out or put in circulation any notes issued by any bank or banking association which at the time of such paying out or putting in circulation is not redeeming its circulating notes in lawful money of the United States.

SEC. 5207. No association shall hereafter offer or receive United States notes or national-bank notes as security or as collateral security for any loan of money, or for a consideration agree to withhold the same from use, or offer or receive the custody or promise of custody of such notes as security, or as collateral security, or consideration for any loan of money. Any association offending against the provisions of this section shall be deemed guilty of a misdemeanor, and shall be fined not more than one thousand dollars and a further sum equal to one-third of the money so loaned. The officer or officers of any association who shall make any such loan shall be liable for a further sum equal to one-quarter of the money loaned; and any fine or penalty incurred by a violation of this section shall be recoverable for the benefit of the party bringing such suit.

SEC. 5208. It shall be unlawful for any officer, clerk, or agent of any national banking association to certify any check drawn upon the association unless the person or company drawing the check has on deposit with the association, at the time such check is certified, an amount of money equal to the amount specified in such check. Any check so certified by duly authorized officers shall be a good and valid obligation against the association; but the act of any officer, clerk, or agent of any association, in violation of this section, shall subject such bank to the liabilities and proceedings on the part of the Comptroller as provided for in section fifty-two hundred and thirty-four.

SEC. 5209. Every president, director, cashier, teller, clerk, or agent of any association, who embezzles, abstracts, or willfully misapplies any of the moneys, funds, or credits of the association; or who, without authority from the directors, issues or puts in circulation any of the notes of the association; or who, without such authority, issues or puts forth any certificate of deposit, draws any order or bill of exchange, makes any acceptance, assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree; or who makes any false entry in any book, re-

Enforcing payment of deficiency in capital stock.

3 March, 1873, c. 269, s. 1, v. 17, p. 603.

Restriction upon use of notes of other banks.

3 June, 1864, c. 106, s. 39, v. 13, p. 111.

United States notes not to be held as collateral, &c.; penalty.

19 Feb., 1869, c. 32, v. 15, p. 270.

Penalty for falsely certifying checks.

3 March, 1869, c. 135, v. 15, p. 335.

Embezzlement; penalty.

3 June, 1864, c. 106, s. 55, v. 13, p. 116.

6 April, 1869, c. 11, v. 16, p. 7.

8 July, 1870, c. 226, v. 16, p. 195.

port, or statement of the association, with intent, in either case, to injure or defraud the association or any other company, body politic or corporate, or any individual person, or to deceive any officer of the association, or any agent appointed to examine the affairs of any such association; and every person who with like intent aids or abets any officer, clerk, or agent in any violation of this section, shall be deemed guilty of a misdemeanor, and shall be imprisoned not less than five years nor more than ten.

List of shareholders, &c., to be kept.

3 June, 1864, c. 106, s. 40, v. 13, p. 111.

SEC. 5210. The president and cashier of every national banking association shall cause to be kept at all times a full and correct list of the names and residences of all the shareholders in the association, and the number of shares held by each, in the office where its business is transacted. Such list shall be subject to the inspection of all the shareholders and creditors of the association, and the officers authorized to assess taxes under State authority, during business-hours of each day in which business may be legally transacted. A copy of such list, on the first Monday of July of each year, verified by the oath of such president or cashier, shall be transmitted to the Comptroller of the Currency.

Reports to Comptroller of the Currency.

Ibid., s. 34, p. 109.
3 March, 1869, c. 130, s. 1, v. 15, p. 326.

SEC. 5211. Every association shall make to the Comptroller of the Currency not less than five reports during each year, according to the form which may be prescribed by him, verified by the oath or affirmation of the president or cashier of such association, and attested by the signature of at least three of the directors. Each such report shall exhibit, in detail and under appropriate heads, the resources and liabilities of the associations at the close of business on any past day by him specified; and shall be transmitted to the Comptroller within five days after the receipt of a request or requisition therefor from him, and in the same form in which it is made to the Comptroller shall be published in a newspaper published in the place where such association is established, or if there is no newspaper in the place, then in the one published nearest thereto in the same county, at the expense of the association; and such proof of publication shall be furnished as may be required by the Comptroller. The Comptroller shall also have power to call for special reports from any particular association whenever in his judgment the same are necessary in order to a full and complete knowledge of its condition.

Report as to dividends.

3 March, 1869, c. 130, s. 2, v. 15, p. 327.

SEC. 5212. In addition to the reports required by the preceding section, each association shall report to the Comptroller of the Currency, within ten days after declaring any dividend, the amount of such dividend, and the amount of net earnings in excess of such dividend. Such reports shall be attested by the oath of the president or cashier of the association.

Penalty for failure to make reports.

Ibid., ss. 1, 2, p. 326.

SEC. 5213. Every association which fails to make and transmit any report required under either of the two preceding sections shall be subject to a penalty of one hundred dollars for each day after the periods, respectively, therein mentioned, that it delays to make and transmit its report. Whenever any association delays or refuses to pay the penalty herein imposed, after it has been assessed by the Comptroller of the Currency, the amount thereof may be retained by the Treasurer of the United States, upon the order of the Comptroller of the Currency, out of the interest, as it may become due to the association, on the bonds deposited with him to secure circulation. All sums of money collected for penalties under this section shall be paid into the Treasury of the United States.

Duties payable to the United States.

3 June, 1864, c. 106, s. 41, v. 13, p. 111.

SEC. 5214. In lieu of all existing taxes, every association shall pay to the Treasurer of the United States, in the months of January and July, a duty of one-half of one per centum each half-year upon the average amount of its notes in circulation, and a duty of one-quarter of one per centum each half-year upon the average amount of its deposits, and a duty of one-quarter of one per centum each half-

year on the average amount of its capital stock, beyond the amount invested in United States bonds.

SEC. 5215. In order to enable the Treasurer to assess the duties imposed by the preceding section, each association shall, within ten days from the first days of January and July of each year, make a return, under the oath of its president or cashier, to the Treasurer of the United States, in such form as the Treasurer may prescribe, of the average amount of its notes in circulation, and of the average amount of its deposits, and of the average amount of its capital stock, beyond the amount invested in United States bonds, for the six months next preceding the most recent first day of January or July. Every association which fails so to make such return shall be liable to a penalty of two hundred dollars, to be collected either out of the interest as it may become due such association on the bonds deposited with the Treasurer, or, at his option, in the manner in which penalties are to be collected of other corporations under the laws of the United States.

SEC. 5216. Whenever any association fails to make the half-yearly return required by the preceding section, the duties to be paid by such association shall be assessed upon the amount of notes delivered to such association by the Comptroller of the Currency, and upon the highest amount of its deposits and capital stock, to be ascertained in such manner as the Treasurer may deem best.

SEC. 5217. Whenever an association fails to pay the duties imposed by the three preceding sections, the sums due may be collected in the manner provided for the collection of United States taxes from other corporations; or the Treasurer may reserve the amount out of the interest, as it may become due, on the bonds deposited with him by such defaulting association.

SEC. 5218. In all cases where an association has paid or may pay in excess of what may be or has been found due from it, on account of the duty required to be paid to the Treasurer of the United States, the association may state an account therefor, which, on being certified by the Treasurer of the United States, and found correct by the First Comptroller of the Treasury, shall be refunded in the ordinary manner by warrant on the Treasury.

SEC. 5219. Nothing herein shall prevent all the shares in any association from being included in the valuation of the personal property of the owner or holder of such shares, in assessing taxes imposed by authority of the State within which the association is located; but the legislature of each State may determine and direct the manner and place of taxing all the shares of national banking associations located within the State, subject only to the two restrictions, that the taxation shall not be at a greater rate than is assessed upon other moneyed capital in the hands of individual citizens of such State, and that the shares of any national banking association owned by non-residents of any State shall be taxed in the city or town where the bank is located, and not elsewhere. Nothing herein shall be construed to exempt the real property of associations from either State, county, or municipal taxes, to the same extent, according to its value, as other real property is taxed.

vs. The Commonwealth, 9 Wall., 353; *Lionberger vs. Rouse*, 9 Wall., 468.

Half-yearly return of circulation, deposits, and capital stock.

Ibid.

Penalty for failure to make return.

Ibid.

Penalty for failure to pay duties.

Ibid.

Refunding excessive duties.

2 March, 1867, Res. 49, v. 14, p. 572.

State taxation.

3 June, 1864, c. 106, s. 41, v. 13, p. 111.

10 Feb., 1868, c. 7, v. 15, p. 34.

Bank of Commerce vs. New York City, 2 Bl., 620; *Van Allen vs. The Assessors*, 3 Wall., 573; *Peoples vs. The Commissioners*, 4 Wall., 244; *Bradley vs. The People*, 4 Wall., 459; *National Bank vs. Rouse*, 9 Wall., 468.

CHAPTER FOUR.

DISSOLUTION AND RECEIVERSHIP.

| Sec. | Sec. |
|---|--|
| 5220. Voluntary dissolution of associations. | 5230. Sale of bonds at auction. |
| 5221. Notice of intent to dissolve. | 5231. Sale of bonds at private sale. |
| 5222. Deposit of lawful money to redeem outstanding circulation. | 5232. Disposal of protested notes. |
| 5223. Exemption as to an association consolidating with another. | 5233. Cancellation of national-bank notes. |
| 5224. Re-assignment of bonds; redemption of notes, &c. | 5234. Appointment of receivers. |
| 5225. Destruction of redeemed notes. | 5235. Notice to present claims. |
| 5226. Mode of protesting notes. | 5236. Dividends. |
| 5227. Examination by special agent. | 5237. Injunction upon receivership. |
| 5228. Continuing business after default. | 5238. Fees and expenses. |
| 5229. Notice to holders; redemption at Treasury; cancellation of bonds. | 5239. Penalty for violation of this Title. |
| | 5240. Appointment of occasional examiners. |
| | 5241. Limit of visitatorial powers. |
| | 5242. Transfers, when void. |
| | 5243. Use of the title "national." |

Voluntary dissolution of associations. SEC. 5220. Any association may go into liquidation and be closed by the vote of its shareholders owning two-thirds of its stock.

3 June, 1864, c. 106, s. 42, v. 13, p. 112.

Notice of intent to dissolve.

Ibid.

SEC. 5221. Whenever a vote is taken to go into liquidation it shall be the duty of the board of directors to cause notice of this fact to be certified, under the seal of the association, by its president or cashier, to the Comptroller of the Currency, and publication thereof to be made for a period of two months in a newspaper published in the city of New York, and also in a newspaper published in the city or town in which the association is located, or if no newspaper is there published, then in the newspaper published nearest thereto, that the association is closing up its affairs, and notifying the holders of its notes and other creditors to present the notes and other claims against the association for payment.

Deposit of lawful money to redeem outstanding circulation.

Ibid., ss. 42, 43.

14 July, 1870, c. 257, v. 16, p. 274.

SEC. 5222. Within six months from the date of the vote to go into liquidation, the association shall deposit with the Treasurer of the United States, lawful money of the United States sufficient to redeem all its outstanding circulation. The Treasurer shall execute duplicate receipts for money thus deposited, and deliver one to the association and the other to the Comptroller of the Currency, stating the amount received by him, and the purpose for which it has been received; and the money shall be paid into the Treasury of the United States, and placed to the credit of such association upon redemption account.

Exemption as to an association consolidating with another.

14 July, 1870, c. 257, v. 16, p. 274.

Re-assignment of bonds and redemption of notes, &c.

3 June, 1864, c. 106, s. 42, v. 13, p. 112.

SEC. 5223. An association which is in good faith winding up its business for the purpose of consolidating with another association shall not be required to deposit lawful money for its outstanding circulation; but its assets and liabilities shall be reported by the association with which it is in process of consolidation.

SEC. 5224. Whenever a sufficient deposit of lawful money to redeem the outstanding circulation of an association proposing to close its business has been made, the bonds deposited by the association to secure payment of its notes shall be re-assigned to it, in the manner prescribed by section fifty-one hundred and sixty-two. And thereafter the association and its shareholders shall stand discharged from all liabilities upon the circulating notes, and those notes shall be redeemed at the Treasury of the United States.

Destruction of redeemed notes.

Ibid., s. 43.

SEC. 5225. Whenever the Treasurer has redeemed any of the notes of an association which has commenced to close its affairs under the six preceding sections, he shall cause the notes to be mutilated and charged to the redemption account of the association; and all notes so redeemed by the Treasurer shall, every three months, be certified to and burned in the manner prescribed in section fifty-one hundred and eighty-four.

SEC. 5226. Whenever any national banking association fails to redeem in the lawful money of the United States any of its circulating notes, upon demand of payment duly made during the usual hours of business, at the office of such association, or at its designated place of redemption, the holder may cause the same to be protested, in one package, by a notary public, unless the president or cashier of the association whose notes are presented for payment, or the president or cashier of the association at the place at which they are redeemable offers to waive demand and notice of the protest; and, in pursuance of such offer, makes, signs, and delivers to the party making such demand an admission in writing, stating the time of the demand, the amount demanded, and the fact of the non-payment thereof. The notary public, on making such protest, or upon receiving such admission, shall forthwith forward such admission or notice of protest to the Comptroller of the Currency, retaining a copy thereof. If, however, satisfactory proof is produced to the notary public that the payment of the notes demanded is restrained by order of any court of competent jurisdiction, he shall not protest the same. When the holder of any notes causes more than one note or package to be protested on the same day, he shall not receive pay for more than one protest.

Mode of protesting notes.

Ibid., s. 46, p. 113.

SEC. 5227. On receiving notice that any national banking association has failed to redeem any of its circulating notes, as specified in the preceding section, the Comptroller of the Currency, with the concurrence of the Secretary of the Treasury, may appoint a special agent, of whose appointment immediate notice shall be given to such association, who shall immediately proceed to ascertain whether it has refused to pay its circulating notes in the lawful money of the United States, when demanded, and shall report to the Comptroller the fact so ascertained. If, from such protest, and the report so made, the Comptroller is satisfied that such association has refused to pay its circulating notes and is in default, he shall, within thirty days after he has received notice of such failure, declare the bonds deposited by such association forfeited to the United States, and they shall thereupon be so forfeited.

Examination by special agent.

Ibid., s. 47, p. 114.

SEC. 5228. After a default on the part of an association to pay any of its circulating notes has been ascertained by the Comptroller, and notice of forfeiture of the bonds has been given by him to the association, it shall not be lawful for the association suffering the same to pay out any of its notes, discount any notes or bills, or otherwise prosecute the business of banking, except to receive and safely keep money belonging to it, and to deliver special deposits.

Continuing business after default.

Ibid., s. 46, p. 113.

SEC. 5229. Immediately upon declaring the bonds of an association forfeited for non-payment of its notes, the Comptroller shall give notice, in such manner as the Secretary of the Treasury shall, by general rules or otherwise, direct, to the holders of the circulating notes of such association, to present them for payment at the Treasury of the United States; and the same shall be paid as presented in lawful money of the United States; whereupon the Comptroller may, in his discretion, cancel an amount of bonds pledged by such association equal at current market rates, not exceeding par, to the notes paid.

Notice to holders; redemption at Treasury; cancellation of bonds.

Ibid., s. 47, p. 114.

SEC. 5230. Whenever the Comptroller has become satisfied, by the protest or the waiver and admission specified in section fifty-two hundred and twenty-six, or by the report provided for in section fifty-two hundred and twenty-seven, that any association has refused to pay its circulating notes, he may, instead of canceling its bonds, cause so much of them as may be necessary to redeem its outstanding notes to be sold at public auction in the city of New York, after giving thirty days' notice of such sale to the association. For any deficiency in the proceeds of all the bonds of an association, when thus sold, to re-imburse to the United States the amount expended in paying the circulating notes of the association, the United States shall have a paramount lien upon all its assets; and such deficiency shall be made good out of such assets in preference to any and all other claims whatsoever, except the necessary costs and expenses of administering the same.

Sale of bonds at auction.

3 June, 1864, c. 106, ss. 47, 48, v. 13, p. 114.

Sale of bonds at private sale.

Ibid., s. 49.

SEC. 5231. The Comptroller may, if he deems it for the interest of the United States, sell at private sale any of the bonds of an association shown to have made default in paying its notes, and receive therefor either money or the circulating notes of the association. But no such bonds shall be sold by private sale for less than par, nor for less than the market-value thereof at the time of sale; and no sales of any such bonds, either public or private, shall be complete until the transfer of the bonds shall have been made with the formalities prescribed by sections fifty-one hundred and sixty-two, fifty-one hundred and sixty-three, and fifty-one hundred and sixty-four.

Disposal of protested notes.

Ibid., s. 47.

SEC. 5232. The Secretary of the Treasury may, from time to time, make such regulations respecting the disposition to be made of circulating notes after presentation at the Treasury of the United States for payment, and respecting the perpetuation of the evidence of the payment thereof, as may seem to him proper.

Cancellation of national-bank notes.

Ibid.

Appointment of receivers.

Ibid., s. 50.

Kennedy vs. Gibson, 8 Wall., 498; *Bank of Bethel vs. Pahquioque Bank*, 14 Wall., 383; *Bank vs. Kennedy*, 16 Wall., 19; *In re Platt, Receiver, &c.*, 1 Ben., 534.

SEC. 5234. On becoming satisfied, as specified in sections fifty-two hundred and twenty-six and fifty-two hundred and twenty-seven, that any association has refused to pay its circulating notes as therein mentioned, and is in default, the Comptroller of the Currency may forthwith appoint a receiver, and require of him such bond and security as he deems proper. Such receiver, under the direction of the Comptroller, shall take possession of the books, records, and assets of every description of such association, collect all debts, dues, and claims belonging to it, and, upon the order of a court of record of competent jurisdiction, may sell or compound all bad or doubtful debts, and, on a like order, may sell all the real and personal property of such association, on such terms as the court shall direct; and may, if necessary to pay the debts of such association, enforce the individual liability of the stockholders. Such receiver, shall pay over all money so made to the Treasurer of the United States, subject to the order of the Comptroller, and also make report to the Comptroller of all his acts and proceedings.

Notice to present claims.

3 June, 1864, c. 106, s. 50, v. 13, p. 114.

SEC. 5235. The Comptroller shall, upon appointing a receiver, cause notice to be given, by advertisement in such newspapers as he may direct, for three consecutive months, calling on all persons who may have claims against such association to present the same, and to make legal proof thereof.

Dividends.

Ibid.

Bank of Bethels. Pahquioque Bank, 14 Wall., 383.

SEC. 5236. From time to time, after full provision has been first made for refunding to the United States any deficiency in redeeming the notes of such association, the Comptroller shall make a ratable dividend of the money so paid over to him by such receiver on all such claims as may have been proved to his satisfaction or adjudicated in a court of competent jurisdiction, and, as the proceeds of the assets of such association are paid over to him, shall make further dividends on all claims previously proved or adjudicated; and the remainder of the proceeds, if any, shall be paid over to the shareholders of such association, or their legal representatives, in proportion to the stock by them respectively held.

Injunction upon receivership.

3 June, 1864, c. 106, s. 50, v. 13, p. 114.

SEC. 5237. Whenever an association against which proceedings have been instituted, on account of any alleged refusal to redeem its circulating notes as aforesaid, denies having failed to do so, it may, at any time within ten days after it has been notified of the appointment of an agent, as provided in section fifty-two hundred and twenty-seven, apply to the nearest circuit, or district, or territorial court of the United States to enjoin further proceedings in the premises; and such court, after citing the Comptroller of the Currency to show cause why further proceedings should not be enjoined, and after the decision of the court or finding of a jury that such association has not refused to redeem its circulating notes, when legally presented, in the lawful money of the United States, shall make an order enjoining the Comptroller, and any receiver acting

under his direction, from all further proceedings on account of such alleged refusal.

SEC. 5238. All fees for protesting the notes issued by any national banking association shall be paid by the person procuring the protest to be made, and such association shall be liable therefor; but no part of the bonds deposited by such association shall be applied to the payment of such fees. All expenses of any preliminary or other examinations into the condition of any association shall be paid by such association. All expenses of any receivership shall be paid out of the assets of such association before distribution of the proceeds thereof.

Fees and expenses.
Ibid., s. 51, p. 115.

SEC. 5239. If the directors of any national banking association shall knowingly violate, or knowingly permit any of the officers, agents, or servants of the association to violate any of the provisions of this Title, all the rights, privileges, and franchises of the association shall be thereby forfeited. Such violation shall, however, be determined and adjudged by a proper circuit, district, or territorial court of the United States, in a suit brought for that purpose by the Comptroller of the Currency, in his own name, before the association shall be declared dissolved. And in cases of such violation, every director who participated in or assented to the same shall be held liable in his personal and individual capacity for all damages which the association, its shareholders, or any other person, shall have sustained in consequence of such violation.

Penalty for violation of this Title.
Ibid., s. 53, p. 116.

SEC. 5240. The Comptroller of the Currency, with the approval of the Secretary of the Treasury, shall, as often as shall be deemed necessary or proper, appoint a suitable person or persons to make an examination of the affairs of every banking association, who shall have power to make a thorough examination into all the affairs of the association, and, in doing so, to examine any of the officers and agents thereof on oath; and shall make a full and detailed report of the condition of the association to the Comptroller. Every person appointed to make such examination shall receive for his services at the rate of five dollars for each day by him employed in such examination, and two dollars for every twenty-five miles he shall necessarily travel in the performance of his duty, which shall be paid by the association by him examined. But no person shall be appointed to examine the affairs of any banking association of which he is a director or other officer.

Appointment of occasional examiners.
Ibid., s. 54.

SEC. 5241. No association shall be subject to any visitorial powers other than such as are authorized by this Title, or are vested in the courts of justice.

Limit of visitorial powers.

SEC. 5242. All transfers of the notes, bonds, bills of exchange, or other evidences of debt owing to any national banking association, or of deposits to its credit; all assignments of mortgages, sureties on real estate, or of judgments or decrees in its favor; all deposits of money, bullion, or other valuable thing for its use, or for the use of any of its shareholders or creditors; and all payments of money to either, made after the commission of an act of insolvency, or in contemplation thereof, made with a view to prevent the application of its assets in the manner prescribed by this chapter, or with a view to the preference of one creditor to another, except in payment of its circulating notes, shall be utterly null and void; and no attachment, injunction or execution, shall be issued against such association or its property before final judgment in any suit, action, or proceeding, in any State, county, or municipal court.

Ibid.
Transfers, when void.
Ibid., s. 52, p. 115.

SEC. 5243. All banks not organized and transacting business under the national-currency laws, or under this Title, and all persons or corporations doing the business of bankers, brokers, or savings institutions, except savings-banks authorized by Congress to use the word "national" as a part of their corporate name, are prohibited from using the word "national" as a portion of the name or title of such bank, corporation, firm, or partnership; and any violation of this prohibition committed after the third day of September, eighteen hundred and seventy-three, shall subject the party chargeable therewith to a penalty of fifty dollars for each day during which it is committed or repeated.

Use of the title "national."
3 March, 1873, c. 269, s. 3, v. 17, p. 603.

TITLE LXIII. RIVERS AND HARBORS.

Sec.

5244. Certain rivers in Alabama to be free from tolls.
 5245. Toll on canals on the Tennessee.
 5246. The Des Moines River.
 5247. Michigan City Harbor.
 5248. The Iowa River.
 5249. Wisconsin and Fox Rivers.
 5250. Maquoketa River.

Sec.

5251. Rivers in Louisiana.
 5252. Water-gauges on Mississippi River and tributaries.
 5253. Employment of civil engineers on western and northwestern rivers.
 5254. Piers and cribs on the Mississippi.
 5255. Louisville and Portland Canal.

Certain rivers in Alabama to be free from tolls.

23 May, 1828, c. 75, s. 7, v. 4, p. 290.

Pollard *vs.* Hagan, 3 How., 212; Toll on canals on the Tennessee.

23 June, 1836, c. 119, s. 2, v. 5, p. 57.

The Des Moines River.

8 Aug., 1846, c. 103, s. 3, v. 9, p. 78.

Michigan City Harbor.

23 June, 1866, c. 138, s. 1, v. 14, p. 73.

The Iowa River.
 6 May, 1870, c. 92, v. 16, p. 121.

13 July, 1868, Res. No. 55, v. 15, p. 257.

Wisconsin and Fox Rivers.

7 July, 1870, c. 210, s. 4, v. 16, p. 190.

Maquoketa River.

13 July, 1868, Res. No. 55, s. 1, v. 15, p. 257.

SEC. 5244. The Tennessee, Coosa, Cahawba, and Black Warrior Rivers, within the State of Alabama, shall be forever free from toll for all property belonging to the United States, and for all persons in their service, and for all citizens of the United States, except as to such tolls as may be allowed by act of Congress. [See § 2476.]

3 How., 212; *Pennsylvania vs. Wheeling Bridge Co.*, 13 How., 518.

SEC. 5245. The assent of the United States is hereby given to any act which the legislature of the State of Alabama may pass for imposing a toll on the use of such parts of the canal or canals which have been, or may be, constructed at or around the Muscle and Colbert's Shoals of the river Tennessee. Such tolls shall be expended exclusively on the canals, and shall not exceed in amount the sum required to keep them in repair, and to defray the expenses of lock-tenders, collectors, superintendents, and managers. This section shall not affect the exemption of the property of the United States, and all persons in their service, from any toll whatever. An annual report shall be made to the Secretary of the Treasury of the United States, of the rate and amount of tolls charged or collected on said canals, and their application.

SEC. 5246. The Des Moines River shall forever remain free from any toll, or other charge whatever, for any property of the United States, or persons in their service, passing along the same. [See § 2476.]

20 Jan., 1870, c. 7, v. 16, p. 61.

SEC. 5247. The passage of vessels to and from the harbor of Michigan City, in Indiana, shall be free and not subject to toll or charge. [See § 2476.]

2 March, 1867, c. 144, s. 2, v. 14, p. 421.

SEC. 5248. So much of the Iowa River within the State of Iowa as lies north of the town of Wapello shall not be deemed a navigable river or public highway, but dams and bridges may be constructed across it.

SEC. 5249. All tolls and revenues derived from the improvements made or acquired in the Wisconsin River and the line of water communication between the Wisconsin River and the Fox River, after providing for the current expenses of operating and keeping the same in repair, shall be paid into the Treasury; and whenever the United States shall be re-imbursed for all sums advanced for the same, with interest thereon, then the tolls shall be reduced to the least sum which, together with other revenues properly applicable thereto, if any, shall be sufficient to operate and keep the improvements in repair.

SEC. 5250. The assent of Congress is given to the construction of bridges across the Maquoketa River, within the State of Iowa, with or without draws, as may be provided by the laws of that State.

SEC. 5251. All the navigable rivers and waters in the former Territories of Orleans and Louisiana shall be and forever remain public highways. [See § 2476.]

Rivers in Louisiana.

3 March, 1811, c. 46, s. 12, v. 2, p. 606.—Martin *vs.* Waddel, 16 Pet., 367; Pollard *vs.* Hagan, 3 How., 212; Pennsylvania *vs.* Wheeling Bridge Co., 13 How., 518; Den *vs.* Jersey Co., 15 How., 426.

SEC. 5252. The Secretary of War is hereby authorized and directed to have water-gauges established, and daily observations made of the rise and fall of the Lower Mississippi River and its chief tributaries, at or in the vicinity of Saint Louis, Cairo, Memphis, Helena, Napoleon, Providence, Vicksburgh, Red River Landing, Baton Rouge, and Carrollton, on the Mississippi, between the mouth of the Missouri and the Gulf of Mexico; and at or in the vicinity of Fort Leavenworth, on the Missouri; Rock Island, on the Upper Mississippi; Louisville, on the Ohio; Florence, on the Tennessee; Jacksonport, on the White River; Little Rock, on the Arkansas; and Alexandria, on the Red River; and at such other places as the Secretary of War may deem advisable. The expenditure for the same shall be made from the appropriation for the improvement of rivers and harbors; but the annual cost of the observations shall not exceed the sum of five thousand dollars.

Water-gauges on the Mississippi River and tributaries.

21 Feb., 1871, Res. 40, v. 16, p. 598.

SEC. 5253. The Chief of Engineers may, with the approval of the Secretary of War, employ such civil engineers, not exceeding five in number, for the purpose of executing the surveys and improvements of western and northwestern rivers, ordered by Congress, as may be necessary to the proper and diligent prosecution of the same; and the persons so employed may be allowed a reasonable compensation for their services, not to exceed the sum of three thousand dollars a year.

Employment of civil engineers on western and northwestern rivers.

29 March, 1867, Res. 27, v. 15, p. 28.

SEC. 5254. The owners of saw-mills on the Mississippi River are authorized and empowered, under the direction of the Secretary of War, to construct piers or cribs in front of their mill property on the banks of the river, for the protection of their mills and rafts against damage by floods and ice: *Provided, however,* That the piers or cribs so constructed shall not interfere with or obstruct the navigation of the river. And in case any pier or crib constructed under authority of this section shall at any time, and for any cause, be found to obstruct the navigation of the river, the Government expressly reserves the right to remove or direct the removal of it, at the cost and expense of the owners thereof.

Piers and cribs on the Mississippi.

3 March, 1873, c. 278, v. 17, p. 606.

SEC. 5255. The Secretary of the Treasury is directed to assume, on behalf of the United States, the control and management of the Louisville and Portland Canal in conformity with the terms of the joint resolution of the legislature of the State of Kentucky, approved March twenty-eighth, eighteen hundred and seventy-two, at such time and in such manner as in his judgment the interests of the United States, and the commerce thereof, may require: *Provided,* That after the United States shall assume control of said canal, the tolls thereon on vessels propelled by steam shall be reduced to twenty-five cents per ton, and on all other vessels in proportion.

Louisville and Portland Canal.

3 March, 1873, c. 233, s. 1, v. 17, p. 563.

TITLE LXIV.

RAILWAYS.

Sec.

5256. Union Pacific Railroad.

5257. Connection of other roads.

5258. Inter-state communication.

5259. Compensation of directors, &c., appointed by the United States.

Sec.

5260. Secretary of Treasury to withhold payments to certain railroads.

5261. Companies may sue in Court of Claims.

5262. Circuit court to issue mandamus, &c.

Union Pacific
Railroad.

3 March, 1873, c.
226, s. 4, v. 17, p.
509.

SEC. 5256. The books, records, correspondence, and all other documents of the Union Pacific Railroad Company, shall at all times be open to inspection by the Secretary of the Treasury, or such persons as he may delegate for that purpose. The laws of the United States providing for proceedings in bankruptcy shall not be held to apply to said corporation. No dividend shall hereafter be made by said company but from the actual net earnings thereof; and no new stock shall be issued or mortgages or pledges made on the property or future earnings of the company without leave of Congress, except for the purpose of funding and securing debt now existing, or the renewals thereof. No director or officer of said road shall hereafter be interested, directly or indirectly, in any contract therewith except for his lawful compensation as such officer. Any director or officer who shall pay or declare, or aid in paying or declaring, any dividend, or creating any mortgage or pledge prohibited by this act, shall be punished by imprisonment not exceeding two years, and by fine not exceeding five thousand dollars.

Connection of
other roads.

1 July, 1862, c.
120, s. 15, v. 12, p.
496.

SEC. 5257. Any railroad company now or hereafter incorporated under any law of the United States, or of any State, which has been or may be organized by an act of Congress, may connect its road with the Union Pacific Railroad, or any of its branches.

Inter-state com-
munication.

15 June, 1866, c.
124, ss. 1, 2, v. 14, p.
66.

SEC. 5258. Every railroad company in the United States, whose road is operated by steam, its successors and assigns, is hereby authorized to carry upon and over its road, boats, bridges, and ferries, all passengers, troops, Government supplies, mails, freight, and property on their way from any State to another State, and to receive compensation therefor, and to connect with roads of other States so as to form continuous lines for the transportation of the same to the place of destination. But this section shall not affect any stipulation between the Government of the United States and any railroad company for transportation or fares without compensation, nor impair or change the conditions imposed by the terms of any act granting lands to any such company to aid in the construction of its road, nor shall it be construed to authorize any railroad company to build any new road or connection with any other road without authority from the State in which such railroad or connection may be proposed. And Congress may at any time alter, amend, or repeal this section.

