

PUBLIC ACTS OF THE FIFTY-SIXTH CONGRESS

OF THE

UNITED STATES

Passed at the first session, which was begun and held at the city of Washington, in the District of Columbia, on Monday the fourth day of December, 1899, and was adjourned without day on Thursday the seventh day of June, 1900.

WILLIAM MCKINLEY, President; WILLIAM P. FRYE, President of the Senate, *pro tempore*; DAVID B. HENDERSON, Speaker of the House of Representatives.

CHAP. 1.—An Act To extend the time for examination of monthly accounts by bureaus and offices of the War Department. December 20, 1899.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for examination of monthly accounts by the bureaus and offices of the War Department after the date of actual receipt and before transmitting the same to the Auditor for the War Department, as limited by section twelve of the legislative, executive, and judicial appropriation Act, approved July thirty-first, eighteen hundred and ninety-four, is hereby extended from twenty days to sixty days for the period of one year from the date of the passage of this Act.

War Department.
Examination of
monthly accounts;
time extended.

Vol. 28, p. 209.

Approved, December 20, 1899.

CHAP. 2.—An Act To authorize the Secretary of the Navy to change the material to be used in the construction of the dry docks at the navy-yards at League Island, Pennsylvania, and Mare Island, California, from timber to concrete and stone. January 25, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes," approved May fourth, eighteen hundred and ninety-eight, relating to the construction of dry docks, as modified by "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes," approved March third, eighteen hundred and ninety-nine, are hereby further modified so that the Secretary of the Navy may, in his discretion, contract for the construction of the dry docks at League Island, Pennsylvania, and at Mare Island, California, in addition to those at Boston, Massachusetts, and Portsmouth, New Hampshire, to be built of concrete and stone, and in such case the limit of cost of the dry docks for

League Island and
Mare Island Navy-
Yards.

Change of material
for dry docks author-
ized.

Vol. 30, pp. 379, 1035.

Mare Island, California, and League Island, Pennsylvania, is so far modified that the total additional increased cost for the two dry docks aforesaid shall not in the aggregate exceed seven hundred thousand dollars.

Approved, January 25, 1900.

January 27, 1900.

CHAP. 3.—An Act Extending the time for the completion of a wagon and motor bridge across the Missouri River at Saint Charles, Missouri, as provided by an Act approved June third, eighteen hundred and ninety-six.

Time extended for
bridging Missouri
River at St. Charles.
Vol. 29, p. 196.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for completing the construction of a wagon and motor bridge across the Missouri River at Saint Charles, Missouri, as fixed by an Act approved June third, eighteen hundred and ninety-six, be extended to June third, nineteen hundred and two.

Approved, January 27, 1900.

January 30, 1900.

CHAP. 4.—An Act Relative to the widening and extension of Sixteenth street in the District of Columbia.

District of Columbia.
Extension, etc., of
Sixteenth street.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed, within thirty days after the dedication to said District of seventy-five per centum of the lands lying within the lines of Sixteenth street northwest, as extended according to the highway plans, between the Piney Branch and the Blagden Mill road, and also between the Military road and the District of Columbia boundary line, to institute proceedings to condemn the land necessary for the extension of Sixteenth street from Morris street to the District of Columbia boundary line with a uniform width of one hundred and sixty feet, under the terms and provisions of an Act entitled "An Act to extend S street in the District of Columbia, and for other purposes:" *Provided,* That of the amount found due and awarded as damages for and in respect of the land condemned for the extension of Sixteenth street, as in this section provided, not less than one-half thereof shall be assessed by said jury in said proceedings against those pieces or parcels of ground situated and lying on each side of said Sixteenth street northwest between Morris street and the Blagden subdivision, and between the Blagden Mill road and the Rock Creek or Milkhouse Ford road, and between lots seven, four, and eleven of A. R. Shepherd's subdivision, to the depth of two hundred and fifty feet, or to such greater depths as the benefits may be found by said jury to extend, measured on each side thereof from the building lines of said Sixteenth street as extended.

Vol. 30, p. 1344.

Proviso.
Assessments against
abutting property.

Dedication of land
by infants, etc.

SEC. 2. That the supreme court of the District of Columbia, sitting as an equity court, shall have authority to empower, order, and decree the committee or guardian of any person of unsound mind, and the guardian or trustee of any infant, owning or having an interest or estate in any land within the limits above described, to dedicate to the District of Columbia for and as a part of said Sixteenth street any land or part thereof owned by such person of unsound mind or by such infant, or in which they may have an interest or estate, if, upon the application of such committee, guardian, or trustee, and after the testimony of witnesses shall be taken and such other proceedings had as the court may deem proper, the court shall determine that such

dedication will be to the interest and advantage of such person of unsound mind or such infant.

SEC. 3. That all Acts or parts of Acts inconsistent herewith are hereby repealed. Repeal.

Approved, January 30, 1900.

CHAP. 5.—An Act To provide an American register for the steam whaler Bowhead. January 31, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steam whaler Bowhead, owned by John A. Cook, Preston B. Keith, F. B. Howard, E. T. Packard, D. W. Field, A. W. Barrows, George Bickford, W. H. Bryant, and H. B. Madison, citizens of the United States, to be registered as a vessel of the United States whenever it shall be shown to the Commissioner of Navigation that the repairs put upon such vessel in the United States are equal to three-fourths of the cost of such vessel when so repaired. Whaler "Bowhead." Granted American register.

Approved, January 31, 1900.

CHAP. 6.—An Act To authorize the Chicago, Rock Island and Pacific Railway Company to construct and operate a railway through the Fort Reno and Fort Sill military reservations in the Territory of Oklahoma, and for other purposes. January 31, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Chicago, Rock Island and Pacific Railway Company, a corporation created under and by virtue of the laws of the States of Illinois and Iowa, be, and the same is hereby, empowered to survey, locate, construct, and maintain a railway, telegraph, and telephone line through the Fort Reno and Fort Sill military reservations in the Territory of Oklahoma, upon such a line as shall be determined and approved by the Secretary of War. Chicago, Rock Island and Pacific Railway granted right of way through Fort Reno and Fort Sill Reservations, Okla.

SEC. 2. That said corporation is authorized to take and use for all purposes of a railway, telegraph, and telephone line, and for no other purpose, a right of way one hundred feet in width through said Fort Reno and Fort Sill military reservations and a right to take and use a strip of land in each of said reservations two hundred feet in width, with a length of three thousand feet, in addition to right of way, for stations, with the right to use such additional ground when cuts and fills may be necessary for the construction and maintenance of the roadbed, not exceeding one hundred feet in width on each side of said right of way, or as much thereof as may be included in said cut or fill: *Provided,* That no part of the lands herein authorized to be taken shall be leased or sold by the company, and they shall not be used except in such manner and for such purposes as shall be necessary for the construction and convenient operation of said railway, telegraph, and telephone lines; and when any portion thereof shall cease to be used, such portion shall revert to the United States, from which the same shall have been taken. —width
Land for stations, etc.
Proviso. Restrictions on grant.

Approved, January 31, 1900.

CHAP. 7.—An Act Relating to the Twelfth and subsequent censuses, and giving to the Director thereof additional power and authority in certain cases, and for other purposes. February 1, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the power and authority conferred upon the Director of the Census by an Act Twelfth Census. Vol. 30, p. 1014.

entitled "An Act to provide for taking the Twelfth and subsequent censuses," approved March third, eighteen hundred and ninety-nine, said Director of the Census shall have power, and is hereby authorized, to appoint and employ, as the necessity therefor may arise, one purchasing agent, at an annual salary of two thousand five hundred dollars; two chiefs of division, at an annual salary of two thousand dollars each; five clerks of class four; six clerks of class three, and eight clerks of class two; to employ such number of special agents, not exceeding thirty-five in all, as may be proper and necessary for the purpose of gathering any information or data in relation to or required by the agricultural schedules; to employ special agents to assist the supervisors in large cities whenever he may deem it proper, in connection with the work of preparation for, or during the progress of, the enumeration, or in connection with the reenumeration of any district, or a part thereof; to employ as special agents such of the supervisors of census as he may deem wise and proper, at the compensation provided for in section seventeen of said Act, the intent and purpose being that the supervisors of census may be appointed special agents at the time they are acting as supervisors, and receive the compensation to which they are entitled as supervisors, and also as special agents; and the Director of the Census is authorized and directed to collect statistics relating to all of the deaf, dumb, and blind, notwithstanding the restrictions and limitations contained in section eight of said Act entitled "An Act to provide for taking the Twelfth and subsequent censuses:" *Provided*, That in taking the census of said classes the inquiries shall be confined to the following four questions, namely: Name, age, sex, and post-office address; and the Director of the Census is hereby specifically authorized to pay such supervisors for their services as special agents the compensation which he may authorize out of any general or special appropriation which may be made for the payment of special agents, and to allow any supervisor of census, in addition to the contingencies provided for in section eleven of said Act, actual and necessary traveling expenses and an allowance in lieu of subsistence not exceeding three dollars per day during his necessary absence from his usual place of residence in connection with the work of preparation for the enumeration; to allow, in fixing the compensation of enumerators, not more than five cents for each death reported; to purchase any and all law books, books of reference, or periodicals, which may be required from time to time in the Census Office, and pay for the same out of the sum appropriated by the said Act of March third, eighteen hundred and ninety-nine, or any other appropriation hereafter made for the census work, whether there be a specific authorization for such purchases or not: *Provided*, That the aggregate amount of such purchases shall not exceed the sum of three thousand dollars.

SEC. 2. That in addition to the other statistics required to be collected by section seven of said Act approved March third, eighteen hundred and ninety-nine, there shall be collected on the agricultural schedules information concerning the number and kinds of live stock not on farms; and the Director of the Census shall have power to pay the enumerators for collecting such information, in his discretion, not less than five nor more than ten cents for each barn or inclosure visited in which such live stock may be found: *Provided, however*, That the Director of the Census may appoint special agents to gather the information required by this section whenever he may deem it proper.

SEC. 3. That in the event of the death of any supervisor or enumerator after his appointment and entrance on his duties, the Director of the Census be, and he is, authorized to pay to his widow, if there be one, and if not to his legal representative such sum as may be just and fair for the services rendered by said supervisor or enumerator prior to his death.

Approved, February 1, 1900.

Additional employ-
ees authorized.

Vol. 30, p. 1019.

Collection of statis-
tics of deaf, dumb, and
blind.

Proviso.
—scope limited.

—pay, etc., of super-
visors.

—enumerators.

Purchase of books,
etc., authorized.

—limit.

Statistics of live
stock.

—pay of enumerators.

Proviso.
—special agents may
be appointed.

Payment to widow
of supervisor etc., for
his services.

CHAP. 8.—An Act To present to the city of Nashville, State of Tennessee, the cannon on the gunboat Nashville from which was fired the first shot in the Spanish-American war.

February 3, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized and directed to condemn and detach from the gunboat Nashville the cannon from which was fired the first shot in the Spanish-American war and to deliver the same to the said city of Nashville, to be placed in some public place in that city, the title to the said cannon to be vested in the said city: *Provided,* That no expense shall be caused to the United States through delivery of said cannon.

Nashville, Tenn.
Presentation to, authorized of certain cannon.

Proviso.
Expense of delivery.

Approved, February 3, 1900.

CHAP. 9.—An Act Authorizing payment of commutation of ration to the petty officers of the Navy who served on detached duty between March first, eighteen hundred and ninety-eight, and November fourth, eighteen hundred and ninety-nine.

February 7, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the petty officers of the Navy who served on detached duty between March first, eighteen hundred and ninety-eight, and November fourth, eighteen hundred and ninety-nine, be, and hereby are, allowed commutation of ration for the time they so served.

Navy.
Commutation of rations allowed certain petty officers.

Approved, February 7, 1900.

CHAP. 10.—An Act To create a new division in the eastern judicial district of the State of Tennessee.

February 7, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a new division of the eastern judicial district of the State of Tennessee, to be known as the northeastern division judicial district of Tennessee, be, and the same is hereby, established, to be composed of the following counties, to wit: Johnson, Carter, Unicoi, Sullivan, Washington, Greene, Hawkins, Hancock, Cocke, and Hamblen; and said counties be, and the same are hereby, transferred to said northeastern division of said eastern district of Tennessee, but no additional clerk or marshal shall be appointed in or for said district.

Tennessee.
Northeastern judicial district established.

—composition.

No additional officers.

SEC. 2. That terms of the circuit court and of the district court of the northeastern division judicial district of Tennessee shall be held at Greeneville, in said State, each year, on the fourth Mondays in August and February, after the passage of this Act.

Terms of court at Greeneville.

SEC. 3. That the clerks of the district and circuit courts for the eastern district of Tennessee, and the marshal and district attorney for said district, shall perform the duties appertaining to their offices, respectively, for said courts of said northeastern division judicial district, and except when court is in session, and a judge present, the clerk's office of the said courts may be at Knoxville, where all records for said courts may be kept as of the same court, and all duties performed as though the clerk were at Greeneville, but should, in the judgment of the district judge and the clerk, the business of said courts hereafter warrant the employment of a deputy clerk at Greeneville, Tennessee, new books and records may be opened for the courts herein created, and kept at Greeneville, and a deputy clerk appointed to reside and keep his office at Greeneville.

Judicial officers.

Clerk's office at Knoxville, etc.

Deputy clerk at Greeneville.

Suits against one or more defendants, where brought.

SEC. 4. That all suits not of a local nature in said circuit and district courts against a single defendant, inhabitant of said 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:

Jurisdiction of future crimes.

SEC. 5. That all prosecutions for crimes or offenses hereafter committed in either of the divisions of said district shall be cognizable within such division, and all prosecutions for crimes or offenses heretofore committed in the eastern district as heretofore constituted shall be commenced and proceeded with as if this Act had not been passed.

— pending, etc.

Jurors.

Process.

SEC. 6. That all grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process subject to the provisions hereinbefore contained, issued in either of said divisions, may be served and executed in either or both of the divisions.

Removal of causes.

SEC. 7. That in all cases of removal of suits from the courts of the State of Tennessee to the courts of the United States in the eastern district of Tennessee such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts held in said northeastern judicial district.

Court buildings.

SEC. 8. That each of said courts shall be held in a building to be provided for that purpose by the county or municipal authorities and without expense to the United States.

Effect.

Repeal.

SEC. 9. That this Act shall be in force from and after the thirtieth day of June, anno Domini nineteen hundred, and all Acts and parts of Acts so far as inconsistent herewith are hereby repealed.

Approved, February 7, 1900.

February 7, 1900.

CHAP. 11. An Act Fixing the salary of the postmaster at Washington City, District of Columbia.

District of Columbia. Salary of postmaster fixed. Vol. 22, p. 600.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of section four of the Act entitled "An Act to adjust the salaries of postmasters," approved March third, eighteen hundred and eighty-three, as fixes the salary of the postmaster at Washington City, District of Columbia, is hereby repealed, and the salary of said postmaster shall hereafter be adjusted, as provided in the cases of other postmasters, under section one of said Act.

Approved, February 7, 1900.

February 8, 1900.

CHAP. 12.—An Act To provide for improvements in the tax departments of the District of Columbia.

District of Columbia. Improvements in offices of assessor and collector of taxes authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to enable the Commissioners of the District of Columbia to enlarge the rooms now occupied by the assessor and collector of taxes of the District of Columbia, and to rearrange the space so as to better accommodate the public who have occasion to transact business with those offices, and to provide fixtures and pay other necessary expenses incident thereto, and to put in operation the card system for the improvement of the business methods of those offices, including the temporary hire of clerks, the sum of four thousand dollars, or so much thereof as may

be needed, is hereby appropriated, one-half out of any moneys in the Treasury not otherwise appropriated and the other half out of the revenues of the District of Columbia, to be immediately available.

Approved, February 8, 1900.

CHAP. 13.—An Act To amend section forty-eight hundred and forty-three of the Revised Statutes.

February 9, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-eight hundred and forty-three of the Revised Statutes be amended by inserting the word "Pay" in line eight after the word "Quartermaster's," so that the paragraph will read: "Second. Civilians employed in the Quartermaster's, Pay, and Subsistence Departments of the Army who may be, or may hereafter become, insane while in such employment."

Pay Department Army.
Admission to the Government Hospital for the Insane authorized of civilian employees.
R. S., sec. 4843, p. 939, amended.

Approved, February 9, 1900.

CHAP. 14.—An Act Making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred, and for prior years, and for other purposes.

February 9, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred, and for prior years, and for other objects hereinafter stated, namely:

Deficiencies appropriations.

EXECUTIVE OFFICE.

Executive office.

For contingent expenses of the Executive Office, including stationery therefor, as well as record books, telegrams, telephones, books for library, miscellaneous items, and furniture and carpets for offices, care of office carriage, horses, and harness, being for the fiscal years as follows:

Contingent expenses.

For the fiscal year nineteen hundred, two thousand two hundred and seventy-nine dollars and eighteen cents.

For the fiscal year eighteen hundred and ninety-nine, seven hundred and twenty dollars and eighty-two cents.

TREASURY DEPARTMENT.

Treasury Department.

To continue the employment of the following clerks and other employees from April first to June thirtieth, nineteen hundred, inclusive, rendered necessary because of increase of work incident to the war with Spain, namely:

Temporary employees.

