

TITLE XL.

THE PUBLIC MONEYS.

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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.

21 April, 1862, c. 59, s. 5, v. 12, p. 383. 3 Mar., 1863, c. 96, s. 5, v. 1869, c. 33, s. 4, v. 15, p. 271. 12 Feb., 1873, c. 131, ss. 65, 66, v. 17, p. 435.

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.

The Treasury of the United States.

6 Aug., 1846, c. 90, s. 1, v. 9, p. 59.

Cooke et al. v. U.S., 91 U.S., 389.

Certain mints and assay-offices to be depositories.

12, p. 770. 18 Feb., 435.

Public moneys subject to draft of the Treasurer.

6 Aug., 1846, c. 90, s. 1, v. 9, p. 59.

Superintendent of mint at Carson and assay-office at Boise City to be assistant treasurers.

21 April, 1862, c. 50, s. 5, v. 12, p. 383.
271. 3 Mar., 1871, c. 113, s. 1, v. 16, p. 485.

Appointment, &c., of assistant treasurers.

6 Aug., 1846, c. 90, s. 5, 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. 131, s. 65, v. 17, p. 435.
3 Mar., 1873, c. 229, s. 5, v. 17, p. 543.

Repeated in part by 15 Aug., 1876, c. 287, r. 19, p. 155.

Salaries of assistant treasurers.

6 Aug., 1846, c. 90, s. 22, v. 9, p. 65.
3 Mar., 1853, c. 98, s. 16, v. 10, p. 214.
3 Mar., 1855, c. 175, s. 1, v. 10, p. 656.
7 April, 1866, c. 28, s. 14, v. 14, p. 26.
20 July, 1868, c. 179, s. 1, v. 15, p. 107.
15 June, 1870, c. 129, s. 4, v. 16, p. 152.
12 Feb., 1873, c. 131, s. 65, v. 17, p. 435.
3 Mar., 1873, c. 229, s. 8, v. 17, p. 543.

Receipt of commissions and perquisites forbidden.

6 Aug., 1846, c. 90, s. 22, v. 9, p. 65.

Rooms for use of assistant treasurers.

6 Aug., 1846, c. 90, ss. 3, 4, v. 9, p. 59.
15 June, 1870, c. 129, s. 2, v. 16, p. 152.

Their care and the use of the rooms.

6 Aug., 1846, c. 90, ss. 3, 4, v. 9, p. 59.

SEC. 3594. The superintendent of the mint at Carson City, and the superintendent of the assay-office at Boise 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 Mar., 1863, c. 96, s. 5, v. 12, p. 770. 18 Feb., 1869, c. 33, s. 4, v. 15, p. 113, s. 1, v. 16, p. 485. 12 Feb., 1873, c. 131, ss. 65, 66, v. 17, p. 435.

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:

One at Boston.
One at New York.
One at Philadelphia.
One at Baltimore.
[One at Charleston.]
One at New Orleans.
One at Saint Louis.
One at San Francisco.
One at Cincinnati.
One at Chicago.

By statute of August 15, 1876, c. 287, v. 19, p. 155, so much of this section as authorizes the appointment of an assistant treasurer at Charleston was repealed.

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:

First. The assistant treasurer at Boston, to five thousand dollars a year.
Second. The assistant treasurer at New York, to eight thousand dollars a year.

Third. The assistant treasurer at Philadelphia, to five thousand dollars a year.

Fourth. The assistant treasurer at Baltimore, to five thousand dollars a year.

Fifth. The assistant treasurer at Charleston, to four thousand dollars a year.

Sixth. The assistant treasurer at New Orleans, to four thousand five hundred dollars a year.

Seventh. The assistant treasurer at Saint Louis, to five thousand dollars a year.

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.

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.

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.

SEC. 3599. The assistant treasurers shall have the charge and care of 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.

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.

435. 3 Mar., 1873, c. 229, s. 5, v. 17, p. 543.

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.

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, 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.

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.

131, s. 65, v. 17, p.

s. 5, v. 17, p. 543.

Subordinate officers, &c., at Boston.

10 Mar., 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 Mar., 1873, c.

226, s. 1, v. 17, pp.

495, 496.

Deputy assistant treasurer at New York.

6 Mar., 1862, c.

37, s. 2, v. 12, p.

353.

Appointment and salaries of subordinate officers, &c., at New York.

4 Aug., 1854, c.

242, s. 11, v. 10, p.

573.

6 Mar., 1862, c.

37, s. 1, v. 12, p. 353.

3 Mar., 1873, c.

226, s. 1, v. 17, p. 495.

Appointment of other clerks, messengers, &c., at New York.

6 Mar., 1862, c. 37, s. 1, v. 12, p. 353.

Subordinate officers, &c., at Philadelphia.

3 Mar., 1863, c. 79, s. 12, v. 12, p. 753.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 496.

At Baltimore.

15 June, 1870, c. 129, s. 5, v. 16, p. 152.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 496.

At Saint Louis.

20 May, 1862, c. 76, s. 2, v. 12, p. 394.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 496.

At Charleston.

8 May, 1872, c. 140, s. 1, v. 17, p. 71.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 496.

At New Orleans.

25 June, 1864, c. 148, s. 7, v. 13, p. 161.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 496.

At San Francisco.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 496.

At Chicago.

3 Mar., 1873, c. 229, s. 9, v. 17, p. 543.

3 Mar., 1873, c. 226, s. 1, v. 17, p. 496.

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.

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.

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.

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.

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.

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.

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 depository 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 depository. 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 depository, 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 depository 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.

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 materials, stores, or supplies sold to officers and soldiers 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 Treas-

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. 65, v. 17, p. 435.