Compensation of
directors, &c., ap-
pointed by the
United States.

27 July, 1866, c.
278, s. 21, v. 14, p.
299.

SEC. 5259. Whenever, in any grant of land or other subsidies, made or hereafter to be made, to railroads or other corporations, the United States has reserved the right, or shall reserve it, to appoint directors, engineers, commissioners, or other agents to examine the roads, or act in conjunction with other officers of such company or companies, all the costs, charges, and pay of such directors, engineers, commissioners, or agents shall be paid by the respective companies. Such directors, engineers, commissioners, or agents shall be paid for such services the sum of ten dollars per day, for each and every day actually and necessarily employed, and ten cents per mile for each and every mile actually and necessarily traveled, in discharging the duties required of them, which per diem and mileage shall be in full compen-

sation for such services. In case any company shall refuse or neglect to make such payments, no more patents for lands or other subsidies shall be issued to such company until these requirements are complied with.

SEC. 5260. The Secretary of the Treasury is directed to withhold all payments to any railroad company and its assigns, on account of freights or transportation over their respective roads of any kind, to the amount of payments made by the United States for interest upon bonds of the United States issued to any such company, and which shall not have been re-imbursed, together with the five per centum of net earnings due and unapplied, as provided by law.

Secretary of Treasury to withhold payments to certain railroads.

3 March, 1873, c. 226, s. 2, v. 17, p. 508.

SEC. 5261. Any such company may bring suit in the Court of Claims to recover the price of such freight and transportation, and in such suit the right of such company to recover the same upon the law and the facts of the case shall be determined, and also the rights of the United States upon the merits of all the points presented by it in answer thereto by them; and either party to such suit may appeal to the Supreme Court; and both said courts shall give such cause or causes precedence of all other business.

Companies may sue in Court of Claims.

Ibid.

SEC. 5262. The proper circuit court of the United States shall have jurisdiction to hear and determine all cases of mandamus to compel said Union Pacific Railroad Company to operate its road as required by law.

Circuit court to issue mandamus, &c.

Ibid., s. 4, p. 509.

TITLE LXV. TELEGRAPHS.

| Sec. | Sec. |
|--|---|
| 5263. Use of public domain, &c. | 5267. Government entitled to purchase lines. |
| 5264. Use of materials from public lands. | 5268. Acceptance of obligation to be filed. |
| 5265. These rights not transferable. | 5269. Penalty for refusal to transmit dispatches. |
| 5266. Government to have priority in transmission of messages. | |

Use of public domain, &c.

24 July, 1866, c. 230, s. 1, v. 14, p. 221.

SEC. 5263. Any telegraph company now organized, or which may hereafter be organized, under the laws of any State, shall have the right to construct, maintain, and operate lines of telegraph through and over any portion of the public domain of the United States, over and along any of the military or post roads of the United States which have been or may hereafter be declared such by law, and over, under, or across the navigable streams or waters of the United States; but such lines of telegraph shall be so constructed and maintained as not to obstruct the navigation of such streams and waters, or interfere with the ordinary travel on such military or post roads.

Use of materials from public lands.

24 July, 1866, c. 230, s. 1, v. 14, p. 221.

SEC. 5264. Any telegraph company organized under the laws of any State shall have the right to take and use from the public lands through which its lines of telegraph may pass, the necessary stone, timber, and other materials for its posts, piers, stations, and other needful uses in the construction, maintenance, and operation of its lines of telegraph, and may pre-empt and use such portion of the unoccupied public lands subject to pre-emption through which their lines of telegraph may be located as may be necessary for their stations, not exceeding forty acres for each station; but such stations shall not be within fifteen miles of each other.

These rights not transferable.

Ibid., s. 3.

SEC. 5265. The rights and privileges granted under the provisions of the act of July twenty-four, eighteen hundred and sixty-six, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," or under this Title, shall not be transferred by any company acting thereunder to any other corporation, association, or person.

Government to have priority in transmission of messages.

8 June, 1872, c. 335, s. 17, v. 17, p. 257.

24 July, 1866, c. 230, s. 2, v. 14, p. 221.

SEC. 5266. Telegrams between the several Departments of the Government and their officers and agents, in their transmission over the lines of any telegraph company to which has been given the right of way, timber, or station lands from the public domain shall have priority over all other business, at such rates as the Postmaster-General shall annually fix. And no part of any appropriation for the several Departments of the Government shall be paid to any company which neglects or refuses to transmit such telegrams in accordance with the provisions of this section.

10 June, 1872, c. 415, s. 1, v. 17, pp. 366, 367.

Government entitled to purchase lines.

24 July, 1866, c. 230, s. 3, v. 14, p. 221.

SEC. 5267. The United States may, for postal, military, or other purposes, purchase all the telegraph lines, property, and effects of any or all companies acting under the provisions of the act of July twenty-four, eighteen hundred and sixty-six, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," or under this Title, at an appraised value, to be ascertained by five competent, disinterested persons, two of whom shall be selected by the Postmaster-General of the United States, two by the company interested, and one by the four so previously selected.

SEC. 5268. Before any telegraph company shall exercise any of the powers or privileges conferred by law such company shall file their written acceptance with the Postmaster-General of the restrictions and obligations required by law.

Acceptance of obligation to be filed.

Ibid., s. 4, p. 222.

SEC. 5269. Whenever any telegraph company, after having filed its written acceptance with the Postmaster-General of the restrictions and obligations required by the act approved July twenty-fourth, eighteen hundred and sixty-six, entitled "An act to aid in the construction of telegraph lines, and to secure to the Government the use of the same for postal, military, and other purposes," or by this Title, shall, by its agents or employés, refuse or neglect to transmit any such telegraphic communications as are provided for by the aforesaid act, or by this Title, or by the provisions of section two hundred and twenty-one, Title "THE DEPARTMENT OF WAR," authorizing the Secretary of War to provide for taking meteorological observations at the military stations and other points of the interior of the continent, and for giving notice on the northern lakes and sea-board of the approach and force of storms, such telegraph company shall be liable to a penalty of not less than one hundred dollars and not more than one thousand dollars for each such refusal or neglect.

Penalty for refusal to transmit dispatches.

10 June, 1872, c. 415, s. 1, v. 17, pp. 366, 367.

TITLE LXVI.

EXTRADITION.

Sec.

5270. Fugitives from the justice of a foreign country.

5271. Evidence on the hearing.

5272. Surrender of the fugitive.

5273. Time allowed for extradition.

5274. Continuance of provisions limited.

5275. Protection of the accused.

Sec.

5276. Powers of agent receiving offenders delivered by a foreign government.

5277. Penalty for opposing agent, &c.

5278. Fugitives from justice of a State or Territory.

5279. Penalty for resisting agent, &c.

5280. Arrest of deserting seamen from foreign vessels.

Fugitives from the justice of a foreign country.

12 Aug., 1848, c. 167, s. 1, v. 9, p. 302.

In re Kaine, 14 How., 103; *Ex parte Van Aernam*, 3 Blatch, 160; *In re Heinrich*, 5 Blatch., 414; *Case of Jose Ferreirados Santos*, 2 Brock, 493; *U. S. vs. Davis*, 2 Sumn., 92; *The British prisoners*, 1 Wood. & M., 66.

Evidence on the hearing.

12 Aug., 1848, c. 167, s. 2, v. 9, p. 302.

22 June, 1860, c. 184, v. 12, p. 84.

In re Kaine, 14 How., 103; *In re Heinrich*, 5 Blatch., 414; *In re François Farez*, 7 Blatch., 345.

Surrender of the fugitive.

12 Aug., 1848, c. 167, s. 3, v. 9, p. 302.

In re Kaine, 14 How., 103.

SEC. 5270. Whenever there is a treaty or convention for extradition between the Government of the United States and any foreign government, any justice of the Supreme Court, circuit judge, district judge, commissioner, authorized so to do by any of the courts of the United States, or judge of a court of record of general jurisdiction of any State, may, upon complaint made under oath, charging any person found within the limits of any State, district, or Territory, with having committed within the jurisdiction of any such foreign government any of the crimes provided for by such treaty or convention, issue his warrant for the apprehension of the person so charged, that he may be brought before such justice, judge, or commissioner, to the end that the evidence of criminality may be heard and considered. If, on such hearing, he deems the evidence sufficient to sustain the charge under the provisions of the proper treaty or convention, he shall certify the same, together with a copy of all the testimony taken before him, to the Secretary of State, that a warrant may issue upon the requisition of the proper authorities of such foreign government, for the surrender of such person, according to the stipulations of the treaty or convention; and he shall issue his warrant for the commitment of the person so charged to the proper jail, there to remain until such surrender shall be made.

SEC. 5271. In every case of complaint, and of a hearing upon the return of the warrant of arrest, copies of the depositions upon which an original warrant in any foreign country may have been granted, certified under the hand of the person issuing such warrant, and attested upon the oath of the party producing them to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended, if they are authenticated in such manner as would entitle them to be received for similar purposes by the tribunals of the foreign country from which the accused party escaped. The certificate of the principal diplomatic or consular officer of the United States resident in such foreign country shall be proof that any paper or other document so offered is authenticated in the manner required by this section.

SEC. 5272. It shall be lawful for the Secretary of State, under his hand and seal of office, to order the person so committed to be delivered to such person as shall be authorized, in the name and on behalf of such foreign government, to be tried for the crime of which such person shall be so accused, and such person shall be delivered up accordingly; and it shall be lawful for the person so authorized to hold such person in custody, and to take him to the territory of such foreign government, pursuant to such treaty. If the person so accused shall escape out of any custody to which he shall be committed, or to which he shall be delivered, it shall be lawful to retake such person in the same manner as any person accused of any crime against the laws in force in that part of the United States to which he shall so escape, may be retaken on an escape. [See §§ 5409, 5410.]

SEC. 5273. Whenever any person who is committed under this Title or any treaty, to remain until delivered up in pursuance of a requisition, is not so delivered up and conveyed out of the United States within two calendar months after such commitment, over and above the time actually required to convey the prisoner from the jail to which he was committed, by the readiest way, out of the United States, it shall be lawful for any judge of the United States, or of any State, upon application made to him by or on behalf of the person so committed, and upon proof made to him that reasonable notice of the intention to make such application has been given to the Secretary of State, to order the person so committed to be discharged out of custody, unless sufficient cause is shown to such judge why such discharge ought not to be ordered.

SEC. 5274. The provisions of this Title relating to the surrender of persons who have committed crimes in foreign countries shall continue in force during the existence of any treaty of extradition with any foreign government, and no longer.

SEC. 5275. Whenever any person is delivered by any foreign government to an agent of the United States, for the purpose of being brought within the United States and tried for any crime of which he is duly accused, the President shall have power to take all necessary measures for the transportation and safe-keeping of such accused person, and for his security against lawless violence, until the final conclusion of his trial for the crimes or offenses specified in the warrant of extradition, and until his final discharge from custody or imprisonment for or on account of such crimes or offenses, and for a reasonable time thereafter, and may employ such portion of the land or naval forces of the United States, or of the militia thereof, as may be necessary for the safe-keeping and protection of the accused.

SEC. 5276. Any person duly appointed as agent to receive, in behalf of the United States, the delivery, by a foreign government, of any person accused of crime committed within the jurisdiction of the United States, and to convey him to the place of his trial, shall have all the powers of a marshal of the United States, in the several districts through which it may be necessary for him to pass with such prisoner, so far as such power is requisite for the prisoner's safe-keeping.

SEC. 5277. Every person who knowingly and willfully obstructs, resists, or opposes such agent in the execution of his duties, or who rescues or attempts to rescue such prisoner, whether in the custody of the agent or of any officer or person to whom his custody has lawfully been committed, shall be punishable by a fine of not more than one thousand dollars, and by imprisonment for not more than one year.

SEC. 5278. Whenever the executive authority of any State or Territory demands any person as a fugitive from justice, of the executive authority of any State or Territory to which such person has fled, and produces a copy of an indictment found or an affidavit made before a magistrate of any State or Territory, charging the person demanded with having committed treason, felony, or other crime, certified as authentic by the governor or chief magistrate of the State or Territory from whence the person so charged has fled, it shall be the duty of the executive authority of the State or Territory to which such person has fled to cause him to be arrested and secured, and to cause notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear. If no such agent appears within six months from the time of the arrest, the prisoner may be discharged. All costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the State or Territory making such demand, shall be paid by such State or Territory.

Time allowed for extradition.

12 Aug., 1848, c. 167, s. 4, v. 9, p. 303.

Continuance of provisions limited.

Ibid., s. 5.

Protection of the accused.

3 March, 1869, c. 141, s. 1, v. 15, p. 337.

Powers of agent receiving offenders delivered by a foreign government.

Ibid., s. 2, p. 338.

Penalty for opposing agent, &c.

Ibid., s. 3.

Fugitives from justice of a State or Territory.

12 Feb., 1793, c. 7, s. 1, v. 1, p. 302.

Holmes vs. Jennison, 13 Pet., 540; Ibid., 14 Pet., 540; Prigg vs. Pennsylvania, 16 Pet., 618; Taylor vs. Taintor, 16 Wall., 366, (369.)

Penalty for resist-
ing agent, &c.

Ibid., s. 2.

Arrest of desert-
ing seamen from
foreign vessels.

2 March, 1829, c.
41, v. 4, p. 359.

24 Feb., 1855, c.
123, v. 10, p. 614.

SEC. 5279. Any agent so appointed who receives the fugitive into his custody, shall be empowered to transport him to the State or Territory from which he has fled. And every person who, by force, sets at liberty or rescues the fugitive from such agent while so transporting him, shall be fined not more than five hundred dollars or imprisoned not more than one year. [See § 5409.]

SEC. 5280. On application of a consul or vice-consul of any foreign government having a treaty with the United States stipulating for the restoration of seamen deserting, made in writing, stating that the person therein named has deserted from a vessel of any such government, while in any port of the United States, and on proof by the exhibition of the register of the vessel, ship's roll, or other official document, that the person named belonged, at the time of desertion, to the crew of such vessel, it shall be the duty of any court, judge, commissioner of any circuit court, justice, or other magistrate, having competent power, to issue warrants to cause such person to be arrested for examination. If, on examination, the facts stated are found to be true, the person arrested not being a citizen of the United States, shall be delivered up to the consul or vice-consul, to be sent back to the dominions of any such government, or, on the request and at the expense of the consul or vice-consul, shall be detained until the consul or vice-consul finds an opportunity to send him back to the dominions of any such government. No person so arrested shall be detained more than two months after his arrest; but at the end of that time shall be set at liberty, and shall not be again molested for the same cause. If any such deserter shall be found to have committed any crime or offense, his surrender may be delayed until the tribunal before which the case shall be depending, or may be cognizable, shall have pronounced its sentence, and such sentence shall have been carried into effect. [See §§ 4079-4081.]

TITLE LXVII.

NEUTRALITY.

| Sec. | Sec. |
|---|--|
| 5281. Accepting a foreign commission. | 5286. Military expeditions against people at peace with United States. |
| 5282. Enlisting in foreign service. | 5287. Enforcement of foregoing provisions. |
| 5283. Arming vessels against people at peace with the United States. | 5288. Compelling foreign vessels to depart. |
| 5284. Arming vessels to cruise against citizens of the United States. | 5289. Armed vessels to give bond on clearance. |
| 5285. Augmenting force of foreign vessel of war. | 5290. Detention by collectors of customs. |
| | 5291. Construction of this Title. |

SEC. 5281. Every citizen of the United States who, within the territory or jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, state, colony, district, or people, in war, by land or by sea, against any prince, state, colony, district, or people, with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not more than two thousand dollars, and imprisoned not more than three years.

SEC. 5282. Every person who, within the territory or jurisdiction of the United States, enlists or enters himself, or hires or retains another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, state, colony, district, or people, as a soldier, or as a marine or seaman, on board of any vessel of war, letter of marque, or privateer, shall be deemed guilty of high misdemeanor, and shall be fined not more than one thousand dollars, and imprisoned not more than three years.

SEC. 5283. Every person who, within the limits of the United States, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly is concerned in the furnishing, fitting out, or arming, of any vessel, with intent that such vessel shall be employed in the service of any foreign prince or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, or who issues or delivers a commission within the territory or jurisdiction of the United States, for any vessel, to the intent that she may be so employed, shall be deemed guilty of a high misdemeanor, and shall be fined not more than ten thousand dollars, and imprisoned not more than three years. And every such vessel, with her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores, which may have been procured for the building and equipment thereof, shall be forfeited; one-half to the use of the informer, and the other half to the use of the United States.

SEC. 5284. Every citizen of the United States who, without the limits thereof, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly aids or is concerned in furnishing, fitting out, or arming any private vessel of war, or privateer, with intent that such vessel shall be employed to cruise, or commit hostilities, upon the citizens of the United States, or their property, or who takes the command of, or enters on board of any such vessel, for such intent, or who purchases any interest in any such vessel, with a view to share in the profits thereof, shall be deemed guilty of a high misdemeanor, and fined not more than ten thousand dollars, and imprisoned not more than ten years. And the trial for such offense, if committed without the limits of the United States, shall be in the district in which the offender shall be apprehended or first brought.

Accepting a foreign commission.

20 April, 1818, c. 88, s. 1, v. 3, p. 447.

Enlisting in foreign service.

Ibid., s. 2, p. 448.

Arming vessels against people at peace with the United States.

Ibid., s. 3.

The *Estrella*, 4 Wh., 298; The *Gran Pava*, 7 Wh., 471; The *Santa Maria*, 7 Wh., 490; The *Monte Allegre*, 7 Wh., 520; U. S. *vs.* *Reyburn*, 6 Pet., 352; U. S. *vs.* *Quincy*, 6 Pet., 445.

Arming vessel to cruise against citizens of the United States.

Ibid., s. 4.

Augmenting force
of foreign vessel of
war.

Ibid., s. 5.

SEC. 5285. Every person who, within the territory or jurisdiction of the United States, increases or augments, or procures to be increased or augmented, or knowingly is concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel, which, at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel, in the service of any foreign prince or state, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, by adding to the number of the guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by adding thereto any equipment solely applicable to war, shall be deemed guilty of a high misdemeanor, and shall be fined not more than one thousand dollars and be imprisoned not more than one year.

Military expedi-
tions against peo-
ple at peace with
the United States.

Ibid., s. 6, p. 449.

SEC. 5286. Every person who, within the territory or jurisdiction of the United States, begins, or sets on foot, or provides or prepares the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding three thousand dollars, and imprisoned not more than three years.

Enforcement of
foregoing provis-
ions.

Ibid., s. 8.

SEC. 5287. In every case in which a vessel is fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel is increased or augmented, or in which any military expedition or enterprise is begun or set on foot, contrary to the provisions and prohibitions of this Title; and in every case of the capture of a vessel within the jurisdiction or protection of the United States as before defined; and in every case in which any process issuing out of any court of the United States is disobeyed or resisted by any person having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district, or people, it shall be lawful for the President, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such vessel, with her prizes, if any, in order to the execution of the prohibitions and penalties of this Title, and to the restoring of such prizes in the cases in which restoration shall be adjudged; and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territories or jurisdiction of the United States against the territories or dominions of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace.

Compelling for-
eign vessels to de-
part.

Ibid., s. 9.

SEC. 5288. It shall be lawful for the President, or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign vessel to depart the United States in all cases in which, by the laws of nations or the treaties of the United States, she ought not to remain within the United States.

Armed vessels to
give bond on clear-
ance.

Ibid., s. 10.

SEC. 5289. The owners or consignees of every armed vessel sailing out of the ports of the United States, belonging wholly or in part to citizens thereof, shall, before clearing out the same, give bond to the United States, with sufficient sureties, in double the amount of the value of the vessel and cargo on board, including her armament, conditioned that the vessel shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace.

SEC. 5290. The several collectors of the customs shall detain any vessel manifestly built for warlike purposes, and about to depart the United States, the cargo of which principally consists of arms and munitions of war, when the number of men shipped on board, or other circumstances, render it probable that such vessel is intended to be employed by the owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, until the decision of the President is had thereon, or until the owner gives such bond and security as is required of the owners of armed vessels by the preceding section.

Detention by collectors of customs.

20 April, 1818, c. 88, s. 11, p. 450.

SEC. 5291. The provisions of this Title shall not be construed to extend to any subject or citizen of any foreign prince, state, colony, district, or people who is transiently within the United States, and enlist or enters himself on board of any vessel of war, letter of marque, or privateer, which at the time of its arrival within the United States was fitted and equipped as such, or hires or retains another subject or citizen of the same foreign prince, state, colony, district, or people, who is transiently within the United States, to enlist or enter himself to serve such foreign prince, state, colony, district, or people, on board such vessel of war, letter of marque, or privateer, if the United States shall then be at peace with such foreign prince, state, colony, district, or people. Nor shall they be construed to prevent the prosecution or punishment of treason, or of any piracy defined by the laws of the United States.

Construction of this Title.

Ibid., ss. 2, 13, v. 3, pp. 448, 450.

TITLE LXVIII.

REMISSION OF FINES, PENALTIES, AND FORFEITURES.

Sec.
5292. Upon summary investigation before district judge.
5293. Upon investigation under regulations of Secretary of Treasury.

Sec.
5294. Remission of penalties under steam-boat laws.
5295. Officers and informers may be witnesses.
5296. Discharge of indigent convicts.

Upon summary investigation before district judge.

3 March, 1797, c. 13, s. 1, v. 1, p. 506.
11 Feb., 1800, c. 6, v. 2, p. 7.
2 March, 1803, c. 18, s. 4, v. 2, p. 210.
13 July, 1861, c. 3, s. 8, v. 12, p. 257.
20 May, 1862, c. 81, s. 4, v. 12, p. 405.

U. S. vs. Morris, 10 Wh., 246; *The Gray Jacket*, 5 Wall., 342; *Margaretta and Cargo*, 2 Gall., 515; *Ship Cotton Planter*, 1 Paine, 23; *Jungbluth vs. Redfield*, 4 Blatch., 219; *Galligo et al. vs. U. S.*, 1 Brock., 439; *The Palo Alto, Davies*, 343; *U. S. vs. Lancaster*, 4 Wash., 64; *Hollan and Cargo*, 1 Mas., 431.

Upon investigation under regulations of Secretary of Treasury.

14 July, 1832, c. 233, v. 4, p. 597.

28 Sept., 1850, c. 79, s. 4, v. 9, p. 509.

27 June, 1864, c. 164, s. 8, v. 13, p. 198.
1 July, 1870, c. 185, s. 9, v. 16, p. 179.

18 July, 1866, c. 201, s. 16, v. 14, p. 182.

SEC. 5292. Whenever any person who shall have incurred any fine, penalty, or forfeiture, or disability, or may be interested in any vessel or merchandise which has become subject to any seizure, forfeiture, or disability by authority of any provisions of law for imposing or collecting any duties or taxes, or relating to registering, recording, enrolling, or licensing vessels, or providing for the suppression of insurrections or unlawful combinations against the United States, shall prefer his petition to the judge of the district in which such fine, penalty, or forfeiture, or disability has accrued, truly and particularly setting forth the circumstances of his case, and shall pray that the same may be mitigated or remitted, the judge shall inquire, in a summary manner, into the circumstances of the case; first causing reasonable notice to be given to the person claiming such fine, penalty, or forfeiture, and to the attorney of the United States for such district, that each may have an opportunity of showing cause against the mitigation or remission thereof; and shall cause the facts appearing upon such inquiry to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury. The Secretary shall thereupon have power to mitigate or remit such fine, forfeiture, or penalty, or remove such disability, or any part thereof, if, in his opinion, the same was incurred without willful negligence, or any intention of fraud in the person incurring the same; and to direct the prosecution, if any has been instituted for the recovery thereof, to cease and be discontinued, upon such terms or conditions he may deem reasonable and just. [See §§ 3469, 3471, 3472, 5530.]

SEC. 5293. The Secretary of the Treasury is authorized to prescribe such rules and modes of proceeding to ascertain the facts upon which an application for remission of a fine, penalty, or forfeiture is founded, as he deems proper, and, upon ascertaining them, to remit the fine, penalty, or forfeiture, if in his opinion it was incurred without willful negligence or fraud, in either of the following cases:

First. If the fine, penalty, or forfeiture was imposed under authority of any provisions of law for imposing or collecting any duties or taxes, or relating to registering, recording, enrolling, or licensing vessels, and the amount does not exceed fifty dollars.

Second. Where the case occurred within either of the collection-districts in the States of California or Oregon.

Third. If the fine, penalty, or forfeiture was imposed under authority of any provisions of law relating to the importation of merchandise from foreign contiguous territory, or relating to manifests for vessels enrolled or licensed to carry on the coasting-trade on the northern, northeastern, and northwestern frontiers.

Fourth. If the fine, penalty, or forfeiture was imposed under authority of any revenue law, and the amount does not exceed one thousand dollars.

Fifth. If the fine, penalty, or forfeiture was imposed by authority of any provisions of law for levying or collecting any duties or taxes, or relating to registering, recording, enrolling, or licensing vessels, and the case arose within the collection-district of Alaska, or was imposed by virtue of any provisions of law relating to fur-seals upon the islands of Saint Paul and Saint George.

27 July, 1868, c. 273, ss. 8, 9, v. 15, p. 224.

1 July, 1870, c. 189, s. 7, v. 16, p. 182.

U. S. *vs.* Morris, 10 Wh., 246; *McLane vs.* U. S., 6 Pet., 404.

Remission of penalties under steamboat laws.

28 Feb., 1871, c. 100, s. 64, v. 16, p. 458.

SEC. 5294. The Secretary of the Treasury may, upon application therefor, remit or mitigate any fine or penalty provided for in laws relating to steam-vessels, or discontinue any prosecution to recover penalties denounced in such laws, excepting the penalty of imprisonment, or of removal from office, upon such terms as he, in his discretion, shall think proper; and all rights granted to informers by such laws shall be held subject to the Secretary's power of remission, except in cases where the claims of any informer to the share of any penalty shall have been determined by a court of competent jurisdiction, prior to the application for the remission of the penalty; and the Secretary shall have authority to ascertain the facts upon all such applications, in such manner and under such regulations as he may deem proper.

SEC. 5295. Any officer or other person entitled to or interested in a part or share of any fine, penalty, or forfeiture incurred under any law of the United States, may be examined as a witness in any of the proceedings for the recovery of such fine, penalty, or forfeiture by either of the parties thereto, and such examination shall not deprive such witness of his share or interest in such fine, penalty, or forfeiture.

Officers and informers may be witnesses.

28 Feb., 1865, c. 67, s. 2, v. 13, p. 442.

SEC. 5296. When a poor convict, sentenced by any court of the United States to be imprisoned and pay a fine, or fine and cost, or to pay a fine, or fine and costs, has been confined in prison thirty days, solely for the non-payment of such fine, or fine and costs, such convict may make application in writing to any commissioner of the United States court in the district where he is imprisoned, setting forth his inability to pay such fine, or fine and costs, and after notice to the district attorney of the United States, who may appear, offer evidence, and be heard, the commissioner shall proceed to hear and determine the matter. If on examination it shall appear to him that such convict is unable to pay such fine, or fine and costs, and that he has not any property exceeding twenty dollars in value, except such as is by law exempt from being taken on execution for debt, the commissioner shall administer to him the following oath: "I do solemnly swear that I have not any property, real or personal, to the amount of twenty dollars, except such as is by law exempt from being taken on civil process for debt by the laws of (naming the State where oath is administered;) and that I have no property in any way conveyed or concealed, or in any way disposed of, for my future use or benefit. So help me God." Upon taking such oath such convict shall be discharged; and the commissioner shall give to the keeper of the jail a certificate setting forth the facts. [See § 1042.]

Discharge of indigent convicts.

1 June, 1872, c. 255, s. 14, v. 17, p. 198.

TITLE LXIX. INSURRECTION.

| Sec. | Sec. |
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| 5297. Insurrection against a State government. | 5309. Proceedings, where had. |
| 5298. Insurrection against the Government of the United States. | 5310. Property taken on inland waters. |
| 5299. Power to suppress insurrection in violation of civil rights. | 5311. How proceedings shall be instituted. |
| 5300. Proclamation to insurgents to disperse. | 5312. Prohibition upon transportation of goods to aid insurrection. |
| 5301. Suspension of commercial intercourse. | 5313. Prohibition upon trade in captured or abandoned property. |
| 5302. In loyal States. | 5314. Change of port of entry in case of insurrection. |
| 5303. To whom prohibition shall extend. | 5315. Removal of custom-house. |
| 5304. Commercial intercourse; to what extent permitted. | 5316. Enforcement of preceding sections. |
| 5305. Appointment and compensation of officers. | 5317. Entire district closed to entry. |
| 5306. Trading without license, &c. | 5318. Vessels, in addition to revenue-cutters, may be employed. |
| 5307. Investigations to detect frauds. | 5319. Forfeiture of vessels belonging to citizens of insurrectionary States. |
| 5308. Confiscation of property employed in aid of insurrection. | 5320. Refusal of clearance to vessels laden with suspected merchandise. |
| | 5321. Bond upon clearance. |
| | 5322. Liens upon condemned vessels. |

Insurrection against a State government.

28 Feb., 1795, c.
36, s. 1, v. 1, p. 424.
3 March, 1807, c.
39, v. 2, p. 443.

Luther vs. Borden, 7 How., 1.

Insurrection against the Gov- ernment of the United States.

29 July, 1861, c.
25, s. 1, v. 12, p. 281.

Power to sup- press insurrection in violation of civil rights.

20 April, 1871, c.
25, s. 3, v. 17, p. 14.

SEC. 5297. In case of an insurrection in any State, against the government thereof, it shall be lawful for the President, on application of the legislature of such State, or of the executive, when the legislature cannot be convened, to call forth such number of the militia of any other State or States, which may be applied for, as he deems sufficient to suppress such insurrection; or, on like application, to employ, for the same purposes, such part of the land or naval forces of the United States as he deems necessary.

SEC. 5298. Whenever, by reason of unlawful obstructions, combinations, or assemblages of persons, or rebellion against the authority of the Government of the United States, it shall become impracticable, in the judgment of the President, to enforce, by the ordinary course of judicial proceedings, the laws of the United States within any State or Territory, it shall be lawful for the President to call forth the militia of any or all the States, and to employ such parts of the land and naval forces of the United States as he may deem necessary to enforce the faithful execution of the laws of the United States, or to suppress such rebellion, in whatever State or Territory thereof the laws of the United States may be forcibly opposed, or the execution thereof forcibly obstructed.

SEC. 5299. Whenever insurrection, domestic violence, unlawful combinations, or conspiracies in any State so obstructs or hinders the execution of the laws thereof, and of the United States, as to deprive any portion or class of the people of such State of any of the rights, privileges, or immunities, or protection, named in the Constitution and secured by the laws for the protection of such rights, privileges, or immunities, and the constituted authorities of such State are unable to protect, or, from any cause, fail in or refuse protection of the people in such rights, such facts shall be deemed a denial by such State of the equal protection of the laws to which they are entitled under the Constitution of the United States; and in all such cases, or whenever any such insurrection, violence, unlawful combination, or conspiracy, opposes or obstructs the laws of the United States, or the due execution thereof, or impedes or obstructs the due course of justice under the same, it shall be lawful for the President, and it shall be his duty, to take such measures, by the employment of the militia or the land and naval forces

of the United States, or of either, or by other means, as he may deem necessary, for the suppression of such insurrection, domestic violence, or combinations.

SEC. 5300. Whenever, in the judgment of the President, it becomes necessary to use the military forces under this Title, the President shall forthwith, by proclamation, command the insurgents to disperse and retire peaceably to their respective abodes, within a limited time.

Proclamation to insurgents to disperse.