OFFICE OF THE SECRETARY: For two clerks, at the rate of nine hundred dollars per annum each; and six paper counters and laborers, at the rate of six hundred and twenty dollars per annum each, in the division of loans and currency; in all, one thousand three hundred and eighty dollars.

—in office of Secretary.

OFFICE OF AUDITOR FOR TREASURY DEPARTMENT: For three clerks of class one, nine hundred dollars.

—Auditor.

OFFICE OF AUDITOR FOR WAR DEPARTMENT: For eight clerks of class four; seventeen clerks of class three; ten clerks of class two; thirty clerks of class one; ten clerks, at the rate of one thousand dollars per annum each; ten clerks, at the rate of nine hundred dollars per annum each; and three laborers, at the rate of six hundred and

—Auditor for War Department.

sixty dollars per annum each; in all, twenty-eight thousand one hundred and forty-five dollars.

—Auditor for Navy Department.

OFFICE OF AUDITOR FOR NAVY DEPARTMENT: For two clerks of class three; three clerks of class two; four clerks of class one; six clerks, at one thousand dollars each; and four clerks, at nine hundred dollars each; in all, five thousand four hundred and fifty dollars.

—Register of the Treasury.

OFFICE OF THE REGISTER OF THE TREASURY: For three clerks of class one; and three clerks, at one thousand dollars each; in all, one thousand six hundred and fifty dollars.

—Treasurer's office.

OFFICE OF THE TREASURER OF THE UNITED STATES: For the following from February first to June thirtieth, nineteen hundred, inclusive, namely: Three clerks, at the rate of nine hundred dollars per annum each; and three expert counters, at the rate of seven hundred and twenty dollars per annum each; in all, two thousand and twenty-five dollars.

—Supervising Architect's Office.

OFFICE OF THE SUPERVISING ARCHITECT: The amount authorized to be paid from appropriations for public buildings, and equitably charged against such appropriations during the fiscal year nineteen hundred, for the services of skilled draftsmen, civil engineers, computers, accountants, assistants to the photographer, copyists, and such other services as the Secretary of the Treasury may deem necessary and specially order, to be employed in the office of the Supervising Architect exclusively to carry into effect the various appropriations for public buildings, is hereby increased from two hundred and ten thousand dollars to two hundred and fifty thousand dollars; and the Secretary of the Treasury shall in the annual estimates report to Congress the number of persons so employed and the amount paid to each.

Draftsmen, etc.

New post-office building, District of Columbia, furnishing, etc.

FURNISHING NEW POST-OFFICE BUILDING, WASHINGTON, DISTRICT OF COLUMBIA: To enable the Secretary of the Treasury to provide the new post-office building, Washington, District of Columbia, with furniture, including gas and electric-light fixtures, carpets, awnings, window shades, five thousand five hundred dollars.

Contingent expenses.

CONTINGENT EXPENSES: For purchasing material for binding important records, two hundred dollars.

—Independent Treasury.

R. S., sec. 3653, p. 719

CONTINGENT EXPENSES, INDEPENDENT TREASURY: For contingent expenses under the requirements of section thirty-six hundred and fifty-three of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursement of the public money, and for transportation of notes, bonds, and other securities of the United States, fifty thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Independent Treasury," for the fiscal year eighteen hundred and ninety-nine, twenty thousand two hundred and eighteen dollars and twenty cents.

Transporting silver coin.

—free of charge on request.

TRANSPORTATION OF SILVER COIN: For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, twenty thousand dollars; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: *Provided*, That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.

Proviso.
—deposit of equal amount.

Minor coin.

TRANSPORTATION OF MINOR COINS: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation of minor coins," for the fiscal year eighteen hundred and ninety-nine, two thousand one hundred and seventy-four dollars and twenty-two cents.

United States securities.

Distinctive paper.

DISTINCTIVE PAPER FOR UNITED STATES SECURITIES: For paper, including transportation, salaries of register, two counters five watch-

men, one laborer, and expenses of officer detailed from the Treasury as superintendent, twenty-three thousand two hundred and fifty dollars.

PAY OF ASSISTANT CUSTODIANS AND JANITORS: For pay of assistant custodians and janitors, including all personal services in connection with the care of all public buildings under control of the Treasury Department outside of the District of Columbia, thirty-four thousand five hundred dollars; and the Secretary of the Treasury shall so appropriate this sum as to prevent a deficiency therein.

Assistant custodians and janitors, public buildings.

COLLECTING THE REVENUE FROM CUSTOMS: To defray the expenses of collecting the revenue from customs, being additional to the permanent appropriation for this purpose, for the fiscal year nineteen hundred, one million two hundred thousand dollars.

Collecting customs revenue.

To defray the expenses of collecting the revenue from customs, being for amounts found due by the accounting officers for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, one hundred thousand dollars.

To defray the expenses of collecting the revenue from customs, being for amounts found due by the accounting officers for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, one hundred thousand dollars.

REVENUE-CUTTER SERVICE.

Revenue-Cutter Service.

That the sum of one hundred thousand dollars of the unexpended balance of the appropriation for the expenses of the Revenue-Cutter Service for the fiscal year eighteen hundred and ninety-eight is hereby reappropriated and made available for expenditure for said service during the fiscal year nineteen hundred.

Reappropriation of unexpended balance.

ENGRAVING AND PRINTING.

Bureau of Engraving and Printing.

For labor and expenses of engraving and printing: For salaries of all necessary clerks and employees, other than plate printers and plate printers' assistants, ninety-four thousand five hundred and ninety-two dollars, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired.

Salaries.

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, at one dollar and twenty-five cents a day each when employed, seventy-one thousand and sixty-one dollars and fifty cents, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired.

Proviso. Notes of larger denomination.

Wages.

Proviso. Notes of larger denomination.

For engravers' and printers' materials and other materials, except distinctive paper, and for miscellaneous expenses, on account of the fiscal year eighteen hundred and ninety-nine, three thousand six hundred and eighty-five dollars and fifty-seven cents.

Materials.

For rent of building now occupied by the Bureau of Engraving and Printing for storage and other purposes, at a rental of sixty dollars a month, seven hundred and twenty dollars.

Rent.

INTERNAL REVENUE.

Internal Revenue.

For salaries and expenses of collectors and deputy collectors and surveyors, and clerks, including transportation of public funds, and

Salaries collectors, deputies, etc.

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also including expenses of enforcing the Act of August second, eighteen hundred and eighty-six, taxing oleomargarine, and the Act of August fourth, eighteen hundred and eighty-six, imposing upon the Government the expense of the inspection of tobacco exported; also the Act of June sixth, eighteen hundred and ninety-six, imposing a tax on filled cheese, being for the fiscal year eighteen hundred and ninety-nine, thirty-five thousand dollars.

For salaries and expenses of agents, fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers, and miscellaneous expenses, being for the fiscal year eighteen hundred and ninety-nine, twenty-five thousand dollars.

Stamp paper.

For paper for internal-revenue stamps, including freight, twenty-five thousand dollars.

Mints and assay offices.

MINTS AND ASSAY OFFICES.

Freight on bullion and coin.

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, fifty thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Freight on bullion and coin, mints and assay offices," for the fiscal year eighteen hundred and ninety-nine, one thousand eight hundred and ninety-seven dollars and sixty cents.

Seattle, contingent expenses.

For wages of workmen, rent, and contingent expenses of the assay office at Seattle, Washington, seventeen thousand dollars.

Boise, repairs, etc.

For the construction of steel doors with combination locks to the vault of the United States assay office at Boise, and also for the purchase of a burglar and fireproof safe for the use of said institution, two thousand dollars.

Light-House Establishment.

LIGHT-HOUSE ESTABLISHMENT.

Vessels.

EXPENSES OF LIGHT-VESSELS: For seamen's wages, rations, repairs, salaries, supplies, and temporary employment and incidental expenses of light-vessels, one hundred thousand dollars.

Keepers' salaries.

SALARIES OF KEEPERS OF LIGHT-HOUSES: For salaries, fuel, rations, rent of quarters where necessary, and similar incidental expenses of light-house and fog-signal keepers and laborers attending other lights, ten thousand dollars, and the total number of light-house and fog-signal keepers and laborers attending lights that may be employed during the fiscal year nineteen hundred is hereby increased from one thousand four hundred to one thousand four hundred and fifty.

Public buildings.

PUBLIC BUILDINGS.

Kansas City, Mo.

POST-OFFICE AND COURT-HOUSE, KANSAS CITY, MISSOURI: For painting and installation of passenger elevators, thirty-five thousand dollars.

Helena, Mont.

PUBLIC BUILDING AT HELENA, MONTANA: The limit of cost of site for public building at Helena, Montana, is hereby fixed at thirty-three thousand five hundred and two dollars and thirty-five cents, in lieu of the sum named in the sundry civil appropriation Act, approved June fourth, eighteen hundred and ninety-seven, but the aggregate cost of the site and building shall not be increased.

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Quarantine Service.

QUARANTINE SERVICE.

Maintenance.

For the maintenance and ordinary expenses, including pay of officers and employees of quarantine stations at Delaware Breakwater, Reedy Island, Cape Charles and supplemental station, Cape Fear, South Atlantic, Brunswick, Gulf, Tortugas, San Diego, San Francisco, Astoria, and Port Townsend, twenty-five thousand dollars.

COAST AND GEODETIC SURVEY.

Coast and Geodetic Survey.

For unusual and unexpected repairs to the steamships Blake and Patterson and for boilers for the latter, fifteen thousand dollars.

"Blake" and "Patterson," repairs.

GOVERNMENT IN THE TERRITORIES.

Oklahoma Territory.

For contingent expenses of the Territory of Oklahoma, to be expended by the governor for rents, private secretary, stenographer and typewriter, and typewriter supplies, janitor, messenger, fuel, lights, stationery and printing, postage, telegrams, furniture for office, express, and other incidentals, five hundred dollars.

Contingent expenses.

FISH COMMISSION.

Fish Commission.

That the unexpended balance of the appropriation of five thousand dollars for completing the construction of the fish hatchery at Spearfish, South Dakota, fiscal year eighteen hundred and ninety-nine, made in the deficiency Act approved July seventh, eighteen hundred and ninety-eight, is hereby made available for expenditure during the fiscal year nineteen hundred, and the accounting officers of the Treasury Department are authorized to credit the disbursing agent of the United States Commission of Fish and Fisheries with the amounts heretofore paid upon proper vouchers during said fiscal year.

Spearfish, S. Dak. Unexpended balance reappropriated.

Vol. 30, p. 662.

For continuing special investigations with the object of preserving and increasing the lobster and clam supply of the Atlantic coast, seven thousand five hundred dollars.

Lobster, etc., investigations.

UNDER THE SMITHSONIAN INSTITUTION.

Smithsonian Institution.

ASTROPHYSICAL OBSERVATORY.

OBSERVATION OF ECLIPSE OF MAY TWENTY-EIGHTH, NINETEEN HUNDRED: For cost of apparatus, transportation of observers and equipment, subsistence, reduction of observations, printing and publishing of results, not exceeding one thousand five hundred copies, and employment of such temporary aid as may be required, including all necessary field and other expenses, four thousand dollars.

Observing eclipse, May 28, 1900.

DISTRICT OF COLUMBIA.

District of Columbia.

FOR SURVEYOR'S OFFICE: For such employees as may be required in accordance with the provisions of the Act of Congress making the surveyor of the District of Columbia a salaried officer, two thousand five hundred dollars.

Surveyor's office.

FREEDMEN'S HOSPITAL AND ASYLUM: That the appropriation for salaries for the Freedmen's Hospital and Asylum, for the current fiscal year, shall be available for the payment of an assistant clerk, a pharmacist, an assistant pharmacist, and a steward at said institution.

Freedmen's Hospital.

PROVIDENCE HOSPITAL: For the completion of the isolating building at the Providence Hospital, including the necessary grading and paving of the approaches thereto, five thousand dollars, to be expended under the direction of the Commissioners of the District of Columbia.

Providence Hospital.

MILITIA OF THE DISTRICT OF COLUMBIA: That the unexpended balance of the appropriation for rifle practice and matches for the fiscal year eighteen hundred and ninety-nine, amounting to seven hundred and eight dollars and sixty-one cents, is hereby reappropriated and made available for the service of the fiscal year nineteen hundred.

Militia.

One-half of the foregoing amounts under the District of Columbia shall be paid from the revenues of said District and one-half from any money in the Treasury not otherwise appropriated.

Half of appropriations from District revenues.

War Department.

WAR DEPARTMENT.

Additional temporary force.

For continuing the employment during the three months beginning April first, nineteen hundred, of such additional temporary force of clerks, messengers, laborers, and other assistants as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the needs of the service may demand, one hundred and fifty thousand dollars. Persons in the classified service of the Government shall not be eligible to appointment under this appropriation, or to be transferred from any position in the classified service to positions paid hereunder.

Classified service ineligible for appointment, etc.

Postage stamps.

For postage stamps for the War Department and its bureaus, as required under the Postal Union, to prepay postage on matters addressed to Postal Union countries, five hundred dollars.

Fourth Arkansas Mounted Infantry. Expenses investigation of claims of.

For payment of the expenses connected with the investigation of the claims of the members of the Fourth Arkansas Mounted Infantry, including pay of clerk, stenographer, cost of printing, advertising and stationery, traveling and hotel expenses, expenses of witnesses and all other incidental expenses actually and necessarily incurred under the provisions of the Act of Congress approved February twenty-seventh, eighteen hundred and ninety-nine, for the relief of the Fourth Arkansas Mounted Infantry, two thousand dollars.

Vol. 30, p. 894.

Miscellaneous.

MISCELLANEOUS OBJECTS, WAR DEPARTMENT.

Deep Waterways Commission.

DEEP WATERWAYS COMMISSION: For completing surveys, examinations, and investigations (including estimate of cost) of deep waterways, and the routes thereof, between the Great Lakes and the Atlantic tide waters, as recommended by the report of the Deep Waterways Commission, transmitted by the President to Congress January eighteenth, eighteen hundred and ninety-seven; such surveys, examinations, and investigations to be made by the board of three engineers designated and appointed by the President for this purpose July twenty-eighth, eighteen hundred and ninety-seven, in compliance with the provisions of the Act of June fourth, eighteen hundred and ninety-seven, twenty thousand dollars: *Provided*, That the member of the Deep Waterways Commission appointed from the Corps of Engineers shall be entitled to receive compensation from the date of his appointment, in addition to his regular army pay and allowances, equal to the difference between such annual army pay and allowances and the compensation of the other two members of the commission, said additional compensation to be paid from funds appropriated for the Deep Waterways Commission.

Vol. 30, p. 50.

Proviso.
Compensation of member from Engineer Corps.

Vicksburg Military Park.

VICKSBURG NATIONAL MILITARY PARK: For such engineering and topographical work in connection with the Vicksburg National Military Park as may be proper and necessary, and for the payment of salaries and clerical expenses and such other incidental expenses as are provided for in the Act of February twenty-first, eighteen hundred and ninety-nine, to remain available until expended: *Provided*, That the sum of five thousand dollars, or so much of said amount as may be necessary, may be expended, with the approval of the Secretary of War, in addition to the amount authorized by section one of the Act approved February twenty-first, eighteen hundred and ninety-nine, in the purchase of lands to be used as a part of the site of said park, twenty thousand dollars.

Vol. 30, p. 841.

Proviso.
Purchase of land as part of site.

National Home for Disabled Volunteer Soldiers.
Hampton, Va.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

SOUTHERN BRANCH, AT HAMPTON, VIRGINIA: For transportation, namely: For transportation of members of the Home, fiscal year

eighteen hundred and ninety-nine, five hundred and seventy-five dollars and eighty-four cents.

PACIFIC BRANCH, AT SANTA MONICA, CALIFORNIA: For household, namely: Expenditures for furniture for officers' quarters; for bedsteads, bedding, bedding material, and all other articles required in the quarters of the members, and for their repair, if they are not repaired by the Home; for fuel, including fuel for cooking, heat, and light; for engineers and firemen, bath-house keepers, hall cleaners, laundrymen, gas and soap makers, and privy watchmen, and for all labor, materials, and appliances required for household use, and for their repair, unless the repairs are made by the Home, fiscal year eighteen hundred and ninety-nine, one thousand six hundred and thirty-four dollars and thirty-six cents.

Santa Monica, Cal.

For hospital, namely: Pay of assistant surgeons, matrons, druggists, hospital clerks and stewards, ward masters, nurses, cooks, waiters, readers, hospital carriage drivers, hearse drivers, gravediggers, funeral escort, and for such other services as may be necessary for the care of the sick; for surgical instruments and appliances, medical books, medicines, liquors, fruits, and other necessaries for the sick not on the regular ration; for bedsteads, bedding, and bedding materials, and all other articles necessary for the wards; for hospital kitchen and dining room furniture and appliances, including aprons, caps, and jackets for hospital, kitchen and dining room employees; for carriage, hearse, stretchers, coffins; for tools of gravediggers, and for all repairs to hospital furniture and appliances not done by the Home, fiscal year eighteen hundred and ninety-nine, four hundred and seventy-three dollars and twenty-six cents.