How marshals and district attorneys may pay into Treasury.

6 Aug., 1846, c. 111, v. 16, p. 216.

Moneys to be deposited without deduction.

3 Mar., 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 Mar., 1847, c. 48, s. 1, v. 9, p. 171.
20 April, 1866, c. 63, ss. 1, 2, v. 14, p. 40.
28 July, 1866, c. 299, s. 25, v. 14, p. 336.

3 May, 1872, c. 140, s. 5, v. 17, p. 83.
8 June, 1872, c. 348, v. 17, p. 337.
22 June, 1874, c. 413, v. 18, p. 200.

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.
27 Feb., 1877, c. 69, v. 19, p. 249.

Penalty for failure to deposit money when required.

3 Mar., 1857, c. 114, s. 3, v. 11, p. 249.

Accounts.

17 July, 1862, c. 199 s. 1, v. 12, p. 593.

2 Mar., 1867, Res. 48, v. 14, p. 571.

15 July, 1870, c. 295, s. 15, v. 16, p. 334.

27 Feb., 1877, c. 69, v. 19, p. 249.

Distinct accounts required.

3 Mar., 1809, c. 28, s. 1, v. 2, p. 535.

Suits to recover money from officers, regulated.

3 Mar., 1797, c. 20, s. 1, v. 1, p. 512.

U. S. v. Gausseu, 19 Wall., 198.

ury 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 draw for the same only in favor of the persons to whom payment is made;] 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 there after, 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] [Departments], 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 [or the Commissioner of Customs, as the case may be,] 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.

How., 246; Murray's Lessee v. Hoboken Co., 18 How., 272; U. S. v. 96; *Ex parte* Randolph, 2 Brock, 447; Armstrong v. U. S., Gilp., 399.

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.

15 May, 1820, c. 107, s. 2, v. 3, p. 592. 29 May, 1830, c. 153, s. 1, v. 4, p. 414.

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.

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.

Distress-warrant.

15 May, 1820, c. 107, s. 2, v. 3, p. 592. 29 May, 1830, c. 153, s. 1, v. 4, p. 414. 27 Feb., 1877, c. 69, v. 19, p. 249.

U. S. v. Kirkpatrick, 9 Wh., 720; U. S. v. Van Zandt, 11 Wh., 184; U. S. v. Nicholl, 12 Wh., 505; Dox v. Postmaster-General, 1 Pet., 325; U. S. v. Nourse, 9 Pet., 8; Cary v. Curtis, 3 Maurice, 2 Brock,

Contents of warrant.

Execution against officer.

15 May, 1820, c. 107, s. 2, v. 3, p. 593.

Execution against surety.

Ibid.

Levy to be a lien.

Ibid.

Sale of lands regulated.

Ibid.

Conveyance of lands.

Ibid.

Disposal of surplus.

Ibid.

Failure of disbursing 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 application of provision for distress-warrants.

15 May, 1820, c. 107, s. 3, v. 3, p. 594.

Postponement of proceedings for non-accounting, allowed.

15 May, 1820, c. 107, s. 3, v. 3, p. 594.

Injunction to stay distress-warrant.

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.

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 July, 1852, c. 54, s. 7, v. 10, p. 12.

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 directions, 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.]

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 depositories 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.

3 Mar., 1857, c. 114, s. 2, v. 11, p. 249.

21 April, 1862, c. 59, s. 5, v. 12, p. 382.

3 Mar., 1863, c. 96, s. 5, v. 12, p. 770.

4 July, 1864, c. 24, s. 5, v. 13, p. 383.

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. 10, 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 presentment of drafts.

Ibid., s. 31, p. 65.

Duplicates for lost or stolen checks authorized.

2 Feb., 1872, c. 12, s. 1, v. 17, p. 29.

Duplicate check when officer who issued is dead.

7 Feb., 1872, c. 12, s. 2, v. 17, p. 29.

Advances of public moneys prohibited.

31 Jan., 1823, c. 9, s. 1, v. 3, p. 723.

Williams v. U.S., 1 How., 290; The Floyd Acceptances, 7 Wall., 666; U. S. v. Cutter, 2 Curt., 617.

Examination of depositaries.

6 Aug., 1846, c. 90, s. 11, v. 9, p. 62.

3 Mar., 1875, c. 129, v. 18, p. 355.

Examination of accounts of custodians of public moneys.

6 Aug., 1846, c. 90, s. 12, v. 9, p. 62.

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 Mar., 1863, c. 73, s. 3, v. 12, p. 710.

3 June, 1864, c. 106, s. 23, v. 13, p. 106.

U. S. v. City Bank, 6 McLean, 130.

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.

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.]

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.

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 moneys 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.

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.

Premiums 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.
3 Mar., 1875, c. 129, v. 18, p. 355.

Limit upon extra compensation for making disbursements.

3 Mar., 1869, c. 131, v. 18, p. 415.
123, v. 15, p. 312. 3 Mar., 1875, c.

Compensation of depositaries.

2 Mar., 1853, c. 89, s. 1, v. 10, p. 172.
20 June, 1874, c. 328, v. 18, p. 96.
3 Mar., 1875, c. 129, v. 18, p. 355.

Bachelor's Case, 8 C. Cls., 235.

Limit upon compensation.

2 Mar., 1853, c. 89, s. 1, v. 10, p. 172.
20 June, 1874, c. 328, v. 18, p. 96.
3 Mar., 1875, c. 129, v. 18, p. 355.

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 authorized.

28 July, 1866, c. 302, v. 14, p. 341.

Investment of trust-funds.

11 Sept., 1841, c. 25, s. 2, v. 5, p. 465.