29 July, 1861, c. 25, s. 2, v. 12, p. 282.

SEC. 5301. Whenever the President, in pursuance of the provisions of this Title, has called forth the militia to suppress combinations against the laws of the United States, and to cause the laws to be duly executed, and the insurgents shall have failed to disperse by the time directed by the President, and when the insurgents claim to act under the authority of any State or States, and such claim is not disclaimed or repudiated by the persons exercising the functions of government in such State or States, or in the part or parts thereof in which such combination exists, and such insurrection is not suppressed by such State or States, or whenever the inhabitants of any State or part thereof are at any time found by the President to be in insurrection against the United States, the President may, by proclamation, declare that the inhabitants of such State, or of any section or part thereof where such insurrection exists, are in a state of insurrection against the United States; and thereupon all commercial intercourse by and between the same and the citizens thereof and the citizens of the rest of the United States shall cease and be unlawful so long as such condition of hostility shall continue; and all goods and chattels, wares and merchandise, coming from such State or section into the other parts of the United States, or proceeding from other parts of the United States to such State or section, by land or water, shall, together with the vessel or vehicle conveying the same, or conveying persons to or from such State or section, be forfeited to the United States.

Suspension of commercial intercourse.

13 July, 1861, c. 3, s. 5, v. 12, p. 257.
31 July, 1861, c. 32, v. 12, p. 284.

The Reform, 2 Wall., 258; *ibid.*, 3 Wall., 617; U. S. *vs.* Weed, 5 Wall., 62; The Hampton, 5 Wall., 372; The Ouachita Cotton, 6 Wall., 521; The Venice, 2 Wall., 258; Cutner *vs.* U. S., 17 Wall., 517.

SEC. 5302. Whenever any part of a State not declared to be in insurrection is under the control of insurgents, or is in dangerous proximity to places under their control, all commercial intercourse therein and therewith shall be subject to the prohibitions and conditions of the preceding section for such time and to such extent as shall become necessary to protect the public interests, and be directed by the Secretary of the Treasury, with the approval of the President.

In loyal States.

2 July, 1864, c. 225, s. 5, v. 13, p. 376.

SEC. 5303. The provisions of this Title in relation to commercial intercourse shall apply to all commercial intercourse by and between persons residing or being within districts within the lines of national military occupation in the States or parts of States declared in insurrection, whether with each other or with persons residing or being within districts declared in insurrection and not within those lines; and all persons within the United States, not native or naturalized citizens thereof, shall be subject to the same prohibitions, in all commercial intercourse with inhabitants of States or parts of States declared in insurrection, as citizens of States not declared to be in insurrection.

To whom prohibition shall extend.

Ibid., s. 4.

SEC. 5304. The President may, in his discretion, license and permit commercial intercourse with any part of such State or section, the inhabitants of which are so declared in a state of insurrection, so far as may be necessary to authorize supplying the necessities of loyal persons residing in insurrectionary States, within the lines of actual occupation by the military forces of the United States, as indicated by published order of the commanding general of the department or district so occupied; and, also, so far as may be necessary to authorize persons residing within such lines to bring or send to market in the loyal States any products which they shall have produced with their own labor or the labor of freedmen, or others employed and paid by them, pursuant to rules relating thereto, which may be established under proper authority. And no goods, wares, or merchandise shall be taken into a State declared in insurrection, or transported therein, except to and from such places and to such monthly amounts as shall have been previously agreed upon, in writing, by the

Commercial intercourse, to what extent permitted.

13 July, 1861, c. 3, s. 5, v. 12, p. 257.
2 July, 1864, c. 225, s. 9, v. 13, p. 377.

The Sea Lion, 5 Wall., 630; The Ouachita Cotton, 6 Wall., 521; *Coppel vs.* Hall, 7 Wall., 542; McKee *vs.* U. S., 8 Wall., 163; U. S. *vs.* Lane, 8 Wall., 185.

commanding general of the department in which such places are situated, and an officer designated by the Secretary of the Treasury for that purpose. Such commercial intercourse shall be in such articles and for such time and by such persons as the President, in his discretion, may think most conducive to the public interest; and, so far as by him licensed, shall be conducted and carried on only in pursuance of rules and regulations prescribed by the Secretary of the Treasury.

Appointment
and compensation
of officers.

13 July, 1861, c.
3, s. 5, v. 12, p. 257.
30 June, 1864, c.
171, s. 28, v. 13, p.
218.

SEC. 5305. The Secretary of the Treasury may appoint such officers at places where officers of the customs are not now authorized by law as may be needed to carry into effect such licenses, rules, and regulations. In all cases where officers of the customs, or other salaried officers, are appointed by him to carry into effect such licenses, rules, and regulations, such officer shall be entitled to receive one thousand dollars a year for his services, in addition to his salary or compensation under any other law. But the aggregate compensation of any such officer shall not exceed the sum of five thousand dollars in any one year.

Trading without
license, &c.

2 July, 1864, c.
225, s. 10, v. 13, p.
377.

SEC. 5306. Every officer of the United States, civil, military, or naval, and every sutler, soldier, marine, or other person, who takes, or causes to be taken into a State declared to be in insurrection, or to any other point to be thence taken into such State, or who transports or sells, or otherwise disposes of therein, any goods, wares, or merchandise whatsoever, except in pursuance of license and authority of the President, as provided in this Title, or who makes any false statement or representation upon which license and authority is granted for such transportation, sale, or other disposition, or who, under any license or authority obtained, willfully and knowingly transports, sells, or otherwise disposes of any other goods, wares, or merchandise than such as are in good faith so licensed and authorized, or who willfully and knowingly transports, sells, or disposes of the same, or any portion thereof, in violation of the terms of such license or authority, or of any rule or regulation prescribed by the Secretary of the Treasury concerning the same, or who is guilty of any act of embezzlement, of willful misappropriation of public or private money or property, of keeping false accounts, or of willfully making any false returns, shall be deemed guilty of a misdemeanor, and shall be fined not more than five thousand dollars, and imprisoned in the penitentiary not more than three years. Violations of this section shall be cognizable before any court, civil or military, competent to try the same.

Investigations to
detect frauds.

Ibid.

SEC. 5307. It shall be the duty of the Secretary of the Treasury, from time to time, to institute such investigations as may be necessary to detect and prevent frauds and abuses in any trade or transactions which may be licensed between inhabitants of loyal States and of States in insurrection. And the agents making such investigations shall have power to compel the attendance of witnesses, and to make examinations on oath. [See § 183.]

Confiscation of
property employed
in aid of insurrec-
tion.

6 Aug., 1861, c.
60, s. 1, v. 12, p. 319.

Mrs. Alexander's
Cotton, 2 Wall.,
404; Union Ins.
Co. vs. U.S., 6 Wall.,
759; Armstrong's
Foundry, 6 Wall.,
766; Morris' Cot-
ton, 8 Wall., 507;
U.S. vs. Shares of
Capital Stock, 5
Blatch., 231.

SEC. 5308. Whenever during any insurrection against the Government of the United States, after the President shall have declared by proclamation that the laws of the United States are opposed, and the execution thereof obstructed, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the power vested in the marshals by law, any person, or his agent, attorney, or employé, purchases or acquires, sells or gives, any property of whatsoever kind or description, with intent to use or employ the same, or suffers the same to be used or employed in aiding, abetting, or promoting such insurrection or resistance to the laws, or any person engaged therein; or being the owner of any such property, knowingly uses or employs, or consents to such use or employment of the same, all such property shall be lawful subject of prize and capture wherever found; and it shall be the duty of the President to cause the same to be seized, confiscated, and condemned.

SEC. 5309. Such prizes and capture shall be condemned in the district or circuit court of the United States having jurisdiction of the amount, or in admiralty in any district in which the same be seized, or into which they may be taken and proceedings first instituted.

SEC. 5310. No property seized or taken upon any of the inland waters of the United States by the naval forces thereof shall be regarded as maritime prize; but all property so seized or taken shall be promptly delivered to the proper officers of the courts.

SEC. 5311. The Attorney-General, or the attorney of the United States for any judicial district in which such property may at the time be, may institute the proceedings of condemnation, and in such case they shall be wholly for the benefit of the United States; or any person may file an information with such attorney, in which case the proceedings shall be for the use of such informer and the United States in equal parts. [See § 629.]

fiction Cases, 7 Wall., 454; *Miller vs. U. S.*, 11 Wall., 268; *Tyler vs. U. S.*, 331.

SEC. 5312. The Secretary of the Treasury is authorized to prohibit and prevent the transportation in any vessel, or upon any railroad, turnpike, or other road or means of transportation within the United States, of any property, whatever may be the ostensible destination of the same, in all cases where there are satisfactory reasons to believe that such property is intended for any place in the possession or under the control of insurgents against the United States, or that there is imminent danger that such property will fall into the possession or under the control of such insurgents; and he is further authorized, in all cases where he deems it expedient so to do, to require reasonable security to be given that property shall not be transported to any place under insurrectionary control, and shall not, in any way, be used to give aid or comfort to such insurgents; and he may establish all such general or special regulations as may be necessary or proper to carry into effect the purposes of this section; and if any property is transported in violation of this act, or of any regulation of the Secretary of the Treasury, established in pursuance thereof, or if any attempt shall be made so to transport any, it shall be forfeited.

SEC. 5313. All persons in the military or naval service of the United States are prohibited from buying or selling, trading, or in any way dealing in captured or abandoned property, whereby they shall receive or expect any profit, benefit, or advantage to themselves, or any other person, directly or indirectly connected with them; and it shall be the duty of such person whenever such property comes into his possession or custody, or within his control, to give notice thereof to some agent, appointed by virtue of this Title, and to turn the same over to such agent without delay. Any officer of the United States, civil, military, or naval, or any sutler, soldier, or marine, or other person who shall violate any provision of this section, shall be deemed guilty of a misdemeanor, and shall be fined not more than five thousand dollars, and imprisoned in the penitentiary not more than three years. Violations of this section shall be cognizable before any court, civil or military, competent to try the same.

SEC. 5314. Whenever the President shall deem it impracticable, by reason of unlawful combinations of persons in opposition to the laws of the United States, to collect the duties on imports in the ordinary way, at any port of entry in any collection-district, he may cause such duties to be collected at any port of delivery in the district until such obstruction ceases; in such case the surveyor at such port of delivery shall have the powers and be subject to all the obligations of a collector at a port of entry. The Secretary of the Treasury, with the approval of the President, shall also appoint such weighers, gaugers, measurers, inspectors, appraisers, and clerks as he may deem necessary, for the faithful execution of the revenue laws at such port of delivery, and shall establish the limits within which such port of delivery is consti-

Proceedings, where had.

6 Aug., 1861, c. 60, s. 2, v. 12, p. 319.

Property taken on inland waters.

2 July, 1864, c. 225, s. 7, v. 13, p. 377.

How proceedings shall be instituted.

6 Aug., 1861, c. 68, s. 3, v. 12, p. 319.

Francis vs. U. S., 5 Wall., 338; *Con-Defrees*, 11 Wall.,

Prohibition upon transportation of goods to aid insurrection.

20 May, 1862, c. 81, s. 3, v. 12, p. 404.

Gay's Gold, 13 Wall., 358.

Prohibition upon trade in captured or abandoned property.

2 July, 1864, c. 225, s. 10, v. 13, p. 377.

Change of port of entry in case of insurrection.

13 July, 1861, c. 3, s. 1, v. 12, p. 255.

tuted a port of entry. And all the provisions of law regulating the issue of marine papers, the coasting-trade, the warehousing of imports, and the collection of duties, shall apply to the ports of entry thus constituted, in the same manner as they do to ports of entry established by law.

Removal of custom-house.

Ibid., s. 2, p. 256.

SEC. 5315. Whenever, at any port of entry, the duties on imports cannot, in the judgment of the President, be collected in the ordinary way, or by the course provided in the preceding section, by reason of the cause mentioned therein, he may direct that the custom-house for the district be established in any secure place within the district, either on land or on board any vessel in the district, or at sea near the coast; and in such case the collector shall reside at such place, or on ship-board, as the case may be, and there detain all vessels and cargoes arriving within or approaching the district, until the duties imposed by law on such vessels and their cargoes are paid in cash. But if the owner or consignee of the cargo on board any vessel thus detained, or the master of the vessel, desires to enter a port of entry in any other district where no such obstructions to the execution of the laws exist, the master may be permitted so to change the destination of the vessel and cargo in his manifest; whereupon the collector shall deliver him a written permit to proceed to the port so designated. And the Secretary of the Treasury, with the approval of the President, shall make proper regulations for the enforcement on shipboard of such provisions of the laws regulating the assessment and collection of duties as in his judgment may be necessary and practicable.

Enforcement of preceding sections.

Ibid., s. 3.

SEC. 5316. It shall be unlawful to take any vessel or cargo detained under the preceding section from the custody of the proper officers of the customs, unless by process of some court of the United States; and in case of any attempt otherwise to take such vessel or cargo by any force, or combination, or assemblage of persons, too great to be overcome by the officers of the customs, the President, or such person as he shall have empowered for that purpose, may employ such part of the Army or Navy or militia of the United States, or such force of citizen volunteers as may be necessary, to prevent the removal of such vessel or cargo, and to protect the officers of the customs in retaining the custody thereof.

Entire district closed to entry.

Ibid., s. 4.

SEC. 5317. Whenever, in any collection-district, the duties on imports cannot, in the judgment of the President, be collected in the ordinary way, nor in the manner provided by the three preceding sections, by reason of the cause mentioned in section fifty-three hundred and fourteen, the President may close the port of entry in that district; and shall in such case give notice thereof by proclamation. And thereupon all right of importation, warehousing, and other privileges incident to ports of entry shall cease and be discontinued at such port so closed until it is opened by the order of the President on the cessation of such obstructions. Every vessel from beyond the United States, or having on board any merchandise liable to duty, which attempts to enter any port which has been closed under this section, shall, with her tackle, apparel, furniture, and cargo, be forfeited.

Vessels in addition to revenue-cutters may be employed.

Ibid., s. 7, p. 257

SEC. 5318. In the execution of laws providing for the collection of duties on imports and tonnage, the President, in addition to the revenue-cutters in service, may employ in aid thereof such other suitable vessels as may, in his judgment, be required.

Forfeiture of vessels belonging to citizens of insurrectionary States.

Ibid.

SEC. 5319. From and after fifteen days after the issuing of the proclamation, as provided in section fifty-three hundred and one, any vessel belonging in whole or in part to any citizen or inhabitant of such State or part of a State whose inhabitants are so declared in a state of insurrection, found at sea, or in any port of the rest of the United States, shall be forfeited.

The Schooner Keeling, Blatch. Pr. Cas., 92.

SEC. 5320. The Secretary of the Treasury is authorized to refuse a clearance to any vessel or other vehicle laden with merchandise, destined for a foreign or domestic port, whenever he shall have satisfactory reason to believe that such merchandise, or any part thereof, whatever may be its ostensible destination, is intended for ports in possession or under control of insurgents against the United States; and if any vessel for which a clearance or permit has been refused by the Secretary of the Treasury, or by his order, shall depart or attempt to depart for a foreign or domestic port without being duly cleared or permitted, such vessel, with her tackle, apparel, furniture, and cargo, shall be forfeited.

Refusal of clearance to vessels laden with suspected merchandise.

20 May, 1862, c. 81, s. 1, v. 12, p. 404.

SEC. 5321. Whenever a permit or clearance is granted for either a foreign or domestic port, it shall be lawful for the collector of the customs granting the same, if he deems it necessary, under the circumstances of the case, to require a bond to be executed by the master or the owner of the vessel, in a penalty equal to the value of the cargo, and with sureties to the satisfaction of such collector, that the cargo shall be delivered at the destination for which it is cleared or permitted, and that no part thereof shall be used in affording aid or comfort to any person or parties in insurrection against the authority of the United States.

Bond upon clearance.

Ibid., s. 2.

SEC. 5322. In all cases wherein any vessel, or other property, is condemned in any proceeding by virtue of any laws relating to insurrection or rebellion, the court rendering judgment of condemnation shall, notwithstanding such condemnation, and before awarding such vessel, or other property, or the proceeds thereof, to the United States, or to any informer, first provide for the payment, out of the proceeds of such vessel, or other property, of any bona-fide claims which shall be filed by any loyal citizen of the United States, or of any foreign state or power at peace and amity with the United States, intervening in such proceeding, and which shall be duly established by evidence as a valid claim against such vessel, or other property, under the laws of the United States or of any State thereof not declared to be in insurrection. No such claim shall be allowed in any case where the claimant has knowingly participated in the illegal use of such ship, vessel, or other property. This section shall extend to such claims only as might have been enforced specifically against such vessel, or other property, in any State not declared to be in insurrection, wherein such claim arose.

Liens upon condemned vessels.

3 March, 1863, c. 90, v. 12, p. 762.

The Hampton, 5 Wall., 372.

TITLE LXX

CRIMES.

CHAPTER ONE.

GENERAL PROVISIONS.

Sec.

5323. Accessory before the fact to piracy, &c.

5324. Accessory after the fact to robbery or piracy.

5325. Punishment of death by hanging.

Sec.

5326. No conviction to work corruption of blood or forfeiture of estate.

5327. Whipping and the pillory abolished.

5328. Jurisdiction of State courts.

5329. Benefit of clergy.

5330. Pardoning power.

Accessory before the fact to piracy, &c.

30 April, 1790, c. 9, s. 10, v. 1, p. 114.

Accessory after the fact to robbery or piracy.

30 April, 1790, c. 9, s. 11, v. 1, p. 114.

Punishment of death by hanging.

Ibid., s. 33, p. 119.

No conviction to work corruption of blood or forfeiture of estate.

Ibid., s. 24, p. 117.

Whipping and the pillory abolished.

28 Feb., 1839, c. 36, s. 5, v. 5, p. 322.

Jurisdiction of State courts.

3 March, 1795, c. 65, s. 26, v. 4, p. 122.

Benefit of clergy.

30 April, 1790, c. 9, s. 31, v. 1, p. 119.

Pardoning power.

20 Feb., 1863, c. 46, s. 1, v. 12, p. 656.

SEC. 5323. Every person who knowingly aids, abets, causes, procures, commands, or counsels another to commit any murder, robbery, or other piracy upon the seas, is an accessory before the fact to such piracies, and every such person being thereof convicted shall suffer death.

SEC. 5324. Every person who receives or takes into custody any vessel, goods, or other property feloniously taken by any robber or pirate against the laws of the United States, knowing the same to have been feloniously taken, and every person who, knowing that such pirate or robber has done or committed any such piracy or robbery, on the land or at sea, receives, entertains, or conceals any such pirate or robber, is an accessory after the fact to such robbery or piracy. (See § 5533.)

SEC. 5325. The manner of inflicting the punishment of death shall be by hanging. [See §§ 5340, 5400.]

SEC. 5326. No conviction or judgment shall work corruption of blood or any forfeiture of estate.

SEC. 5327. The punishment of whipping and of standing in the pillory shall not be inflicted.

SEC. 5328. Nothing in this Title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof.

SEC. 5329. The benefit of clergy shall not be used or allowed, upon conviction of any crime for which the punishment is death.

SEC. 5330. Whenever, by the judgment of any court or judicial officer of the United States, in any criminal proceeding, any person is sentenced to two kinds of punishment, the one pecuniary and the other corporal, the President shall have full discretionary power to pardon or remit, in whole or in part, either one of the two kinds, without, in any manner, impairing the legal validity of the other kind, or of any portion of either kind, not pardoned or remitted.

CHAPTER TWO.

CRIMES AGAINST THE EXISTENCE OF THE GOVERNMENT.

Sec.

5331. Treason.

5332. Punishment of treason.

5333. Misprision of treason.

5334. Inciting or engaging in rebellion or insurrection.

5335. Criminal correspondence with foreign governments.

Sec.

5336. Seditious conspiracy.

5337. Recruiting soldiers or sailors to serve against the United States.

5338. Enlistment to serve against the United States.

SEC. 5331. Every person owing allegiance to the United States who levies war against them, or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason.

Treason.

30 April, 1790, c. 9, s. 1, v. 1, p. 112.

Gearing vs. U. S., 3 N. & H., 165.

SEC. 5332. Every person guilty of treason shall suffer death; or, at the discretion of the court, shall be imprisoned at hard labor for not less than five years, and fined not less than ten thousand dollars, to be levied on and collected out of any or all of his property, real and personal, of which he was the owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding; and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States.

Punishment of treason.

17 July, 1862, c. 195, ss. 1, 3, v. 12, p. 589.

U. S. vs. The Insurgents, 2 Dall., 335; *U. S. vs. Mitchell*, 2 Dall., 348; *U. S. vs. Pryor*, 3 Wash., 234; *U. S. vs. Hauway*, 2 Wall. Jr. C. C., 139; 1 Burr's Trial, 14-16; 2 Burr's Trial, 402, 405, 417; *U. S. vs. Hoxie*, 1 Paine, 265; *U. S. vs. Greathouse*, 2 Abb. C. C., 364.

SEC. 5333. Every person, owing allegiance to the United States and having knowledge of the commission of any treason against them, who conceals, and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor, or to some judge or justice of a particular State, is guilty of misprision of treason, and shall be imprisoned not more than seven years, and fined not more than one thousand dollars.

Misprision of treason.

30 April, 1790, c. 9, s. 2, v. 1, p. 112.

U. S. vs. Wiltberger, 5 Wh., 97.

SEC. 5334. Every person who incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States, or the laws thereof, or gives aid or comfort thereto, shall be punished by imprisonment not more than ten years, or by a fine of not more than ten thousand dollars, or by both of such punishments; and shall, moreover, be incapable of holding any office under the United States. [See §§ 5297-5322.]

Inciting or engaging in rebellion or insurrection.

17 July, 1862, c. 195, s. 2, v. 12, p. 590.

SEC. 5335. Every citizen of the United States, whether actually resident or abiding within the same, or in any foreign country, who, without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government, or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a citizen of, or resident within, the United States, and not duly authorized, who counsels, advises, or assists in any such correspondence, with such intent, shall be punished by a fine of not more than five thousand dollars, and by imprisonment during a term not less than six months, nor more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government, or any of its agents or subjects. [See §§ 1738, 2113.]

Criminal correspondence with foreign governments.

30 Jan., 1799, c. 1, v. 1, p. 613.

SEC. 5336. If two or more persons in any State or Territory conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof; or by force to prevent, hinder, or delay the execution of any law of the United States; or by force to seize, take, or possess

Seditious conspiracy.

31 July, 1861, c. 33, v. 12, p. 284.

20 April, 1871, c. 22, s. 2, v. 17, p. 13.

Ex parte Lange,
18 Wall., 163.

Recruiting sol-
diers or sailors to
serve against the
United States.

6 Aug., 1861, c.
56, s. 1, v. 12, p. 317.

Enlistment to
serve against the
United States.

Ibid., s. 2.

any property of the United States contrary to the authority thereof; each of them shall be punished by a fine of not less than five hundred dollars and not more than five thousand dollars; or by imprisonment, with or without hard labor, for a period not less than six months, nor more than six years, or by both such fine and imprisonment. [See §§ 5513-5520.]

SEC. 5337. Every person who recruits soldiers or sailors within the United States to engage in armed hostility against the same, or who opens within the United States a recruiting station for the enlistment of such soldiers or sailors, to serve in any manner in armed hostility against the United States, shall be fined not less than two hundred dollars, nor more than one thousand dollars, and imprisoned not less than one year, nor more than five years.

SEC. 5338. Every soldier or sailor enlisted or engaged within the United States, with intent to serve in armed hostility against the same, shall be punished by a fine of one hundred dollars, and by imprisonment not less than one year, nor more than three years.

CHAPTER THREE.

CRIMES ARISING WITHIN THE MARITIME AND TERRITORIAL JURISDICTION OF THE UNITED STATES.

Sec.

- 5339. Murder.
- 5340. Delivery of offender's body for dissection, when.
- 5341. Manslaughter.
- 5342. Attempt to commit murder or manslaughter.
- 5343. Punishment of manslaughter.
- 5344. Officers and owners of steamboats through whose misconduct, &c., life is lost.
- 5345. Rape.
- 5346. Assault with a dangerous weapon.
- 5347. Maltreatment of crew by officers of vessels.
- 5348. Maiming, &c.
- 5349. Seduction of female passengers on vessels.
- 5350. Payment of fine to female seduced.
- 5351. Evidence required; limitation of indictment.
- 5352. Bigamy.
- 5353. Transportation of nitro-glycerine, &c., in passenger conveyances.
- 5354. Death caused by such transportation deemed manslaughter.
- 5355. Transportation of nitro-glycerine, &c., how allowed.
- 5356. Larceny.
- 5357. Receiving stolen goods.
- 5358. Plundering vessel in distress, &c.
- 5359. Inciting revolt or mutiny on ship-board.
- 5360. Revolt and mutiny on ship-board.
- 5361. Attacking vessel with intent to plunder.
- 5362. Breaking and entering vessel, &c.
- 5363. Forcible abandonment of officer or mariner in foreign port.
- 5364. Conspiracy to cast away vessel.
- 5365. Owner destroying vessel at sea.
- 5366. Other persons destroying vessel at sea.

Sec.

- 5367. Attempt to destroy vessel at sea.
- 5368. Piracy under the law of nations.
- 5369. Seaman laying violent hands on his commander.
- 5370. Robbery upon the high seas.
- 5371. Robbery on shore by crew of piratical vessel.
- 5372. Murder, &c., upon the high seas.
- 5373. Piracy under color of a commission from a foreign power.
- 5374. Piracy by subjects or citizens of a foreign state.
- 5375. Piracy in confining or detaining negroes on board vessels, &c.
- 5376. Piracy in landing, seizing, &c., negroes on any foreign shore.
- 5377. Bringing into United States, or holding or selling persons as slaves.
- 5378. Equipping vessels for slave-trade.
- 5379. Transporting persons to be held as slaves.
- 5380. Hovering on coast with slaves on board.
- 5381. Serving in vessels engaged in transporting slaves.
- 5382. Serving in foreign vessels employed in the slave-trade.
- 5383. Running away with or yielding up vessel or cargo.
- 5384. Confederating, &c., with pirates.
- 5385. Arson of dwelling-house within a fort, &c.
- 5386. Arson of armory, arsenal, &c.
- 5387. Arson of vessel of war.
- 5388. Depredations on timber lands.
- 5389. Circulation of obscene literature.
- 5390. Mischief of felony.
- 5391. Certain offenses committed in places ceded to United States, how punished.

Murder.

30 April, 1790, c.
9, s. 3, v. 1, p. 113.
3 March, 1825, c.
65, s. 4, v. 4, p. 115.

SEC. 5339. Every person who commits murder—

First. Within any fort, arsenal, dock-yard, magazine, or in any other place or district of country under the exclusive jurisdiction of the United States;

Second. Or upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State;

Third. Or who upon any of such waters maliciously strikes, stabs, wounds, poisons, or shoots at any other person, of which striking, stabbing, wounding, poisoning, or shooting such other person dies, either on land or at sea, within or without the United States, shall suffer death.

[See §§ 5322-5326.]

Gallis., 624; U. S. *vs.* Cornell, 2 Mas., 91; U. S. *vs.* Freeman, 4 Mas., 505; U. S. *vs.* Drew, 5 Mas., 28; U. S. *vs.* Douglass, 2 Blatch., 207.

SEC. 5340. The court before which any person is convicted of murder, may, in its discretion, add to the judgment of death, that the body of the offender be delivered to a surgeon for dissection; and the marshal who executes such judgment shall deliver the body, after execution, to such surgeon as the court may direct; and such surgeon, or some person by him appointed, shall receive and take away the body at the time of execution. [See § 5402.]

SEC. 5341. Every person who, within any of the places or upon any of the waters described in section fifty-three hundred and thirty-nine, unlawfully and willfully, but without malice, strikes, stabs, wounds, or shoots at, or otherwise injures another, of which striking, stabbing, wounding, shooting, or other injury such other person dies, either on land or sea, within or without the United States, is guilty of the crime of manslaughter.

SEC. 5342. Every person who, within any of the places or upon any of the waters described in section fifty-three hundred and thirty-nine, attempts to commit the crime of murder or manslaughter, by any means not constituting the offense of assault with a dangerous weapon, shall be punished by imprisonment, with or without hard labor, not more than three years, and by a fine of not more than one thousand dollars.

SEC. 5343. The punishment of manslaughter shall be imprisonment, with or without hard labor, not more than three years, and by a fine of not more than one thousand dollars, except as otherwise specially provided by law.

SEC. 5344. Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel, the life of any person is destroyed, and every owner, inspector, or other public officer, through whose fraud, connivance, misconduct, or violation of law, the life of any person is destroyed, shall be deemed guilty of manslaughter, and, upon conviction thereof before any circuit court of the United States, shall be sentenced to confinement at hard labor for a period of not more than ten years. [See §§ 4252-4289, 4399-4500.]

S. *vs.* Warren, 4 McLean, 463; U. S. *vs.* Taylor, 5 McLean, 42.

SEC. 5345. Every person who, within any of the places or upon any of the waters specified in section fifty-three hundred and thirty-nine, commits the crime of rape shall suffer death.

SEC. 5346. Every person who, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular State, on board any vessel belonging in whole or part to the United States, or any citizen thereof, with a dangerous weapon, or with intent to perpetrate any felony, commits an assault on another shall be punished by a fine of not more than three thousand dollars, and by imprisonment at hard labor not more than three years.

SEC. 5347. Every master or other officer of any American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who, from malice, hatred, or re-

U. S. *vs.* McGill, 4 Dall., 426; U. S. *vs.* Bevens, 3 Wh., 336; U. S. *vs.* Furlong, 5 Wh., 184; U. S. *vs.* Holmes, 5 Wh., 412; U. S. *vs.* Marchant and Colson, 12 Wh., 480; U. S. *vs.* McGill, 1 Wash., 463; U. S. *vs.* Ross, 1

Delivery of offender's body for dissection, when.

30 Apr., 1790, c. 9, s. 4, v. 1, p. 113.

Manslaughter.

Ibid., s. 7.

3 March, 1857, c. 116, s. 1, v. 11, p. 250.

U. S. *vs.* Imbert, 4 Wash., 702.

Attempt to commit murder or manslaughter.

3 March, 1857, c. 116, s. 2, v. 11, p. 250.

Punishment of manslaughter.

30 Apr., 1790, c. 9, s. 7, v. 1, p. 113.

3 March, 1857, c. 116, s. 3, v. 11, p. 250.

Officers and owners of steamboats through whose misconduct, &c., life is lost, guilty of manslaughter.

28 Feb., 1871, c. 100, s. 57, v. 16, p. 456.

U. S. *vs.* Farnham, 2 Blatch., 528; U.

Rape.

3 March, 1825, c. 65, s. 4, v. 4, p. 115.

Assault with a dangerous weapon.

Ibid., s. 22, p. 121.

U. S. *vs.* Grush, 5 Mas., 290.

Maltreatment of crew by officers of vessels.

3 March, 1835, c. 40, s. 3, v. 4, p. 776.

U. S. vs. Freeman, 4 Mas., 511; *U. S. vs. Taylor*, 2 Sumn., 584; *U. S. vs. Winn*, 3 Sumn., 209; *U. S. vs. Collins*, 2 Curt. C. C., 194.

Maiming, &c.

30 April, 1790, c. 9, s. 13, v. 1, p. 115.

Seduction of female passengers on vessels.

24 March, 1860, c. 8, s. 1, v. 12, p. 3.

Payment of fine to female seduced.

Ibid., s. 4, p. 4.

Evidence required; limitation of indictment.

Ibid., s. 5.

Bigamy.

1 July, 1862, c. 126, s. 1, v. 12, p. 501.

Transportation of nitro-glycerine, &c., in passenger-conveyances.

3 July, 1866, c. 162, s. 1, v. 14, p. 81.

Death caused by such transportation deemed manslaughter.

Ibid., s. 2.

venge, and without justifiable cause, beats, wounds, or imprisons any of the crew of such vessel, or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than five years, or by both. [See §§ 4300-4305.]