MARION BRANCH, AT MARION, INDIANA: For household, including the same objects specified under this head for the Pacific Branch, four hundred and seventy-four dollars and sixty cents.

Marion, Ind.

For hospital, including the same objects specified under this head for the Pacific Branch, fiscal year eighteen hundred and ninety-nine, four hundred and sixty-five dollars and forty-four cents.

For gas mains to leased land, wrought-iron pipe, gate valves, fittings, line separators, digging trenches, laying pipe, and back filling, and right of way through farms, nine thousand one hundred and seventeen dollars.

CLOTHING: For clothing, for all the Branches, namely: Expenditures for clothing, underclothing, hats, caps, boots, shoes, socks, and overalls; also all sums expended for labor, materials, machines, tools, and appliances employed and for use in the tailor shops, knitting shops, and shoe shops, or other Home shops in which any kind of clothing is made or repaired, fiscal year eighteen hundred and ninety-nine, five hundred dollars.

Clothing.

STATE OR TERRITORIAL HOMES: For continuing aid to State or Territorial Homes for the support of disabled volunteer soldiers, in conformity with the Act approved August twenty-seventh, eighteen hundred and eighty-eight, on account of fiscal years as follows:

State or Territorial Homes.
Vol. 25, p. 450.

For the fiscal year eighteen hundred and ninety-eight, four thousand nine hundred and seventy-eight dollars and seven cents;

For the fiscal year eighteen hundred and ninety-nine, one hundred and thirteen thousand seven hundred and thirty-one dollars and six cents: *Provided*, That one-half of any sum or sums retained by State homes on account of pensions received from inmates shall be deducted from the aid herein provided for.

Provido.
Deductions.

MILITARY ESTABLISHMENT.

Army.

Out of the aggregate balances remaining unexpended July first, eighteen hundred and ninety-nine, of the appropriations made by the deficiency appropriation Acts approved May fourth and June eighth,

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696.

eighteen hundred and ninety-eight, respectively, and by section two of the deficiency appropriation Act approved July seventh, eighteen hundred and ninety-eight, for the six months beginning July first, eighteen hundred and ninety-eight, on account of war expenses under the titles "War Department" and "Military establishment," and reappropriated by the Act approved January fifth, eighteen hundred and ninety-nine, for the last six months of the fiscal year eighteen hundred and ninety-nine, there is hereby reappropriated and made available for expenditure during the fiscal year nineteen hundred, for objects hereinafter specified under the title "Military establishment," the following sums, namely:

Vol. 30, p. 772.

Signal Service.

UNDER THE CHIEF SIGNAL OFFICER.

Appropriation for expenses.

For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs, and other expenses connected with the duty of collecting and transmitting information for the Army by telegraph or otherwise, one hundred and sixty-five thousand dollars.

Fort Myer, Va.

For construction of balloon house and administration and instruction building at the Signal Corps post, at Fort Myer, Virginia, eighteen thousand five hundred dollars.

Pay Department.

PAY DEPARTMENT.

For pay of officers of the line, nine hundred and fifty three thousand nine hundred dollars;

For pay to officers for length of service, to be paid with current monthly pay, one hundred and four thousand three hundred dollars;

For pay of enlisted men, three million one hundred and ninety-seven thousand one hundred and forty-nine dollars;

For additional pay for length of service, three hundred and seven thousand seven hundred and fifty-two dollars;

For pay of the general staff, seventy thousand three hundred and eighty dollars;

For pay of retired enlisted men, forty-six thousand two hundred and thirty-six dollars and sixty-one cents;

For eleven senior veterinary surgeons, sixteen thousand five hundred dollars;

For eleven junior veterinary surgeons, nine thousand nine hundred dollars;

For paymasters' clerks and messengers, twenty-three thousand dollars;

For expenses of courts-martial, courts of inquiry, and compensation for reporters and witnesses attending the same, ten thousand dollars;

For commutation of quarters to officers on duty without troops at stations where there are no quarters, one hundred and seventy-five thousand dollars;

For travel allowance to enlisted men on discharge, four million dollars;

For clothing not drawn, due enlisted men on discharge, one million five hundred thousand dollars;

For mileage to officers traveling without troops and to contract surgeons, two hundred thousand dollars;

For additional twenty per centum increase on pay of enlisted men, four million five hundred and twenty-four thousand seven hundred and fifteen dollars;

For additional pay for increased rank when in command by competent authority, fifty thousand dollars;

In all, fifteen million one hundred and eighty-eight thousand eight hundred and thirty-two dollars and sixty-one cents.

All the money hereinbefore reappropriated, except "for mileage to officers traveling without troops and to contract surgeons," under Pay Department shall be disbursed and accounted for by the Pay Department as pay of the Army, and for that purpose shall constitute one fund.

SUBSISTENCE DEPARTMENT.

Subsistence Department,

PURCHASE OF SUBSISTENCE SUPPLIES: For issue as rations to troops, civil employees when entitled thereto, hospital matrons and nurses, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made); for sales to officers and enlisted men of the Army; for authorized issues of candles; of toilet articles, barbers', laundry, and tailors' materials for use of general prisoners confined at military posts without pay or allowances and recruits at recruiting stations; for matches for lighting public fires and lights at posts and stations and in the field; of flour used for paste in target practice; of salt and vinegar for public animals, and to Indians employed with the Army, without pay, as guides and scouts; for payments for meals for recruiting parties and recruits; for hot coffee, canned beef, and baked beans for troops traveling, when it is impracticable to cook their rations; for scales, weights, measures, utensils, tools, stationery, blank books and forms, printing, advertising, commercial newspapers, use of telephones, office furniture; for temporary buildings, cellars, and other means of protecting subsistence supplies (when not provided by the Quartermaster's Department); for commissary chests complete, and for the renewal of their outfits; for field desks of commissaries; for compensation of civilians employed in the Subsistence Department, and for other necessary expenses incident to the purchase, care, preservation, issue, sale, and accounting for subsistence supplies for the Army; for the payment of the regulation allowances of commutation in lieu of rations to enlisted men on furlough, to ordnance sergeants on duty at ungarrisoned posts, to enlisted men stationed at places where rations in kind can not be economically issued, to enlisted men traveling on detached duty when it is impracticable to carry rations of any kind, to enlisted men selected to contest for places or prizes in department and army rifle competitions while traveling to and from places of contest; to be expended under the direction of the Secretary of War, three million seven hundred and ninety thousand dollars.

Supplies.

Payments.

Commutation in lieu of rations.

For difference between the cost of the ration at twenty-five cents and the amount of forty cents per day, to be expended by the medical officers in charge of hospitals for the diet of enlisted men while undergoing hospital treatment under their charge, one hundred and fifty thousand dollars.

Increased cost of ration for convalescents, etc.

For difference between the cost of the ration at twenty-five cents and the cost of rations differing in whole or in part from the ordinary ration, to be issued to enlisted men in camp during periods of recovery from low conditions of health consequent upon service in unhealthy regions or in debilitating climates, to be expended only under special authority of the Secretary of War, sixty thousand dollars.

Total for Subsistence Department, four million dollars; to be disbursed and accounted for as "Subsistence of the Army," and for that purpose shall constitute one fund.

Quartermaster's Department.

QUARTERMASTER'S DEPARTMENT.

Regular supplies.

REGULAR SUPPLIES: For regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks and quarters, and recruiting stations; also ranges and stoves, and appliances for cooking and serving food, and repair and maintenance of such heating and cooking appliances; of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and offices, and for sale to officers; for post bakeries; for the necessary furniture, text-books, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing Department orders and reports, seven hundred and fifty thousand dollars.

Forage, etc.

Incidental expenses.

INCIDENTAL EXPENSES: For postage; cost of telegrams on official business received and sent by officers of the Army; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers and to trains where military escorts can not be furnished; expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts, or on the frontiers, or when traveling under orders, and of non-commissioned officers and soldiers; and that in all cases where they would have been lawful claims against the Government, reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed what is now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men of what is now allowed in their cases, may be paid out of the proper funds appropriated by this Act, and that the disbursing officers shall be credited with such reimbursements heretofore made; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters, and the expenses incident to their pursuit, and no greater sum than fifty dollars for each deserter shall, in the discretion of the Secretary of War, be paid to any officer or citizen for such services and expenses; for a donation of five dollars to each dishonorably discharged prisoner upon his release from confinement, under court-martial sentence, involving dishonorable discharge; for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit: Hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmiths' tools and materials, horseshoes and blacksmiths' tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operation of the Army and at military posts, and not expressly assigned to any other department, five hundred thousand dollars.

For the purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry and members of the Hospital Corps and Signal Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, two hundred and fifty thousand dollars.

Purchase of horses.

BARRACKS AND QUARTERS: For barracks and quarters for troops, storehouses for the safe-keeping of military stores; for offices, recruiting stations, and for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations; for the construction of temporary buildings and stables, and for repairing public buildings at established posts: *Provided*, That no part of the moneys so appropriated shall be paid for commutation of fuel; and for quarters to officers or enlisted men, one million dollars: *Provided further*, That from the foregoing amount, if in the judgment of the Secretary of War the emergency exists, the sum of one hundred and thirty thousand dollars, or so much thereof as in his discretion may be necessary, shall be used for the purchase of a site or sites for the location of barracks for the accommodation of a garrison in charge of fortifications.

Barracks and quarters.

Provisos.
Not available for commutation of fuel, etc.

Sites for garrisons in charge of fortifications.

TRANSPORTATION OF THE ARMY AND ITS SUPPLIES: For transportation of the Army, including baggage of the troops when moving either by land or water, and including, also, the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses for recruiting;" of supplies to the militia furnished by the War Department; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster stores, from army depots or places of purchase or delivery to the several posts and army depots, and from those depots to the troops in the field; of horse equipments and subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other seagoing vessels and boats required for the transportation of supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; for procuring water, and introducing the same to buildings, at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; including not exceeding seven hundred and fifty thousand dollars for transportation of Spanish prisoners held by the United States and by the insurgents in the Philippine Islands from those islands to Spain, as provided by the Treaty of Paris; for the payment of army transportations lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant Acts), but in no case shall more than fifty per centum of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this Act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for

Transportation.

Payment to land-grant railroads.

—maximum.

Provisos.
Compensation, how computed.

Fifty per cent to railroads not bond aided.

postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed fifty per centum of the compensation for such Government transportation as shall at the time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service, twenty million seven hundred and fifty thousand dollars.

Clothing, camp and garrison equipage.

CLOTHING, AND CAMP AND GARRISON EQUIPAGE, NAMELY: For cloth, woollens, materials, and for the manufacture of clothing for the Army, for issue and for sale at cost price according to the Army Regulations; for altering and fitting clothing and washing and cleaning, when necessary; for equipage, and for expenses of packing and handling, and similar necessaries; for a suit of citizen's outer clothing to cost not exceeding ten dollars, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge, two million dollars.

Transporting soldiers remains.

To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of officers and soldiers who die at military camps or who are killed in action or who die in the field at places outside of the limits of the United States, one hundred thousand dollars.

Medical Department.

MEDICAL DEPARTMENT.

Supplies.

For the purchase of medical and hospital supplies, and all other necessary miscellaneous expenses of the Medical Department of the Army, five hundred thousand dollars.

Ordnance Department.

ORDNANCE DEPARTMENT.

Manufacturing arms, etc.

For manufacturing, repairing, procuring, and issuing arms at the national armories, including machinery, tools, and fixtures for their manufacture, two hundred thousand dollars.

For infantry, cavalry, and artillery equipments, including horse equipments for cavalry and artillery, including tools and fixtures for their manufacture at the arsenals, two hundred thousand dollars.

For purchase and manufacture of ordnance stores to fill requisitions of troops, one hundred thousand dollars.

For repairing and preserving ordnance and ordnance stores in the hands of troops, and for issue at the arsenals and depots, thirty thousand dollars.

Thirty-fourth Encampment, G. A. R. Delivery to, of condemned cannon authorized.

The Secretary of War is hereby authorized to deliver to the order of J. H. Wood, chairman of the general committee of the Thirty-fourth National Encampment of the Grand Army of the Republic, to be held at Chicago next summer, two dismantled condemned cannon, used in the late civil war, to be used for the purpose of furnishing memorial badges commemorative of the holding of such encampment: *Provided*, That no expense shall be caused to the United States through the delivery of said condemned cannon.

Provisos.

No expense to United States.

NAVAL ESTABLISHMENT.

Navy.

NAVAL OBSERVATORY.

Observatory.

Observation of total eclipse of the sun in May, nineteen hundred: For preparation and outfit of instruments and their transportation, the purchase of additional apparatus and materials, including photographic material, the erection of suitable buildings at each station, and generally the expenses of preparation and observation, including the living expenses of parties at the several stations, and the available instruments used in observing the transit of Venus in eighteen hundred and seventy-four and eighteen hundred and eighty-two may be also utilized, five thousand dollars.

BUREAU OF ORDNANCE.

Bureau of Ordnance.

For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, material, and labor to be used in the general work of the Ordnance Department; for watchmen at magazines; for furniture in ordnance buildings at navy-yards and stations; for the maintenance of the proving ground; and for target practice, two hundred thousand dollars.

For miscellaneous items, namely: Freight to foreign and home stations, advertising, cartage, and express charges, repairs to fire engines, gas and water pipes, gas and water tax at magazines, tolls, ferriage, foreign postage, and telegrams to and from the Bureau, technical books, and incidental expenses attending inspection of ordnance material, thirty thousand dollars.

BUREAU OF EQUIPMENT.

Bureau of Equipment.

Out of the unexpended balance of the appropriation made July seventh, eighteen hundred and ninety-eight, for the six months beginning July first, eighteen hundred and ninety-eight, for purchase of coal for steamers' and ships' use, including expenses of transportation, storage, and handling the same; hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; canvas for the manufacture of sails, awnings, hammocks, and other work; water for all purposes on board naval vessels, including the expenses of transportation and storage of the same; stationery for commanding and navigating officers of ships, equipment officers on shore and afloat, and for the use of courts-martial on board ship, and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards; foreign and local pilotage and towage of ships of war; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments, and repairs to same; libraries for ships of war; professional books and papers, and drawings and engravings for signal books; naval signals and apparatus, namely, signals, lights, lanterns, rockets, running lights; compass fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; lanterns and lamps, and their appendages, for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; bunting and other materials for making and repairing flags of all kinds; photographic instruments and materials; musical instruments and music; and installing and maintaining electric lights and interior signal communications on board vessels of war, being, for the fiscal year nineteen hundred, three hundred and fifty thousand dollars.

Equipment of vessels.

Contingent expenses.

For freight and transportation of equipment stores, packing boxes and materials, printing, advertising, telegraphing, books, and models, stationery for the Bureau, furniture for equipment offices in navy-yards, postage on letters sent abroad, ferriage, ice, lighterage of ashes, and emergencies arising under cognizance of the Bureau of Equipment unforeseen and impossible to classify, twenty thousand dollars.

Bureau of Construction and Repair.

BUREAU OF CONSTRUCTION AND REPAIR.

Preservation, etc., of vessels.

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postage, telegrams, telephone service, photographing, books, professional magazines, plans, stationery, and instruments for drafting room, two million five hundred thousand dollars: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed ten per centum of the estimated cost, appraised in like manner, of a new ship of the same size and like material.

Proviso.

Repairs wooden ships.

Bureau of Steam Engineering.

BUREAU OF STEAM ENGINEERING.

Repairing machinery, etc.

Out of the unexpended balance of the appropriation made July seventh, eighteen hundred and ninety-eight, for the six months beginning July first, eighteen hundred and ninety-eight, for completion, repairing, and preservation of machinery and boilers of naval vessels, including cost of new boilers, distilling, refrigerating, and auxiliary machinery, preservation of and small repairs to machinery and boilers in vessels in ordinary, receiving and training vessels, repair and care of machinery of yard tugs and launches; for purchase, handling, and preservation of all materials and stores, purchase, fitting, repair, and preservation of machinery and tools in navy-yards and stations, and running yard engines; for incidental expenses for navy vessels, yards, and the bureau—such as foreign postage, telegrams, advertising, freight, photographing, books, stationery, and instruments, being for the fiscal year nineteen hundred, one million five hundred thousand dollars: *Provided*, That no part of said sum shall be applied to the engines, boilers, and machinery of wooden ships where the estimated cost of such repair shall exceed ten per centum of the estimated cost of new engines and machinery of the same character and power, nor shall new boilers be constructed for wooden ships.

Proviso.

Repairs wooden ships.

Interior Department.

INTERIOR DEPARTMENT.

Repairs old Post-Office Department building.

To complete repairs of the old Post-Office Department building, six thousand dollars.

Rent Indian Office.

To pay the Atlantic Building Company for rent of the seventh and eighth floors and four rooms on sixth floor of building used and occupied by the Indian Office, for the months of October and November, eighteen hundred and ninety-nine, at five hundred dollars per month, one thousand dollars.

Repairs.

To pay the cost of repair of certain rooms in the Atlantic Building, Washington, District of Columbia, used and occupied by the Indian Office and damaged beyond the condition of ordinary wear and tear as

determined by a board appointed by the Secretary of the Interior to assess damages, two hundred and fourteen dollars and fifty cents.

For stationery for the Department of the Interior and its several bureaus and offices, including the Civil Service Commission and the Geological Survey, eleven thousand dollars.

Stationery.

PATENT OFFICE.

Patent Office.

For producing the Official Gazette, including weekly, monthly, quarterly, and annual indexes therefor, exclusive of expired patents, twenty-eight thousand dollars.

Official Gazette.

For producing copies of drawings of the weekly issues of patents; for producing copies of designs, trade-marks, and pending applications; and for the reproduction of exhausted copies of drawings and specifications; said work referred to in this and the preceding paragraph to be done as provided by the "Act providing for the public printing and binding and for the distribution of public documents:" *Provided*, That the entire work may be done at the Government Printing Office if, in the judgment of the Joint Committee on Printing, or if there shall be no Joint Committee, in the judgment of the Committee on Printing of either House, it shall be deemed to be for the best interests of the Government, thirty-five thousand dollars.

Copies of drawings etc.

Vol 28, p. 620.

Provido.
Work at Government Printing Office.

PUBLIC LANDS SERVICE.

Public lands.

SALARIES AND COMMISSIONS OF REGISTERS AND RECEIVERS: For salaries and commissions of registers of land offices and receivers of public moneys at district land offices, at not exceeding three thousand dollars each, on account of the fiscal years as follows:

Salaries registers and receivers.

For the fiscal year nineteen hundred, forty-five thousand dollars.

For the fiscal year eighteen hundred and ninety-nine, nineteen thousand and eighty-five dollars and five cents.

CONTINGENT EXPENSES OF LAND OFFICES: For clerk hire, rent, and other incidental expenses of the district land offices, fifteen thousand dollars.

Contingent expenses of land offices.

PROTECTION AND ADMINISTRATION OF FOREST RESERVES: To meet the expenses of executing the provisions of the sundry civil Act approved June fourth, eighteen hundred and ninety-seven, for the care and administration of the forest reserves, to meet the expenses of forest inspectors and assistants, superintendents, supervisors, surveyors, rangers, and for the employment of foresters and other emergency help in the prevention and extinguishment of forest fires, and for advertising dead and matured trees for sale within such reservations:

Forest reserves. Protection, etc., of Vol. 30, p. 34.

Provided, That forestry agents, superintendents, and supervisors, and other persons employed under this appropriation shall be selected by the Secretary of the Interior wholly with reference to their fitness, and without regard for their political affiliations, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding three dollars per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares, thirty-five thousand dollars: *Provided further*, That forest agents, superintendents, supervisors, and all other persons employed in connection with the administration and protection of forest reservations shall, in all ways that are practicable, aid in the enforcement of the laws of the State or Territory in which said forest reservation is situated in relation to the protection of fish and game.

Provisos.
Employees selected because of fitness; per diem to, etc.

Protection of fish and game.

DEPREDACTIONS ON PUBLIC TIMBER, PROTECTING PUBLIC LANDS, AND SETTLEMENT OF CLAIMS FOR SWAMP LANDS AND SWAMP-LAND INDEMNITY: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting

Timber depredations, etc.

thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, forty thousand dollars: *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding three dollars per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

Proviso.
Agents, per diem,
etc.

Hearings in land en-
tries.

EXPENSES OF HEARINGS IN LAND ENTRIES: For expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, three thousand dollars.

Bismarck, N. Dak.
Reproducing land
records, etc.

REPRODUCING LAND RECORDS, BISMARCK, NORTH DAKOTA: For the continuation and completion, under the direction of the Commissioner of the General Land Office, of the work connected with the reproduction of the official plats of United States surveys, diagrams, field notes, and correspondence constituting the records and files of the offices of the surveyor-general and the register and receiver at Bismarck, North Dakota, which were destroyed by fire on the eighth day of August, eighteen hundred and ninety-eight, fifteen thousand dollars, or so much thereof as may be necessary.

Geological Survey.

GEOLOGICAL SURVEY.

Alaska.

For continuation of the investigation of the coal and gold resources of Alaska, thirty-five thousand dollars, to continue available during the fiscal year nineteen hundred and one.

Indian Affairs.

INDIAN AFFAIRS.

Town-site commis-
sioners, Indian Terri-
tory.

TOWN-SITE COMMISSIONERS, INDIAN TERRITORY: For this amount, or so much thereof as may be necessary, to pay all expenses incident to the survey, platting, and appraisalment of town sites in the Choctaw, Chickasaw, Creek, and Cherokee nations, Indian Territory, as required by sections fifteen and twenty-nine of an Act entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," approved June twenty-eighth, eighteen hundred and ninety-eight, for the six months ending June thirtieth, nineteen hundred, thirty-three thousand five hundred dollars.

Vol. 30, pp. 500, 505.

Contingencies, etc.

Contingencies of the Indian Service, including traveling and incidental expenses of Indian agents, and of their offices, and of the Commissioner of Indian Affairs, also traveling and incidental expenses of five special agents, at three dollars per day when actually employed in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law; for pay of employees not otherwise provided for, and for pay of the five special agents, at two thousand dollars per annum each, seven thousand dollars.

To pay the expenses of purchasing goods and supplies for the Indian Service and pay of necessary employees; advertising at rates not exceeding regular commercial rates; inspection, and all other expenses connected therewith, including telegraphing, ten thousand dollars.

To complete the work of the commission appointed by the Secretary of the Interior under section nine of the Indian Act approved June seventh, eighteen hundred and ninety-seven, to meet certain expenses under the agreement with the Chippewa and Christian Indians, reimbursable, six hundred dollars.

Chippewa and
Christian Indian Com-
mission.
Vol. 30, p. 92.

Miscellaneous.

MISCELLANEOUS OBJECTS, INTERIOR DEPARTMENT.

Government Hos-
pital for Insane, ex-
penses, etc.

GOVERNMENT HOSPITAL FOR THE INSANE: For current expenses of the Government Hospital for the Insane: For support, clothing, and

treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, and inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military or naval service of the United States who have been admitted to the hospital and who are indigent, being for the fiscal year eighteen hundred and ninety-nine, seven thousand eight hundred and fifty dollars and fifty cents.

To pay to the widow of the late Doctor A. H. Witmer on account of salary withheld, and other disallowances, five hundred and thirty-seven dollars and fifteen cents.

Dr. A. H. Witmer.
Payment to widow of.

REIMBURSEMENT OF JOHN E. CRANE: To reimburse John E. Crane, United States commissioner in Alaska, for expenses incurred by him for the relief of destitute and sick Americans at Circle City, Alaska, during eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, two hundred and twenty-five dollars and seventy cents.

John E. Crane.
Payment to.

DEPARTMENT OF JUSTICE.

Department of Justice.

FOR SUPPORT OF THE UNITED STATES PENITENTIARY AT FORT LEAVENWORTH, KANSAS, NAMELY: For fuel, forage, hay, light, water, stationery, advertising, and so forth, including purchase of fuel for generating steam, heating apparatus, burning bricks and lime; forage for issue to public animals and hay or straw for bedding; blank books, blank forms, typewriting supplies for use in offices and prisoners' school, pencils and memorandum books for guards, books for use in chapel, paper, envelopes, and postage stamps for issue to prisoners; for labor and materials for repairing steam-heating plant and water circulation, and drainage; for materials for construction and repair of buildings; for general supplies, machinery, and tools for use in shops, brickyard, quarry, limekiln, laundry, bathrooms, printing office, photograph gallery, stables, policing buildings and grounds; for the purchase of horses, mules, wagons, harness, veterinary supplies, lubricating oils, office furniture, stoves, blankets, bedsacks, iron bunks, paints and oils, library books, newspapers and periodicals, and electrical supplies; for payment of water supply, telegrams, telephone service, notarial and veterinary services; for advertising in newspapers, proposals for supplies, and other necessary advertisements; for fees to consulting physicians called to determine mental condition of supposed insane prisoners, and for other services in case of emergency; for pay of extra guards when deemed necessary by the Attorney-General, and for miscellaneous expenditures which can not properly be included under the heads of expenditures, nine thousand dollars.

United States Penitentiary, Fort Leavenworth, support, etc.

For the payment of the salaries of the circuit judges appointed under the Acts of January twenty-fifth and February twenty-third, eighteen hundred and ninety-nine:

Additional circuit judges, salaries.
Vol. 30, pp. 803, 846.

For the fiscal year eighteen hundred and ninety-nine, five thousand dollars and thirty-seven cents;

For the fiscal year nineteen hundred, eighteen thousand dollars.

For incidental expenses and for employment of temporary assistance and workmen necessary for the care and custody of the buildings in the District of Columbia rented by the Department of Justice, to be selected and their compensation fixed by the Attorney-General, and to be expended under his direction, five thousand dollars.

Care of rented buildings.

To enable the Department of Justice to transfer to its dockets the reports made by United States attorneys of the action of the courts in cases in which the United States is a party or has an interest, to be expended under the direction of the Attorney-General, five hundred dollars.

Transfer to dockets of reports of United States attorneys, etc.

O. L. Carter.
Reimbursement of.

To reimburse O. L. Carter for expenses incurred and for services rendered from November first to November fifth, eighteen hundred and ninety-five, while acting under the direction of the Assistant Attorney-General in charge of the defense of Indian depredation claims, thirty dollars and fifty cents.

George Green.
Payment to.

To pay George Green for fees earned as clerk of the United States district court of the eastern district of North Carolina from the first day of July, eighteen hundred and ninety-seven, to the sixteenth day of April, eighteen hundred and ninety-eight, such service being rendered under a mistaken view of the law applying to such service, such sum as may be found to be equitably due under the law authorizing fees and compensation to the clerks of the United States district courts, by the accounting officers of the Treasury.

Post-Office Depart-
ment.

POST-OFFICE DEPARTMENT.

Additional tempo-
rary clerks.

To continue the employment during the three months beginning April first, nineteen hundred, of such additional temporary force of clerks and other employees as in the judgment of the Postmaster-General may be proper and necessary to the prompt, efficient, and accurate dispatch of the business in the office of the First Assistant Postmaster-General, four thousand four hundred and fifty dollars.

Rent.

For rent of stable from October first, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, inclusive, at twenty dollars per month, one hundred and eighty dollars.

Fuel, etc.
Expenses of dele-
gates to celebration,
etc., at Berne.

For fuel and repairs to heating apparatus, three thousand dollars.
To enable the Post-Office Department to be properly represented at the celebration of the twenty-fifth anniversary of the organization of the Universal Postal Union, to be held at Berne, Switzerland, beginning July second, nineteen hundred, by delegates to be appointed for that purpose by the Postmaster-General, who is hereby authorized, in his discretion, to fix a per diem allowance to the same in lieu of expenses, three thousand dollars.

Postal Service.

OUT OF THE POSTAL REVENUES.

Clerks in post-
offices.

For compensation to clerks in post-offices, nineteen thousand nine hundred and sixty-two dollars and nineteen cents.

Rent, etc.

For rent, light, and fuel for first, second, and third class post-offices, twenty-five thousand dollars.

Wrapping twine.

For wrapping twine, ten thousand dollars.

Stationery.

For stationery for postal service, ten thousand dollars.

Rubber stamps, etc.

For rubber and metal stamps and articles pertaining thereto, and for carbon paper and articles pertaining to its use in the issue and payment of money orders, two thousand dollars.

Money-Order Service.

For stationery, exchange on drafts, copying presses, and necessary miscellaneous and incidental expenses for the Money-Order Service, two thousand dollars.

Free delivery.

For experimental rural free delivery, including pay of carriers, horse-hire allowance, supplies, and mechanical appliances, one hundred and fifty thousand dollars.

Railway post-office
clerks.
Stamps, etc.

For railway post-office clerks, fifty thousand dollars.

For the manufacture of adhesive postage and special delivery stamps, for the fiscal year eighteen hundred and ninety-nine, twenty-one thousand three hundred and sixty-five dollars.

Paris Exposition.

PARIS EXPOSITION.

Expenses, etc.
Vol. 20, p. 645.

For each and every purpose named in the paragraph in the sundry civil appropriation Act, approved July first, eighteen hundred and

ninety-eight, under the heading "Paris Exposition," one hundred and sixty-nine thousand five hundred dollars, of which amount not exceeding ninety-six thousand five hundred dollars may be expended for buildings and appurtenances, including fire protection, pier landings, approaches, and other construction; not exceeding fifteen thousand dollars may be expended for an exhibit of negro education and industry, and not exceeding twenty thousand dollars may be used for contingent expenses of the commissioner-general, to be expended in his discretion and audited on his certificate; and the limit of the appropriations provided for in said paragraph, as amended by the sundry civil appropriation Act approved March third, eighteen hundred and ninety-nine, is hereby extended to one million one hundred and nineteen thousand five hundred dollars; the appropriation hereby made to be available until expended: *Provided*, That the Commissioner of Patents is authorized and directed to allow such patent models as have been previously exhibited at any international exposition as the Secretary of the Interior may select, to be transported to and from and exhibited at said exposition in the custody of an employee of the Patent Office duly designated for that purpose by the Commissioner of Patents; such models to be returned to the Patent Office at the close of the exposition; but no models shall be removed concerning which litigation is now pending.

Vol. 30, p. 1117.

Proviso.
Patent exhibit.

For six additional commissioners, to be appointed as provided by the sundry civil appropriation Act, approved July first, eighteen hundred and ninety-eight, who shall perform the duties and be subject to the limitations prescribed therein, at three thousand dollars each, eighteen thousand dollars.

Additional commissioners.
Vol. 30, p. 645.

LEGISLATIVE.

SENATE.

Senate.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding one dollar and twenty-five cents per printed page, twenty-five thousand dollars.

Inquiries, etc., expenses.

For miscellaneous items, exclusive of labor, fifteen thousand dollars.

Miscellaneous items.

For repairs of Maltby Building, one thousand dollars.

Maltby Building, repairs.

To enable the Secretary of the Senate to pay the expenses connected with the reception and unveiling of the statue of Daniel Webster on January eighteenth, nineteen hundred, incurred by the joint committee of the Senate and House of Representatives, upon vouchers to be approved by the chairman of said committee, seven hundred dollars, or so much thereof as may be necessary.

Statue of Daniel Webster, expenses of unveiling.

HOUSE OF REPRESENTATIVES.

House of Representatives.

The appropriation of one thousand dollars made in the legislative, executive, and judicial appropriation Act for the fiscal year nineteen hundred for the Journal Clerk of the House of Representatives, for preparing Digest of the Rules, is hereby made payable to the clerk to the Speaker's table for doing said work.

Payment for preparing Digest of the Rules.

For furniture, and repairs of the same, five thousand dollars.

Furniture.
Miscellaneous.

For miscellaneous items and expenses of special and select committees, twenty thousand dollars.

LIBRARY OF CONGRESS.

Library of Congress.

For contingent expenses of the Library, including the copyright business, two thousand five hundred dollars.

Contingent expenses.

Herbert Frieden-
wald.
Payment to.

To pay to Herbert Friedenwald, superintendent of manuscripts, for money expended for traveling expenses, to and from Puerto Rico, for the purpose of collecting for the Library of Congress rare manuscripts, books, and maps pertaining to that island, being for fiscal year eighteen hundred and ninety-nine, one hundred and sixty-nine dollars and sixty-six cents.

Public printing.

UNDER THE PUBLIC PRINTER.

For printing and binding for the Library of Congress, ten thousand dollars.

For printing and binding for the Treasury Department, one hundred and twenty thousand dollars.

For printing and binding for the War Department and its bureaus, one hundred thousand dollars.

For printing and binding for the Post-Office Department, forty thousand dollars.

For printing and binding for the Department of the Interior, including the Civil Service Commission, twenty-five thousand dollars.

Judgments, United
States courts.

JUDGMENTS, UNITED STATES COURTS.

W. M. Nixon.
Payment to.

The amount of the judgment, dated May fifteenth, eighteen hundred and ninety-seven, certified to Congress by the Attorney-General in House Document Numbered One hundred and eighty-eight, Fifty-fifth Congress, third session, in favor of W. M. Nixon, in the amount of one thousand eight hundred and sixty-six dollars and ninety cents, for the payment of which judgment an appropriation was made by "An Act making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for prior years, and for other purposes," approved March third, eighteen hundred and ninety-nine, together with such additional sum as may be necessary to pay interest on said judgment at the rate of four per centum per annum from the date thereof until March third, eighteen hundred and ninety-nine, the date said appropriation was made, shall be paid to the clerk of the circuit court of the United States for the eastern district of Tennessee, to be distributed under the decree of that court, and that such payment shall be in full satisfaction and discharge of any and all claims, either of the said W. M. Nixon, or any other person claiming through or under him, arising out of the matters involved in said action.

Vol. 30, p. 1244.

JUDGMENTS IN INDIAN DEPREDAATION CLAIMS.

Judgments, Indian
depreddation claims.

For payment of judgments rendered by the Court of Claims in Indian depreddation cases, certified to Congress at its present session in Senate Document Numbered Eighty-four, three hundred and ninety-six thousand nine hundred and sixty-seven dollars; said judgments to be paid after the deductions required to be made under the provisions of section six of the Act approved March third, eighteen hundred and ninety-one, entitled "An Act to provide for the adjustment and payment of claims arising from Indian depreddations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this Act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian

Deductions.