SEC. 5348. Every person who, within any of the places upon the land under the exclusive jurisdiction of the United States, or who, upon the high seas, in any vessel belonging to the United States, or to any citizen thereof, maliciously cuts off the ear, cuts out or disables the tongue, puts out an eye, slits the nose, cuts off the nose or lip, or cuts off or disables any limb or member of any person, with intent to maim or disfigure such person, shall be imprisoned at hard labor not more than seven years, and fined not more than one thousand dollars.

SEC. 5349. Every master, officer, seaman, or other person employed on board of any American vessel who, during the voyage, under promise of marriage, or by threats, or the exercise of authority, or solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, shall be punished by imprisonment not more than twelve months, or by a fine of not more than one thousand dollars; but subsequent intermarriage of the parties may be pleaded in bar of conviction. [See §§ 4275, 4276.]

SEC. 5350. When any person is convicted under the provisions of the preceding section, the court may, in its discretion, by an order entered on its minutes, direct the amount of the fine, when imposed and collected, to be paid for the use of the female seduced or her child, if she have any.

SEC. 5351. No conviction shall be had on the testimony of the female seduced, without other evidence, nor unless the indictment is found within one year after the arrival of the vessel on which the offense was committed at the port for which it was destined.

SEC. 5352. Every person having a husband or wife living, who marries another, whether married or single, in a Territory, or other place over which the United States have exclusive jurisdiction, is guilty of bigamy, and shall be punished by a fine of not more than five hundred dollars, and by imprisonment for a term not more than five years; but this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage is absent for five successive years, and is not known to such person to be living; nor to any person by reason of any former marriage which has been dissolved by decree of a competent court; nor to any person by reason of any former marriage which has been pronounced void by decree of a competent court on the ground of nullity of the marriage contract.

SEC. 5353. Every person who knowingly transports, or delivers or causes to be delivered, nitro-glycerine, nitro-leum or blasting-oil, or nitrated oil, or powder mixed with any such oil, or fiber saturated with any such substance or article, on board any vessel or vehicle whatever, employed in conveying passengers by land or water between any place in a foreign country and any place within the United States, or between a place in one State, Territory, or district of the United States and a place in any other State, Territory, or district thereof, shall be punished by a fine of not less than one thousand dollars nor more than ten thousand dollars; one-half to the use of the informer. [See §§ 4278-4280.]

SEC. 5354. When the death of any person is caused by the explosion of any quantity of such articles, or either of them, while the same is being placed upon any vessel or vehicle, to be transported in violation of the preceding section, or while the same is being so transported, or while the same is being removed from such vessel or vehicle, every person who knowingly placed or aided, or permitted the placing of such articles upon such vessel or vehicle, to be so transported, is guilty of manslaughter, and shall suffer imprisonment for a period not less than two years. [See §§ 4278-4280.]

SEC. 5355. Every person who knowingly ships, sends, or forwards any quantity of the articles mentioned in section fifty-three hundred and fifty-three, or who transports the same by any mode of conveyance upon land or water, between any of the places specified in that section, unless such articles be securely inclosed, deposited, or packed in a metallic vessel surrounded by plaster of Paris, or other non-explosive material when saturated with such oil, and separated from all other substances, and the outside of the package be marked, printed, or labeled in a conspicuous manner with the words "NITRO-GLYCERINE; DANGEROUS," shall be punished by a fine of not less than one thousand nor more than five thousand dollars; one-half to the use of the informer. [See §§ 4277-4280.]

SEC. 5356. Every person who, upon the high seas, or in any place under the exclusive jurisdiction of the United States, takes and carries away, with intent to steal or purloin, the personal goods of another, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than one year, or by both such fine and imprisonment.

SEC. 5357. Every person who, upon the high seas, or in any place under the exclusive jurisdiction of the United States, buys, receives, or conceals any money, goods, bank-notes, or other thing which may be the subject of larceny, and which has been feloniously taken or stolen from any other person, knowing the same to have been taken or stolen, shall be punished by a fine of not more than one thousand dollars, and by imprisonment at hard labor not more than three years.

SEC. 5358. Every person who plunders, steals, or destroys any money, goods, merchandise, or other effects, from or belonging to any vessel in distress, or wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States; and every person who willfully obstructs the escape of any person endeavoring to save his life from such vessel, or the wreck thereof; and every person who holds out or shows any false light, or extinguishes any true light, with intent to bring any vessel, sailing upon the sea, into danger, or distress, or shipwreck, shall be punished by a fine of not more than five thousand dollars, and imprisoned at hard labor not more than ten years.

SEC. 5359. If any one of the crew of any American vessel on the high seas, or other waters within the admiralty and maritime jurisdiction of the United States, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires, or confederates with any other person on board to make such revolt or mutiny, or solicits, incites, or stirs up any other of the crew to disobey or resist the lawful orders of the master, or other officer of such vessel, or to refuse or neglect their proper duty on board thereof, or to betray their proper trust, or assembles with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the master, or other commanding officer thereof, he shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than five years, or by both such fine and imprisonment.

105; U. S. *vs.* Savage, 5 Mas., 460; U. S. *vs.* Mathews, 2 Sumn., 470; Sumn., 582; U. S. *vs.* Rogers, 3 Sumn., 342; U. S. *vs.* Kelly, 4 Wash., 528; U. S. *vs.* Staly, 1 Wood. & M., 338; U. S. *vs.* Smith, 3 Wash., 78; U. S. *vs.* Sharp, Peters C. C., 118; U. S. *vs.* Bladen, Peters C. C., 213; U. S. *vs.* Haines, 5 Mas., 272; U. S. *vs.* Nye, 2 Curt. C. C., 225; U. S. *vs.* Gardner, 5 Mas., 402; U. S. *vs.* Barker, 5 Mas., 404; U. S. *vs.* Borden, 1 Sprague, 374; U. S. *vs.* Morrison, 1 Sumn., 448; U. S. *vs.* Ashton, 2 Sumn., 13; U. S. *vs.* Givings, 1 Sprague, 75; U. S. *vs.* Henry, 4 Wash., 428; U. S. *vs.* Thompson, 1 Sumn., 168; U. S. *vs.* Lawrence, 1 Cr. C. C., 94; U. S. *vs.* Seagrist, 4 Blatch., 420.

SEC. 5360. If any one of the crew of an American vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, unlawfully and with force, or by fraud, or intimidation, usurps the command of such vessel from the master or

Transportation of nitro-glycerine, &c., how allowed.

Ibid., s. 3.

Larceny.

30 April, 1790, c. 9, s. 16, v. 1, p. 116.
23 Aug., 1842, c. 188, s. 4, v. 5, p. 517.

U. S. *vs.* Davis, 5 Mas., 356.

Receiving stolen goods.

3 March, 1825, c. 65, s. 8, v. 4, p. 116.
30 April, 1790, c. 9, s. 17, v. 1, p. 116.

Plundering vessel in distress, &c.

3 March, 1825, c. 65, s. 9, v. 4, p. 116.

U. S. *vs.* Coombs, 12 Pet., 72; U. S. *vs.* Kessler, Baldw., 15.

[See §§ 4674, 4676.]

Inciting revolt or mutiny on ship-board.

3 March, 1835, c. 40, s. 2, v. 4, p. 776.
30 April, 1790, c. 9, s. 12, v. 1, p. 115.

U. S. *vs.* Kelly, 11 Wh., 417; U. S. *vs.* Smith, 1 Mas., 147; U. S. *vs.* Hamilton, 1 Mas., 443; U. S. *vs.* Keefe, 3 Mas., 475; U. S. *vs.* Henner *et al.*, 4 Mas.,

U. S. *vs.* Cassidy, 2 Sumn., 528; U. S. *vs.* Staly, 1 Wood. & M., 338; U. S. *vs.* Smith, 3 Wash., 78; U. S. *vs.* Sharp, Peters C. C., 118; U. S. *vs.* Bladen, Peters C. C., 213; U. S. *vs.* Haines, 5 Mas., 272; U. S. *vs.* Nye, 2 Curt. C. C., 225; U. S. *vs.* Gardner, 5 Mas., 402; U. S. *vs.* Barker, 5 Mas., 404; U. S. *vs.* Borden, 1 Sprague, 374; U. S. *vs.* Morrison, 1 Sumn., 448; U. S. *vs.* Ashton, 2 Sumn., 13; U. S. *vs.* Givings, 1 Sprague, 75; U. S. *vs.* Henry, 4 Wash., 428; U. S. *vs.* Thompson, 1 Sumn., 168; U. S. *vs.* Lawrence, 1 Cr. C. C., 94; U. S. *vs.* Seagrist, 4 Blatch., 420.

Revolt and mutiny on ship-board.

3 March, 1835, c. 40, s. 1, v. 4, p. 775.

30 Apr., 1790, c. 9, s. 8, v. 1, p. 113.

U. S. vs. Kelly, 11 Wh., 417; *U. S. vs. Smith*, 3 Wash., 78; *U. S. vs. Stevens*, 4 Wash., 547; *U. S. vs. Haskell*, 4 Wash., 402; *U. S. vs. Forbes, Crabbe*, 558; *U. S. vs. Borden*, 1 Sprague, 374; *U. S. vs. Peterson*, 1 Wood. & M., 305.

Attacking vessel with intent to plunder.

3 March, 1825, c. 65, s. 6, v. 4, p. 116.

Breaking and entering vessel, &c.

Ibid., s. 7.

Forceful abandonment of officer or mariner in foreign port.

Ibid., s. 10, p. 117.

U. S. vs. Ruggles, 5 Mas., 192; *U. S. vs. Coffin*, 1 Sumn., 394; *U. S. vs. Netcher*, 1 Story, 307; *U. S. vs. Riddle*, 4 Wash., 644.

Conspiracy to cast away vessel.

3 March, 1825, c. 65, s. 23, v. 4, p. 122.

U. S. vs. Cole, 5 McLean, 513; *U. S. vs. Hand et al.*, 6 McLean, 274.

Owner destroying vessel at sea.

26 March, 1804, c. 40, s. 2, v. 2, p. 290.

U. S. vs. Johns, 4 Dall., 512; *U. S. vs. Amedy*, 11 Wh., 392; *Beaston vs. Farmers' Bank*, 12 Pet., 135; *U. S. vs. Johns*, 1 Wash., 363.

Other persons destroying vessel at sea.

2 March, 1804, c. 40, s. 1, v. 2, p. 290.—

other lawful officer in command thereof, or deprives him of authority and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, he is guilty of a revolt and mutiny, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment at hard labor not more than ten years.

SEC. 5361. Every person who, upon the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay, within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State, by surprise or by open force, maliciously attacks or sets upon any vessel belonging to another, with an intent unlawfully to plunder the same, or to despoil any owner thereof of any moneys, goods, or merchandise laden on board thereof, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

SEC. 5362. Every person who, upon the high seas, or in any other of the places mentioned in the preceding section, with intent to commit any felony, breaks or enters any vessel, or maliciously cuts, spoils, or destroys any cordage, cable, buoys, buoy-rope, head-fast, or other fast fixed to the anchor or moorings belonging to any vessel, shall be punished by a fine of not more than one thousand dollars, and by imprisonment at hard labor not more than five years.

SEC. 5363. Every master or commander of any vessel belonging, in whole or part, to any citizen of the United States, who, during his being abroad, maliciously and without justifiable cause forces any officer or mariner of such vessel on shore, in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and mariners of such vessel whom he carried out with him as are in a condition to return and willing to return, when he is ready to proceed on his homeward voyage, shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than six months. [See §§ 4300-4305.]

SEC. 5364. Every person who, on the high seas, or within the United States, willfully and corruptly conspires, combines, and confederates with any other person, such other person being either within or without the United States, to cast away or otherwise destroy any vessel, with intent to injure any person that may have underwritten or may thereafter underwrite any policy of insurance thereon or on goods on board thereof, or with intent to injure any person that has lent or advanced, or may lend or advance, any money on such vessel on bottomry or respondentia; and every person who, within the United States, builds, or fits out, or aids in building and fitting out, any vessel with intent that the same be cast away or destroyed with the intent hereinbefore mentioned, shall be punished by a fine of not more than ten thousand dollars, and by imprisonment at hard labor not more than ten years.

SEC. 5365. Every person who, on the high seas, willfully and corruptly casts away or otherwise destroys any vessel of which he is owner, in whole or part, with intent to prejudice any person that may underwrite any policy of insurance thereon, or any merchant that may have goods thereon, or any other owner of such vessel, shall suffer death. [See § 5323.]

SEC. 5366. Every person, not being an owner, who, on the high seas, willfully and corruptly casts away or otherwise destroys any vessel to which he belongs, being the property of any citizen, shall suffer death. [See § 5323.]

U. S. vs. Johns, 1 Wash., 363; *U. S. vs. Van Rantz*, 3 Wash., 146.

SEC. 5367. Every person, not being an owner, who, on the high seas, willfully, with intent to destroy the same, sets fire to any vessel, or otherwise attempts the destruction thereof, being the property of any citizen, shall suffer imprisonment at hard labor for a term not more than ten years nor less than three years.

Attempt to destroy vessel at sea.

29 July, 1850, c. 27, s. 7, v. 9, p. 441.

SEC. 5368. Every person who, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterward brought into or found in the United States, shall suffer death. [See §§ 5323-5326, 5533.]

Piracy under the law of nations.

3 March, 1819, c.

77, s. 5, v. 3, p. 513. 15 May, 1820, c. 113, s. 2, v. 3, p. 600. 30 Jan., 1823, c. 7, v. 3, p. 721.—U. S. *vs.* Smith, 5 Wh., 153; U. S. *vs.* Furlong, 5 Wh., 184; U. S. *vs.* Baker, 5 Blatch., 6; U. S. *vs.* Henry, 4 Wash., 428; Davison *vs.* Sealskins, 2 Paine, 324.

SEC. 5369. Every seaman who lays violent hands upon his commander, thereby to hinder and prevent his fighting in defense of his vessel or the goods intrusted to him, is a pirate, and shall suffer death.

Seaman laying violent hands on his commander.

30 Apr., 1790, c. 9, s. 8, v. 1, p. 113.

SEC. 5370. Every person who, upon the high seas, or in any open roadstead, or in any haven, basin, or bay, or in any river where the sea ebbs and flows, commits the crime of robbery, in or upon any vessel, or upon any ship's company of any vessel, or the lading thereof, is a pirate, and shall suffer death.

Robbery upon the high seas.

15 May, 1820, c. 113, s. 3, v. 3, p. 600.

U. S. *vs.* Palmer, 3 Wh., 610; U. S. *vs.* Jackalow, 1 Bl., 484; U. S. *vs.* Baker, 5 Blatch., 6.

SEC. 5371. Every person engaged in any piratical cruise or enterprise, or being of the crew of any piratical vessel, who lands from such vessel and on shore commits robbery, is a pirate, and shall suffer death.

Robbery on shore by crew of piratical vessel.

Ibid.

SEC. 5372. Every person who commits upon the high seas, or in any river, harbor, basin, or bay, out of the jurisdiction of any particular State, murder or robbery, or any other offense which, if committed within the body of a county, would be punishable with death by the laws of the United States, is a pirate, and shall suffer death.

Murder, &c., upon the high seas.

30 April, 1790, c. 9, s. 8, v. 1, p. 113.

U. S. *vs.* Palmer, 3 Wh., 610; U. S. *vs.* Klinton, 5 Wh., 144; U. S. *vs.* Furlong, 5 Wh., 184; U. S. *vs.* Holmes, 5 Wh., 412; U. S. *vs.* Ross, 1 Gallis., 624; U. S. *vs.* Kessler, 1 Bald., 15; U. S. *vs.* Gibert, 2 Sumn., 19; U. S. *vs.* Jones, 3 Wash., 209; U. S. *vs.* Howard, 3 Wash., 344; U. S. *vs.* Henry, 4 Wash., 428.

SEC. 5373. Every citizen who commits any murder or robbery, or any act of hostility against the United States, or against any citizen thereof, on the high seas, under color of any commission from any foreign prince, or state, or on pretense of authority from any person, is, notwithstanding the pretense of such authority, a pirate, and shall suffer death.

Piracy under color of a commission from a foreign power.

30 April, 1790, c. 9, s. 9, v. 1, p. 114.—U. S. *vs.* Baker, 5 Blatch., 6.

SEC. 5374. Every subject or citizen of any foreign state, who is found and taken on the sea making war upon the United States, or cruising against the vessels and property thereof, or of the citizens of the same, contrary to the provisions of any treaty existing between the United States and the state of which offender is a citizen or subject, when by such treaty such acts are declared to be piracy, is guilty of piracy, and shall suffer death.

Piracy by subjects or citizens of a foreign state.

3 March, 1847, c. 51, v. 9, p. 175.

SEC. 5375. Every person who, being of the crew or ship's company of any foreign vessel engaged in the slave-trade, or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of any citizen, forcibly confines or detains on board such vessel any negro or mulatto, with intent to make such negro or mulatto a slave, or, on board such vessel, offers or attempts to sell, as a slave, any negro or mulatto, or on the high seas, or anywhere on tide-water, transfers or delivers to any other vessel any negro or mulatto with intent to make such negro or mulatto a slave, or lands or delivers on shore from on board such vessel any negro or mulatto with intent to make sale of, or having previously sold such negro or mulatto as a slave, is a pirate, and shall suffer death. [See §§ 5525, 5551-5560.]

Piracy in confining or detaining negroes on board vessels.

15 May, 1820, c. 113, s. 5, v. 3, p. 601.

Piracy in landing, seizing, &c., negroes on any foreign shore.

Ibid., s. 4, p. 600.

Bringing into United States or holding or selling persons as slaves.

20 April, 1818, c. 91, s. 6, v. 3, p. 452.

Equipping vessels for slave-trade.

Ibid., s. 3, p. 451.

Transporting persons to be held as slaves.

Ibid., s. 4.

Hovering on coast of United States with slaves on board.

2 March, 1807, c. 22, s. 7, v. 2, p. 428.

Serving in vessels engaged in transporting slaves.

10 May, 1800, c. 51, s. 2, v. 2, p. 70.

Serving in foreign vessels employed in the slave-trade.

Ibid., s. 3, p. 71.

Running away with or yielding up vessel or cargo.

8 Aug., 1846, c. 98, s. 5, v. 9, p. 73.

SEC. 5376. Every person who, being of the crew or ship's company of any foreign vessel engaged in the slave-trade, or being of the crew or ship's company of any vessel, owned in whole or part, or navigated for, or in behalf of, any citizen, lands from such vessel, and, on any foreign shore, seizes any negro or mulatto with intent to make such negro or mulatto a slave, or decoys, or forcibly brings, or carries, or receives such negro or mulatto on board such vessel, with like intent, is a pirate, and shall suffer death.

SEC. 5377. Every person who brings within the jurisdiction of the United States, in any manner whatsoever, any negro, mulatto, or person of color, from any foreign kingdom or country, or from sea, or holds, sells, or otherwise disposes of, any negro, mulatto, or person of color so brought in, as a slave, or to be held to service or labor, shall be fined not more than ten thousand dollars nor less than one thousand, one-half to the use of the United States, and the other half to the use of the party who prosecutes the indictment to effect, and, moreover, shall suffer imprisonment at hard labor not more than seven years, nor less than three years.

SEC. 5378. Every person who builds, fits out, equips, loads, or otherwise prepares, or sends away, either as master, factor, or owner, any vessel, in any port or place within the jurisdiction of the United States, or causes such vessel to sail from any port or place whatsoever, within such jurisdiction, for the purpose of procuring any negro, mulatto, or person of color from any foreign kingdom or country, to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of as a slave, or held to service or labor, shall be punished by a fine of not less than one thousand dollars, nor more than five thousand dollars, one-half to the use of the United States and the other half to the use of the person prosecuting the indictment to effect, and shall, moreover, be imprisoned at hard labor for a term not more than seven years, nor less than three years. [See §§ 5551, 5552.]

SEC. 5379. Every citizen or other person resident within the jurisdiction of the United States, who takes on board, receives, or transports from any foreign kingdom or country, or from sea, any negro, mulatto, or person of color, in any vessel, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or to be held to service or labor, shall be punished as prescribed in the preceding section. [See §§ 5524, 5553, 5554, 5556.]

SEC. 5380. Every captain, master, or commander of any American vessel found in any river, port, bay, harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coast thereof, having on board any negro, mulatto, or person of color for the purpose of selling them as slaves, or with intent to land the same for any such purpose, shall be fined not more than ten thousand dollars, and be imprisoned at hard labor not less than two years, nor more than four years. [See § 5555.]

SEC. 5381. Every citizen of the United States, or other person residing therein, who voluntarily serves on board of any American vessel employed or made use of in the transportation of slaves from any foreign country or place to another, shall be punished by a fine of not more than two thousand dollars, and by imprisonment not more than two years. [See § 5556.]

SEC. 5382. Every citizen of the United States who voluntarily serves on board of any foreign vessel employed in the slave-trade, shall be punished as prescribed in the preceding section. [See § 1046.]

SEC. 5383. Every captain, other officer, or mariner, of a vessel on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, who piratically or feloniously runs away with such vessel, or with any goods or merchandise thereof, to the

value of fifty dollars, or who yields up such vessel voluntarily to any pirate, shall be fined not more than ten thousand dollars, or imprisoned at hard labor not more than ten years, or both.

Gallis., 247; U. S. *vs.* Ross, 1 Gallis., 624; U. S. *vs.* Kessler, 1 Baldv., 15; U. S. *vs.* Haskell, 4 Wash., 402.

30 April, 1790, c.

9, s. 8, v. 1, p. 113.

U. S. *vs.* Tully, 1

Confederating, &c., with pirates.

30 April, 1790, c. 9, s. 12, v. 1, p. 115.

SEC. 5384. If any person attempts or endeavors to corrupt any commander, master, officer, or mariner to yield up or to run away with any vessel, or with any goods, wares, or merchandise, or to turn pirate, or to go over to or confederate with pirates, or in any wise to trade with any pirate, knowing him to be such, or furnishes such pirate with any ammunition, stores, or provisions of any kind, or fits out any vessel knowingly and with a design to trade with, supply, or correspond with any pirate or robber upon the seas; or if any person consults, combines, confederates, or corresponds with any pirate or robber upon the seas, knowing him to be guilty of any piracy or robbery; or if any seaman confines the master of any vessel, he shall be imprisoned not more than three years, and fined not more than one thousand dollars.

SEC. 5385. Every person who, within any fort, dock-yard, navy-yard, arsenal, armory, or magazine, the site whereof is under the jurisdiction of the United States, or on the site of any light-house, or other needful building belonging to the United States, the site whereof is under their jurisdiction, willfully and maliciously burns any dwelling-house, or mansion-house, or any store, barn, stable, or other building, parcel of any dwelling or mansion-house, shall suffer death.

Arson of dwelling-house within a fort, &c.

3 March, 1825, c. 65, s. 1, v. 4, p. 115.

SEC. 5386. Every person who, in any of the places mentioned in the preceding section, maliciously sets fire to, or burns, any arsenal, armory, magazine, rope-walk, ship-house, warehouse, block-house, or barrack, or any store-house, barn, or stable, not parcel of a dwelling-house, or any other building not mentioned in such section, or any vessel built, or begun to be built, or repairing, or any light-house, or beacon, or any timber, cables, rigging, or other materials for building, repairing, or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualing stores, arms, or other munitions of war, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

Arson of armory, arsenal, &c.

Ibid., s. 2.

SEC. 5387. Every person who maliciously sets on fire, or burns, or otherwise destroys, any vessel of war of the United States, afloat on the high seas, or in any arm of the sea, or in any river, haven, creek, basin, or bay within the admiralty jurisdiction of the United States, and out of the jurisdiction of any particular State, shall suffer death.

Arson of vessel of war.

Ibid., s. 11, p. 117.

SEC. 5388. Every person who unlawfully cuts, or aids or is employed in unlawfully cutting, or wantonly destroys, or procures to be wantonly destroyed, any timber standing upon lands of the United States, which, in pursuance of law, may be reserved or purchased for military or other purposes, shall pay a fine of not more than five hundred dollars, and be imprisoned not more than twelve months. [See §§ 2460-2463.]

Depredations on timber lands.

3 March, 1859, c. 78, v. 11, p. 408.

SEC. 5389. Every person who, within the District of Columbia or any of the Territories of the United States, or other place within the exclusive jurisdiction of the United States, sells, or lends, or gives away, or in any manner exhibits, or offers to sell, or to lend, or to give away, or in any manner to exhibit, or otherwise publishes or offers to publish in any manner, or has in his possession, for any such purpose, any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever, for the prevention of conception, or for causing unlawful abortion, or who advertises the same for sale, or writes or prints, or causes to be written or printed, any card, circular, book, pamphlet, advertisement, or notice of any kind, stating when, where, how, or of whom, or by what means, any of the articles in this section hereinbefore mentioned can be purchased or obtained, or manufactures, draws, or prints, or in anywise makes any of such articles,

Circulation of obscene literature.

3 March, 1873, c. 258, s. 1, v. 17, p. 598.

shall be imprisoned at hard labor in the penitentiary for not less than six months nor more than five years for each offense, or fined not less than one hundred dollars nor more than two thousand dollars, with costs of court. [See §§ 1785, 2491, 2492, 3893.]

Misprision of felony.

30 April, 1790, c. 9, s. 6, v. 1, p. 113.

SEC. 5390. Every person who, having knowledge of the actual commission of the crime of murder or other felony upon the high seas, or within any fort, arsenal, dock-yard, magazine, or other place or district of country under the exclusive jurisdiction of the United States, conceals, and does not as soon as may be disclose and make known the same to some one of the judges or other persons in civil or military authority under the United States, is guilty of misprision of felony, and shall be imprisoned not more than three years, and fined not more than five hundred dollars.

Certain offenses committed in places ceded to United States, how punished.

3 March, 1825, c. 65, s. 3, v. 4, p. 115.
5 April, 1866, c. 24, s. 2 v. 14, p. 13.

SEC. 5391. If any offense be committed in any place which has been or may hereafter be, ceded to and under the jurisdiction of the United States, which offense is not prohibited, or the punishment thereof is not specially provided for, by any law of the United States, such offense shall be liable to, and receive, the same punishment as the laws of the State in which such place is situated, now in force, provide for the like offense when committed within the jurisdiction of such State; and no subsequent repeal of any such State law shall affect any prosecution for such offense in any court of the United States.

CHAPTER FOUR.

CRIMES AGAINST JUSTICE.

Sec.

5392. Perjury.
5393. Subornation of perjury.
5394. Stealing or altering process, procuring false bail, &c.
5395. Taking false oath in naturalization.
5396. Form of indictment for perjury.
5397. Indictment for subornation of perjury.
5398. Obstructing process or assaulting officer.
5399. Intimidation or corruption of witness or officer.
5400. Rescue at execution.
5401. Rescue of prisoner.
5402. Rescue of body after execution.
5403. Destroying, &c., public records.

Sec.

5404. Corruption or intimidation of jurors, &c.
5405. Attempt to influence juror.
5406. Conspiring to intimidate party, witness or juror.
5407. Conspiracy to defeat the enforcement of the laws.
5408. Destroying records by officer in charge.
5409. Allowing prisoners to escape.
5410. Application of preceding section.
5411. Altering, &c., records in surveyor-general's office in California.
5412. Deposit of fraudulent papers in archives.

Perjury.

3 April, 1790, c. 9, s. 18, v. 1, p. 116.
3 March, 1825, c. 65, s. 13, v. 4, p. 118.
U. S. vs. Passmore, 4 Dall., 372; U. S. vs. Bailey, 9 Pet., 238; U. S. vs. Wood, 14 Pet., 430; U. S. vs. Nickersen, 17 How., 204; U. S. vs. Clark, 1 Gallis., 497; U. S. vs. Kendrick, 2 Mas., 60.

SEC. 5392. Every person who, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true, is guilty of perjury, and shall be punished by a fine of not more than two thousand dollars, and by imprisonment, at hard labor, not more than five years; and shall, moreover, thereafter be incapable of giving testimony in any court of the United States until such time as the judgment against him is reversed. [See § 1750.]

Subornation of perjury.

3 March, 1825, c. 65, s. 13, v. 4, p. 118.

SEC. 5393. Every person who procures another to commit any perjury is guilty of subornation of perjury, and punishable as in the preceding section prescribed. [See § 1750.]

30 April, 1790, c. 9, s. 18, v. 1, p. 116.

SEC. 5394. Every person who feloniously steals, takes away, alters, falsifies, or otherwise avoids any record, writ, process, or other proceeding, in any court of the United States, by means whereof any judgment is reversed, made void, or does not take effect, and every person who acknowledges, or procures to be acknowledged, in any such court, any recognizance, bail, or judgment, in the name of any other person not privy or consenting to the same, shall be fined not more than five thousand dollars or be imprisoned at hard labor not more than seven years; but this provision shall not extend to the acknowledgment of any judgment by an attorney, duly admitted for any person against whom any such judgment is had or given.

Stealing or altering process, procuring false bail, &c.

30 April, 1790, c. 9, s. 15, v. 1, p. 115.

SEC. 5395. In all cases where any oath or affidavit is made or taken under or by virtue of any law relating to the naturalization of aliens, or in any proceedings under such laws, any person taking or making such oath or affidavit who knowingly swears falsely, shall be punished by imprisonment not more than five years, nor less than one year, and by a fine of not more than one thousand dollars. [See §§ 2165-2174.]

Taking false oath in naturalization.

14 July, 1870, c. 254, s. 1, v. 16, p. 254.

SEC. 5396. In every presentment or indictment prosecuted against any person for perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, and by what court, and before whom the oath was taken, averring such court or person to have competent authority to administer the same, together with the proper averment to falsify the matter wherein the perjury is assigned, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, or any affidavit, deposition, or certificate, other than as hereinbefore stated, and without setting forth the commission or authority of the court or person before whom the perjury was committed.

Form of indictment for perjury.

30 April, 1790, c. 9, s. 19, v. 1, p. 116.

SEC. 5397. In every presentment or indictment for subornation of perjury, it shall be sufficient to set forth the substance of the offense charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding either in law or equity, or any affidavit, deposition, or certificate, and without setting forth the commission or authority of the court or person before whom the perjury was committed, or was agreed or promised to be committed.

Indictment for subornation of perjury.

Ibid., s. 20.

SEC. 5398. Every person who knowingly and willfully obstructs, resists, or opposes any officer of the United States in serving, or attempting to serve or execute, any mesne process or warrant, or any rule or order of any court of the United States, or any other legal or judicial writ or process, or assaults, beats, or wounds any officer or other person duly authorized in serving or executing any writ, rule, order, process, or warrant, shall be imprisoned not more than twelve months, and fined not more than three hundred dollars.

Obstructing process or assaulting officer.

Ibid., s. 22, p. 117.

maker, 4 Wash., 169; U. S. *vs.* Tinklepaugh, 3 Blatch., 25; U. S. *vs.* Stowell, 2 Curt. C. C., 153; U. S. *vs.* Keen, 5 Mas., 453.

U. S. *vs.* Lowry, 2 Wash., 169; U. S. *vs.* Lukins, 3 Wash., 335; U. S. *vs.* Slay-

SEC. 5399. Every person who corruptly, or by threats or force, endeavors to influence, intimidate, or impede any witness, or officer in any court of the United States, in the discharge of his duty, or corruptly, or by threats or force, obstructs or impedes, or endeavors to obstruct or impede, the due administration of justice therein, shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than three months, or both.

Intimidation or corruption of witnesses or officers.

2 March, 1831, c. 99, s. 2, v. 4, p. 483.

SEC. 5400. Every person who, by force, sets at liberty or rescues any person found guilty of any capital crime, while going to execution or during execution, shall suffer death.

Rescue at executions.

30 April, 1790, c. 9, s. 23, v. 1, p. 117.

SEC. 5401. Every person who, by force, sets at liberty or rescues any person who, before conviction, stands committed, for any capital crime against the United States, or who by force sets at liberty or rescues any person committed for or convicted of any offense other than capital, shall be fined not more than five hundred dollars, and imprisoned not more than one year.

Rescue of prisoners.

Ibid.