Vol. 26, p. 853.

service: *Provided*, That no one of said judgments provided in this paragraph shall be paid until the Attorney-General shall have certified to the Secretary of the Treasury that there exists no grounds sufficient in his opinion to support a motion for a new trial or an appeal of said cause.

Proviso.
Certificate of lack of ground for new trial.

JUDGMENTS, COURT OF CLAIMS.

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document Numbered Two hundred and twenty-six and Senate Document Numbered Ninety-nine, two million one hundred and fifty-one thousand six hundred and fifty-five dollars and eighty-two cents: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Judgments, Court of Claims.

Proviso.
Appeal.

Approved, February 9, 1900.

CHAP. 15.—An Act Relating to Cuban vessels.

February 10, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That vessels owned by citizens of Cuba and documented as such by officers of the United States shall hereafter be entitled in ports of the United States to the rights and privileges of vessels of the most favored nation, and they and their cargoes shall be subject to no higher charges in ports of the United States than are imposed on the vessels and cargoes of the most favored nation in the same trade.

Cuban vessels to have rights of most favored nation, etc.

SEC. 2. That the Secretary of the Treasury is hereby authorized to refund, out of any money in the Treasury not otherwise appropriated, upon application and satisfactory evidence, tonnage taxes and light dues which have been imposed on vessels owned by citizens of Cuba entering ports of the United States since April eleventh, eighteen hundred and ninety-nine, which have been in excess of the tonnage taxes prescribed by section eleven of the Act of June nineteenth, eighteen hundred and eighty-six.

Refund of dues, etc.

Vol. 24, p. 81.

Approved, February 10, 1900.

CHAP. 16.—An Act To amend the first section of an Act to change the time and places for the district and circuit courts of the northern district of Texas, approved June eleventh, eighteen hundred and ninety-six.

February 10, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of an Act to change the time and places for the district and circuit courts of the northern district of Texas, approved June eleventh, eighteen hundred and ninety-six, be, and the same is, so amended to provide:

Texas, northern judicial district.
Vol. 29, p. 456.

“That the United States district and circuit courts for the northern district of Texas shall be held in each year at the time and places as follows: At Dallas, in the county of Dallas, on the third Monday in January and the fourth Monday in May; at Fort Worth, in the county of Tarrant, on the first Monday in March and the fourth Monday in November; at Abilene, in the county of Taylor, on the first Monday in April and the fourth Monday in September; at San Angelo, in the county of Tom Green, on the third Monday in April and the third Monday in November; at Waco, in the county of McLennan, on the fourth Monday in April and the second Monday in October.”

Terms of court.

SEC. 2. That this Act take effect and be in force from and after its passage.

Effect.

Approved, February 10, 1900.

February 10, 1900.

CHAP. 17.—An Act To amend section four of the Act of Congress approved June sixteenth, eighteen hundred and eighty, granting to the city of Hot Springs, Arkansas, certain lands as a city park, and for other purposes.

Hot Springs, Ark.
Relinquishment of
certain land granted
to, etc.
Vol. 21, p. 289.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section four of the Act of Congress approved June sixteenth, eighteen hundred and eighty, granting to the city of Hot Springs, Arkansas, a parcel of land known as the cemetery lot for a city park only, be amended so as to read as follows:

“That whenever the city of Hot Springs, Arkansas, shall relinquish to the United States of America all its right, title, and interest in and to the following-described lot or parcel of land, being a part of said cemetery lot, but which is now described in the plats and surveys of said city as lot sixteen, block seventy-eight, to wit: Commencing at the southwest corner of the said city park, in block seventy-eight of the Hot Springs Reservation, and formerly known as cemetery lot, and running thence easterly along the north line of Benton street one hundred and fifty feet; thence northerly two hundred and thirty-five feet to a point on the north line of said park one hundred and fifty feet easterly of the northwest corner thereof; thence to said northeast corner; thence along the west boundary line of said park two hundred and sixty-two and seven-tenths feet to the point of beginning, the same being a part of said lot sixteen, in block seventy-eight aforesaid, which is hereby reserved by the United States as a site for the public building provided for by Act of Congress approved March second, eighteen hundred and ninety-nine, the right and title of the United States to all the remaining part of said cemetery lot, now known as lot sixteen, in block seventy-eight, shall vest absolutely in the city of Hot Springs, Arkansas, for city park, city building, auditorium, or other public purposes.”

Vol. 30, p. 983.

Approved, February 10, 1900.

February 13, 1900.

CHAP. 18.—An Act Granting permission and authority to the Orleans levee board to move, without cost to the United States, the existing line of levee in front of the marine-hospital property in New Orleans, Louisiana.

New Orleans, La.
Orleans levee board
may move line of
levee in front of ma-
rine hospital, etc.

Front street, open-
ing of, etc.

Provisos.
—limit on use of by
railroads, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That permission and authority be, and they are hereby, granted to the Orleans levee board to move, without cost to the United States, the existing line of levee in front of the United States marine-hospital property in New Orleans, Louisiana, in the square bounded by State street, Henry Clay avenue, Tchoupitoulas street, and the Mississippi River; said line of levee to be moved outwardly in the direction of said river to the new line of levee established by the said Orleans levee board, and that the city of New Orleans be, and it is hereby, authorized to extend, lay out, open and to keep open, through the said marine-hospital property, the street known as Front street, one hundred and ten feet wide, extending from Penniston street to the upper limits of the city of New Orleans, a distance of about five miles, as provided for under ordinance of the city of New Orleans, numbered fifteen thousand and eighty, council series, approved March first, eighteen hundred and ninety-nine: *Provided,* That in case the said city of New Orleans has granted, or shall grant, a right of way over said street to any railway company, corporation, firm, or person, or that said street shall be used for railway purposes, such grant, privilege, or use shall be upon condition that no part of said street within the limits of said marine-hospital property (or within one thousand feet from the same) shall be used for depot purposes, or railroad yard, or for the purpose of switching,

shifting, or parking cars, or making up or breaking up trains of cars, or for any other purpose than the ordinary transit, without stopping, of railway trains: *And provided further*, That the inner line of said Front street shall not be located at any point nearer than eight feet to the present iron fence inclosing the grounds of said marine-hospital property; and the violation of any of the provisions of this Act shall, as to the person, company, railway company, municipal corporation, or other corporation so violating any of said provisions, cause a revocation of all rights and privileges given or granted by this Act.

—location of inner line of, etc.

Penalty.

SEC. 2. That jurisdiction, power, and authority be, and are hereby, recognized by the United States as existing in the city of New Orleans to regulate and make improvements in said street as thus opened and extended as fully and completely as over any other portion of said street, or as fully and completely as said city of New Orleans now has, by her charter and the laws of the State of Louisiana, power and authority to regulate, to make improvements in, or govern any other street in said city.

Jurisdiction over street granted city, etc.

Approved, February 13, 1900.

CHAP. 19.—An Act To amend section forty-two hundred and ninety of the Revised Statutes, relating to log entry of collisions. February 14, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-two hundred and ninety of the Revised Statutes be amended by adding the following:

Entries of collisions to be made in log books.
R. S., sec. 4290, p. 828, amended.

“Twelfth. In every case of collision in which it is practicable so to do, the master shall, immediately after the occurrence, cause a statement thereof, and of the circumstances under which the same occurred, to be entered in the official log book. Such entry shall be made in the manner prescribed in section forty-two hundred and ninety-one, and failure to make such entry shall subject the offender to the penalties prescribed by section forty-two hundred and ninety-two.”

—how made; penalty.

SEC. 2. That this Act shall take effect sixty days after its passage. Effect.

Approved, February 14, 1900.

CHAP. 20.—An Act For the preservation of the frigate Constitution. February 14, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy is hereby authorized to place the frigate Constitution, now lying at the Boston Navy-Yard, as near as may be consistent with her preservation, in the same condition as regards her hull and rigging as she was when in active service: *Provided*, That before beginning on such work a sufficient sum of money to complete such work shall be raised through the agency of the Massachusetts State Society United States Daughters of Eighteen Hundred and Twelve and placed at his disposal for the purpose.

Frigate Constitution.
Preservation, etc., of.

Approved, February 14, 1900.

CHAP. 21.—An Act To authorize the Southeastern Railroad Company to construct and maintain a bridge across the Lumber River within the boundary lines of Robeson County, North Carolina. February 15, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Southeastern Railroad Company, a corporation created and existing under an act of the gen-

Southeastern Railroad may bridge Lumber River, N. C.

eral assembly of the State of North Carolina, be, and is hereby, authorized to construct and maintain a railroad bridge for the passage of railway engines and cars across the Lumber River, at such point as may be selected by such company and approved by the Secretary of War within the boundary lines of Robeson County, North Carolina, said bridge to be so constructed as not to obstruct the navigation of said river, and to be provided with a suitable draw: *Provided*, That any bridge constructed under this Act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post route, and the same is hereby declared to be a post route, and the United States shall have the right of way for a postal telegraph across said bridge.

—location, etc.

Proviso.
Lawful structure and post route.

Secretary of War to approve plans, etc.

SEC. 2. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of the proposed bridge and a map of the location, giving, for the space of one-fourth of a mile above and one-fourth of a mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents, and the soundings, accurately showing the bed of the stream, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War no work upon the bridge shall be commenced; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

Amendment:
changes, etc.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act at any time; and that if at any time navigation of said river shall in any manner be obstructed or impaired by the said bridge, the Secretary of War shall have authority, and it shall be his duty, to require the said bridge company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment.

Draw.

SEC. 4. That the draw provided for the bridge herein authorized to be constructed shall be opened promptly, upon reasonable signal, for the passing of boats, which said company or corporation shall maintain, at its own expense; and if actual construction of the bridge herein authorized shall not be commenced within one year from the passage of this Act and be completed within three years from same date, the rights and privileges hereby granted shall cease and be determined.

Commencement and completion.

Approved, February 15, 1900.

February 19, 1900.

CHAP. 22.—An Act Relating to lights on steam pilot vessels.

Steam pilot vessels.
Lights required.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a steam pilot vessel, when engaged on her station on pilotage duty and in waters of the United States, and not at anchor, shall, in addition to the lights required for all pilot boats, carry at a distance of eight feet below her white masthead light a red light, visible all around the horizon and 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 also the colored side lights required to be carried by vessels when under way.

When engaged on her station on pilotage duty and in waters of the United States, and at anchor, she shall carry in addition to the lights required for all pilot boats the red light above mentioned, but not the colored side lights.

When not engaged on her station on pilotage duty, she shall carry the same lights as other steam vessels.

SEC. 2. That this Act shall be construed as supplementary to article eight of the Act approved June seventh, eighteen hundred and ninety-seven, entitled "An Act to adopt regulations for preventing collisions upon certain harbors, rivers, and inland waters of the United States," and to article eight of an Act approved August nineteenth, eighteen hundred and ninety, entitled "An Act to adopt regulations for preventing collisions at sea."

Vol. 30, p. 98.

Vol. 26, p. 323.

SEC. 3. That this Act shall take effect on June thirtieth, nineteen hundred.

Effect.

Approved, February 19, 1900.

CHAP. 23.—An Act To amend "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March third, eighteen hundred and ninety-nine.

February 20, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March third, eighteen hundred and ninety-nine, be, and the same is hereby, amended by striking out and repealing the paragraphs in said Act on pages eleven hundred and twenty-seven and eleven hundred and twenty-eight of the United States Statutes at Large, volume thirty, which read as follows:

Galveston Ship Channel and Buffalo Bayou, Texas, improvement of.

Repeal of paragraphs in prior act. Vol. 30, pp. 1127, 1128.

Improving Galveston Ship Channel and Buffalo Bayou, Texas: For improvement of the Galveston Ship Channel and Buffalo Bayou, by dredging or otherwise, from the jetties at Galveston, Texas, up through the present ship channel and Buffalo Bayou to the proposed harbor site at Houston, Texas, to be provided by the citizens of Houston, three hundred thousand dollars: *Provided*, That out of said sum a suitable dredge may be constructed for said work.

For commencing the improvement of the water route from the mouth of the jetties at Galveston, through the existing ship channel and up Buffalo Bayou to Houston, Texas, including harbor at Houston, in accordance with project submitted by the Board of Engineers in report of survey dated November third, eighteen hundred and ninety-seven, two hundred and fifty thousand dollars: *Provided*, That contracts may be entered into by the Secretary of War for the whole or any part of such materials and work as may be required for prosecuting said improvement, or the said materials may be purchased and the work done otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate two million dollars: *Provided further*, That out of said sum two dredges may be constructed for said work.

And amend said Act so as to read in place of said paragraphs repealed as follows:

"Improving Galveston Ship Channel and Buffalo Bayou, Texas: For improvement of the Galveston Ship Channel and Buffalo Bayou, by dredging or otherwise in accordance with the project submitted by a board of engineers in the report of a survey dated November third, eighteen hundred and ninety-seven, and submitted by the Chief of Engineers in his report for eighteen hundred and ninety-eight, in volume one, pages two hundred and eighty-eight and two hundred and eighty-nine, three hundred thousand dollars: *Provided*, That all sums heretofore appropriated and available for work on Galveston Ship

Act amended.

Proviso. Prior appropriations available.

Channel and Buffalo Bayou are hereby made available for said project: *Provided further*, That all of said sums of money not necessary for administration, surveys and maintenance be used in improving division one of said survey."

SEC. 2. That section twelve of the same Act be, and the same is hereby, amended by striking out the word "fourteen" after the word "section," and inserting in lieu thereof the word "eleven."

SEC. 3. That section twenty of the same Act be, and the same is hereby, amended by striking out the word "ten," after the word "sections," and inserting in lieu thereof the word "nine."

Approved, February 20, 1900.

February 24, 1900.

CHAP. 24.—An Act To amend an Act entitled "An Act to amend an Act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act entitled "An Act to amend an Act entitled 'An Act to suspend the operation of certain provisions of law relating to the War Department, and for other purposes,'" approved March third, eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

"That the operation of the following provisions of law be, and is hereby, continued suspended for such further time as, in the discretion of the Secretary of War, may be found necessary, or until otherwise provided by Congress, not longer, however, than June thirtieth, nineteen hundred and one:

"First. The provision of the first section of the Act entitled 'An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and eighty-nine, and for other purposes,' in the following words:

"*Provided*, That hereafter no part of this appropriation shall be expended in the purchase for the Army of draft animals until the number on hand shall be reduced to five thousand, and thereafter shall only be expended for the purchase of a number sufficient to keep the supply up to five thousand."

"Second. The provisions of the first section of the Act entitled 'An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes,' in the following words:

"*Provided*, That hereafter no part of the appropriations for the Quartermaster's Department shall be expended on printing unless the same shall be done by contract, after due notice and competition, except in such cases as the emergency will not admit of the giving notice for competition: *Provided further*, That after advertisement, all the supplies for the use of the various departments and posts of the Army and of the branches of the army service shall hereafter be purchased where the same can be purchased the cheapest in the markets of the United States, quality and cost of transportation and the interest of the Government considered, except that purchases may be made in open market, in the manner common among business men, when the aggregate amount required does not exceed two hundred dollars, but every such purchase shall be immediately reported to the Secretary of War."

"And the words:

"*Provided*, That the number of horses purchased under this appropriation, added to the number on hand, shall not at any time exceed the number of enlisted men and Indian scouts in the mounted service, and that no part of this appropriation shall be paid out for horses not purchased by contract, after competition duly invited by the Quarter-

Division one of survey.

Army.
Suspension of certain provisions of law.
Vol. 30, p. 1350.

Provisos.
Limit of draft animals.
Vol. 25, p. 486.

Vol. 30, p. 323.

Quartermaster's Department.
—printing for, etc.

—purchases where cheapest, etc.

—purchase of horses:
limit, etc.

master's Department and an inspection by such department, all under the direction and authority of the Secretary of War.'

"And the words:

"'Provided, That not more than one million dollars of the sums appropriated by this Act shall be paid out for the services of civilian employees in the Quartermaster's Department, including those heretofore paid out of the funds appropriated for regular supplies, incidental expenses, barracks and quarters, army transportation, clothing, camp and garrison equipage; that no employee paid therefrom shall receive a salary more than one hundred and fifty dollars per month unless the same be specially fixed by law.'

—civilian employees; limit.

"Third. So much of the Act approved March fifteenth, eighteen hundred and ninety-eight, entitled 'An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine,' under the heading 'Ordnance Department,' as provides that not more than sixty-five thousand dollars of the money appropriated for the Ordnance Department in all its branches shall be applied to the payment of civilian clerks in said department."

Ordnance Department. Civilian clerks; limit.

SEC. 2. That during the time the operation of the foregoing provisions of law shall remain so suspended pursuant to this Act, materials required by the War Department may, in the discretion of the Secretary of War, be purchased abroad and shall be admitted free of duty.

Admission free of duty of war materials.

SEC. 3. That during the same time the Bureau of Ordnance of the War Department is authorized to purchase, without advertisement, such ordnance and ordnance stores as are needed for immediate use; and when such ordnance and ordnance stores are to be manufactured, then to make contracts without advertisement for such stores, to be delivered as rapidly as manufactured.

Purchases without advertisement.

Approved, February 24, 1900.