Rescue of body
after execution.

Ibid., s. 5, p. 113.

SEC. 5402. Every person who, after execution, by force rescues or attempts to rescue the dead body of any offender out of the custody of the marshal or his officers during the conveyance of such body to any place for dissection, as provided in section fifty-three hundred and forty, or by force rescues or attempts to rescue such body from the house of any surgeon, where the same has been deposited in pursuance of that section, shall be liable to a fine of not more than one hundred dollars, and an imprisonment not more than twelve months.

Destroying, &c.,
public records.

26 Feb., 1853, c.
81, s. 4, v. 10, p. 170.

SEC. 5403. Every person who willfully destroys or attempts to destroy, or, with intent to steal or destroy, takes and carries away any record, paper, or proceeding of a court of justice, filed or deposited with any clerk or officer of such court, or any paper, or document, or record filed or deposited in any public office, or with any judicial or public officer, shall, without reference to the value of the record, paper, document, or proceeding so taken, pay a fine of not more than two thousand dollars, or suffer imprisonment, at hard labor, not more than three years, or both. [See §§ 5408, 5411, 5412.]

Corruption or in-
timidation of ju-
rors, &c.

10 June, 1872, c.
420, v. 17, p. 378.

SEC. 5404. Every person who, corruptly, or by threats or force, or by threatening letters, or any threatening communications, endeavors to influence, intimidate, or impede any grand or petit juror of any court of the United States in the discharge of his duty, or who corruptly, or by threats or force, or by threatening letters, or any threatening communications, influences, obstructs, or impedes, or endeavors to influence, obstruct, or impede, the due administration of justice therein, shall be punishable by a fine of not more than one thousand dollars, or by imprisonment not more than one year, or by both such fine and imprisonment.

Attempt to influ-
ence juror.

Ibid.

SEC. 5405. Every person who attempts to influence the action or decision of any grand or petit juror upon any issue or matter pending before such juror, or before the jury of which he is a member, or pertaining to his duties, by writing or sending to him any letter or any communication, in print or writing, in relation to such issue or matter, without the order previously obtained of the court before which the juror is summoned, shall be punishable by a fine of not more than one thousand dollars, or by imprisonment not more than six months, or by both such fine and imprisonment.

Conspiring to
intimidate party,
witness, or juror.

20 April, 1871, c.
22, s. 2, v. 17, p. 13.

SEC. 5406. If two or more persons in any State or Territory conspire to deter, by force, intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror, each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment. [See §§ 1980-1991.]

Conspiracy to de-
feat enforcement of
the laws.

Ibid.

SEC. 5407. If two or more persons in any State or Territory conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws, each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment. [See §§ 1977-1991, 2004-2010, 5508-5510.]

SEC. 5408. Every officer, having the custody of any record, document, paper, or proceeding specified in section fifty-four hundred and three, who fraudulently takes away, or withdraws, or destroys any such record, document, paper, or proceeding filed in his office or deposited with him or in his custody, shall pay a fine of not more than two thousand dollars, or suffer imprisonment at hard labor not more than three years, or both; and shall, moreover, forfeit his office and be forever afterward disqualified from holding any office under the Government of the United States.

Destroying records by officer in charge.

26 Feb., 1853, c. 81, s. 5, v. 10, p. 170.

SEC. 5409. Whenever any marshal, deputy marshal, ministerial officer, or other person, has in his custody any prisoner by virtue of process issued under the laws of the United States by any court judge, or commissioner, and such marshal, deputy marshal, ministerial officer, or other person, voluntarily suffers such prisoner to escape, he shall be fined not more than two thousand dollars, or imprisoned for a term not more than two years, or both.

Allowing prisoners to escape.

21 June, 1860, c. 164, v. 12, p. 69.

SEC. 5410. The preceding section shall be construed to apply not only to cases in which the prisoner who escaped was charged or found guilty of an offense against the laws of the United States, but also to cases in which a prisoner may be in custody charged with offenses against any foreign government with which the United States have treaties of extradition.

Application of preceding section.

Ibid.

SEC. 5411. Every person who, without lawful authority, willfully takes from the archives of the surveyor-general's office in California, any expediente, map, diseño, book, paper, writing, record, document, seal, stamp, or die; or willfully alters, defaces, mutilates, injures, or destroys any expediente, book, paper, map, diseño, instrument of writing, document, record, seal, stamp, or die, deposited in such archives; or conceals or unlawfully withholds from the possession of the surveyor-general, or on demand refuses to deliver to him any expediente, map, diseño, official book, paper, writing, document, archive, record, seal, stamp, or die relating to or used in the administration of government in the department of Upper California, and belonging to the government during the existence of Spanish or Mexican authority in that department; or who willfully alters, defaces, mutilates, makes away with, or destroys any such official book, expediente, map, diseño, paper, writing, document, archive, record, seal, stamp, or die, shall pay a fine of not more than ten thousand dollars, and be imprisoned for a term not more than ten years. [See §§ 2471-2473.]

Altering, &c., records in surveyor-general's office in California.

18 May, 1858, c. 39, s. 3, v. 11, p. 290.

SEC. 5412. Every person who secretly or fraudulently places, or causes to be placed, in or among the archives of the surveyor-general's office in California, any expediente, book, paper, diseño, map, draught, record, or any instrument of writing purporting to be a petition, decree, order, report, concession, grant, confirmation; map, diseño, expediente or part of an expediente, denouncement, title-paper, or evidence of right, title, or claim to any land, mine, or mineral, or any book, writing, paper, or document whatever, shall pay a fine of not more than five thousand dollars, or be imprisoned for a term not more than three years; or be both fined and imprisoned within such limits. [See §§ 2471-2473.]

Deposit of fraudulent papers in archives.

Ibid., s. 4.

CHAPTER FIVE.

CRIMES AGAINST THE OPERATIONS OF THE GOVERNMENT.

| Sec. | Sec. |
|--|--|
| 5413. Obligations or other securities of the United States, defined. | 5445. Entry by false samples, &c. |
| 5414. Forging or counterfeiting United States securities. | 5446. Taking seized property from custody of revenue officer. |
| 5415. Counterfeiting national-bank notes. | 5447. Resisting revenue officer, rescuing or destroying seized property, &c. |
| 5416. Forgery of letters-patent. | 5448. Falsely assuming to be a revenue officer. |
| 5417. Forgery of certificate of entry. | 5449. Bribery of a judge. |
| 5418. Forging, &c., bid, public record, &c. | 5450. Bribery of member of Congress. |
| 5419. Forging signature of judge, &c. | 5451. Bribery of United States officers. |
| 5420. Forging, counterfeiting, or passing military bounty-land warrants. | 5452. Offering presents to revenue officers. |
| 5421. Forging deed, power of attorney, &c. | 5453. Secreting or removing tools or materials used for printing bonds, notes, &c. |
| 5422. Having forged papers in possession. | 5454. Unlawfully taking or using papers relating to claims. |
| 5423. Forging or altering ship's papers, or custom-house documents. | 5455. Enticing desertion from military or naval service. |
| 5424. False personation, &c., in procuring naturalization. | 5456. Robbery or larceny of personal property of the United States. |
| 5425. Using false certificate of citizenship, &c. | 5457. Counterfeiting gold or silver coin. |
| 5426. Using false certificate, &c., as evidence of a right to vote. | 5458. Counterfeiting minor coins. |
| 5427. Aiding or abetting violation of preceding sections. | 5459. Mutilating coinage. |
| 5428. Falsely claiming citizenship. | 5460. Debasement of coinage, &c., by officers of Mint. |
| 5429. Provisions applicable to all courts of naturalization. | 5461. Making or uttering coins in resemblance of money. |
| 5430. Using plates to print notes without authority, &c. | 5462. Making or issuing devices of minor coin. |
| 5431. Passing, selling, concealing, &c., forged obligations. | 5463. Forging postal money-orders. |
| 5432. Taking impressions of tools or implements, &c. | 5464. Counterfeiting postage-stamps, &c. |
| 5433. Having in possession unlawfully such impressions. | 5465. Counterfeiting, &c., foreign stamps. |
| 5434. Buying, selling, or dealing in forged bonds, notes, &c. | 5466. Injuring mail matter. |
| 5435. False personation of holder of public stocks. | 5467. Embezzlement, &c., of letters containing inclosures. |
| 5436. False demand on fraudulent power of attorney. | 5468. Meaning of words "intended to be conveyed by mail." |
| 5437. Circulating bills of expired corporations. | 5469. Stealing or fraudulently obtaining mail, opening valuable letters, &c. |
| 5438. Making or presenting false claims. | 5470. Receiving articles stolen from the mail. |
| 5439. Embezzling arms, stores, &c. | 5471. Stealing, detaining, or destroying newspapers. |
| 5440. All parties to a conspiracy equally guilty. | 5472. Robbery of the mail. |
| 5441. Delaying or defrauding captor or claimant, &c., of prize-property. | 5473. Attempting to rob the mail. |
| 5442. False certification by consular officers. | 5474. Deserting the mail. |
| 5443. Concealment or destruction of invoices, &c. | 5475. Stealing post-office property. |
| 5444. Admitting merchandise to entry for less than legal duty. | 5476. Injuring mail-bags, &c. |
| | 5477. Stealing or forging mail locks or keys. |
| | 5478. Breaking and entering post-office. |
| | 5479. Counterfeiting bid, bond, &c. |
| | 5480. Sending letters through the mail with intent to defraud. |

FORGERIES, FRAUDS, ETC.

Obligations or other securities of the United States defined.

30 June, 1864, c. 172, s. 13, v. 13, p. 222.

SEC. 5413. The words "obligation or other security of the United States" shall be held to mean all bonds, certificates of indebtedness, national currency, coupons, United States notes, Treasury notes, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the United States; stamps and other representatives of value, of whatever denomination, which have been or may issued under any act of Congress.

SEC. 5414. Every person who, with intent to defraud, falsely makes, forges, counterfeits, or alters any obligation or security of the United States shall be punished by a fine of not more than five thousand dollars and by imprisonment at hard labor not more than fifteen years.

Forging or counterfeiting United States securities.

Ibid., s. 10, p. 221.

SEC. 5415. Every person who falsely makes, forges, or counterfeits, or causes or procures to be made, forged, or counterfeited, or willingly aids or assists in falsely making, forging, or counterfeiting, any note in imitation of, or purporting to be in imitation of, the circulating notes issued by any banking association now or hereafter authorized and acting under the laws of the United States; or who passes, utters, or publishes, or attempts to pass, utter, or publish, any false, forged, or counterfeited note, purporting to be issued by any such association doing a banking business, knowing the same to be falsely made, forged, or counterfeited, or who falsely alters, or causes or procures to be falsely altered, or willingly aids or assists in falsely altering any such circulating notes, or passes, utters, or publishes, or attempts to pass, utter, or publish as true, any falsely altered or spurious circulating note issued, or purporting to have been issued, by any such banking association, knowing the same to be falsely altered or spurious, shall be imprisoned at hard labor not less than five years nor more than fifteen years, and fined not more than one thousand dollars.

Counterfeiting national-bank notes.

25 Feb., 1863, c. 58, s. 57, v. 12, p. 680.

3 June, 1864, c. 106, s. 59, v. 13, p. 117.

SEC. 5416. Every person who falsely makes, forges, counterfeits, or alters any letters-patent granted, or purporting to have been granted by the President of the United States; or who passes, utters, or publishes, or attempts to pass, utter, or publish as genuine, any such forged, counterfeited, or falsely altered letters-patent, knowing the same to be forged, counterfeited, or falsely altered, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

Forgery of letters-patent.

3 March, 1825, c. 65, s. 17, v. 4, p. 119.

SEC. 5417. Every person who forges, counterfeits, or falsely alters any certificate of entry made or required to be made in pursuance of law by any officer of the customs, or who uses such forged, counterfeited, or falsely altered certificate, knowing the same to be forged, counterfeited, or falsely altered, shall be punished by a fine of not more than ten thousand dollars and by imprisonment at hard labor not more than three years.

Forgery of certificate of entry.

1 March, 1823, c. 21, s. 24, v. 3, p. 737.

SEC. 5418. Every person who falsely makes, alters, forges, or counterfeits any bid, proposal, guarantee, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, or utters or publishes as true any such false, forged, altered, or counterfeited bid, proposal, guarantee, official bond, public record, affidavit, or other writing, for such purpose, knowing the same to be false, forged, altered, or counterfeited, or transmits to or presents at the office of any officer of the United States any such false, forged, altered, or counterfeited bid, proposal, guarantee, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for such purpose, shall be imprisoned at hard labor for a period not more than ten years, or be fined not more than one thousand dollars, or be punished by both such fine and imprisonment. [See § 5479.]

Forging, &c., bid, public record, &c.

5 April, 1866, c. 24, s. 1, v. 14, p. 12.

SEC. 5419. Every person who forges the signature of any judge, register, or other officer of any court of the United States, or of any Territory thereof, or forges or counterfeits the seal of any such court, or knowingly concurs in using any such forged or counterfeit signature or seal, for the purpose of authenticating any proceeding or document, or tenders in evidence any such proceeding or document with a false or counterfeit signature of any such judge, register, or other officer, or a false or counterfeit seal of the court, subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, shall be fined not less than five hundred dollars and not more than five thousand dollars, and be imprisoned not more than five years.

Forging signature of judge, &c.

2 March, 1867, c. 176, s. 46, v. 14, p. 539.

Forging, counterfeiting, or passing military bounty-land warrants.

5 Feb., 1859, c. 23, v. 11, p. 381.

SEC. 5420. Every person who falsely makes, alters, forges, or counterfeits any military bounty-land warrant, or military bounty-land warrant certificate, issued or purporting to have been issued by the Commissioner of Pensions under any act of Congress, or any certificate of location of any military bounty-land warrant, or any duplicate thereof, or military bounty-land warrant certificate upon any of the lands of the United States, or any certificate of the purchase of any of the lands of the United States, or any duplicate certificate of the purchase of any of the lands of the United States, or any receipt for the purchase-money of any of the lands of the United States, or any duplicate receipt for the purchase-money of any lands of the United States, issued or purporting to have been issued by the register and receiver at any land-office of the United States, or by either of them, or who passes, utters, or publishes as true any false, forged, or counterfeited military bounty-land warrant, military bounty-land warrant certificate, certificate of location, or duplicate certificate of location, certificate of purchase, duplicate certificate of purchase, receipt or duplicate receipt, for the purchase-money of any of the lands of the United States, knowing the same to be false or forged, shall be imprisoned at hard labor not less than three years nor more than ten years.

Forging deed, power of attorney, &c.

3 March, 1823, c. 38, s. 1, v. 3, p. 771.

SEC. 5421. Every person who falsely makes, alters, forges, or counterfeits; or causes or procures to be falsely made, altered, forged, or counterfeited; or willingly aids or assists in the false making, altering, forging, or counterfeiting, any deed, power of attorney, order, certificate, receipt, or other writing, for the purpose of obtaining or receiving, or of enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any of their officers or agents, any sum of money; or who utters or publishes as true, or causes to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, or other writing, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or who transmits to, or presents at, or causes or procures to be transmitted to, or presented at, any office or officer of the Government of the United States, any deed, power of attorney, order, certificate, receipt, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited, shall be imprisoned at hard labor for a period of not less than one year nor more than ten years; or shall be imprisoned not more than five years, and fined not more than one thousand dollars.

Having forged papers in possession.

Ibid., s. 2, p. 772.

SEC. 5422. Every person who, knowingly and with intent to defraud the United States, has in his possession any false, altered, forged, or counterfeited deed, power of attorney, order, certificate, receipt, or other writing, for the purpose of enabling another to obtain from the United States, or any of their officers or agents, any sum of money, shall be fined and imprisoned at the discretion of the court.

Forging or altering ship's papers or custom-house documents.

3 March, 1825, c. 65, s. 19, v. 4, p. 120.

SEC. 5423. If any person falsely makes, forges, counterfeits, or alters any instrument in imitation of, or purporting to be, an abstract or official copy, or certificate of the recording, registry, or enrollment of any vessel, in the office of any collector of the customs, or a license to any vessel, for carrying on the coasting trade, or fisheries of the United States, or a certificate of ownership, pass, passport, sea-letter, or clearance, granted for any vessel, under the authority of the United States, or a permit, debenture, or other official document, granted by any collector or other officer of the customs, by virtue of his office; or passes, utters, or publishes, or attempts to pass, utter, or publish, as true, any such false, forged, counterfeited; or falsely altered instrument, abstract, official copy, certificate, license, pass, passport, sea-letter, clearance, permit, debenture, or other official document herein specified, knowing the same to be false, forged, counterfeited, or falsely altered, with an intent to defraud, he shall be punished by a fine of not more than one

thousand dollars, and by imprisonment at hard labor not more than three years. [See § 4191.]

SEC. 5424. Every person applying to be admitted a citizen, or appearing as a witness for any such person, who knowingly personates any other person than himself, or falsely appears in the name of a deceased person, or in an assumed or fictitious name, or falsely makes, forges, or counterfeits any oath, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law relating to or providing for the naturalization of aliens; or who utters, sells, disposes of, or uses as true or genuine, or for any unlawful purpose, any false, forged, ante-dated, or counterfeit oath, notice, certificate, order, record, signature, instrument, paper, or proceeding above specified; or sells or disposes of to any person other than the person for whom it was originally issued any certificate of citizenship, or certificate showing any person to be admitted a citizen, shall be punished by imprisonment at hard labor not less than one year, nor more than five years, or by a fine of not less than three hundred nor more than one thousand dollars, or by both such fine and imprisonment.

SEC. 5425. Every person who uses, or attempts to use, or aids, or assists, or participates in the use of any certificate of citizenship, knowing the same to be forged, or counterfeit, or ante-dated, or knowing the same to have been procured by fraud or otherwise unlawfully obtained; or who, without lawful excuse, knowingly is possessed of any false, forged, ante-dated, or counterfeit certificate of citizenship, purporting to have been issued under the provisions of any law of the United States relating to naturalization, knowing such certificate to be false, forged, ante-dated, or counterfeit, with intent unlawfully to use the same; or obtains, accepts, or receives any certificate of citizenship known to such person to have been procured by fraud or by the use of any false name, or by means of any false statement made with intent to procure, or to aid in procuring, the issue of such certificate, or known to such person to be fraudulently altered or ante-dated; and every person who has been or may be admitted to be a citizen who, on oath or by affidavit, knowingly denies that he has been so admitted, with intent to evade or avoid any duty or liability imposed or required by law, shall be imprisoned at hard labor not less than one year nor more than five years, or be fined not less than three hundred dollars nor more than one thousand dollars, or both such punishments may be imposed.

SEC. 5426. Every person who in any manner uses for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise, unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order or certificate, judgment, or exemplification has been unlawfully issued or made; and every person who unlawfully uses, or attempts to use, any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person, shall be punished by imprisonment at hard labor not less than one year nor more than five years, or by a fine of not less than three hundred nor more than one thousand dollars, or by both such fine and imprisonment.

SEC. 5427. Every person who knowingly and intentionally aids or abets any person in the commission of any felony denounced in the three preceding sections, or attempts to do any act therein made felony, or counsels, advises, or procures, or attempts to procure, the commission thereof, shall be punished in the same manner and to the same extent as the principal party.

SEC. 5428. Every person who knowingly uses any certificate of naturalization heretofore granted by any court, or hereafter granted, which has been or may be procured through fraud or by false evidence, or has been or may be issued by the clerk, or any other officer of the court without any appearance and hearing of the applicant in court and without lawful authority; and every person who falsely represents him-

False personation, &c., in procuring naturalization.

14 July, 1870, c. 254, s. 2, v. 16, p. 254.

U. S. vs. Tynen, 11 Wall., 88.

Using false certificate of citizenship, &c.

Ibid.

U. S. vs. Tynen, 11 Wall., 88.

Using false certificate, &c., as evidence of a right to vote.

Ibid.

Aiding or abetting violation of preceding sections.

Ibid.

Falsely claiming citizenship.

Ibid., s. 3, p. 255.

self to be a citizen of the United States, without having been duly admitted to citizenship, for any fraudulent purpose whatever, shall be punishable by a fine of not more than one thousand dollars, or be imprisoned not more than two years, or both.

Provisions applicable to all courts of naturalization.

Ibid., s. 4.

Using plates to print notes without authority, &c.

30 June, 1864, c. 172, s. 11, v. 13, p. 221.

SEC. 5429. The provisions of the five preceding sections shall apply to all proceedings had or taken, or attempted to be had or taken, before any court in which any proceeding for naturalization may be commenced or attempted to be commenced. [See §§ 2165-2174.]

SEC. 5430. Every person having control, custody, or possession of any plate, or any part thereof, from which has been printed, or which may be prepared by direction of the Secretary of the Treasury for the purpose of printing, any obligation or other security of the United States, who uses such plate, or knowingly suffers the same to be used for the purpose of printing any such or similar obligation, or other security, or any part thereof, except as may be printed for the use of the United States by order of the proper officer thereof; and every person who engraves, or causes or procures to be engraved, or assists in engraving, any plate in the likeness of any plate designed for the printing of such obligation or other security, or who sells any such plate, or who brings into the United States from any foreign place any such plate, except under the direction of the Secretary of the Treasury or other proper officer, or with any other intent, in either case, than that such plate be used for the printing of the obligations or other securities of the United States; or who has in his control, custody, or possession any metallic plate engraved after the similitude of any plate from which any such obligation or other security has been printed, with intent to use such plate, or suffer the same to be used in forging or counterfeiting any such obligation or other security, or any part thereof; or who has in his possession or custody, except under authority from the Secretary of the Treasury or other proper officer, any obligation or other security, engraved and printed after the similitude of any obligation or other security issued under the authority of the United States, with intent to sell or otherwise use the same; and every person who prints, photographs, or in any other manner makes or executes, or causes to be printed, photographed, made, or executed, or aids in printing, photographing, making, or executing any engraving, photograph, print, or impression in the likeness of any such obligation or other security, or any part thereof, or who sells any such engraving, photograph, print, or impression, except to the United States, or who brings into the United States from any foreign place any such engraving, photograph, print, or impression, except by direction of some proper officer of the United States, or who has or retains in his control or possession, after a distinctive paper has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under the authority of the Secretary of the Treasury or some other proper officer of the United States, shall be punished by a fine of not more than five thousand dollars, or by imprisonment at hard labor not more than fifteen years, or by both.

Passing, selling, concealing, &c., forged obligations.

Ibid., s. 10.

SEC. 5431. Every person who, with intent to defraud, passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or brings into the United States with intent to pass, publish, utter, or sell, or keeps in possession or conceals with like intent any falsely made, forged, counterfeited, or altered obligation, or other security of the United States, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than fifteen years.

Taking impressions of tools, implements, &c.

5 Feb., 1867, c. 26, s. 4, v. 14, p. 383.

SEC. 5432. Every person who, without authority from the United States, takes, procures, or makes, upon lead, foil, wax, plaster, paper, or any other substance or material, an impression, stamp, or imprint of, from, or by the use of any bed-plate, bed-piece, die, roll, plate, seal, type, or other tool, implement, instrument, or thing used or fitted or intended to be used, in printing, stamping, or impressing, or in making other

tools, implements, instruments, or things, to be used, or fitted or intended to be used, in printing, stamping, or impressing any kind or description of obligation or other security of the United States, now authorized or hereafter to be authorized by the United States, or circulating note or evidence of debt of any banking association under the laws thereof, shall be punished by imprisonment at hard labor not more than ten years, or by a fine of not more than five thousand dollars, or both.

SEC. 5433. Every person who, with intent to defraud, has in his possession, keeping, custody, or control, without authority from the United States, any imprint, stamp, or impression, taken or made upon any substance or material whatsoever, of any tool, implement, instrument, or thing, used, or fitted or intended to be used, for any of the purposes mentioned in the preceding section; or who, with intent to defraud, sells, gives, or delivers any such imprint, stamp, or impression to any other person, shall be punished by imprisonment at hard labor not more than ten years, or by a fine of not more than five thousand dollars.

Having in possession unlawfully such impressions.

Ibid., s. 5, p. 384.

SEC. 5434. Every person who buys, sells, exchanges, transfers, receives, or delivers, any false, forged, counterfeited, or altered obligation or other security of the United States, or circulating note of any banking association organized or acting under the laws thereof, which has been or may hereafter be issued by virtue of any act of Congress, with the intent that the same be passed, published, or used as true and genuine, shall be imprisoned at hard labor not more than ten years, or fined not more than five thousand dollars, or both.

Buying, selling, or dealing in forged bonds, notes, &c.

Ibid., s. 1, p. 383.

SEC. 5435. Every person who falsely personates any true and lawful holder of any share or sum in the public stocks or debt of the United States, or any person entitled to any annuity, dividend, pension, prize-money, wages, or other debt due from the United States, and, under color of such false personation, transfers or endeavors to transfer such public stock or any part thereof, or receives or endeavors to receive the money of such true and lawful holder thereof, or the money of any person really entitled to receive such annuity, dividend, pension, prize-money, wages, or other debt, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

False personation of holder of public stocks.

3 March, 1825, c. 65, s. 18, v. 4, p. 120.

SEC. 5436. Every person who knowingly or fraudulently demands or endeavors to obtain any share or sum in the public stocks of the United States, or to have any part thereof transferred, assigned, sold, or conveyed, or to have any annuity, dividend, pension, prize-money, wages, or other debt due from the United States, or any part thereof, received or paid by virtue of any false, forged, or counterfeited power of attorney, authority, or instrument, shall be punished by a fine of not more than five thousand dollars, and by imprisonment at hard labor not more than ten years.

False demand on fraudulent power of attorney.

Ibid.

SEC. 5437. In all cases where the charter of any corporation which has been or may be created by act of Congress has expired or may hereafter expire, if any director, officer, or agent of the corporation, or any trustee thereof, or any agent of such trustee, or any person having in his possession or under his control the property of the corporation for the purpose of paying or redeeming its notes and obligations, knowingly issues, re-issues, or utters as money, or in any other way knowingly puts in circulation any bill, note, check, draft, or other security purporting to have been made by any such corporation whose charter has expired, or by any officer thereof, or purporting to have been made under authority derived therefrom, or if any person knowingly aids in any such act, he shall be punished by a fine of not more than ten thousand dollars, or by imprisonment not less than one year nor more than five years, or by both such fine and imprisonment. But nothing herein shall be construed to make it unlawful for any person, not being such director, officer, or agent of the corporation, or any trustee thereof, or any agent of such trustee, or any person having in his possession or

Circulating bills of expired corporations.

7 July, 1838, c. 185, s. 1, v. 5, p. 297.

under his control the property of the corporation for the purpose hereinbefore set forth, who has received or may hereafter receive such bill, note, check, draft, or other security, bona fide and in the ordinary transactions of business, to utter as money or otherwise circulate the same.

Making or presenting false claims.

2 March, 1863, c. 67, ss. 1, 3, v. 12, pp. 696, 698.

SEC. 5438. Every person who makes or causes to be made, or presents or causes to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States, or any department or officer thereof, knowing such claim to be false, fictitious, or fraudulent, or who, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, makes, uses, or causes to be made or used, any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry, or who enters into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim, or who, having charge, possession, custody, or control of any money or other public property used or to be used in the military or naval service, who, with intent to defraud the United States or willfully to conceal such money or other property, delivers or causes to be delivered, to any other person having authority to receive the same, any amount of such money or other property less than that for which he received a certificate or took a receipt, and every person authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, who makes or delivers the same to any other person without a full knowledge of the truth of the facts stated therein, and with intent to defraud the United States, and every person who knowingly purchases or receives in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service any arms, equipments, ammunition, clothes, military stores, or other public property, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, every person so offending in any of the matters set forth in this section shall be imprisoned at hard labor for not less than one nor more than five years, or fined not less than one thousand nor more than five thousand dollars. [See § 3490, 3491.]

Embezzling arms, stores, &c.

Ibid.

SEC. 5439. Every person who steals or embezzles, or knowingly applies to his own use, or who unlawfully sells, conveys, or disposes of, any ordnance, arms, ammunition, clothing, subsistence stores, money, or other property of the United States, furnished or to be used for the military or naval service, shall be punished as prescribed in the preceding section.

All parties to a conspiracy equally guilty.

2 March, 1867, c. 169, s. 30, v. 14, p. 484.

SEC. 5440. If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, all the parties to such conspiracy shall be liable to a penalty of not less than one thousand dollars and not more than ten thousand dollars, and to imprisonment not more than two years.

Delaying or defrauding captor or claimant, &c., of prize-property.

30 June, 1864, c. 174, s. 31, v. 13, p. 315.

SEC. 5441. Every person who willfully does any act or aids or advises in the doing of any act relating to the bringing in, custody, preservation, sale, or other disposition of any property captured as prize, or relating to any documents or papers connected with the property, or to any deposition or other document or paper connected with the proceedings, with intent to defraud, delay, or injure the United States or any captor or claimant of such property, shall be punished by a fine of not more than ten thousand dollars, or by imprisonment not more than five years, or both. [See §§ 4613-4652.]

SEC. 5442. Every consul, vice-consul, commercial agent, or vice-commercial agent, who knowingly and falsely certifies to any invoice, or other papers to which his certificate is by law authorized or required, shall be punished by a fine of not more than ten thousand dollars, and by imprisonment for a term not more than three years. [See § 1715, 1717.]

SEC. 5443. Every person who willfully conceals or destroys any invoice, book, or paper relating to any merchandise liable to duty, which has been or may be imported into the United States from any foreign port or country, after an inspection thereof has been demanded by the collector of any collection-district, or at any time conceals or destroys any such invoice, book, or paper for the purpose of suppressing any evidence of fraud therein contained, shall be punished by a fine of not more than five thousand dollars, or by imprisonment not more than two years, or both.

SEC. 5444. Every officer of the revenue who, by any means whatever, knowingly admits or aids in admitting to entry any goods, wares, or merchandise, upon payment of less than the amount of duty legally due thereon, shall be removed from office, and shall be fined not more than five thousand dollars, or be imprisoned not more than two years.

SEC. 5445. Every person who, by any means whatever, knowingly effects, or aids in effecting any entry of any goods, wares, or merchandise at less than the true weight or measure thereof, or upon a false classification thereof as to quality or value, or by the payment of less than the amount of duty legally due thereon, shall be fined not more than five thousand dollars, or be imprisoned not more than two years, or both.

SEC. 5446. Every person who dispossesses or rescues, or attempts to dispossess or rescue, any property taken or detained, by any officer or other person under the authority of any revenue law of the United States, or aids or assists therein, shall be imprisoned not more than twelve months, and fined not more than three hundred dollars.

[See § 934.]

SEC. 5447. Every person who forcibly assaults, resists, opposes, prevents, impedes, or interferes with any officer of the customs, or his deputy, or any person assisting him, in the execution of his duties; or any person authorized to make searches or seizures, in the execution of his duty, or who rescues or attempts to rescue, or causes to be rescued, any property which has been seized by any person so authorized, or who, before, at, or after such seizure, in order to prevent the seizure or securing of any goods, wares, or merchandise by any person so authorized, staves, breaks, throws overboard, destroys, or removes the same, shall be fined not less than one hundred dollars nor more than two thousand dollars, or be imprisoned not less than one month nor more than one year, or both; and every person who discharges any deadly weapon at any person authorized to make searches or seizures, or uses any deadly or dangerous weapon in resisting him in the execution of his duty, with intent to commit a bodily injury upon him, or to deter or prevent him from discharging his duty, shall be imprisoned at hard labor for a term not more than ten years or less than one year.

SEC. 5448. Every person who falsely represents himself to be a revenue officer, and, in such assumed character, demands or receives any money or other article of value from any person for any duty or tax due to the United States, or for any violation or pretended violation of any revenue law of the United States, shall be deemed guilty of a felony, and shall be fined five hundred dollars, and imprisoned not less than six months and not more than two years.

SEC. 5449. Every person who, directly or indirectly, gives any sum of money, or other bribe, present, or reward, or any promise, contract, obligation, or security for the payment or delivery of any money, present, or reward, or any other thing of value, to obtain or procure the opinion, judgment, or decree of any judge of the United States, in any suit, controversy, matter, or cause depending before him, shall be fined

False certification by consular officers.

3 March, 1835, c. 33, v. 4, p. 773.

Concealment or destruction of invoices, &c.

3 March, 1863, c. 76, s. 8, v. 12, p. 740.

Admitting merchandise to entry for less than legal duty.

Ibid., s. 4, p. 739.

Entry by false samples, &c.

Ibid., s. 3.

Taking seized property from custody of revenue officer.

13 July, 1866, c. 184, s. 67, p. 171.
30 April, 1790, c. 9, s. 22, p. 117.

Resisting revenue officers rescuing or destroying seized property, &c.

18 July, 1866, c. 201, s. 6, v. 14, p. 179.

Falsely assuming to be a revenue officer.

2 March, 1867, c. 169, s. 23, v. 14, p. 484.

Bribery of a judge.

30 April, 1790, c. 9, s. 21, v. 1, p. 117.

and imprisoned at the discretion of the court, and shall forever be disqualified to hold any office of honor, trust, or profit under the United States. [See § 5499.]

Bribery of member of Congress.

26 Feb., 1853, c. 81, s. 6, v. 10, p. 171.

SEC. 5450. Every person who promises, offers, gives, or causes or procures to be promised, offered, or given, any money or other thing of value, or makes or tenders any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of any thing of value, to any member of either House of Congress, either before or after such member has been qualified or has taken his seat, with intent to influence his vote or decision on any question, matter, cause, or proceeding which may be at any time pending in either House of Congress, or before any committee thereof, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered, and shall be, moreover, imprisoned not more than three years. [See § 5500.]

Bribery of any United States officers.

Ibid.
13 July, 1866, c. 184, s. 62, v. 14, p. 168.
3 March, 1863, c. 76, s. 6, v. 12, p. 740.
18 July, 1866, c. 201, s. 35, v. 14, p. 186.

U. S. vs. Worrall,
2 Dall., 388.

SEC. 5451. Every person who promises, offers, or gives, or causes or procures to be promised, offered, or given, any money or other thing of value, or makes or tenders any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any officer of the United States, or to any person acting for or on behalf of the United States in any official function, under or by authority of any department or office of the Government thereof, or to any officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or both Houses thereof, with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be punished as prescribed in the preceding section. [See § 5501.]

Offering presents to revenue officers.

3 March, 1863, c. 76, s. 6, v. 12, p. 740.

SEC. 5452. Every person engaged in the importation of goods, wares, or merchandise into the United States, or interested, as principal clerk, or agent, in the entry of any goods, wares, or merchandise, who at any time makes, or offers to make, to any officer of the revenue, any gratuity or present of any money, or other thing of value, shall be fined not more than five thousand dollars or be imprisoned not more than two years.

Secreting or removing tools or material used for printing bonds, notes, stamps, &c.

5 Feb., 1867, c. 26, s. 6, v. 14, p. 384.

SEC. 5453. Every person who, without authority from the United States, secretes within, embezzles or takes and carries away from, any building, room, office, apartment, vault, safe, or other place where the same is kept, used, employed, placed, lodged, or deposited by authority of the United States, any bed-piece, bed-plate, roll, plate, die, seal, type, or other tool, implement, or thing used or fitted to be used in stamping or printing, or in making some other tool or implement used or fitted to be used in stamping or printing, any kind or description of bond, bill, note, certificate, coupon, postage-stamp, revenue-stamp, fractional-currency note, or other paper instrument, obligation, device, or document, now or hereafter authorized by law to be printed, stamped, sealed, prepared, issued, uttered, or put in circulation on behalf of the United States, or who, without such authority, so secretes, embezzles, or takes and carries away any paper, parchment, or other material prepared and intended to be used in the making of any such papers, instruments, obligations, devices, or documents, or who, without such authority, so secretes, embezzles, or takes and carries away any paper, parchment, or other material printed or stamped, in whole or part, and intended to be prepared, issued, or put in circulation on behalf of the United States as one of the papers, instruments, or obligations hereinbefore named, or printed or stamped, in whole or part, in the similitude of any such paper, instrument, or obligation, whether intended to issue or put the same in circulation or

not, shall be punished by imprisonment, at hard labor, not more than ten years, or by a fine of not more than five thousand dollars, or both.

SEC. 5454. Every person who takes and carries away, without authority from the United States, from the place where it has been filed, lodged, or deposited, or where it may for the time being actually be kept by authority of the United States, any certificate, affidavit, deposition, written statement of facts, power of attorney, receipt, voucher, assignment, or other document, record, file, or paper, prepared, fitted, or intended to be used or presented in order to procure the payment of money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part thereof, has or has not already been allowed or paid, or who presents or uses or attempts to use any such document, record, file, or paper so taken and carried away in order to procure the payment of any money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, shall be imprisoned at hard labor not more than ten years, or fined not more than five thousand dollars.

SEC. 5455. Every person who entices or procures, or attempts or endeavors to entice or procure, any soldier in the military service of the United States, or who has been recruited for such service, to desert therefrom, or who aids any such soldier in deserting or attempting to desert from such service, or who harbors, conceals, protects, or assists any such soldier who may have deserted from such service, knowing him to have deserted therefrom, or who refuses to give up and deliver such soldier on the demand of any officer authorized to receive him, shall be punished by imprisonment not less than six months nor more than two years, and by a fine not exceeding five hundred dollars; and every person who entices or procures, or attempts or endeavors to entice or procure, any seaman in the naval service of the United States, or who has been recruited for such service, to desert therefrom, or who aids any such seaman in deserting or in attempting to desert from such service, or who harbors, conceals, protects, or assists any such seaman who may have deserted from such service, knowing him to have deserted therefrom, or who refuses to give up and deliver such sailor on the demand of any officer authorized to receive him, shall be punished by imprisonment not less than six months nor more than three years, and by a fine of not more than two thousand dollars.

SEC. 5456. Every person who robs another of any kind or description of personal property belonging to the United States, or feloniously takes and carries away the same, shall be punished by a fine of not more than five thousand dollars, or by imprisonment at hard labor not less than one nor more than ten years, or by both such fine and imprisonment.

COUNTERFEITING COIN.

SEC. 5457. Every person who falsely makes, forges, or counterfeits, or causes, or procures to be falsely made, forged, or counterfeited, or willingly aids, or assists in falsely making, forging, or counterfeiting any coin or bars in resemblance or similitude of the gold or silver coins or bars which have been, or hereafter may be, coined or stamped at the mints and assay-offices of the United States, or in resemblance or similitude of any foreign gold or silver coin which by law is, or hereafter may be made, current in the United States, or are in actual use and circulation as money within the United States, or who passes, utters, publishes, or sells, or attempts to pass, utter, publish, or sell, or bring into the United States from any foreign place, or has in his possession, any such false, forged, or counterfeited coin or bars, knowing the same to be false, forged, or counterfeited, shall be punished by a fine of not more

Unlawfully taking or using papers relating to claims.

Ibid., s. 7.

Enticing desertions from the military or naval service.

3 March, 1863, c. 75, s. 24, v. 12, p. 735.
1 July, 1864, c. 204, v. 13, p. 343.

Robbery or larceny of personal property of the United States.

2 March, 1867, c. 193, v. 14, p. 557.

Counterfeiting gold or silver coin.

12 Feb., 1873, c. 131, s. 61, v. 17, p. 434.

U. S. vs. Gardner, 10 Pet., 618; U. S. vs. Marigold, 9 How., 560; U. S. vs. King, 5 McLean, 208; U. S. vs. Burns, 5 McLean, 23; U. S. vs. Morrow, 4 Wash., 733.

Counterfeiting
minor coins.

Ibid., s. 62.

Mutilating coin-
age.

Ibid., s. 63.

Debasement of
coinage, &c., by
officers of the
mint.

Ibid., s. 64.

Making or utter-
ing coin in resem-
blance of money.

8 June, 1864, c.
114, v. 13, p. 120.

Making or issu-
ing devices of mi-
nor coins.

16 May, 1866, c.
81, s. 4, v. 14, p. 47.
22 April, 1864, c.
66, ss. 2, 5, v. 13, p.
55.

Forging postal
money-orders.

8 June, 1872, c.
335, s. 116, v. 17, p.
298.

than five thousand dollars, and by imprisonment at hard labor not more than ten years.

SEC. 5458. Every person who falsely makes, forges, or counterfeits, or causes, or procures to be falsely made, forged, or counterfeited, or willingly aids, or assists in falsely making, forging, or counterfeiting, any coin in the resemblance or similitude of any of the minor coinage which has been, or hereafter may be, coined at the mints of the United States; or who passes, utters, publishes, or sells, or brings into the United States from any foreign place, or has in his possession, any such false, forged, or counterfeited coin, with intent to defraud any person whatsoever, shall be punished by a fine of not more than one thousand dollars and by imprisonment at hard labor not more than three years.

SEC. 5459. Every person who fraudulently, by any art, way, or means, defaces, mutilates, impairs, diminishes, falsifies, scales, or lightens the gold and silver coins which have been, or which may hereafter be, coined at the mints of the United States, or any foreign gold or silver coins which are by law made current or are in actual use and circulation as money within the United States, shall be imprisoned not more than two years and fined not more than two thousand dollars.

SEC. 5460. If any of the gold or silver coins struck or coined at any of the mints of the United States shall be debased, or made worse as to the proportion of fine gold or fine silver therein contained; or shall be of less weight or value than the same ought to be, pursuant to law; or if any of the weights used at any of the mints or assay-offices of the United States shall be defaced, increased, or diminished through the fault or connivance of any of the officers or persons who are employed at the said mints or assay-offices, with a fraudulent intent; and if any of the said officers or persons shall embezzle any of the metals at any time committed to their charge for the purpose of being coined, or any of the coins struck or coined at the said mints, or any medals, coins, or other moneys of said mints or assay-offices at any time committed to their charge, or of which they may have assumed the charge, every such officer or person who commits any or either of the said offenses shall be imprisoned at hard labor for a term not less than one year nor more than ten years, and shall be fined in a sum not more than ten thousand dollars.

SEC. 5461. Every person who, except as authorized by law, makes or causes to be made, or utters or passes, or attempts to utter or pass, any coins of gold or silver or other metal, or alloys of metals, intended for the use and purpose of current money, whether in the resemblance of coins of the United States or of foreign countries, or of original design, shall be punished by a fine of not more than three thousand dollars, or by imprisonment not more than five years, or both.

SEC. 5462. Every person not lawfully authorized, who makes, issues, or passes, or causes to be made, issued, or passed, any coin, card, token or device in metal or its compounds, which may be intended to be used as money for any one-cent, two-cent, three-cent, or five-cent piece, now or hereafter authorized by law, or for coins of equal value, shall be punished by a fine of not more than one thousand dollars, and by imprisonment not more than five years.

POSTAL CRIMES.

SEC. 5463. Any person who shall, with intent to defraud, falsely make, forge, counterfeit, engrave, or print, or cause or procure to be falsely made, forged, counterfeited, engraved, or printed, or willingly aid or assist in falsely making, forging, counterfeiting, engraving, or printing, any order in imitation of or purporting to be a money-order issued by the Post-Office Department, or any of its postmasters or agents, or any material signature or indorsement thereon; any person who shall falsely alter, or cause or procure to be altered, or willingly aid or assist in falsely altering any such money-order; any person who shall, with in-

tent to defraud, pass, utter, or publish, or attempt to pass, utter, or publish, as true, any such false, forged, counterfeited, or altered money-order, knowing the same, or any signature or indorsement thereon, to be false, forged, counterfeited, or altered, shall be punishable by a fine of not more than five thousand dollars, or by imprisonment at hard labor for not less than two years and not more than five years.

SEC. 5464. Any person who shall forge or counterfeit any postage-stamp, or any stamp printed upon any stamped envelope, postal card, or any die, plate, or engraving therefor; any person who shall make, or print, or knowingly use or sell, or have in possession, with intent to use or sell, any such forged or counterfeited postage-stamp, stamped envelope, postal card, die, plate, or engraving; any person who shall make, or knowingly use or sell, or have in possession, with intent to use or sell, any paper bearing the water-mark of any stamped envelope, postal card, or any fraudulent imitation thereof; any person who shall make or print, or authorize or procure to be made or printed, any postage-stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post-Office Department, without the special authority and direction of the Department; any person who shall, after such postage-stamp, stamped envelope, or postal card, have been printed, and with intent to defraud the postal revenue, deliver the same to any person not authorized by an instrument of writing, duly executed under the hand of the Postmaster-General and the seal of the Post-Office Department, to receive them, shall be punished by a fine of not more than five hundred dollars, or by imprisonment at hard labor not more than five years, or by both such fine and imprisonment.

SEC. 5465. Any person who shall forge or counterfeit or knowingly utter or use any forged or counterfeited postage-stamp of any foreign government, shall be punished by imprisonment at hard labor of not less than two nor more than ten years.

SEC. 5466. Any person who shall willfully or maliciously injure, deface, or destroy any mail-matter deposited in any letter-box, pillar-box, or other receptacle established by authority of the Postmaster-General for the safe deposit of matter for the mail or for delivery, or who shall willfully aid or assist in injuring such mail-matter, shall be punishable by a fine of not more than five hundred dollars, or by imprisonment for not more than three years.

SEC. 5467. Any person employed in any department of the postal service who shall secrete, embezzle, or destroy any letter, packet, bag, or mail of letters intrusted to him, or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any mail-carrier, mail-messenger, route-agent, letter-carrier, or other person employed in any department of the postal service, or forwarded through or delivered from any post-office or branch post-office established by authority of the Postmaster-General, and which shall contain any note, bond, draft, check, warrant, revenue stamp, postage-stamp, stamped envelope, postal card, money-order, certificate of stock, or other pecuniary obligation or security of the Government, or of any officer or fiscal agent thereof, of any description whatever; any bank-note, bank post-bill, bill of exchange, or note of assignment of stock in the funds; any letter of attorney for receiving annuities or dividends, selling stock in the funds, or collecting the interest thereof; any letter of credit, note, bond, warrant, draft, bill, promissory note, covenant, contract, or agreement whatsoever, for or relating to the payment of money, or the delivery of any article of value, or the performance of any act, matter, or thing; any receipt, release, acquittance, or discharge of or from any debt, covenant, or demand, or any part thereof; any copy of the record of any judgment or decree in any court of law or chancery or any execution which may have issued thereon; any copy of any other record, or any other article of value, or writing representing the same; any such person who shall steal or take any of the things aforesaid out of any letter, packet, bag, or mail of letters which shall

Counterfeiting
postage-stamps,
&c.

Ibid., s. 178, p. 305.

Counterfeiting
&c., foreign stamps.

Ibid., s. 179, p. 306.

Injuring mail-
matter.

Ibid., s. 278, p. 318.

Embezzlement,
&c., of letters con-
taining inclosures.

Ibid., s. 279.

U. S. *vs.* Hardy-
man, 13 Pet., 176;
U. S. *vs.* Nott, 1 Mc-
Lean, 499; U. S. *vs.*
Martin, 2 McLean,
256; U. S. *vs.* Whit-
aker, 6 McLean,
342; U. S. *vs.* Em-
erson, 6 McLean,
406; U. S. *vs.* Pat-
terson, 6 McLean,
466; U. S. *vs.* San-
der, 6 McLean, 598;
U. S. *vs.* Below, 2
Brook., 280; U. S.
vs. Golding, 2 Cr.
C. C., 212; U. S. *vs.*
Clark, Crabbe, 584;
U. S. *vs.* Okie, 5
Blatch., 516; U. S.
vs. Randall, 1
Deady, 524.

have come into his possession, either in the regular course of his official duties or in any other manner whatever, and provided the same shall not have been delivered to the party to whom it is directed, shall be punishable by imprisonment at hard labor for not less than one year nor more than five years.

Meaning of words
"intended to be
conveyed by mail."

Ibid., s. 280.

Stealing or fraud-
ulently obtaining
mail, opening val-
uable letters, &c.

Ibid., s. 281.

U. S. *vs.* Parsons,
2 Blatch., 104; U.
S. *vs.* Marselis, 2
Blatch., 108; U. S.
vs. Cottingham, 2
Blatch., 470; U. S.
vs. Foye, 1 Curt. C.
C., 164; U. S. *vs.*
Pond, 2 Curt. C. C.,
265; U. S. *vs.* Pearce,
2 McLean, 14; U. S.
vs. Fisher, 5 Mc-
Lean, 23; U. S. *vs.*
Sander, 6 McLean,
598.

Receiving arti-
cles stolen from the
mail.

Ibid., s. 283, p.
319.

U. S. *vs.* Hardy-
man, 13 Pet., 176.

SEC. 5468. The fact that any letter, packet, bag, or mail of letters has been deposited in any post-office or branch post-office established by authority of the Postmaster-General, or in any other authorized depository for mail-matter, or in charge of any postmaster, assistant, clerk, carrier, agent, or messenger employed in any department of the postal service, shall be evidence that the same was "intended to be conveyed by mail" within the meaning of the two preceding sections.

SEC. 5469. Any person who shall steal the mail, or steal or take from or out of any mail or post-office, branch post-office, or other authorized depository for mail-matter, any letter or packet; any person who shall take the mail, or any letter or packet therefrom, or from any post-office, branch post-office, or other authorized depository for mail-matter, with or without the consent of the person having custody thereof, and open, embezzle, or destroy any such mail, letter, or package which shall contain any note, bond, draft, check, warrant, revenue-stamp, postage-stamp, stamped envelope, money-order, certificate of stock, or other pecuniary obligation or security of the Government, or of any officer or fiscal agent thereof, of any description whatever; any bank-note, bank post-bill, bill of exchange, or note of assignment of stock in the funds; any letter of attorney for receiving annuities or dividends, selling stock in the funds, or collecting the interest thereof; any letter of credit, note, bond, warrant, draft, bill, promissory note, covenant, contract, or agreement whatsoever, for or relating to the payment or the delivery of any article of value, or the performance of any act, matter, or thing; any receipt, release, acquittance, or discharge of or from any debt, covenant, or demand, or any part thereof; any copy of the record of any judgment or decree in any court of law or chancery, or any execution which may have issued thereon; any copy of any other record, or any other article of value, or any writing representing the same; any person who shall, by fraud or deception, obtain, from any person having custody thereof, any such mail, letter, or packet containing any such article of value shall, although not employed in the postal service, be punishable by imprisonment at hard labor for not less than one year and not more than five years. [See § 5535.]

SEC. 5470. Any person who shall buy, receive, or conceal, or aid in buying, receiving, or concealing, any note, bond, draft, check, warrant, revenue-stamp, postage-stamp, stamped envelope, postal card, money-order, certificate of stock, or other pecuniary obligation or security of the Government, or of any officer or fiscal agent thereof, of any description whatever; any bank-note, bank post-bill, bill of exchange, or note of assignment of stock in the funds; any letter of attorney for receiving annuities or dividends, selling stock in the funds, or collecting the interest thereof; any letter of credit, note, bond, warrant, draft, bill, promissory note, covenant, contract, or agreement whatsoever, for or relating to the payment of money or the delivery of any article of value, or the performance of any act, matter, or thing; any receipt, release, acquittal, or discharge of or from any debt, covenant, or demand, or any part thereof; any copy of the record of any judgment or decree in any court of law or chancery, or any execution which may have issued thereon any copy of any other record, or any other article of value or writing representing the same, knowing any such article or thing to have been stolen or embezzled from the mail, or out of any post-office, branch post-office, or other authorized depository for mail-matter, or from any person having custody thereof, shall be punishable by a fine of not more than two thousand dollars, and by imprisonment at hard labor for not more than five years.

SEC. 5471. Any person employed in any department of the postal service who shall improperly detain, delay, embezzle, or destroy any newspaper, or permit any other person to detain, delay, embezzle, or destroy the same, or open, or permit any other person to open, any mail or package of newspapers not directed to the office where he is employed, shall be punishable by a fine of not more than fifty dollars. And if any other person shall open, embezzle, or destroy any mail or package of newspapers not being directed to him, and he not being authorized to open or receive the same, he shall be punishable by a fine of not more than twenty dollars. And any person who shall take or steal any mail or package of newspapers from any post-office, or from any person having custody thereof, shall be imprisoned at hard labor for not more than three months.

Stealing, detaining, or destroying newspapers.

8 June, 1872, c. 335, s. 284, v. 17, p. 320.

SEC. 5472. Any person who shall rob any carrier, agent, or other person intrusted with the mail, of such mail, or any part thereof, shall be punishable by imprisonment at hard labor for not less than five years and not more than ten years; and if convicted a second time of a like offense, or if, in effecting such robbery the first time, the robber shall wound the person having custody of the mail, or put his life in jeopardy by the use of dangerous weapons, such offender shall be punishable by imprisonment at hard labor for the term of his natural life. [See § 5534.]

Robbery of the mail.

Ibid., s. 285.

SEC. 5473. Any person who shall attempt to rob the mail by assaulting the person having custody thereof, shooting at him or his horse, or threatening him with dangerous weapons, and shall not effect such robbery, shall be punishable by imprisonment at hard labor for not less than two years and not more than ten years.

Attempting to rob the mail.

Ibid., s. 287.

SEC. 5474. Any person who shall have taken charge of the mail and shall voluntarily quit or desert the same before he has delivered it into the post-office at the termination of the route, or to some known mail-carrier, messenger, agent, or other employé of the Post-Office Department authorized to receive the same, shall be punishable by a fine of not more than five hundred dollars, and by imprisonment for not less than three months nor more than one year.

Deserting the mail.

Ibid., s. 288.

SEC. 5475. Any person who shall steal, purloin, or embezzle any mail-bag or other property in use by or belonging to the Post-Office Department, or who shall, for any lucre, gain, or convenience, appropriate any such property to his own or any other than its proper use, or who shall, for any lucre or gain, convey away any such property to the hinderance or detriment of the public service; if the value of the property be twenty-five dollars or more, the offender shall be punishable by imprisonment at hard labor for not more than three years, and if the value of the property be less than twenty-five dollars, the offender shall be punishable by imprisonment for not more than one year, or by a fine of not less than ten dollars and not more than two hundred dollars.

Stealing post-office property.

Ibid., s. 290.

SEC. 5476. Any person who shall tear, cut, or otherwise injure any mail-bag, pouch, or other thing used or designed for use in the conveyance of the mail, or who shall draw or break any staple, or loosen any part of any lock, chain, or strap attached thereto, with intent to rob or steal any such mail, or to render the same insecure, shall be punishable by a fine of not less than one hundred dollars and not more than five hundred, or by imprisonment at hard labor for not less than one year and not more than three years.

Injuring mail-bags, &c.

Ibid., s. 291, p. 321.

SEC. 5477. Any person who shall steal, purloin, embezzle, or obtain by any false pretense, or shall aid or assist in stealing, purloining, embezzling, or obtaining by any false pretense, any key suited to any lock adopted by the Post-Office Department, and in use on any of the mails or bags thereof; any person who shall knowingly and unlawfully make, forge, or counterfeit, or cause to be unlawfully made, forged, or counterfeited, or knowingly aid or assist in making, forging, or counterfeiting, any such key; any person who shall have in his possession any such mail lock or key, with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully

Stealing or forging mail locks or keys.

Ibid., s. 292.

or improperly used, sold, or otherwise disposed of; or any person engaged as contractor or otherwise in the manufacture of any such mail locks or keys who shall deliver, or cause to be delivered, any finished or unfinished lock or key used or designed for use by the Department, or the interior part of any such lock, to any person not duly authorized, under the hand of the Postmaster-General and the seal of the Post-Office Department, to receive the same, unless the person receiving is the contractor for furnishing the same, or engaged in the manufacture thereof in the manner authorized by the contract, or the agent for such manufacturer, shall be punishable by imprisonment at hard labor for not more than ten years.

Breaking and entering post-office.

Ibid., s. 293.

SEC. 5478. Any person who shall forcibly break into, or attempt to break into any post-office, or any building used in whole or in part as a post-office, with intent to commit therein larceny or other depredation, shall be punishable by a fine of not more than one thousand dollars, and by imprisonment at hard labor for not more than five years.

Counterfeiting bid, bond, &c.

Ibid., s. 294.

SEC. 5479. If any person shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid, or assist in the false making, altering, forging, or counterfeiting, any bond, bid, proposal, guarantee, security, official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited bond, bid, proposal, guarantee, security, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited; or shall transmit to, or present at, or cause to procure to be transmitted to, or presented at, the office of any officer of the United States, any such false, forged, altered, or counterfeited bond, bid, proposal, guarantee, security, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for the purpose of defrauding the United States, shall be punishable by a fine of not more than one thousand dollars, or by imprisonment at hard labor for not more than ten years, or by both such punishments. [See § 5418.]

Sending letters through the mail with intent to defraud.

Ibid., s. 301, p. 323.

SEC. 5480. If any person having devised or intending to devise any scheme or artifice to defraud, or be effected by either opening or intending to open correspondence or communication with any other person, whether resident within or outside of the United States, by means of the Post-Office Establishment of the United States, or by inciting such other person to open communication with the person so devising or intending, shall, in and for executing such scheme or artifice, or attempting so to do, place any letter or packet in any post-office of the United States, or take or receive any therefrom, such person, so misusing the Post-Office Establishment, shall be punishable by a fine of not more than five hundred dollars, and by imprisonment for not more than eighteen months, or by both such punishments. The indictment, information, or complaint may severally charge offenses to the number of three when committed within the same six calendar months; but the court thereupon shall give a single sentence, and shall proportion the punishment especially to the degree in which the abuse of the Post-Office Establishment enters as an instrument into such fraudulent scheme and device.

CHAPTER SIX.

OFFICIAL MISCONDUCT, ETC.

| Sec. | Sec. |
|--|--|
| 5481. Officer of the United States guilty of extortion. | 5492. Failure to deposit as required. |
| 5482. Inspector of steamboats receiving illegal fees. | 5493. Provisions of the five preceding sections, how applied. |
| 5483. Receipting for larger sums than are paid. | 5494. Record evidence of embezzlement. |
| 5484. Extortion by internal-revenue informers. | 5495. Prima-facie evidence. |
| 5485. Attorney for pensions demanding more than legal fee, &c. | 5496. Evidence of conversion. |
| 5486. Embezzlement of pension by guardian. | 5497. Unlawfully receiving, &c., to be embezzlement. |
| 5487. Pension-agent taking fee, &c. | 5498. Officers, &c., interested in claims. |
| 5488. Disbursing-officer unlawfully depositing, converting, loaning, or transferring public money. | 5499. Judge accepting a bribe, &c. |
| 5489. Failure of Treasurer, &c., to safely keep public money. | 5500. Member of Congress accepting bribe, &c. |
| 5490. Custodian of public money failing to safely keep, without loaning, &c. | 5501. United States officer accepting bribe, &c. |
| 5491. Failure of officers to render accounts, &c. | 5502. Forfeiture of office. |
| | 5503. Officer of the Government contracting beyond specific appropriation. |
| | 5504. Officers of United States courts failing to deposit moneys, &c. |
| | 5505. Receiving loan or deposit from officer of court. |

SEC. 5481. Every officer of the United States who is guilty of extortion under color of his office shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than one year, except those officers or agents of the United States otherwise differently and specially provided for in subsequent sections of this chapter.

SEC. 5482. Every inspector of steamboats who, upon any pretense, receives any fee or reward for his services, except what is allowed to him by law, shall forfeit his office, and be otherwise punished by a fine of not more than five hundred dollars, or by imprisonment not more than six months, or by both. [See §§ 4399-4402.]

SEC. 5483. Every officer charged with the payment of any of the appropriations made by any act of Congress, who pays to any clerk, or other employé of the United States, a sum less than that provided by law, and requires such employé to receipt or give a voucher for an amount greater than that actually paid to and received by him, is guilty of embezzlement, and shall be fined in double the amount so withheld from any employé of the Government, and shall be imprisoned at hard labor for the term of two years.

SEC. 5484. Every person who shall receive any money or other valuable thing under a threat of informing, or as a consideration for not informing against any violation of any internal-revenue law, shall, on conviction thereof, be punished by a fine not exceeding two thousand dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court, with costs of prosecution.

SEC. 5485. Any agent or attorney, or any other person instrumental in prosecuting any claim for pension or bounty land, who shall directly or indirectly contract for, demand, or receive or retain any greater compensation for his services, or instrumentality in prosecuting a claim for pension or bounty land than is provided in the Title pertaining to pensions, or who shall wrongfully withhold from a pensioner or claimant the whole or any part of the pension or claim allowed and due such pensioner or claimant, or the land-warrant issued to any such claimant, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall for every such offense be fined not exceeding five hundred dollars, or imprisonment at hard labor not exceeding two years, or both, at the discretion of the court. [See §§ 4785, 4786.]

Officer of the United States guilty of extortion.

3 March, 1825, c. 65, s. 12, v. 4, p. 118.

Inspector of steamboats receiving illegal fees.

30 Aug., 1852, c. 106, s. 37, v. 10, p. 74.

Receipting for larger sums than are paid.

3 March, 1853, c. 104, s. 4, v. 10, p. 239.

Extortion by internal-revenue informers.

13 July, 1866, c. 184, s. 8, v. 14, p. 146.

Attorney for pensions demanding more than legal fee, &c.

3 March, 1873, c. 234, s. 31, v. 17, p. 575.

Embezzlement of pension by guardian.

Ibid.

Pension-agent taking fee, &c.

8 July, 1870, c. 225, s. 4, v. 16, p. 194.

Disbursing officer unlawfully depositing, converting, loaning, or transferring public money.

14 June, 1866, c. 122, s. 2, v. 14, p. 64.

Failure of Treasurer, &c., to safely keep public moneys.

3 March, 1857, c. 114, s. 2, v. 11, p. 249.

Custodians of public money failing to safely keep, without loaning, &c.

6 Aug., 1846, c. 90, s. 16, v. 9, p. 63.

Failure of officer to render accounts, &c.

17 July, 1862, c. 199, s. 1, v. 12, p. 593.

2 March, 1867, Res. 48, v. 14, p. 571. 15 July, 1870, c. 295, s. 15, v. 16, p. 334. 6 Aug., 1846, c. 90, s. 16, v. 9, p. 63.

Failure to deposit as required.

3 March, 1857, c. 114, s. 3, v. 11, p. 249.

6 Aug., 1846, c. 90, s. 16, v. 9, p. 63.

[See § 3620.]

Provisions of the five preceding sections, how applied.

6 Aug., 1846, c. 90, s. 16, v. 9, p. 63.

SEC. 5486. If any guardian having the charge and custody of the pension of his ward shall embezzle the same in violation of his trust, or fraudulently convert the same to his own use, he shall be punished by fine not exceeding two thousand dollars, or imprisonment at hard labor for a term not exceeding five years, or both, at the discretion of the court. [Bis 4783.]

SEC. 5487. Every pension-agent, or other person employed or appointed by him, who takes, receives, or demands any fee or reward from any pensioner for any service in connection with the payment of his pension, shall be fined not more than five hundred dollars. [See § 4784.]

SEC. 5488. Every disbursing officer of the United States who deposits any public money intrusted to him in any place or in any manner, except as authorized by law, or converts to his own use in any way whatever, or loans with or without interest, or for any purpose not prescribed by law withdraws from the Treasurer or any assistant treasurer, or any authorized depository, or for any purpose not prescribed by law transfers or applies any portion of the public money intrusted to him, is, in every such act, deemed guilty of an embezzlement of the money so deposited, converted, loaned, withdrawn, transferred, or applied; and shall be punished by imprisonment with hard labor for a term not less than one year nor more than ten years, or by a fine of not more than the amount embezzled or less than one thousand dollars, or by both such fine and imprisonment. [See §§ 3620, 5497.]