CHAP. 25.—An Act For the relief of claimants having suits against the United States pending in the circuit and district courts of the United States affected by the Act of June twenty-seventh, eighteen hundred and ninety-eight, amending the Act of March third, eighteen hundred and eighty-seven.

February 26, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no suit shall abate or be affected by the Act of June twenty-seventh, eighteen hundred and ninety-eight, entitled "An Act to amend sections one and two of the Act of March third, eighteen hundred and eighty-seven," which was pending in any circuit court of appeals, circuit or district court of the United States at the time of the passage of said Act; and all such suits which have been dismissed by reason of said Act shall be restored to their places in such courts and proceeded with as if the same had not been enacted; and time within which an appeal or writ of error may be taken or prosecuted in any case affected by this Act is hereby extended six months from the passage hereof.

Suits pending in United States courts by Government officers to recover fees for services unaffected by transfer of jurisdiction to Court of Claims, etc. Vol. 30, p. 495. Vol. 24, p. 505.

Approved, February 26, 1900.

CHAP. 26.—An Act To amend an Act entitled "An Act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minnesota, to construct a dam and bridge across the Mississippi River," approved February twenty-seventh, eighteen hundred and ninety-nine.

February 27, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three of an Act entitled "An Act to authorize the Grand Rapids Water Power and Boom Company, of Grand Rapids, Minnesota, to construct a dam and bridge across the Mississippi River," approved February twenty-

Time extended to Grand Rapids Water Power and Boom Company to dam, etc., Mississippi River at Grand Rapids, Minn.

seventh, eighteen hundred and ninety-nine, is hereby amended so as to read as follows:

“SEC. 3. That this Act shall be null and void unless said dam herein authorized be commenced within two years and completed within four years from the date hereof.”

Approved, February 27, 1900.

February 28, 1900.

CHAP. 27.—An Act To authorize the construction of a bridge across the Red River of the North, at Drayton, North Dakota.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the council of the city of Drayton, county of Pembina, State of North Dakota, be, and are hereby, authorized to construct and maintain a pontoon bridge and approaches thereto across the Red River of the North, between the State of North Dakota and the State of Minnesota, extending from the foot of Almeron or Grant streets in said town of Drayton to a point opposite, in the State of Minnesota. Said bridge shall be constructed so as to provide for the passage of wagons and vehicles of all kinds, animals, and foot passengers, and for all road travel, for such reasonable rates of toll and under such rules and regulations as may be prescribed by said council and approved from time to time by the Secretary of War.

Drayton, N. Dak., may bridge Red River of the North at Drayton.

Transit, toll, etc.

To be lawful structure and post route.

SEC. 2. That any bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than is charged other parties for like privileges; and it shall enjoy the rights and privileges of other post roads in the United States, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes. And equal rights as to constructing and maintaining their lines over said bridge shall be granted to all telephone and telegraph companies desiring to use the same.

Telephone, etc., companies.

Draw, etc.

SEC. 3. That said bridge shall be constructed as a pontoon drawspan bridge, and shall contain a pontoon drawspan of such dimensions as the Secretary of War shall prescribe, which said drawspan shall be maintained on the main channel of the river at an accessible and navigable point; and the piers of said bridge shall be parallel with, and the bridge itself at right angles to, the current of the river: *Provided*, That said draw shall be opened promptly, upon reasonable signal, for the passage of boats and rafts; and said council of the city of Drayton shall maintain, at the expense of the said city, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be constructed or maintained under the authority of this Act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under said authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made and all such obstructions be removed at the expense of the said city of Drayton; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, suit may be brought in any circuit court of the United States for the circuit in which said bridge or any part thereof is located to remove or remedy the same: *Provided further*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the pro-

Provisos.—opening of lights.

Not to obstruct navigation.

—litigation.

Existing law unaffected.

tection of the navigation of rivers, or to exempt this bridge from the operations of the same.

SEC. 4. That any bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said city or council shall submit to the Secretary of War, for his examination and approval, a design and drawings of the said bridge, and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the high and low water lines upon the banks of the river, the direction and strength of the currents at all stages, with the soundings accurately showing the bed of the stream, and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until such plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge during the progress of construction or after completion, such change shall be subject to the approval of the Secretary of War.

Secretary of War to approve plans, changes, etc.

SEC. 5. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

SEC. 6. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of the approval of this Act.

Commencement and completion.

Approved, February 28, 1900.

CHAP. 28.—An Act Granting additional right of way to the Allegheny Valley Railway Company through the arsenal grounds at Pittsburg, Pennsylvania.

February 28, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Allegheny Valley Railway Company be, and it is hereby, authorized to extend its tracks over and occupy all that portion of the Allegheny Arsenal property in the city of Pittsburg, Pennsylvania, which adjoins the present right of way of said Allegheny Railway, bounded and described as follows, to wit: Beginning at a point on the south building line of Fortieth street, at a distance of ten and fifty-eight one-hundredths feet from the center line of the north-bound track of the Allegheny Valley Railway; thence along the western wall of the United States arsenal south twelve degrees thirty-five minutes west five hundred and seventy-six and seventy one-hundredths feet to a point on the north building line of Thirty-ninth street, said point being distant thirteen and twenty-seven one-hundredths feet (measured along the north building line of Thirty-ninth street) from the center of the said north-bound track of the Allegheny Valley Railway; thence south fifty-three degrees fifty-two minutes west eleven and twenty-two one-hundredths feet along the north building line of Thirty-ninth street to a point; thence north twelve degrees twenty-one minutes east five hundred and seventy-five and sixty-two one hundredths feet to a point on the south building line of Fortieth street; thence north fifty-three degrees fifty-two minutes west thirteen and nine-tenths feet to the place of beginning, containing seven thousand six hundred and fifty-five square feet: *Provided,* That the value of said property shall be fixed by a competent board of officers to be appointed by the Secretary of War, which value shall be paid into the Treasury of the United States before the occupation by

Allegheny Valley Railway granted right of way through arsenal grounds, Pittsburg, Pa.

Location.

Provisos. Valuation.

Replacing stone boundary wall, etc.

Construction of siding, etc.

said company of said strip: *And provided further*, That the stone boundary wall on the Allegheny River front of the Allegheny Arsenal, which must be removed to permit the desired extension of the railway, be replaced, or its equivalent, on the new boundary line, all free of cost to the United States, and to be approved by the Secretary of War: *And provided further*, That the said Allegheny Valley Railway Company shall construct for the use of the Government, on the approval of the Secretary of War, a siding about five hundred and seventy-seven feet long through the said arsenal property, said siding paralleling the said strip of ground hereinbefore described, all free of cost to the United States in addition to the price paid for the said property.

Approved, February 28, 1900.

March 1, 1900.

CHAP. 29.—An Act To authorize Frank Hitch to construct and maintain a bridge across Fishing Creek within the boundary lines of Edgecombe County, North Carolina.

Frank Hitch may bridge Fishing Creek, Edgecombe County, N. C.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Frank Hitch be, and is hereby, authorized to construct and maintain a railroad bridge for the passage of railway engines and cars across Fishing Creek at such point as may be selected by said Hitch and approved by the Secretary of War within the boundary lines of Edgecombe County, North Carolina, said bridge to be so constructed as not to obstruct the navigation of said river, and to be provided with a suitable draw: *Provided*, That any bridge constructed under this Act and according to its limitations shall be a lawful structure, and shall be known and recognized as a post route, and the same is hereby declared to be a post route, and the United States shall have the right of way for a postal telegraph across said bridge.

Proviso.
To be lawful structure, etc.

Secretary of War to approve plans, changes, etc.

SEC. 2. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such regulations for the security of the navigation of said creek as the Secretary of War shall prescribe; and the said Hitch shall submit to the Secretary of War, for his examination and approval, a design and drawing of the proposed bridge and a map of the location, giving, for the space of one-fourth of a mile above and one-fourth of a mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents, and the soundings, accurately showing the bed of the stream, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War no work upon the bridge shall be commenced; and should any change be made in the plan of said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War.

Amendment.
Obstruction to navigation.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act at any time; and that if at any time navigation of said creek shall in any manner be obstructed or impaired by the said bridge, the Secretary of War shall have authority, and it shall be his duty, to require the said bridge company to alter and change the said bridge, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment.

Draw

SEC. 4. That the draw provided for the bridge herein authorized to be constructed shall be opened promptly, upon reasonable signal, for the passing of boats, which said Hitch shall maintain at his own expense; and if actual construction of the bridge herein authorized shall not be commenced within one year from the passage of this Act

Commencement and completion.

and be completed within three years from same date, the rights and privileges hereby granted shall cease and be determined.

Approved, March 1, 1900.

CHAP. 30.—An Act To authorize the Natchitoches Railway and Construction Company to build and maintain a railway and traffic bridge across Red River at Grand Ecore, in the parish of Natchitoches, State of Louisiana.

March 1, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Natchitoches Railway and Construction Company, a corporation duly incorporated and existing under and by virtue of the laws of the State of Louisiana, be, and is hereby, authorized to construct and maintain, by itself or through its assignees, a railway and traffic bridge across Red River at a point suitable to the interest of navigation, at Grand Ecore, parish of Natchitoches, State of Louisiana. Said bridge shall be constructed to provide for passage of railway trains, and for all legitimate traffic of foot, horse, vehicle, animal, and all other legitimate purposes, and for transmission of the mails, at such legal rates of toll as may be fixed by said railway company or its transferees and approved by the Secretary of War, except to the people of the parish of Natchitoches, to whom the use of said bridge shall at all times and under all circumstances be free.

Natchitoches Railway, etc., Company may bridge Red River at Grand Ecore, La.

Transit, toll, etc.

SEC. 2. That said bridge, built under this Act and subject to its limitations, shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge, and shall enjoy the rights and privileges of other post roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes: *Provided*, That the bridge herein authorized to be constructed shall be so kept and managed by the company owning or operating it as to afford proper ways and means for the passage through or under it of vessels, barges, or rafts at all times, both by day and by night. And if said bridge be constructed as a drawbridge, the draw shall be opened promptly upon reasonable signal for the passage of boats; and upon whatever kind of bridge is built there shall be displayed, from sunset to sunrise, at the expense of said company, such lights and signals as the Light-House Board shall prescribe.

To be lawful structure and post route.

Telegraph, etc., companies.

Proviso.
Aids to navigation.

Draw.

Lights.

SEC. 3. That if said bridge, erected and maintained under the authority of this Act, shall at any time substantially or materially obstruct the free navigation of said river, or shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and such alteration shall be made and all such obstructions be removed at the expense of the owner or operators of said bridge; and in case of any litigation arising from the obstruction or alleged obstruction to the free navigation of said river, the case may be brought in the district court of the United States for the western district of Louisiana: *Provided*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said bridge from the operation of same.

Obstructions to navigation.

—alterations.

—litigation.

Proviso.
Existing law unaffected.

SEC. 4. That all railroad companies desiring to use the said bridge shall have and be entitled to equal rights and privileges relative to the

Right of railroads to use.

passage of railway trains over the same and the approaches thereto upon the payment of a reasonable compensation for such use, which compensation may be different in case of different railways. In case of disagreement as to compensation for the use of said bridge, the difference shall be determined by the Secretary of War upon hearing the allegations and proof of the parties in interest.

Secretary of War to approve plans, etc.

SEC. 5. That the bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of said bridge, and a map of the location, prepared with reference to known datum plane upon prescribed scale, furnished by the engineer officer having supervision of said river, and giving, for the space of two miles above and two miles below the proposed location of the bridge, the topography of the banks of the river, with shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject. And until the said plans and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of the said bridge during the process of construction such change shall be subject to the approval of the Secretary of War, and said structure shall be changed at the costs and expense of the owners thereof from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

—changes.

Commencement and completion.

SEC. 6. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year, and completed within three years from the date hereof.

Amendment.

SEC. 7. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 1, 1900.

March 1, 1900.

CHAP. 31.—An Act Authorizing the construction by the Texarkana, Shreveport and Natchez Railway Company of a bridge across Twelve-mile Bayou near Shreveport, Louisiana.

Texarkana, Shreveport and Natchez Railway may bridge Twelve-mile Bayou, La.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Texarkana, Shreveport and Natchez Railway Company, a railroad corporation duly incorporated under the laws of the State of Louisiana, its successors or assigns, be, and it is hereby, authorized to construct and maintain a railway bridge and approaches thereto over and across Twelve-mile Bayou, in Caddo Parish, Louisiana, at or about eight miles above the point where said bayou empties into Red River. Said bridge shall be constructed to provide for the passage of railway trains and, at the option of said company, may be used for the passage of wagons and vehicles of all kinds, for the passage of animals, and for foot passengers for such reasonable rates of toll as may be approved from time to time by the Secretary of War; that said bridge shall be a draw-bridge with a draw over the main channel of the bayou, and said draw shall be opened promptly, upon reasonable signals, for the passing of boats and water crafts; and said company shall maintain, at its own expense, from sunset to sunrise throughout the season of navigation, such lights or other signals on said bridge as the Light-House Board may prescribe.

Transit, toll, etc.

Draw.

Lights.

SEC. 2. That the bridge herein authorized shall be built and located under and in accordance with such regulations for the security of navigation as the Secretary of War shall prescribe; and to secure that object the said company shall submit to the Secretary of War, for his examination and approval, drawings showing the plan and location of said bridge, said drawings to give, for the space of one-half mile above and one-half mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the current at all stages, and the soundings accurately showing the bed of the stream, and such other information as may be required for a full and satisfactory understanding of the subject; and any change in the plan of said bridge, either before or after construction, shall be subject to the approval of the Secretary of War, and any change in said bridge during or after construction which the Secretary of War may require in the interest of navigation shall be made by the said company at its own expense.

Secretary of War to approve plans, etc.

—changes.

SEC. 3. That no bridge shall be erected or maintained under the authority of this Act which shall at any time substantially or materially obstruct the free navigation of said bayou; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alterations of such bridge to be made as will effectually obviate such obstructions, and all such alterations shall be made, and all such obstructions shall be removed, at the expense of the owner or owners of said bridge.

Not to obstruct navigation.

—alterations.

SEC. 4. That any bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highways leading to said bridge, and it shall enjoy all the rights and privileges of other post roads in the United States.

To be lawful structure and post route.

SEC. 5. That all railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same, and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridge and the several railroad companies, or any of them, desiring such use shall fail to agree upon the sum or sums to be paid and upon rules and conditions to which each shall conform in using said bridge all matters at issue between them shall be decided by the Secretary of War, upon a hearing of the allegations and proof of the parties.

Right of railroads to use.

SEC. 6. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

SEC. 7. That this Act shall be null and void if the bridge herein authorized be not completed within two years from the approval of this Act.

Completion.

Approved, March 1, 1900.

CHAP. 33.—An Act To authorize the Union Railroad Company to construct and maintain a bridge across the Monongahela River.

March 2, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Union Railroad Company, a corporation existing under the laws of the State of Pennsylvania, is hereby authorized to construct, maintain, and operate a railroad bridge, with single or double track, for railroad traffic across the Monongahela River, within the limits of Allegheny County, State

Union Railroad may bridge Monongahela River, Pa.

of Pennsylvania, between a point in Mifflin Township and a point opposite in the borough of Rankin. The said bridge, when built in accordance with the requirements of this Act, shall be a legal structure, and may be used for railroad and highway purposes.

Legal structure, etc.

Spans.

SEC. 2. That in any bridge built under the provisions of this Act the channel span shall not be less than fifty-three feet above the level of the water at pool full in said river to the bottom chord of the bridge, the north shore span shall be not less than fifty-two feet, and all other spans not less than forty-five feet above the same level, nor shall the main span be less than four hundred and seventy-five feet in length in the clear, and the piers of the bridge shall be parallel with the current of the river, and the main span shall be over the main channel of the river at ordinary water.

Secretary of War to approve plans, etc.

SEC. 3. That the bridge authorized to be constructed under this Act shall be located and built under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the railroad company shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge and a map of the location, giving, for the space of three-fourths of a mile above and below the proposed location, the depth and currents at all points of the same and the location of any other bridge or bridges, together with all other information touching said bridge and river as may be deemed requisite by the Secretary of War to determine whether said bridge when built will conform to the provisions of this Act and cause any serious obstruction to the navigation of the river or injuriously affect the flow of water.

Notification of approval, etc.

SEC. 4. That the Secretary of War is hereby authorized and directed, upon receiving said plan and map, and upon being satisfied that a bridge built on such a plan and at said locality will conform to the provisions of this Act and cause no serious obstruction to the navigation of the river or injuriously affect the flow of water, to notify the said company that he approves the same, and upon receiving such notification the said company may proceed to the erection of said bridge, conforming strictly to the approved plan and location. But until the Secretary of War shall approve the plan and location of the said bridge, and notify the said company of the same in writing, the bridge shall not be built or commenced; and should any change be made in the plan of the bridge during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War.

Transit, toll, etc.

SEC. 5. That said bridge shall be constructed to provide for the passage of railroad trains, and, at the option of the corporation by which it may be built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers for such reasonable rates of toll as may be approved from time to time by the Secretary of War: *Provided*, That all railroad companies desiring the use of the bridge authorized by this Act shall have and be entitled to equal rights and privileges relative to the passage of trains or cars over the same and over the approaches thereto upon the payment of a reasonable compensation for such use; and in case the owner or owners of such bridge and the several companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

Proviso.
Right of railroads to use, etc.