SEC. 5489. If the Treasurer of the United States, or any assistant treasurer, or any public depository, fails safely to keep all moneys deposited by any disbursing officer or disbursing agent, as well as all moneys deposited by any receiver, collector, or other person having moneys of the United States, he shall be deemed guilty of embezzlement of the moneys not so safely kept, and shall be imprisoned not less than six months nor more than ten years, and fined in a sum equal to the amount of money so embezzled. [See § 3639.]

SEC. 5490. Every officer or other person charged by any act of Congress with the safe-keeping of the public moneys, who fails to safely keep the same, without loaning, using, converting to his own use, depositing in banks, or exchanging for other funds than as specially allowed by law, shall be guilty of embezzlement of the money so loaned, used, converted, deposited, or exchanged; and shall be imprisoned not less than six months nor more than ten years, and fined in a sum equal to the amount of money so embezzled. [See § 3639.]

SEC. 5491. Every officer or agent of the United States who, having received public money which he is not authorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law, shall be deemed guilty of embezzlement, and shall be fined in a sum equal to the amount of the money embezzled, and shall be imprisoned not less than six months or more than ten years. [See §§ 3622, 3633.]

SEC. 5492. Every person who, having moneys of the United States in his hands or possession, fails to make deposit of the same with the Treasurer, or some assistant treasurer, or some public depository of the United States, when required so to do by the Secretary of the Treasury, or the head of any other proper Department, or by the accounting officers of the Treasury, shall be deemed guilty of embezzlement thereof, and shall be imprisoned not less than six months nor more than ten years, and fined in a sum equal to the amount of money embezzled.

SEC. 5493. The provisions of the five preceding sections shall be construed to apply to all persons charged with the safe-keeping, transfer, or disbursement of the public money, whether such persons be indicted as receivers or depositaries of the same. [See §§ 3615-3652.]

SEC. 5494. Upon the trial of any indictment against any person for embezzling public money under the provisions of the six preceding sections, it shall be sufficient evidence, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the Treasury, as required in civil cases, under the provisions for the settlement of accounts between the United States and receivers of public money. [See §§ 3625, 3633.]

Record evidence
of embezzlement.

Ibid.

SEC. 5495. The refusal of any person, whether in or out of office, charged with the safe-keeping, transfer, or disbursement of the public money, to pay any draft, order, or warrant, drawn upon him by the proper accounting officer of the Treasury, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received, or may be held, or to transfer or disburse any such money promptly, upon the legal requirement of any authorized officer, shall be deemed, upon the trial of any indictment against such person for embezzlement, as prima-facie evidence of such embezzlement. [See § 3644.]

Prima-facie evi-
dence.

Ibid.

SEC. 5496. If any officer charged with the disbursement of the public moneys, accepts, receives, or transmits to the Treasury Department to be allowed in his favor, any receipt or voucher from a creditor of the United States, without having paid to such creditor in such funds as the officer received for disbursement, or in such funds as he may be authorized by law to take in exchange, the full amount specified in such receipt or voucher, every such act is an act of conversion, by such officer, to his own use, of the amount specified in such receipt or voucher. [See § 3652.]

Evidence of con-
version.

Ibid.

SEC. 5497. Every banker, broker, or other person not an authorized depositary of public moneys, who knowingly receives from any disbursing officer, or collector of internal revenue, or other agent of the United States, any public money on deposit, or by way of loan or accommodation, with or without interest, or otherwise than in payment of a debt against the United States, or who uses, transfers, converts, appropriates, or applies any portion of the public money for any purpose not prescribed by law, and every president, cashier, teller, director, or other officer of any bank or banking association, who violates any of the provisions of this section, is guilty of an act of embezzlement of the public money so deposited, loaned, transferred, used, converted, appropriated, or applied, and shall be punished as prescribed in section fifty-four hundred and eighty-eight. [See §§ 3639, 3651.]

Unlawfully re-
ceiving, &c., to be
embezzlement.

14 June, 1866, c.
122, s. 3, v. 14, p. 65.

SEC. 5498. Every officer of the United States, or person holding any place of trust or profit, or discharging any official function under, or in connection with, any Executive Department of the Government of the United States, or under the Senate or House of Representatives of the United States, who acts as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, aids or assists in the prosecution or support of any such claim, or receives any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall pay a fine of not more than five thousand dollars, or suffer imprisonment not more than one year, or both.

Officers, &c., in-
terested in claims.

26 Feb., 1853, c.
81, s. 2, v. 10, p. 170.

SEC. 5499. Every judge of the United States, who in anywise accepts or receives any sum of money, or other bribe, present, or reward, or any promise, contract, obligation, gift, or security for the payment of money, or the delivery or conveyance of anything of value, with the intent to be influenced thereby in any opinion, judgment, or decree in any suit, controversy, matter, or cause depending before him, shall be fined and imprisoned at the discretion of the court, and shall be forever disqualified to hold any office of honor, trust, or profit under the United States. [See § 5449.]

Judge accepting
a bribe, &c.

30 April, 1790, c.
9, s. 21, v. 1, p. 117.

Member of Congress accepting bribe, &c.

26 Feb., 1853, c. 81, s. 6, v. 10, p. 171.

United States officer accepting bribe, &c.

Ibid.
13 July, 1866, c. 184, s. 62, v. 14, p. 168.

3 March, 1863, c. 76, s. 6, v. 12, p. 740.
18 July, 1866, c. 201, s. 35, v. 14, p. 186.

Forfeiture of office.

26 Feb., 1853, c. 81, s. 6, v. 10, p. 171.

Officer of the Government contracting beyond specific appropriation.

25 July, 1868, c. 233, s. 3, v. 15, p. 177.

Officers of United States courts failing to deposit moneys, &c.

24 March, 1871, c. 2, ss. 1, 4, v. 17, pp. 1, 2.

[See §§ 3616, 3617.]

Receiving loan or deposit from officer of court.

24 March, 1871, c. 2, s. 5, v. 17, p. 2.

SEC. 5500. Any member of either House of Congress who asks, accepts, or receives any money, or any promise, contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, either before or after he has been qualified or has taken his seat as such member, with intent to have his vote or decision on any question, matter, cause, or proceeding which may be at any time pending in either house, or before any committee thereof, influenced thereby, shall be punished by a fine not more than three times the amount asked, accepted, or received, and by imprisonment not more than three years. [See § 5450.]

SEC. 5501. Every officer of the United States, and every person acting for or on behalf of the United States, in any official capacity under or by virtue of the authority of any department or office of the Government thereof; and every officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, who asks, accepts, or receives any money, or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may, at any time, be pending, or which may be by law brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be punished as prescribed in the preceding section. [See § 5451.]

SEC. 5502. Every member, officer, or person, convicted under the provisions of the two preceding sections, who holds any place of profit or trust, shall forfeit his office or place; and shall thereafter be forever disqualified from holding any office of honor, trust, or profit under the United States.

SEC. 5503. Every officer of the Government who knowingly contracts for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purpose, shall be punished by imprisonment not less than six months nor more than two years, and shall pay a fine of two thousand dollars. [See § 3733.]

SEC. 5504. Every clerk or other officer of a court of the United States, who fails forthwith to deposit any money belonging in the registry of the court, or hereafter paid into court or received by the officers thereof, with the Treasurer, and assistant treasurer; or of a designated depository of the United States, in the name and to the credit of such court, or who retains or converts to his own use or to the use of another any such money, is guilty of embezzlement, and shall be punished by fine not less than five hundred dollars, and not more than the amount embezzled; or by imprisonment not less than one year nor more than ten years, or by both such fine and imprisonment; but nothing herein shall be held to prevent the delivery of any such money upon security, according to agreement, of parties under the direction of the court.

SEC. 5505. Every person who knowingly receives, from a clerk or other officer of a court of the United States, any money belonging in the registry of such court as a deposit, loan, or otherwise, is guilty of embezzlement, and shall be punished as prescribed in the preceding section.

CHAPTER SEVEN.

CRIMES AGAINST THE ELECTIVE FRANCHISE AND CIVIL RIGHTS OF CITIZENS.

| Sec. | Sec. |
|--|---|
| 5506. Preventing, &c., citizens from voting. | 5519. Conspiracy to deprive any person of the equal protection of the laws. |
| 5507. Intimidating voters by bribery or threats. | 5520. Conspiracy to prevent the support of any candidate, &c. |
| 5508. Conspiracy to injure or intimidate citizens in the exercise of civil rights. | 5521. Supervisor of election, &c., neglecting to discharge duties. |
| 5509. Other crimes committed while violating the preceding sections. | 5522. Interfering with supervisor of election, marshals, or deputies. |
| 5510. Depriving citizens of civil rights under color of State laws. | 5523. Obstructing verification of registration lists, &c. |
| 5511. Fraudulent voting, &c., at elections for Representative to Congress. | 5524. Receiving or carrying away any person to be sold or held as a slave. |
| 5512. Fraudulent registration, &c. | 5525. Kidnapping. |
| 5513. What deemed a registration under last section. | 5526. Holding or returning persons to peonage. |
| 5514. Voting or offering to vote in certain cases prima facie evidence, &c. | 5527. Obstructing execution of laws prohibiting peonage. |
| 5515. Violation of duty by officers of election. | 5528. Unlawful presence of troops at elections. |
| 5516. Obstructing execution of process in civil-rights cases, &c. | 5529. Intimidation of voters by officers, &c., of Army or Navy. |
| 5517. Marshal refusing to receive or execute process. | 5530. Officers of Army or Navy prescribing qualifications of voters. |
| 5518. Conspiracy to prevent accepting or holding office under United States, &c. | 5531. Officers, &c., of Army or Navy interfering with officers of election, &c. |
| | 5532. Disqualification for holding office. |

SEC. 5506. Every person who, by any unlawful means, hinders, delays, prevents, or obstructs, or combines and confederates with others to hinder, delay, prevent, or obstruct, any citizen from doing any act required to be done to qualify him to vote, or from voting at any election in any State, Territory, district, county, city, parish, township, school-district, municipality, or other territorial subdivision, shall be fined not less than five hundred dollars, or be imprisoned not less than one month nor more than one year, or be punished by both such fine and imprisonment. [See §§ 2004-2010.]

SEC. 5507. Every person who prevents, hinders, controls, or intimidates another from exercising, or in exercising the right of suffrage, to whom that right is guaranteed by the fifteenth amendment to the Constitution of the United States, by means of bribery or threats of depriving such person of employment or occupation, or of ejecting such person from a rented house, lands, or other property, or by threats of refusing to renew leases or contracts for labor, or by threats of violence to himself or family, shall be punished as provided in the preceding section.

SEC. 5508. If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than five thousand dollars and imprisoned not more than ten years; and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States. [See § 5407.]

SEC. 5509. If in the act of violating any provision in either of the two preceding sections any other felony or misdemeanor be committed, the offender shall be punished for the same with such punishment as is attached to such felony or misdemeanor by the laws of the State in which the offense is committed.

Preventing, &c., citizens from voting.

31 May, 1870, c. 114, s. 4, v. 16, p. 141.

Intimidating voters by bribery or threats.

Ibid., s. 5.

Conspiracy to injure or intimidate citizens in the exercise of civil rights.

Ibid., s. 6.

Other crimes committed while violating the preceding sections.

Ibid., s. 7.

Depriving citizens of civil rights under color of State laws.

Ibid., s. 17, p. 144.

Fraudulent voting, &c., at elections for Representative to Congress.

Ibid., s. 19.

U. S. vs. Souders,
2 Abb. C. C., 456.

Fraudulent registration, &c.

28 Feb., 1871, c.
99, s. 1, v. 16, p. 433.
31 May, 1870, c.
114, s. 20, v. 16, p.
145.

U. S. vs. Quinn, 8
Blatch., 48.

SEC. 5510. Every person who, under color of any law, statute, ordinance, regulation, or custom, subjects, or causes to be subjected, any inhabitant of any State or Territory to the deprivation of any rights, privileges, or immunities, secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color or race, than are prescribed for the punishment of citizens, shall be punished by a fine of not more than one thousand dollars, or by imprisonment not more than one year, or by both. [See § 1979.]

SEC. 5511. If, at any election for Representative or Delegate in Congress, any person knowingly personates and votes, or attempts to vote, in the name of any other person, whether living, dead, or fictitious; or votes more than once at the same election for any candidate for the same office; or votes at a place where he may not be lawfully entitled to vote; or votes without having a lawful right to vote; or does any unlawful act to secure an opportunity to vote for himself, or any other person; or by force, threat, intimidation, bribery, reward, or offer thereof, unlawfully prevents any qualified voter of any State, or of any Territory, from freely exercising the right of suffrage, or by any such means induces any voter to refuse to exercise such right, or compels, or induces, by any such means, any officer of an election in any such State or Territory to receive a vote from a person not legally qualified or entitled to vote; or interferes in any manner with any officer of such election in the discharge of his duties; or by any such means, or other unlawful means, induces any officer of an election or officer whose duty it is to ascertain, announce, or declare the result of any such election, or give or make any certificate, document, or evidence in relation thereto, to violate or refuse to comply with his duty or any law regulating the same; or knowingly receives the vote of any person not entitled to vote, or refuses to receive the vote of any person entitled to vote, or aids, counsels, procures, or advises any such voter, person, or officer to do any act hereby made a crime, or omit to do any duty the omission of which is hereby made a crime, or attempt to do so, he shall be punished by a fine of not more than five hundred dollars, or by imprisonment not more than three years, or by both, and shall pay the costs of the prosecution.

SEC. 5512. If, at any registration of voters for an election for Representative or Delegate in the Congress of the United States, any person knowingly personates and registers, or attempts to register, in the name of any other person, whether living, dead, or fictitious, or fraudulently registers, or fraudulently attempts to register, not having a lawful right so to do; or does any unlawful act to secure registration for himself or any other person; or by force, threat, menace, intimidation, bribery, reward, or offer, or promise thereof, or other unlawful means, prevents or hinders any person having a lawful right to register from duly exercising such right; or compels or induces by any of such means, or other unlawful means, any officer of registration to admit to registration any person not legally entitled thereto, or interferes in any manner with any officer of registration in the discharge of his duties, or by any such means, or other unlawful means, induces any officer of registration to violate or refuse to comply with his duty or any law regulating the same; or if any such officer knowingly and willfully registers as a voter any person not entitled to be registered, or refuses to so register any person entitled to be registered; or if any such officer or other person who has any duty to perform in relation to such registration or election, in ascertaining, announcing, or declaring the result thereof, or in giving or making any certificate, document, or evidence in relation thereto, knowingly neglects or refuses to perform any duty required by law, or violates any duty imposed by law, or does any act unauthorized by law relating to or affecting such registration or election, or the result thereof, or any certificate, document, or evidence in relation thereto, or if any person aids, counsels, procures, or advises, any such voter, person, or officer to do any act hereby made a crime, or to omit any act the omission of which

is hereby made a crime, every such person shall be punishable as prescribed in the preceding section.

SEC. 5513. Every registration made under the laws of any State or Territory, for any State or other election at which such Representative or Delegate in Congress may be chosen, shall be deemed to be a registration within the meaning of the preceding section, notwithstanding such registration is also made for the purposes of any State, territorial, or municipal election.

SEC. 5514. Whenever the laws of any State or Territory require that the name of a candidate or person to be voted for as Representative or Delegate in Congress shall be printed, written, or contained, on any ticket or ballot with the names of other candidates or persons to be voted for at the same election as State, territorial, municipal, or local officers, it shall be deemed sufficient prima-facie evidence to convict any person charged with voting, or offering to vote, unlawfully, under the provisions of this chapter, to prove that the person so charged cast or offered to cast such a ticket or ballot whereon the name of such Representative or Delegate might by law be printed, written, or contained, or that the person so charged committed any of the offenses denounced in this chapter with reference to such ticket or ballot.

SEC. 5515. Every officer of an election at which any Representative or Delegate in Congress is voted for, whether such officer of election be appointed or created by or under any law or authority of the United States, or by or under any State, territorial, district, or municipal law or authority, who neglects or refuses to perform any duty in regard to such election required of him by any law of the United States, or of any State or Territory thereof; or who violates any duty so imposed; or who knowingly does any acts thereby unauthorized, with intent to affect any such election, or the result thereof; or who fraudulently makes any false certificate of the result of such election in regard to such Representative or Delegate; or who withholds, conceals, or destroys any certificate of record so required by law respecting the election of any such Representative or Delegate; or who neglects or refuses to make and return such certificate as required by law; or who aids, counsels, procures, or advises any voter, person, or officer to do any act by this or any of the preceding sections made a crime, or to omit to do any duty the omission of which is by this or any of such sections made a crime, or attempts to do so, shall be punished as prescribed in section fifty-five hundred and ten. [See § 5511.]

SEC. 5516. Every person who willfully obstructs, hinders, or prevents any officer or other person charged with the execution of any warrant or process issued under the provisions of sections nineteen hundred and eighty-four and nineteen hundred and eighty-five, Title "CIVIL RIGHTS," or any person lawfully assisting him, from arresting any person for whose apprehension such warrant or process may have been issued; or rescues, or attempts to rescue, such person from the custody of the officer or other person lawfully assisting when so arrested, pursuant to the authority herein given; or aids, abets, or assists any person so arrested, directly or indirectly, to escape from the custody of the officer or other person legally authorized to arrest the party; or harbors or conceals any person for whose arrest a warrant or process has been issued, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall, for any of such offenses, be subject to a fine of not more than one thousand dollars, or imprisonment not more than six months, or both.

SEC. 5517. Every marshal and deputy marshal who refuses to receive any warrant or other process when tendered to him, issued in pursuance of the provisions of section nineteen hundred and eighty-five, Title "CIVIL RIGHTS," or refuses or neglects to use all proper means diligently to execute the same, shall be liable to a fine in the sum of one thousand dollars, for the benefit of the party aggrieved thereby.

What deemed a registration under last section.

28 Feb., 1871, c. 99, s. 1, v. 16, p. 433.

Voting or offering to vote in certain cases, prima-facie evidence, &c.

31 May, 1870, c. 114, s. 21, v. 16, p. 145.

Violation of duty by officers of election.

Ibid., s. 22.

U. S. vs. Clayton, 19 Am. L. Rep., 737.

Obstructing execution of process in civil-rights cases, &c.

31 May, 1870, c. 114, s. 11, v. 16, p. 142.

Marshal refusing to receive or execute process.

Ibid., s. 10.

Conspiracy to prevent accepting or holding office under United States, &c.

31 July, 1861, c. 33, v. 12, p. 284.

20 April, 1871, c. 22, s. 2, v. 17, p. 13.

Conspiracy to deprive any person of the equal protection of the laws.

20 April, 1871, c. 22, s. 2, v. 17, pp. 13, 14.

Conspiracy to prevent the support of any candidate, &c.

Ibid.

Supervisors of election, &c., neglecting to discharge duties.

28 Feb., 1871, c. 39, s. 11, v. 16, p. 437.

Interfering with supervisors of election, marshals, or deputies.

Ibid., s. 10, p. 436.

SEC. 5518. If two or more persons in any State or Territory conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, district, or place, where his duties as an officer are required to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment. [See § 5407.]

SEC. 5519. If two or more persons in any State or Territory conspire, or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly, any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory the equal protection of the laws; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment. [See § 5330.]

SEC. 5520. If two or more persons in any State or Territory conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy, in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice-President, or as a member of the Congress of the United States; or to injure any citizen in person or property on account of such support or advocacy; each of such persons shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment, with or without hard labor, not less than six months nor more than six years, or by both such fine and imprisonment.

SEC. 5521. If any person be appointed a supervisor of election or a special deputy marshal under the provisions of Title "THE ELECTIVE FRANCHISE," and has taken the oath of office as such supervisor of election or such special deputy marshal, and thereafter neglects or refuses, without good and lawful excuse, to perform and discharge fully the duties, obligations, and requirements of such office until the expiration of the term for which he was appointed, he shall not only be subject to removal from office with loss of all pay or emoluments, but shall be punished by imprisonment for not less than six months nor more than one year, or by a fine of not less than two hundred dollars and not more than five hundred dollars, or by both fine and imprisonment, and shall pay the costs of prosecution. [See §§ 2011-2031.]

SEC. 5522. Every person, whether with or without any authority, power, or process, or pretended authority, power, or process, of any State, Territory, or municipality, who obstructs, hinders, assaults, or by bribery, solicitation, or otherwise, interferes with or prevents the supervisors of election, or either of them, or the marshal or his general or special deputies, or either of them, in the performance of any duty required of them, or either of them, or which he or they, or either of them, may be authorized to perform by any law of the United States, in the execution of process or otherwise, or who by any of the means before mentioned hinders or prevents the free attendance and presence at such places of registration or at such polls of election, or full and free access and egress to and from any such place of registration or poll of election, or in going to and from any such place of registration or poll of election, or to and from any room, where any such registration or election or can-

vass of votes, or of making any returns or certificates thereof, may be had, or who molests, interferes with, removes, or ejects from any such place of registration or poll of election, or of canvassing votes cast thereat, or of making returns or certificates thereof, any supervisor of election, the marshal, or his general or special deputies, or either of them; or who threatens, or attempts, or offers so to do, or refuses or neglects to aid and assist any supervisor of election, or the marshal or his general or special deputies, or either of them, in the performance of his or their duties, when required by him or them, or either of them, to give such aid and assistance, shall be liable to instant arrest without process, and shall be punished by imprisonment not more than two years, or by a fine of not more than three thousand dollars, or by both such fine and imprisonment, and shall pay the costs of the prosecution.

SEC. 5523. Every person who, during the progress of any verification of any list of the persons who may have registered or voted, which is had or made under any of the provisions of Title "THE ELECTIVE FRANCHISE," refuses to answer, or refrains from answering, or, answering, knowingly gives false information in respect to any inquiry lawfully made, shall be punishable by imprisonment for not more than thirty days, or by a fine of not more than one hundred dollars, or by both, and shall pay the costs of the prosecution. [See §§ 2016, 2026.]

SEC. 5524. Every master or owner or person having charge of any vessel who receives on board any other person, with the knowledge or intent that such person is to be carried from any State, Territory, or district of the United States to a foreign country, state, or place, to be held or sold as a slave, or carries away from any State, Territory, or district of the United States any such person, with the intent that he may be so held or sold as a slave, shall be punished by a fine of not more than five thousand nor less than five hundred dollars, or by imprisonment not more than five years, or by both. [See § 5379.]

SEC. 5525. Every person who kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave; or who entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held; or who in any way knowingly aids in causing any other person to be held, sold, or carried away to be held or sold as a slave, shall be punished by a fine of not less than five hundred nor more than five thousand dollars, or by imprisonment not more than five years, or by both. [See § 5375.]

SEC. 5526. Every person who holds, arrests, or returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage, shall be punished by a fine of not less than one thousand nor more than five thousand dollars, or by imprisonment not less than one year nor more than five years, or by both. [See § 1990.]

SEC. 5527. Every person who obstructs or attempts to obstruct, or in any way interferes with, or prevents the enforcement of, the preceding section, shall be liable to the pains and penalties therein prescribed. [See § 1991.]

SEC. 5528. Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control, any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States or to keep the peace at the polls, shall be fined not more than five thousand dollars, and suffer imprisonment at hard labor not less than three months nor more than five years. [See § 2002.]

SEC. 5529. Every officer or other person in the military or naval service who, by force, threat, intimidation, order, advice, or otherwise, prevents, or attempts to prevent, any qualified voter of any State from freely exercising the right of suffrage at any general or special election

Obstructing verification of registration lists, &c.

Ibid.

Receiving on board a vessel, or carrying away any person to be sold or held as a slave.

21 May, 1866, c. 86, s. 2, v. 14, p. 50.

Kidnapping.

Ibid., s. 1.

Holding or returning persons to peonage.

2 March, 1867, c. 187, s. 1, v. 14, p. 546.

Obstructing execution of laws prohibiting peonage.

Ibid., s. 2.

Unlawful presence of troops at elections.

25 Feb., 1865, c. 52, s. 1, v. 13, p. 437.

Intimidation of voters by officers, &c., of Army or Navy.

Ibid., s. 2.

Officers of Army
or Navy prescribing
qualifications
of voters.

Ibid., s. 1.

Officers, &c., of
Army or Navy inter-
fering with offi-
cer of election, &c.

Ibid., s. 2.

Disqualification
for holding office.

Ibid., ss. 1, 2.

in such State, shall be fined not more than five thousand dollars, and imprisoned at hard labor not more than five years. [See § 2003.]

SEC. 5530. Every officer of the Army or Navy who prescribes or fixes, or attempts to prescribe or fix, whether by proclamation, order, or otherwise, the qualifications of voters at any election in any State, shall be punished as provided in the preceding section. [See § 2003.]

SEC. 5531. Every officer or other person in the military or naval service who, by force, threat, intimidation, order, or otherwise, compels, or attempts to compel, any officer holding an election in any State to receive a vote from a person not legally qualified to vote, or who imposes, or attempts to impose, any regulations for conducting any general or special election in a State different from those prescribed by law, or who interferes in any manner with any officer of an election in the discharge of his duty, shall be punished as provided in section fifty-five hundred and twenty-nine.

SEC. 5532. Every person convicted of any of the offenses specified in the five preceding sections, shall, in addition to the punishments therein severally prescribed, be disqualified from holding any office of honor, profit, or trust under the United States; but nothing in those sections shall be construed to prevent any officer, soldier, sailor, or marine from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote.

CHAPTER EIGHT.

THE PUNISHMENT OF ACCESSORIES.

Sec.

5533. Accessory after the fact to murder, robbery, or piracy.

Sec.

5534. Accessory to robbery of the mail.
5535. Accessory to stealing mail-matter.

Accessory after
the fact to murder,
robbery or piracy.

SEC. 5533. Every accessory after the fact to murder, robbery, or piracy, shall be imprisoned not more than three years, and fined not more than five hundred dollars. [See § 5324.]

30 April, 1790, c. 9, s. 11, v. 1, p. 114.

Accessory to rob-
bery of the mail.

SEC. 5534. Every accessory after the fact to any robbery of the carrier, agent, or other person intrusted with the mail, of such mail or of any part thereof, shall be fined not more than two thousand dollars, and be imprisoned at hard labor not more than ten years. [See § 5472.]

8 June, 1872, c.
335, s. 286, v. 17, p.
320. U. S. vs. Crane, 4 McLean, 317.

Accessory to steal-
ing mail-matter.

SEC. 5535. Every accessory after the fact to the offense of stealing or taking any letter, or other mail-matter, or any inclosure therein, shall be fined not more than one thousand dollars, and be imprisoned not more than five years. [See §§ 5467, 5469, 5471.]

2 July, 1836, c.
270, s. 38, v. 5, p. 83.

CHAPTER NINE.

PRISONERS AND THEIR TREATMENT.

| Sec. | Sec. |
|---|--|
| 5536. Expenses for prisoners to be paid by the United States. | 5543. Deductions from term of imprisonment for good conduct. |
| 5537. Places of confinement. | 5544. Application of preceding section. |
| 5538. Marshal to make provision for safe-keeping of prisoners. | 5545. Actual reasonable cost of subsisting prisoners to be paid. |
| 5539. United States convicts in State penitentiaries. | 5546. Designation of penitentiary by Attorney-General. |
| 5540. Selection of penitentiary where a judicial district is divided. | 5547. Attorney-General to contract for subsistence, &c. |
| 5541. Sentences to imprisonment for more than a year, where to be executed. | 5548. Court may order sentences executed in house of correction. |
| 5542. Penitentiary sentences, where to be executed. | 5549. Confinement of juvenile offenders. |
| | 5550. Attorney-General to contract for their subsistence, &c. |

SEC. 5536. All the expenses attendant upon the transportation from place to place, and upon the temporary or permanent confinement of persons arrested or committed under the laws of the United States, as well as upon the execution of any sentence of a court thereof respecting them, shall be paid out of the Treasury of the United States in the manner provided by law.

Expenses for prisoners to be paid by the United States.

3 March, 1821, Res. No. 2, v. 3, p. 646.

86, s. 3, v. 13, p. 500. 3 March, 1835, c. 40, s. 5, v. 4, p. 777.

SEC. 5537. In a State where the use of jails, penitentiaries, or other houses is not allowed for the imprisonment of persons arrested or committed under the authority of the United States, any marshal in such State, under the direction of the judge of the district, may hire, or otherwise procure, within the limits of such State, a convenient place to serve as a temporary jail.

Places of confinement.

3 March, 1821, Res. No. 2, v. 3, p. 646.

57, s. 6, v. 4, p. 634. Randolph *vs.* Donaldson, 9 Cr., 76; McNutt *vs.* Bland, 2 How., 9.

SEC. 5538. The marshal shall make such other provision as he may deem expedient and necessary for the safe-keeping of the prisoners arrested or committed under the authority of the United States, until permanent provision for that purpose is made by law.

2 March, 1833, c. Bland, 2 How., 9.

Marshal to make provision for safe-keeping of prisoners.

Ibid.

SEC. 5539. Whenever any criminal, convicted of any offense against the United States, is imprisoned in the jail or penitentiary of any State or Territory, such criminal shall in all respects be subject to the same discipline and treatment as convicts sentenced by the courts of the State or Territory in which such jail or penitentiary is situated; and while so confined therein shall be exclusively under the control of the officers having charge of the same, under the laws of such State or Territory.

United States convicts in State penitentiaries.

30 June, 1834, c. 163, v. 4, p. 739.

SEC. 5540. Where a judicial district has been or may hereafter be divided, the circuit and district courts of the United States shall have power to sentence any one convicted of an offense punishable by imprisonment at hard labor to the penitentiary within the State, though it be out of the judicial district in which the conviction is had.

Selection of penitentiary where a judicial district is divided.

28 March, 1856, c. 9, s. 1, v. 11, p. 2.

SEC. 5541. In every case where any person convicted of any offense against the United States is sentenced to imprisonment for a period longer than one year, the court by which the sentence is passed may order the same to be executed in any State jail or penitentiary within the district or State where such court is held, the use of which jail or penitentiary is allowed by the legislature of the State for that purpose.

Sentences to imprisonment for more than a year, where to be executed.

3 March, 1835, c. 86, s. 3, v. 13, p. 500.

Penitentiary sentences, where to be executed.

3 March, 1825, c. 65, s. 15, v. 4, p. 118.

Deductions from term of imprisonment for good conduct.

2 March, 1867, c. 146, v. 14, p. 424.

5 March, 1872, c. 30, s. 1, v. 17, p. 35.

Application of preceding section.

14 June, 1870, c. 128, v. 16, p. 151.

Actual reasonable cost of subsisting prisoners to be paid.

12 May, 1864, c. 85, s. 3, v. 13, p. 75.

5 March, 1872, c. 30, s. 1, v. 17, p. 35.

Designation of penitentiary by Attorney-General.

12 May, 1864, c. 85, s. 1, v. 13, p. 74.

5 March, 1872, c. 30, s. 1, v. 17, p. 35.

Attorney-General to contract for subsistence, &c.

12 May, 1864, c. 85, s. 2, v. 13, p. 75.

5 March, 1872, c. 30, s. 1, v. 17, p. 35.

SEC. 5542. In every case where any criminal convicted of any offense against the United States is sentenced to imprisonment and confinement to hard labor, it shall be lawful for the court by which the sentence is passed to order the same to be executed in any State jail or penitentiary within the district or State where such court is held, the use of which jail or penitentiary is allowed by the legislature of the State for that purpose.

SEC. 5543. All prisoners who have been, or may be, convicted of any offense against the laws of the United States, and confined in any State jail or penitentiary in execution of the judgment upon such conviction, who so conduct themselves that no charge for misconduct is sustained against them, shall have a deduction of one month in each year made from the term of their sentence, and shall be entitled to their discharge so much the sooner, upon the certificate of the warden or keeper of such jail or penitentiary, with the approval of the Attorney-General.

SEC. 5544. The preceding section, however, shall apply to such prisoners only as are confined in jails or penitentiaries where no credits for good behavior are allowed; but, in other cases, all prisoners now or hereafter confined in the jails or penitentiaries of any State for offenses against the United States, shall be entitled to the same rule of credits for good behavior applicable to other prisoners in the same jail or penitentiary.