Telegraph, etc., companies.

To be lawful structure and post route.

SEC. 6. That any bridge constructed under this Act shall be a lawful structure and shall be known as a post road, over which no higher charge shall be made for the transportation of mails, troops, and munitions of war, or other property of the Government of the United

States, or for passengers or freight passing over the same, than the rate per mile charged for their transportation over the railways or public highways leading to said bridge. The United States shall also have the right of way over said bridge for postal telegraph purposes.

SEC. 7. That said bridge herein authorized to be constructed shall be so kept and managed at all times as to afford proper means and ways for the passage of vessels, barges, or rafts, both by day and by night; and there shall be displayed on said bridge by the owners thereof, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe; and such changes shall be made from time to time in the structure of said bridge as the Secretary of War may direct, at the expense of the said company, in order the more effectually to preserve the free navigation of said river.

Aids to navigation.

Lights.

Changes.

SEC. 8. That this Act shall be null and void unless the construction of said bridge shall be commenced within one year and completed within three years from the passage of this Act.

Commencement and completion.

SEC. 9. That Congress shall have power at any time to alter, amend, or repeal this Act.

Amendment.

Approved, March 2, 1900.

CHAP. 34.—An Act Authorizing the construction of a bridge across the Mississippi River at Dubuque, Iowa.

March 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Dubuque and Wisconsin Bridge Company, a corporation duly incorporated under the laws of the State of Iowa, its successors and assigns, be, and is hereby, authorized to construct and maintain, at a point suitable to the interests of navigation, a bridge for the passage of vehicles of all kinds, animals, and foot passengers across the Mississippi River from a point at or near Eagle Point, in the city of Dubuque, in the State of Iowa, to the opposite shore of said river in the county of Grant, in the State of Wisconsin; that said bridge shall not be built within two miles of any other bridge on said river following the course of the main channel; that the location and plan or manner of constructing said bridge shall be subject to the approval of the Secretary of War, and until decided by him to be such as will not materially affect the interests of navigation the said bridge shall not be built; and there shall be submitted to the Secretary of War for his examination and approval a design and drawing of the proposed bridge and a map of the location, giving, for the space of a mile above and below the proposed location, the topography of the banks of the river, the shore line at high and low water, the direction and strength of the currents at all stages, and the soundings, accurately showing the bed of the stream, the location of any other bridge, and all other information required, and should any change be made in the plan of said bridge during the progress of construction such change shall be subject to the approval of the Secretary of War, and the said structure shall at all times be so kept and managed and be provided with such guard fences, sheer booms, and other structures as to offer reasonable and proper means for the passage of vessels and other floating craft through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge from the hours of sunset to sunrise such lights as may be prescribed by the Light-House Board; and the said structure shall be changed at the cost and the expense of the owners thereof, from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

Dubuque and Wisconsin Bridge Company may bridge Mississippi River at Dubuque.

Secretary of War to approve plans, etc.

Aids to navigation.

Lights, etc.

SEC. 2. That said bridge between the Iowa shore and the lowlands or islands on the Wisconsin side of the river shall be constructed with

Spans.

unbroken and continuous spans, and the main span shall be over the main navigable channel of the river, and shall give a clear width of waterway not less than three hundred and fifty feet, and shall give clear headroom the full length of said span of not less in any case than fifty-five feet above extreme high water mark, as understood at the point of location. The remaining spans shall each give a clear width of waterway of not less than two hundred feet, and a clear headroom of not less in any case than ten feet between extreme high water mark and the lower chords of the superstructure. Said bridge shall be constructed at right angles to, and its piers parallel with, the current of the river.

Toll. SEC. 3. That said Dubuque and Wisconsin Bridge Company shall have the right to charge and collect a reasonable rate of toll for the passage across said bridge of vehicles, animals, and foot passengers, and travelers, subject to approval by the Secretary of War.

Commencement and completion. SEC. 4. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within eighteen months, and completed within three years from the date of the passage hereof.

To be lawful structure and post route. SEC. 5. That the bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be known and recognized as a post route, and it shall enjoy the rights and privileges of other post-roads of the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

Telegraph, etc., companies. Amendment. SEC. 6. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 6, 1900.

March 8, 1900.

CHAP. 35.—An Act Authorizing the health officer of the District of Columbia to issue a permit for the removal of the remains of the late Major-General E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery at Arlington, Virginia.

Maj. Gen. E. O. C. Ord. Removal of remains of. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the health officer of the District of Columbia be, and he is hereby, authorized to issue a permit for the removal of the remains of the late Major-General E. O. C. Ord from Oak Hill Cemetery, District of Columbia, to the United States National Cemetery at Arlington, Virginia.*

Approved, March 8, 1900.

March 9, 1900.

CHAP. 36.—An Act Extending the time for the completion of the bridge across the East River, between the city of New York and Long Island, now in course of construction, as authorized by the Act of Congress approved March third, eighteen hundred and eighty-seven.

Time extended for bridging East River at New York City. Vol. 24, p. 468. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for the completion of the bridge of the New York and Long Island Bridge Company across the East River between the city of New York and Long Island, authorized by the Act of Congress entitled "An Act authorizing the construction of a bridge across the East River between the city of New York and Long Island," approved March third, eighteen hundred and eighty-seven, and the various Acts amendatory thereof or supplementary thereto, is hereby extended to and including the first day of January in the year nineteen hundred and five.*

Approved, March 9, 1900.

CHAP. 37.—An Act To provide for the erection of a bridge across Rainy River, in the State of Minnesota, between Rainy Lake and the mouth of Rainy River.

March 9, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Minnesota and Ontario Bridge Company, a corporation duly incorporated under the laws of the State of Minnesota, be, and the same is hereby, authorized and empowered to erect, construct, and maintain a bridge over Rainy River at or near a point on Rainy River that is known as Cathcarts Point, in the State of Minnesota, just below the confluence of the Baudette River with Rainy River: *Provided,* That the plan, location, and elevation of the bridge, so far as the interests of navigation are concerned, shall be recommended by a board of three officers of the Corps of Engineers, which shall be appointed by the Secretary of War to consider the same; and it shall be the duty of the said board to give a public hearing in the city of Minneapolis to all parties interested whenever the designs and drawings of the said bridge and maps of location shall have been submitted to the Secretary of War, as hereinafter provided. The said board shall give reasonable notice, by publication in the newspapers, of the time and place of such hearing, and report its recommendations to the Secretary of War as soon thereafter as may be expedient.

Minnesota and Ontario Bridge Company may bridge Rainy River, Minn.

Proviso. Board to consider plans, etc.

—hearing.

—notice of.

—report.

SEC. 2. That any bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to the said bridge, and it shall enjoy the rights and privileges of other post roads in the United States.

To be lawful structure and post route.

SEC. 3. That the said bridge shall have a draw or draws over the main channel of the river, leaving a clear waterway of not less than one hundred and sixty feet on one side of the pivot pier. The height of the superstructure above water shall be fixed and determined by the Secretary of War. The bridge shall be at right angles to, and its piers parallel with, the current of the river. No bridge shall be erected or maintained under the authority of this Act which shall at any time unreasonably obstruct the navigation of the said river. During the construction of the bridge, the navigable channel of the river shall not be obstructed to a greater extent than in the opinion of the Secretary of War is absolutely necessary, and such lights and buoys shall be kept on all cofferdams, piles, and other obstructions as may be required during navigation. In case of any litigation arising from obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the circuit court of the United States of the circuit within which said bridge may be located shall have jurisdiction thereof: *Provided,* That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of the same.

Draw.

Height, etc.

Not to obstruct navigation.

Lights.

Litigation.

Proviso. Existing law unchanged.

SEC. 4. That all railroad companies in this country or Canada desiring the use of said bridge shall be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto, and the rates charged for the use of said bridge shall be the same for all companies alike, and without discrimination of any kind in favor of or against either over the whole length of the bridge and approaches: *Provided,* That if any question of difference arises at any time between said bridge company and any railroad company using said bridge or desiring its use in respect of the rate of compensation to be paid for such use or in respect of any other matter pertaining to such use and the parties can not agree in regard to the

Railroads, rights of as to use of bridge.

Provisos. —Secretary of War to decide differences of, with bridge company.

same, such question shall be determined by the Secretary of War on application to him by either party to such matter of difference and due notice to all other parties interested. The parties shall be heard by the Secretary, and they shall have the opportunity of producing testimony. The determination of any such question by the Secretary of War shall be conclusive on the parties: *Provided*, That his decision may from time to time, as becomes necessary, be revised and modified by him.

—revision of decision.

Secretary of War to approve plans, etc.

SEC. 5. That any bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge and a map of the location, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and the said company or corporation shall cause to be displayed on said bridge, from the hours of sunset to sunrise, or at other times, such lights or other signals as may be prescribed by the Light-House Board.

Lights.

Opening of draw.

Aids to navigation.

SEC. 6. That the draw or draws shall be opened promptly upon reasonable signal for the passage of boats, vessels, or other water craft; and at the time of the erection of the piers, or whenever in the opinion of the Secretary of War the same may be necessary, the persons or corporations constructing, owning, or operating said bridge shall, at their own expense, construct proper sheer booms or other proper structures to safely guide boats, vessels, or other water craft through the said spans.

Commencement and completion.

Construction of Canadian side of bridge.

SEC. 7. That if the actual construction of the bridge hereby authorized shall not be commenced within two years from the date of approval of this Act, and be completed within four years after the same date, then this Act shall be void, and all rights hereby conferred shall cease and be determined; and that the construction shall not be commenced until the Government of the Dominion of Canada has authorized the construction and maintenance of that part of said bridge which shall occupy that portion of the said Rainy River which is under the jurisdiction of said Dominion government.

Amendment.

SEC. 8. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, March 9, 1900.

March 9, 1900.

CHAP. 38.—An Act To extend the time for the completion of a bridge across the Missouri River.

Time extended for bridging Missouri River at Yankton.
Vol. 30, p. 1361.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section six of the Act approved March third, eighteen hundred and ninety-nine, authorizing the Dakota Southern Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River, at the city of Yankton, South Dakota, be, and is hereby, amended by extending the time for commencing the construction of said bridge to March third, nineteen hundred and one, and by extending the time for completing said bridge to March third, nineteen hundred and four.

Approved, March 9, 1900.

CHAP. 39.—An Act To change the name of the Potomac Insurance Company of Georgetown, and for other purposes.

March 10, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to incorporate a fire insurance company in Georgetown, in the District of Columbia," approved the second of March, eighteen hundred and thirty-one, and the Act entitled "An Act to amend the charter of the Potomac Fire Insurance Company of Georgetown," approved the third of March, eighteen hundred and thirty-seven, and the Act entitled "An Act to renew and continue in force the charter of the Potomac Insurance Company of Georgetown," approved the twenty-seventh of January, eighteen hundred and fifty-one, and the Act entitled "An Act to renew and continue in force the charter of the Potomac Insurance Company of Georgetown, District of Columbia," approved the twenty-fifth of March, eighteen hundred and seventy, be, and the same are hereby, amended, so that the name and style of said company shall hereafter be "The Potomac Insurance Company of the District of Columbia."

Potomac Insurance Company of the District of Columbia. Name changed. Vol. 6, pp. 460, 691.

Vol. 9, p. 808.

Vol. 16, p. 80.

SEC. 2. That the Act of March second, eighteen hundred and thirty-one, above referred to, be amended by inserting the words "a board of not less than" immediately before the words "twelve directors," where they occur in section six of said Act; and to further amend said Act by striking out all the words of section seven thereof and substituting in lieu thereof the following words: "Each stockholder shall be entitled to vote in person, or by agent or proxy appointed under his hand and seal, attested by one witness, at all stockholders' meetings, and shall have one vote for each share recorded in his name on the books of the company;" and to further amend said Act by striking out of section eight the words "not exceeding ten thousand dollars in any one policy," and the words "in Georgetown," where they occur in said section; and to further amend said Act by striking out section nine in full, and by striking from section ten the words "not oftener than once in six months."

Prior acts amended.

SEC. 3. That the Act of March third, eighteen hundred and thirty-seven, above mentioned, be amended by adding at the end of section two the words "and the board of directors created under this charter shall have the power to increase the capital stock at any time to any amount not in excess of one million dollars."

Increase of capital stock.

Approved, March 10, 1900.

CHAP. 41.—An Act To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes.

March 14, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the dollar consisting of twenty-five and eight-tenths grains of gold nine-tenths fine, as established by section thirty-five hundred and eleven of the Revised Statutes of the United States, shall be the standard unit of value, and all forms of money issued or coined by the United States shall be maintained at a parity of value with this standard, and it shall be the duty of the Secretary of the Treasury to maintain such parity.

Standard of value fixed. R. S., sec. 3511, p. 696.

SEC. 2. That United States notes, and Treasury notes issued under the Act of July fourteenth, eighteen hundred and ninety, when presented to the Treasury for redemption, shall be redeemed in gold coin of the standard fixed in the first section of this Act, and in order to secure the prompt and certain redemption of such notes as herein provided it shall be the duty of the Secretary of the Treasury to set

United States notes redeemable in gold. Vol. 26, p. 289.

Redemption fund.

apart in the Treasury a reserve fund of one hundred and fifty million dollars in gold coin and bullion, which fund shall be used for such redemption purposes only, and whenever and as often as any of said notes shall be redeemed from said fund it shall be the duty of the Secretary of the Treasury to use said notes so redeemed to restore and maintain such reserve fund in the manner following, to wit: First, by exchanging the notes so redeemed for any gold coin in the general fund of the Treasury; second, by accepting deposits of gold coin at the Treasury or at any subtreasury in exchange for the United States notes so redeemed; third, by procuring gold coin by the use of said notes, in accordance with the provisions of section thirty-seven hundred of the Revised Statutes of the United States. If the Secretary of the Treasury is unable to restore and maintain the gold coin in the reserve fund by the foregoing methods, and the amount of such gold coin and bullion in said fund shall at any time fall below one hundred million dollars, then it shall be his duty to restore the same to the maximum sum of one hundred and fifty million dollars by borrowing money on the credit of the United States, and for the debt thus incurred to issue and sell coupon or registered bonds of the United States, in such form as he may prescribe, in denominations of fifty dollars or any multiple thereof, bearing interest at the rate of not exceeding three per centum per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after one year from the date of their issue, and to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority; and the gold coin received from the sale of said bonds shall first be covered into the general fund of the Treasury and then exchanged, in the manner hereinbefore provided, for an equal amount of the notes redeemed and held for exchange, and the Secretary of the Treasury may, in his discretion, use said notes in exchange for gold, or to purchase or redeem any bonds of the United States, or for any other lawful purpose the public interests may require, except that they shall not be used to meet deficiencies in the current revenues. That United States notes when redeemed in accordance with the provisions of this section shall be reissued, but shall be held in the reserve fund until exchanged for gold, as herein provided; and the gold coin and bullion in the reserve fund, together with the redeemed notes held for use as provided in this section, shall at no time exceed the maximum sum of one hundred and fifty million dollars.

—how maintained.

—by bond issue.

—disposition of funds from sale of bonds.

Redeemed notes to be reissued.

Limit reserve fund.

Legal-tender quality of silver dollar unaffected.

Divisions of issue and redemption established.

—duties, etc

SEC. 3. That nothing contained in this Act shall be construed to affect the legal-tender quality as now provided by law of the silver dollar, or of any other money coined or issued by the United States.

SEC. 4. That there be established in the Treasury Department, as a part of the office of the Treasurer of the United States, divisions to be designated and known as the division of issue and the division of redemption, to which shall be assigned, respectively, under such regulations as the Secretary of the Treasury may approve, all records and accounts relating to the issue and redemption of United States notes, gold certificates, silver certificates, and currency certificates. There shall be transferred from the accounts of the general fund of the Treasury of the United States, and taken up on the books of said divisions, respectively, accounts relating to the reserve fund for the redemption of United States notes and Treasury notes, the gold coin held against outstanding gold certificates, the United States notes held against outstanding currency certificates, and the silver dollars held against outstanding silver certificates, and each of the funds represented by these accounts shall be used for the redemption of the notes

and certificates for which they are respectively pledged, and shall be used for no other purpose, the same being held as trust funds.

SEC. 5. That it shall be the duty of the Secretary of the Treasury, as fast as standard silver dollars are coined under the provisions of the Acts of July fourteenth, eighteen hundred and ninety, and June thirteenth, eighteen hundred and ninety-eight, from bullion purchased under the Act of July fourteenth, eighteen hundred and ninety, to retire and cancel an equal amount of Treasury notes whenever received into the Treasury, either by exchange in accordance with the provisions of this Act or in the ordinary course of business, and upon the cancellation of Treasury notes silver certificates shall be issued against the silver dollars so coined.

Cancellation of equal amount of Treasury notes for silver dollars coined, etc.

Vol. 26, p. 289.

—silver certificates to issue.