SEC. 5545. Hereafter there shall be allowed and paid by the Attorney-General, for the subsistence of prisoners in the custody of any marshal of the United States and the warden of the jail in the District of Columbia, such sum only as it reasonably and actually cost to subsist them. And it shall be the duty of the Attorney-General to prescribe such regulations for the government of the marshals and the warden of the jail in the District of Columbia, in relation to their duties under this chapter, as will enable him to determine the actual and reasonable expense incurred.

SEC. 5546. All persons who have been, or who may hereafter be, convicted of crime, by any court of the United States, whose punishment is imprisonment, in a district or Territory where, at the time of conviction, there may be no penitentiary or jail suitable for the confinement of convicts, or available therefor, shall be confined during the term for which they have been or may be sentenced in some suitable jail or penitentiary in a convenient State or Territory, to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such jail or penitentiary by the marshal of the district or Territory where the conviction has occurred; and if the conviction be had in the District of Columbia, in such case the transportation and delivery shall be by the warden of the jail of that District; the reasonable actual expense of transportation, necessary subsistence and hire, and transportation of guards and the marshal, or the warden of the jail in the District of Columbia, only, to be paid by the Attorney-General, out of the judiciary fund. But if, in the opinion of the Attorney-General, the expense of transportation from any State, Territory, or the District of Columbia, in which there is no penitentiary, will exceed the cost of maintaining them in jail in the State, Territory, or the District of Columbia during the period of their sentence, then it shall be lawful so to confine them therein for the period designated in their respective sentences.

SEC. 5547. The Attorney-General shall contract with the managers or proper authorities having control of such prisoners, for the imprisonment, subsistence, and proper employment of them, and shall give the court having jurisdiction of such offenses notice of the jail or penitentiary where such prisoners will be confined.

SEC. 5548. Whenever any person is convicted of any offense against the United States which is punishable by fine and imprisonment, or by either, the court by which the sentence is passed may order the sentence to be executed in any house of correction or house of reformation for juvenile delinquents within the State or district where such court is held, the use of which is authorized by the legislature of the State for such purpose.

Court may order sentences executed in house of correction.

3 March, 1835, c. 40, s. 5, v. 4, p. 777.

SEC. 5549. Juvenile offenders against the laws of the United States, being under the age of sixteen years, and who may hereafter be convicted of crime, the punishment whereof is imprisonment, shall be confined during the term of sentence in some house of refuge to be designated by the Attorney-General, and shall be transported and delivered to the warden or keeper of such house of refuge by the marshal of the district where such conviction has occurred; or if such conviction be had in the District of Columbia, then the transportation and delivery shall be by the warden of the jail of that district, and the reasonable actual expense of the transportation, necessary subsistence, and hire, and transportation of assistants and the marshal or warden, only, shall be paid by the Attorney-General, out of the judiciary fund.

Confinement of juvenile offenders.

3 March, 1865, c. 121, s. 1, v. 13, p. 438.

5 March, 1872, c. 30, s. 1, v. 17, p. 35.

SEC. 5550. The Attorney-General shall contract with the managers or persons having control of such houses of refuge for the imprisonment, subsistence, and proper employment of all such juvenile offenders, and shall give the several courts of the United States and of the District of Columbia notice of the places so provided for the confinement of such offenders; and they shall be sentenced to confinement in the house of refuge nearest the place of conviction so designated by the Attorney-General.

Attorney-General to contract for their subsistence, &c.

3 March, 1865, c. 121, s. 2, v. 13, p. 538.

5 March, 1872, c. 30, s. 1, v. 17, p. 35.

TITLE LXXI.

THE SLAVE-TRADE.

| Sec. | Sec. |
|---|--|
| 5551. Equipping, &c., vessel for slave-trade; forfeiture of vessel. | 5560. Apprehension of officers and crew. |
| 5552. Penalty on persons building, equipping, &c. | 5561. Removal of persons delivered from seized vessels. |
| 5553. Forfeiture of vessel transporting slaves. | 5562. Bounty. |
| 5554. Penalty for receiving persons on board to be sold as slaves. | 5563. To what port captured vessels sent. |
| 5555. Forfeiture of vessel found hovering on coast, &c. | 5564. When owners of foreign vessels shall give bond. |
| 5556. Forfeiture of interest in vessels transporting slaves. | 5565. Distribution of penalties. |
| 5557. Seizure of vessels engaged in the slave-trade. | 5566. Contracts for reception in Africa of persons delivered from seized vessels. |
| 5558. Proceeds of condemned vessels, how distributed. | 5567. Instructions to commanders of armed vessels. |
| 5559. Disposal of persons found on board seized vessels. | 5568. Contracts for reception, &c., in West Indies of persons delivered from seized vessels. |
| | 5569. Instructions to commanders of armed vessels. |

Equipping, &c., vessel for slave-trade; forfeiture of vessel.

20 April, 1818, c. 91, s. 2, v. 3, p. 451.
22 March, 1794, c. 11, s. 1, v. 1, p. 347.

The Slavers, 2 Wall., 350, 366, 375, 383.

Penalty on persons building, equipping, &c.

22 March, 1794, c. 11, s. 2, v. 1, p. 349.

Forfeiture of vessel transporting slaves.

20 April, 1818, c. 91, s. 4, v. 3, p. 451.
10 May, 1800, c. 51, s. 4, v. 2, p. 71.

Penalty for receiving persons on board to be sold as slaves.

22 March, 1794, c. 11, s. 4, v. 1, p. 349.

SEC. 5551. No person shall, for himself, or for another, as master, factor, or owner, build, fit, equip, load, or otherwise prepare any vessel, in any port or place within the jurisdiction of the United States, or cause any vessel to sail from any port or place within the jurisdiction of the same, for the purpose of procuring any negro, mulatto, or person of color, from any foreign kingdom, place, or country, to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of, as a slave, or to be held to service or labor; and every vessel so built, fitted out, equipped, laden, or otherwise prepared, with her tackle, apparel, furniture, and lading, shall be forfeited, one moiety to the use of the United States, and the other to the use of the person who sues for the forfeiture, and prosecutes the same to effect. [See §§ 5375-5382.]

SEC. 5552. Every person so building, fitting out, equipping, loading, or otherwise preparing or sending away any vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the provisions of the preceding section, or any ways aiding or abetting therein, shall, besides the forfeiture of the vessel, pay the sum of two thousand dollars; one moiety thereof to the use of the United States, and the other moiety thereof to the use of the person who sues for and prosecutes the same to effect. [See § 5378.]

SEC. 5553. Every vessel employed in carrying on the slave-trade, or on which is received or transported any negro, mulatto, or person of color, from any foreign kingdom or country, or from sea, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or of holding such person to service or labor, shall, together with her tackle, apparel, furniture, and the goods and effects which may be found on board, or which may have been imported thereon in the same voyage, be forfeited; one moiety to the United States, and the other to the use of the person who sues for and prosecutes the forfeiture to effect. [See §§ 5378, 5379.]

SEC. 5554. If any citizen of the United States takes on board, receives, or transports any negro, mulatto, or person of color, for the purpose of selling such person as a slave, he shall, in addition to the forfeiture of the vessel, pay for each person, so received on board or transported, the sum of two hundred dollars, to be recovered in any court of the United States; the one moiety thereof to the use of the United States, and the other moiety to the use of the person who sues for and prosecutes the same to effect. [See §§ 5379, 5524, 5526.]

SEC. 5555. Every vessel which is found in any river, port, bay, or harbor, or on the high seas, within the jurisdictional limits of the United States, or hovering on the coasts thereof, and having on board any negro, mulatto, or person of color, with intent to sell such person as a slave, or with intent to land the same for that purpose, either in the United States or elsewhere, shall, together with her tackle, apparel, furniture, and the goods or effects on board of her, be forfeited to the United States. [See § 5380.]

Forfeiture of vessel found hovering on coasts of United States, &c.

2 March, 1807, c. 22, s. 7, v. 2, p. 428.

SEC. 5556. It shall be unlawful for any citizen of the United States, or other person residing within them, directly or indirectly to hold or have any right or property in any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place to another, and any such right or property shall be forfeited, and may be libeled and condemned for the use of the person suing for the same; and every person transgressing the prohibition of this section shall also forfeit and pay a sum of money equal to double the value of his right or property in such vessel; and shall also forfeit a sum of money equal to double the value of the interest he had in the slaves, which at any time may be transported or carried in such vessel.

Forfeiture of interest in vessels transporting slaves.

10 May, 1800, c. 15, s. 1, v. 2, p. 70.

SEC. 5557. The President is authorized, when he deems it expedient, to man and employ any of the armed vessels of the United States to cruise wherever he may judge attempts are making to carry on the slave-trade, by citizens or residents of the United States, in contravention of laws prohibitory of the same; and, in such case, he shall instruct the commanders of such armed vessels to seize, take, and bring into any port of the United States, to be proceeded against according to law, all American vessels, wheresoever found, which may have on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported any negro, mulatto, or person of color, in violation of the provisions of any act of Congress prohibiting the traffic in slaves. [See § 2163.]

Seizure of vessels engaged in the slave-trade.

3 March, 1819, c. 101, s. 1, v. 3, p. 532.

2 March, 1807, c. 22, s. 7, v. 2, p. 428.

10 May, 1800, c. 51, s. 4, v. 2, p. 71.

SEC. 5558. The proceeds of all vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which are so seized, prosecuted, and condemned, shall be divided equally between the United States and the officers and men who seize, take, or bring the same into port for condemnation, whether such seizure be made by an armed vessel of the United States or revenue cutter thereof; and the same shall be distributed as is provided by law for the distribution of prizes taken from an enemy.

Proceeds of condemned vessels, how distributed.

Ibid.

SEC. 5559. The officers and men, to be entitled to one-half of the proceeds mentioned in the last section, shall safely keep every negro, mulatto, or person of color, found on board of any vessel so seized, taken, or brought into port, for condemnation, and shall deliver every such negro, mulatto, or person of color, to the marshal of the district into which he may be brought, if into a port of the United States, or if elsewhere, to such person as may be lawfully appointed by the President, in the manner directed by law; transmitting to the President, as soon as may be after such delivery, a descriptive list of such negroes, mulattoes, or persons of color, in order that he may give directions for the disposal of them.

Disposal of persons found on board seized vessels.

3 March, 1819, c. 101, s. 1, v. 3, p. 532.

SEC. 5560. The commanders of such commissioned vessels shall cause to be apprehended, and taken into custody, every person found on board of such offending vessel, so seized and taken, being of the officers or crew thereof, and him convey, as soon as conveniently may be, to the civil authority of the United States, to be proceeded against in due course of law. [See §§ 5351, 5382.]

Apprehension of officers and crew.

Ibid.

10 May, 1800, c. 51, s. 4, v. 2, p. 71.

SEC. 5561. The President is authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States, of all such negroes, mulattoes, or persons of color, as may be delivered and brought within their jurisdiction; and to appoint a proper person residing upon the coast of Africa as agent, for receiving the negroes, mulattoes, or persons

Removal of persons delivered from seized vessels.

3 March, 1819, c. 101, s. 2, v. 3, p. 533.

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|---|--|
| Bounty. | of color delivered from on board vessels seized in the prosecution of the slave-trade, by commanders of United States armed vessels. |
| Ibid., s. 3. | SEC. 5562. A bounty of twenty-five dollars shall be paid to the officers and crews of the commissioned vessels of the United States, or revenue-cutters, for each negro, mulatto, or person of color, who may be, as hereinbefore provided, delivered to the marshal or agent duly appointed to receive such person; and the Secretary of the Treasury is required to pay, or cause to be paid, to such officers and crews, or their agent, such bounty for each person so delivered. |
| To what port captured vessels sent. | SEC. 5563. It shall be the duty of the commander of any armed vessel of the United States, whenever he makes any capture under the preceding provisions, to bring the vessel and her cargo, for adjudication, into some of the ports of the State or Territory to which such vessel so captured may belong, if he can ascertain the same; if not, then to be sent into any convenient port of the United States. |
| Ibid., s. 5, p. 534. | SEC. 5564. Every owner, master, or factor of any foreign vessel, clearing out for any of the coasts or kingdoms of Africa, or suspected to be intended for the slave-trade, and the suspicion being declared to the officer of the customs by any citizen, on oath, and such information being to the satisfaction of the officer, shall first give bond, with sufficient sureties, to the Treasurer of the United States, that none of the natives of Africa, or any other foreign country or place, shall be taken on board such vessel, to be transported or sold as slaves, in any other foreign port or place whatever, within nine months thereafter. |
| When owners of foreign vessels shall give bond. | SEC. 5565. The forfeitures which may hereafter be incurred under any of the preceding provisions, and which are not otherwise expressly disposed of, shall accrue and be one moiety thereof to the use of the informer, and the other moiety to the use of the United States, except where the prosecution is first instituted on behalf of the United States, in which case the whole shall be to their use. |
| 22 March, 1794, c. 11, s. 3, v. 1, p. 349. | SEC. 5566. It may be lawful for the President to enter into contract with any person, society, or body-corporate, for a term not exceeding five years, to receive from the United States, through their duly constituted agent upon the coast of Africa, all negroes, mulattoes, or persons of color, delivered from on board vessels seized in the prosecution of the slave-trade, by commanders of the United States armed vessels, and to provide such negroes, mulattoes, and persons of color with comfortable clothing, shelter, and provisions, for a period not exceeding one year from the date of their being landed on the coast of Africa, at a price in no case to exceed one hundred dollars for each person so clothed, sheltered, and provided with food; and any contract so made may be renewed by the President from time to time as found necessary, for periods not to exceed five years on each renewal. |
| Distribution of penalties. | SEC. 5567. The President is authorized to issue instructions to the commanders of the armed vessels of the United States, directing them, whenever it is practicable, and under such rules and regulations as he may prescribe, to proceed directly to the coast of Africa, and there hand over to the agent of the United States all negroes, mulattoes, and persons of color delivered from on board vessels seized in the prosecution of the slave-trade; and they shall afterward bring the captured vessels and persons engaged in prosecuting such trade to the United States for trial and adjudication. |
| 10 May, 1800, c. 51, s. 7, v. 2, p. 71. | SEC. 5568. It may be lawful for the President to enter into arrangement, by contract or otherwise, with one or more foreign governments having possessions in the West Indies or other tropical regions, or with their duly constituted agent, to receive from the United States, for a term not exceeding five years, at such place as may be agreed upon, all negroes, mulattoes, or persons of color, delivered from on board vessels seized in the prosecution of the slave-trade, by commanders of United States armed vessels, and to provide them with suitable instruction, and with comfortable clothing and shelter, and to employ them, at wages, under such regulations as may be agreed upon, for a period not exceed- |
| Contracts for reception in Africa of persons delivered from seized vessels. | |
| 16 June, 1860, c. 136, s. 1, v. 12, p. 40. | |
| Instructions to commanders of armed vessels. | |
| Ibid., s. 2, p. 41. | |
| Contracts for reception, &c., in West Indies, of persons delivered from seized vessels. | |
| 17 July, 1862, c. 197, s. 1, v. 12, p. 592. | |

ing five years from the date of their being landed at the place agreed upon. But the United States shall incur no expenses on account of such negroes, mulattoes, or persons of color, after having landed them at the place agreed upon. And any arrangement so made may be renewed by the President from time to time, as may be found necessary, for periods not exceeding five years on each renewal.

SEC. 5569. The President is authorized to issue instructions to the commanders of the armed vessels of the United States, directing them, whenever it is practicable, and under such regulations as he may prescribe, to proceed directly to such place as shall have been agreed upon with any foreign government, or its duly constituted agent, under the provisions of the preceding section, and there deliver to the duly constituted authorities or agents of such foreign government all negroes, mulattoes, or persons of color, taken from on board vessels seized in the prosecution of the slave-trade; and they shall afterward bring the vessel and persons engaged in prosecuting such trade to the United States for trial and adjudication. [See §§ 2158-2164.]

Instructions to
commanders of
armed vessels.

Ibid., s. 2 p. 593.

TITLE LXXII.

GUANO ISLANDS.

Sec.

5570. Claim of United States to islands.

5571. Notice of discovery, and proofs to be furnished.

5572. Completion of proof in case of death of discoverer.

5573. Exclusive privileges of discoverer.

Sec.

5574. Restrictions upon exportation.

5575. Regulation of guano trade.

5576. Criminal jurisdiction.

5577. Employment of land and naval forces.

5578. Right to abandon island.

Claim of United States to islands.

18 Aug., 1856, c. 164, s. 1, v. 11, p. 113.

Notice of discovery, and proofs to be furnished.

Ibid.

Completion of proof in case of death of discoverer.

2 April, 1872, c. 81, s. 1, v. 17, p. 48.

Exclusive privileges of discoverer.

18 Aug., 1856, c. 164, s. 2, v. 11, p. 113.

Restrictions upon exportation.

Ibid.

28 July, 1866, c. 298, s. 3, v. 14, p. 328.

2 April, 1872, c. 81, s. 1, v. 17, p. 48.

SEC. 5570. Whenever any citizen of the United States discovers a deposit of guano on any island, rock, or key, not within the lawful jurisdiction of any other government, and not occupied by the citizens of any other government, and takes peaceable possession thereof, and occupies the same, such island, rock, or key may, at the discretion of the President, be considered as appertaining to the United States.

SEC. 5571. The discoverer shall, as soon as practicable, give notice, verified by affidavit, to the Department of State, of such discovery, occupation, and possession, describing the island, rock, or key, and the latitude and longitude thereof, as near as may be, and showing that such possession was taken in the name of the United States; and shall furnish satisfactory evidence to the State Department that such island, rock, or key was not, at the time of the discovery thereof, or of the taking possession and occupation thereof by the claimants, in the possession or occupation of any other government or of the citizens of any other government, before the same shall be considered as appertaining to the United States.

SEC. 5572. If the discoverer dies before perfecting proof of discovery or fully complying with the provisions of the preceding section, his widow, heir, executor, or administrator, shall be entitled to the benefits of such discovery, upon complying with the provisions of this Title; but nothing herein shall be held to impair any rights of discovery or any assignment by a discoverer heretofore recognized by the United States.

SEC. 5573. The discoverer, or his assigns, being citizens of the United States, may be allowed, at the pleasure of Congress, the exclusive right of occupying such island, rocks, or keys, for the purpose of obtaining guano, and of selling and delivering the same to citizens of the United States, to be used therein, and may be allowed to charge and receive for every ton thereof delivered alongside a vessel, in proper tubs, within reach of ship's tackle, a sum not exceeding eight dollars per ton for the best quality, or four dollars for every ton taken while in its native place of deposit.

SEC. 5574. No guano shall be taken from any such island, rock, or key, except for the use of the citizens of the United States or of persons resident therein. The discoverer, or his widow, heir, executor, administrator, or assigns, shall enter into bond, in such penalty and with such sureties as may be required by the President, to deliver the guano to citizens of the United States, for the purpose of being used therein, and to none others, and at the price prescribed, and to provide all necessary facilities for that purpose within a time to be fixed in the bond; and any breach of the provisions thereof shall be deemed a forfeiture of all rights accruing under and by virtue of this Title. This section shall, however, be suspended in relation to all persons who have complied with the provisions of this Title, for five years from and after the fourteenth day of July, eighteen hundred and seventy-two.

SEC. 5575. The introduction of guano from such islands, rocks, or keys, shall be regulated as in the coasting-trade between different parts of the United States, and the same laws shall govern the vessels concerned therein.

Regulation of
guano trade.

18 Aug., 1856, c.
164, s. 3, v. 11, p.
120.

SEC. 5576. All acts done, and offenses or crimes committed, on any such island, rock, or key, by persons who may land thereon, or in the waters adjacent thereto, shall be deemed committed on the high seas, on board a merchant-ship or vessel belonging to the United States; and shall be punished according to the laws of the United States relating to such ships or vessels and offenses on the high seas, which laws for the purpose aforesaid are extended over such islands, rocks, and keys.

Criminal juris-
diction.

Ibid, s. 6.

SEC. 5577. The President is authorized, at his discretion, to employ the land and naval forces of the United States to protect the rights of the discoverer or of his widow, heir, executor, administrator, or assignus.

Employment of
land and naval
forces.

Ibid., s. 5.

SEC. 5578. Nothing in this Title contained shall be construed as obliging the United States to retain possession of the islands, rocks, or keys, after the guano shall have been removed from the same.

Right to abandon
islands.

Ibid., s. 4.

TITLE LXXIII.

THE SMITHSONIAN INSTITUTION.

Sec.
 5579. Incorporation of the institution.
 5580. Regents.
 5581. Appointment of regents.
 5582. Organization of board.
 5583. Duties of Secretary.
 5584. Salary and removal of Secretary, &c.
 5585. Special meetings of members.
 5586. Reception and arrangement of specimens and objects of art.

Sec.
 5587. Library.
 5588. Evidence of title to site and buildings.
 5589. Protection of property.
 5590. Appropriation of interest.
 5591. Acceptance of other sums.
 5592. Disposal of unappropriated money.
 5593. Disbursements.
 5594. Right of repeal.

Will of James
 Smithsonian.

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,

Incorporation of
 the institution.

10 Aug., 1846, c.
 178, s. 1, v. 9, p. 102.
 20 March, 1871, c.
 1, v. 17, p. 1.

SEC. 5579. The President, the Vice-President, 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, the Commissioner of the Patent-Office, and the governor of the District of Columbia, and such other persons as they may elect honorary members, 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.

Regents.

10 Aug., 1846, c.
 178, s. 3, v. 9, p. 103.
 10 Jan., 1865, c.
 11, v. 13, p. 420.
 20 March, 1871, c.
 1, v. 17, p. 1.

SEC. 5580. The business of the institution shall be conducted at the city of Washington by a Board of Regents, named the Regents of the Smithsonian Institution, to be composed of the Vice-President, the Chief Justice of the United States, and the governor of the District of Columbia, three members of the Senate and three members of the House of Representatives; together with six other persons, other than members of Congress, two of whom shall be resident in the city of Washington; and the other four shall be inhabitants of some State, but no two of them of the same State.

Appointment of
 regents.

10 Aug., 1846, c.
 178, s. 3, v. 9, p. 103.

SEC. 5581. The regents to be selected shall be appointed as follows: The members of the Senate by the President thereof; the members of the House by the Speaker thereof; and the six other persons by joint resolution of the Senate and House of Representatives. The members of the House so appointed shall serve for the term of two years; and on every alternate fourth Wednesday of December a like number shall be appointed in the same manner, to serve until the fourth Wednesday in December, in the second year succeeding their appointment. The Senators so appointed shall serve during the term for which they shall hold, without re-election, their office as Senators. Vacancies, occasioned by death, resignation, or otherwise, shall be filled as vacancies in committees are filled. The regular term of service for the other six members shall be six years; and new elections thereof shall be made by joint resolutions of Congress. Vacancies occasioned by death, resignation, or otherwise may be filled in like manner by joint resolution of Congress.

Organization of
 board.

Ibid.

SEC. 5582. The regents shall meet in the city of Washington and elect one of their number as chancellor, who shall be the presiding officer of the Board of Regents, and called the chancellor of the Smithsonian In-

stitution, and a suitable person as Secretary of the institution, who shall also be the secretary of the Board of Regents. The board shall also elect three of their own body as an executive committee, and the regents shall fix on the time for the regular meetings of the board; and, on application of any three of the regents to the Secretary of the institution, it shall be his duty to appoint a special meeting of the Board of Regents, of which he shall give notice, by letter, to each of the members; and, at any meeting of the board, five shall constitute a quorum to do business. Each member of the board shall be paid his necessary traveling and other actual expenses, in attending meetings of the board, which shall be audited by the executive committee, and recorded by the Secretary of the board; but his service as regent shall be gratuitous.

SEC. 5583. The Secretary of the Board of Regents shall take charge of the building and property of the institution, and shall, under their direction, make a fair and accurate record of all their proceedings, to be preserved in the institution; and shall also discharge the duties of librarian and of keeper of the museum, and may, with the consent of the Board of Regents, employ assistants.

SEC. 5584. The Secretary and his assistants shall, respectively, receive for their services such sum as may be allowed by the Board of Regents, to be paid semi-annually on the first day of January and July; and shall be removable by the Board of Regents whenever, in their judgment, the interests of the institution require such removal.

SEC. 5585. The members and honorary members of the institution may hold stated and special meetings, for the supervision of the affairs of the institution and the advice and instruction of the Board of Regents, to be called in the manner provided for in the by-laws of the institution, at which the President, and in his absence the Vice-President, shall preside.

SEC. 5586. Whenever suitable arrangements can be made from time to time for their reception, all objects of art and of foreign and curious research, and all objects of natural history, plants, and geological and mineralogical specimens, belonging to the United States, which may be in the city of Washington, in whosoever custody they may be, shall be delivered to such persons as may be authorized by the Board of Regents to receive them, and shall be so arranged and classified in the building erected for the institution as best to facilitate the examination and study of them; and whenever new specimens in natural history, geology, or mineralogy are obtained for the museum of the institution, by exchanges of duplicate specimens, which the regents may in their discretion make, or by donation, which they may receive, or otherwise, the regents shall cause such new specimens to be appropriately classed and arranged. The minerals, books, manuscripts, and other property of James Smithson, which have been received by the Government of the United States, shall be preserved separate and apart from other property of the Institution.

SEC. 5587. The regents shall make, from the interest of the fund, an appropriation, not exceeding an average of twenty-five thousand dollars annually, for the gradual formation of a library composed of valuable works pertaining to all departments of human knowledge. [See §§ 94, 99, 100.]

SEC. 5588. The site and lands selected for buildings for the Smithsonian Institution shall be deemed appropriated to the institution, and the record of the description of such site and lands, or a copy thereof, certified by the chancellor and Secretary of the Board of Regents, shall be received as evidence in all courts of the extent and boundaries of the lands appropriated to the institution.

SEC. 5589. All laws for the protection of public property in the city of Washington shall apply to, and be in force for, the protection of the lands, buildings, and other property of the Smithsonian Institution. All moneys recovered by or accruing to, the institution shall be paid into the Treasury of the United States, to the credit of the Smithsonian bequest, and separately accounted for.

Duties of Secretary.

Ibid., s. 7, p. 105.

Salary and removal of Secretary, &c.

Ibid.

Special meetings of members.

Ibid., s. 8.

Reception and arrangement of specimens and objects of art.

Ibid., s. 6.

Library.

Ibid., s. 8.

Evidence of title to site and buildings.

Ibid., s. 4, p. 104.

Protection of property.

Ibid., s. 5.

Appropriation of interest.

Ibid., s. 2, p. 102.
5 Feb., 1867, c. 34,
s. 2, v. 14, p. 391.

SEC. 5590. So much of the property of James Smithson as has been received in money, and paid into the Treasury of the United States, being the sum of five hundred and forty-one thousand three hundred and seventy-nine dollars and sixty-three cents, shall be lent to the United States Treasury, at six per centum per annum interest; and six per centum interest on the trust-fund and residuary legacy received into the United States Treasury, payable in half-yearly payments, on the first of January and July in each year, is hereby appropriated for the perpetual maintenance and support of the Smithsonian Institution; and all expenditures and appropriations to be made, from time to time, to the purposes of the institution shall be exclusively from the accruing interest, and not from the principal of the fund. All the moneys and stocks which have been, or may hereafter be, received into the Treasury of the United States, on account of the fund bequeathed by James Smithson, are hereby pledged to refund to the Treasury of the United States the sums hereby appropriated.

Acceptance of other sums.

5 Feb., 1867, c. 34,
s. 1, v. 14, p. 391.

SEC. 5591. The Secretary of the Treasury is authorized and directed to receive into the Treasury, on the same terms as the original bequest of James Smithson, such sums as the regents may, from time to time, see fit to deposit, not exceeding, with the original bequest, the sum of one million dollars.

Disposal of unappropriated money.

10 Aug., 1846, c.
178, s. 9, v. 9, p. 105.

SEC. 5592. The regents are authorized to make such disposal of any other moneys which have accrued, or shall hereafter accrue, as interest upon the Smithsonian fund, not herein appropriated, or not required for the purposes herein provided, as they shall deem best suited for the promotion of the purpose of the testator.

Disbursements.

Ibid., s. 3, p. 103.

SEC. 5593. Whenever money is required for the payment of the debts or performance of the contracts of the institution, incurred or entered into in conformity with the provisions of this Title, or for making the purchases and executing the objects authorized by this Title, the Board of Regents, or the executive committee thereof, may certify to the chancellor and Secretary of the board that such sum of money is required, whereupon they shall examine the same, and, if they shall approve thereof, shall certify the same to the proper officer of the Treasury for payment. The board shall submit to Congress, at each session thereof, a report of the operations, expenditures, and condition of the institution.

Right of repeal.

Ibid., s. 11, p. 106.

SEC. 5594. Congress may alter, amend, add to, or repeal any of the provisions of this Title; but no contract or individual right made or acquired under such provisions shall be thereby divested or impaired.

TITLE LXXIV.

REPEAL PROVISIONS.

| Sec. | Sec. |
|--|---|
| 5595. What Revised Statutes embrace. | 5600. Arrangement and classification of sections. |
| 5596. Repeal of acts embraced in revision. | 5601. Acts passed since December 1, 1873, not affected. |
| 5597. Accrued rights reserved. | |
| 5598. Prosecutions and punishments. | |
| 5599. Acts of limitation. | |

SEC. 5595. The foregoing seventy-three titles embrace the statutes of the United States general and permanent in their nature, in force on the 1st day of December one thousand eight hundred and seventy-three, as revised and consolidated by commissioners appointed under an act of Congress, and the same shall be designated and cited, as The Revised Statutes of the United States.

What Revised
Statutes embrace.

SEC. 5596. All acts of Congress passed prior to said first day of December one thousand eight hundred and seventy-three, any portion of which is embraced in any section of said revision, are hereby repealed, and the section applicable thereto shall be in force in lieu thereof; all parts of such acts not contained in such revision, having been repealed or superseded by subsequent acts, or not being general and permanent in their nature: *Provided*, That the incorporation into said revision of any general and permanent provision, taken from an act making appropriations, or from an act containing other provisions of a private, local, or temporary character, shall not repeal, or in any way affect any appropriation, or any provision of a private, local or temporary character, contained in any of said acts, but the same shall remain in force; and all acts of Congress passed prior to said last-named day no part of which are embraced in said revision, shall not be affected or changed by its enactment.

Repeal of acts
embraced in re-
vision.

SEC. 5597. The repeal of the several acts embraced in said revision, shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal, but all rights and liabilities under said acts shall continue, and may be enforced in the same manner, as if said repeal had not been made; nor shall said repeal, in any manner affect the right to any office, or change the term or tenure thereof.

Accrued rights
reserved.

SEC. 5598. All offenses committed, and all penalties or forfeitures incurred under any statute embraced in said revision prior to said repeal, may be prosecuted and punished in the same manner and with the same effect, as if said repeal had not been made.

Prosecutions and
punishments.

SEC. 5599. All acts of limitation, whether applicable to civil causes and proceedings, or to the prosecution of offenses, or for the recovery of penalties or forfeitures, embraced in said revision and covered by said repeal, shall not be affected thereby, but all suits, proceedings or prosecutions, whether civil or criminal, for causes arising, or acts done or committed prior to said repeal, may be commenced and prosecuted within the same time as if said repeal had not been made.

Acts of limita-
tion.

SEC. 5600. The arrangement and classification of the several sections of the revision have been made for the purpose of a more convenient and orderly arrangement of the same, and therefore no inference or presumption of a legislative construction is to be drawn by reason of the Title, under which any particular section is placed.

Arrangement
and classification
of sections.

Acts passed
since Dec. 1, 1873,
not affected.

SEC. 5601. The enactment of the said revision is not to affect or repeal any act of Congress passed since the 1st day of December one thousand eight hundred and seventy-three, and all acts passed since that date are to have full effect as if passed after the enactment of this revision, and so far as such acts vary from, or conflict with any provision contained in said revision, they are to have effect as subsequent statutes, and as repealing any portion of the revision inconsistent therewith.

Approved, June 22, 1874.