SEC. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer or any assistant treasurer of the United States in sums of not less than twenty dollars, and to issue gold certificates therefor in denominations of not less than twenty dollars, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: *Provided*, That whenever and so long as the gold coin held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below one hundred million dollars the authority to issue certificates as herein provided shall be suspended: *And provided further*, That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed sixty million dollars the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: *And provided further*, That of the amount of such outstanding certificates one-fourth at least shall be in denominations of fifty dollars or less: *And provided further*, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of ten thousand dollars, payable to order. And section fifty-one hundred and ninety-three of the Revised Statutes of the United States is hereby repealed.

Gold certificates to issue for deposits of gold coin.

Provisos. —suspension of authority to issue.

—denominations.

R. S., sec. 5193 p. 1004, repealed.

SEC. 7. That hereafter silver certificates shall be issued only of denominations of ten dollars and under, except that not exceeding in the aggregate ten per centum of the total volume of said certificates, in the discretion of the Secretary of the Treasury, may be issued in denominations of twenty dollars, fifty dollars, and one hundred dollars; and silver certificates of higher denomination than ten dollars, except as herein provided, shall, whenever received at the Treasury or redeemed, be retired and canceled, and certificates of denominations of ten dollars or less shall be substituted therefor, and after such substitution, in whole or in part, a like volume of United States notes of less denomination than ten dollars shall from time to time be retired and canceled, and notes of denominations of ten dollars and upward shall be reissued in substitution therefor, with like qualities and restrictions as those retired and canceled.

Denominations, silver certificates.

SEC. 8. That the Secretary of the Treasury is hereby authorized to use, at his discretion, any silver bullion in the Treasury of the United States purchased under the Act of July fourteenth, eighteen hundred and ninety, for coinage into such denominations of subsidiary silver coin as may be necessary to meet the public requirements for such coin: *Provided*, That the amount of subsidiary silver coin outstanding shall not at any time exceed in the aggregate one hundred millions of dollars. Whenever any silver bullion purchased under the Act of

Silver bullion purchased under the act of July 14, 1890 (vol. 26, p. 289), may be used for subsidiary coinage.

Proviso. —limit of outstanding, etc.

July fourteenth, eighteen hundred and ninety, shall be used in the coinage of subsidiary silver coin, an amount of Treasury notes issued under said Act equal to the cost of the bullion contained in such coin shall be canceled and not reissued.

Recoinage of uncurrent subsidiary silver coin.

SEC. 9. That the Secretary of the Treasury is hereby authorized and directed to cause all worn and uncurrent subsidiary silver coin of the United States now in the Treasury, and hereafter received, to be recoined, and to reimburse the Treasurer of the United States for the difference between the nominal or face value of such coin and the amount the same will produce in new coin from any moneys in the Treasury not otherwise appropriated.

R. S., sec. 5138, p. 993, amended.

SEC. 10. That section fifty-one hundred and thirty-eight of the Revised Statutes is hereby amended so as to read as follows:

Requisite capital for national banks.

“Section 5138. No association shall be organized 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, and except that banks with a capital of not less than twenty-five thousand dollars may, with the sanction of the Secretary of the Treasury, be organized in any place the population of which does not exceed three thousand inhabitants. No association shall be organized in a city the population of which exceeds fifty thousand persons with a capital of less than two hundred thousand dollars.”

Refunding bonds.

SEC. 11. That the Secretary of the Treasury is hereby authorized to receive at the Treasury any of the outstanding bonds of the United States bearing interest at five per centum per annum, payable February first, nineteen hundred and four, and any bonds of the United States bearing interest at four per centum per annum, payable July first, nineteen hundred and seven, and any bonds of the United States bearing interest at three per centum per annum, payable August first, nineteen hundred and eight, and to issue in exchange therefor an equal amount of coupon or registered bonds of the United States in such form as he may prescribe, in denominations of fifty dollars or any multiple thereof, bearing interest at the rate of two per centum per annum, payable quarterly, such bonds to be payable at the pleasure of the United States after thirty years from the date of their issue, and said bonds to be payable, principal and interest, in gold coin of the present standard value, and to be exempt from the payment of all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That such outstanding bonds may be received in exchange at a valuation not greater than their present worth to yield an income of two and one-quarter per centum per annum; and in consideration of the reduction of interest effected, the Secretary of the Treasury is authorized to pay to the holders of the outstanding bonds surrendered for exchange, out of any money in the Treasury not otherwise appropriated, a sum not greater than the difference between their present worth, computed as aforesaid, and their par value, and the payments to be made hereunder shall be held to be payments on account of the sinking fund created by section thirty-six hundred and ninety-four of the Revised Statutes:

—reissue bearing 2 per cent. interest.

And provided further, That the two per centum bonds to be issued under the provisions of this Act shall be issued at not less than par, and they shall be numbered consecutively in the order of their issue, and when payment is made the last numbers issued shall be first paid, and this order shall be followed until all the bonds are paid, and whenever any of the outstanding bonds are called for payment interest thereon shall cease three months after such call; and there is hereby appropriated out of any money in the Treasury not otherwise appropriated, to effect the exchanges of bonds provided for in this Act, a

Provisos.
—valuation, etc.

R. S., sec. 3694, p. 730.

Issue of bonds to be at par, etc.

sum not exceeding one-fifteenth of one per centum of the face value of said bonds, to pay the expense of preparing and issuing the same and other expenses incident thereto.

SEC. 12. That upon the deposit with the Treasurer of the United States, by any national banking association, of any bonds of the United States in the manner provided by existing law, such association shall be entitled to receive from the Comptroller of the Currency circulating notes in blank, registered and countersigned as provided by law, equal in amount to the par value of the bonds so deposited; and any national banking association now having bonds on deposit for the security of circulating notes, and upon which an amount of circulating notes has been issued less than the par value of the bonds, shall be entitled, upon due application to the Comptroller of the Currency, to receive additional circulating notes in blank to an amount which will increase the circulating notes held by such association to the par value of the bonds deposited, such additional notes to be held and treated in the same way as circulating notes of national banking associations heretofore issued, and subject to all the provisions of law affecting such notes: *Provided*, That nothing herein contained shall be construed to modify or repeal the provisions of section fifty-one hundred and sixty-seven of the Revised Statutes of the United States, authorizing the Comptroller of the Currency to require additional deposits of bonds or of lawful money in case the market value of the bonds held to secure the circulating notes shall fall below the par value of the circulating notes outstanding for which such bonds may be deposited as security: *And provided further*, That the circulating notes furnished to national banking associations under the provisions of this Act shall be of the denominations prescribed by law, except that no national banking association shall, after the passage of this Act, be entitled to receive from the Comptroller of the Currency, or to issue or reissue or place in circulation, more than one-third in amount of its circulating notes of the denomination of five dollars: *And provided further*, That the total amount of such notes issued to any such association may equal at any time but shall not exceed the amount at such time of its capital stock actually paid in: *And provided further*, That under regulations to be prescribed by the Secretary of the Treasury any national banking association may substitute the two per centum bonds issued under the provisions of this Act for any of the bonds deposited with the Treasurer to secure circulation or to secure deposits of public money; and so much of an Act entitled "An Act to enable national banking associations to extend their corporate existence, and for other purposes," approved July twelfth, eighteen hundred and eighty-two, as prohibits any national bank which makes any deposit of lawful money in order to withdraw its circulating notes from receiving any increase of its circulation for the period of six months from the time it made such deposit of lawful money for the purpose aforesaid, is hereby repealed, and all other Acts or parts of Acts inconsistent with the provisions of this section are hereby repealed.

SEC. 13. That every national banking association having on deposit, as provided by law, bonds of the United States bearing interest at the rate of two per centum per annum, issued under the provisions of this Act, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of one per centum each half year upon the average amount of such of its notes in circulation as are based upon the deposit of said two per centum bonds; and such taxes shall be in lieu of existing taxes on its notes in circulation imposed by section fifty-two hundred and fourteen of the Revised Statutes.

SEC. 14. That the provisions of this Act are not intended to preclude the accomplishment of international bimetallism whenever conditions

Issue of circulating notes to banks on deposit of bonds.

Provisos.
Additional deposit required on depreciation of bonds.
R. S., sec. 5167, p. 998.

Denominations of circulating notes.

Limit of issue.

Banks may substitute 2 per cent bonds to secure circulation.

Repeal.
Vol. 22, p. 163.

Tax on circulating notes.

R. S., sec. 5214, p. 1008

International bimetallism unhindered.

shall make it expedient and practicable to secure the same by concurrent action of the leading commercial nations of the world and at a ratio which shall insure permanence of relative value between gold and silver.

Approved, March 14, 1900.

March 16, 1900.

CHAP. 45.—An Act To grant an American register to the steamer Windward.

Steamer "Windward" granted American register.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built steamer Windward, owned by Civil Engineer Robert E. Peary, United States Navy, to be registered as a vessel of the United States, provided that she shall not engage in the coastwise trade of this Republic.

Approved, March 16, 1900.

March 23, 1900.

CHAP. 88.—An Act Declaring Cuivre River to be not a navigable stream.

Cuivre River, Mo., declared not navigable.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Cuivre River, in the counties of Lincoln and Saint Charles, in the State of Missouri, being the dividing line, is hereby declared not to be a navigable stream, and shall be so treated by the Secretary of War and all other authorities.

Approved, March 23, 1900.

March 23, 1900.

CHAP. 89.—An Act To constitute South Manchester, Connecticut, a port of delivery.

South Manchester, Conn., made port of delivery. Immediate transportation privileges extended to. Vol. 21, p. 174.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That South Manchester, Connecticut, be, and is hereby, constituted a port of delivery in the customs collection district of Hartford, Connecticut, and that the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," be, and they are hereby, extended to said port of South Manchester.

Approved, March 23, 1900.

March 23, 1900.

CHAP. 90.—An Act To amend section forty-four hundred and forty-five, of title fifty-two, of the Revised Statutes of the United States relating to the licensing of officers of steam vessels.

Steam vessels.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-four hundred and forty-five, of title fifty-two, of the Revised Statutes, be, and is hereby, amended by adding thereto the following paragraphs:

Oath of applicant for license as pilot, etc.

R. S., sec. 4445, p. 861, amended.

"Every applicant for license as either master, mate, pilot, or engineer under the provisions of this title shall make and subscribe to an oath or affirmation, before one of the inspectors referred to in this title, to the truth of all the statements set forth in his application for such license.

“Any person who shall make or subscribe to any oath or affirmation authorized in this title and knowing the same to be false shall be deemed guilty of perjury.

Penalty for false oath.

“Every licensed master, mate, pilot, or engineer who shall change, by addition, interpolation, or erasure of any kind, any certificate or license issued by any inspector or inspectors referred to in this title shall, for every such offense, upon conviction, be punished by a fine of not more than five hundred dollars or by imprisonment at hard labor for a term not exceeding three years.”

—for altering certificate of inspector.

SEC. 2. That this Act shall take effect immediately.

Effect.

Approved, March 23, 1900.

CHAP. 91.—An Act Appropriating, for the benefit and government of Porto Rico, revenues collected on importations therefrom since its evacuation by Spain, and revenues hereafter collected on such importations under existing law.

March 24, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of two million and ninety-five thousand four hundred and fifty-five dollars and eighty-eight cents, being the amount of customs revenue received on importations by the United States from Porto Rico since the evacuation of Porto Rico by the Spanish forces on the eighteenth of October, eighteen hundred and ninety-eight, to the first of January, nineteen hundred, together with any further customs revenue collected on importations from Porto Rico since the first of January, nineteen hundred, or that shall hereafter be collected under existing law, shall be placed at the disposal of the President, to be used for the government now existing and which may hereafter be established in Porto Rico, and for the aid and relief of the people thereof, and for public education, public works, and other governmental and public purposes therein until otherwise provided by law; and the revenues herein referred to, already collected and to be collected under existing law, are hereby appropriated for the purposes herein specified, out of any moneys in the Treasury not otherwise appropriated.

Porto Rico. Customs revenue available for existing government, etc.

Approved, March 24, 1900.

CHAP. 92.—An Act To provide for necessary repairs to the steamer Thetis, for service as a revenue cutter.

March 24, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated and made immediately available, for the purposes of repairing and equipping the steamer Thetis for service as a vessel of the Revenue-Cutter Service.

Steamer “Thetis.” Equipment for Revenue-Cutter Service authorized.

Approved, March 24, 1900.

CHAP. 108.—An Act To extend the time for the completion of the incline railway on West Mountain, Hot Springs Reservation.

March 26, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for the completion of an incline railway upon the West Mountain of the Hot Springs Reservation, as provided by Act of Congress approved December twenty-first, eighteen hundred and ninety-three, is hereby extended

Time extended for completing railway on West Mountain, Hot Springs Reservation. Vol. 28, p. 22.

for the term of three years from and after the passage of this Act, and that said Act is hereby continued in full force and effect.

Approved, March 26, 1900.

March 28, 1900.

CHAP. 110.—An Act Granting to the State of Kansas the abandoned Fort Hays Military Reservation, in said State, for the purpose of establishing an experiment station of the Kansas Agricultural College, and a western branch of the Kansas State Normal School thereon, and for a public park.

Fort Hays Military Reservation granted State of Kansas.

—conditions.

Provisos.—acceptance, etc.

—reversion.

Valid land claims not affected.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the abandoned Fort Hays Military Reservation and all the improvements thereon, situated in the State of Kansas, be, and the same are hereby, granted to said State upon the conditions that said State shall establish and maintain perpetually thereon, first, an experiment station of the Kansas Agricultural College; second, a western branch of the Kansas State Normal School, and that in connection therewith the said reservation shall be used and maintained as a public park: *Provided,* That said State shall, within five years from and after the passage of this Act, accept this grant, and shall by proper legislative action establish on said reservation an experiment station of the Kansas Agricultural College and a western branch of the Kansas State Normal School; and whenever the lands shall cease to be used by said State for the purposes herein mentioned the same shall revert to the United States: *Provided further,* That the provisions of this Act shall not apply to any tract or tracts within the limits of said reservation to which a valid claim has attached, by settlement or otherwise, under any of the public land laws of the United States.

Approved, March 28, 1900.

March 28, 1900.

CHAP. 111.—An Act Enlarging the powers of the Choctaw, Oklahoma and Gulf Railroad Company.

Choctaw, Oklahoma and Gulf Railroad. Vol. 28, p. 503. Vol. 29, p. 98. Repeal of limitation as to constructing branches.

—except.

Construction through Indian reservations, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the limitations imposed by the proviso to section four of the Act approved August twenty-fourth, eighteen hundred and ninety-four, entitled "An Act to authorize the purchasers of the property and franchises of the Choctaw Coal and Railroad Company to organize a corporation, and to confer upon the same all the powers, privileges, and franchises vested in that company," or by any Act amendatory of said Act upon the power of the Choctaw, Oklahoma and Gulf Railroad Company, the corporation organized thereunder, to construct branches authorized by said section four of said Act of August twenty-fourth, eighteen hundred and ninety-four, are hereby repealed, except in so far as these limitations require the filing of maps of the said branches with the Secretary of the Interior and his approval of the same.

SEC. 2. That the powers heretofore conferred upon the said Choctaw, Oklahoma and Gulf Railroad Company by the said Act of August twenty-fourth, eighteen hundred and ninety-four, and the Acts amendatory thereof, shall be so construed as to authorize the construction and operation of the railroad and branches thereby or hereby authorized through and over any Indian reservations, subject to the payment of the compensation provided for in said Acts as to land in the Indian Territory, and through and over any Indian allotments, subject to the compensation provided by the laws of Oklahoma.

SEC. 3. That it shall and may be lawful for the Choctaw, Oklahoma and Gulf Railroad Company to purchase the franchises, railroad and other property of, or to consolidate with, any other railroad company incorporated under the laws of any State or Territory of the United States whose lines may now or hereafter form a continuous line of railroad with it, either directly or by means of an intervening railroad, upon complying with the regulations and requirements of the laws of the State or Territory in which such road is located, applicable to such purchase or consolidation.

Company may purchase, etc., railroads forming continuous lines with it.

SEC. 4. That for the purpose of perfecting such purchase or consolidation it shall be lawful for said Choctaw, Oklahoma and Gulf Railroad Company to increase its stock, either preferred or common or both, and to guarantee the payment of the principal and interest of the bonds and other obligations of any company whose property is thus acquired, or of dividends on its preferred or guaranteed stock: *Provided also*, That the power conferred by this section shall also extend to like guaranties of the bonds, obligations, and dividends on stocks of companies whose roads may now or hereafter be leased to the said Choctaw, Oklahoma and Gulf Railroad Company.

—may increase its stock.

—may guarantee bonds, etc., of property acquired.

Proviso.
—or leased.

SEC. 5. That for the purpose of providing means for the construction of its railroad and branches, the acquisition of additional property, the payment of its obligations, or for other corporate purposes, the said Choctaw, Oklahoma and Gulf Railroad Company is authorized to increase from time to time its issue of preferred and common stock, and to dispose of the same upon such terms as may be deemed necessary. Before any such increase shall be made the same shall have been authorized by the holders of a majority of the then outstanding stock of the company, voting in person or by proxy, at a meeting duly called by the board of directors of the company, which shall be held at the general office of the company, of which meeting notice shall have been given by advertisement once a week for sixty days prior to such meeting, in at least one newspaper published in the city or county wherein such principal office is situate.

Increase of stock authorized.

Approved, March 28, 1900.

CHAP. 112.—An Act To establish light and fog stations to mark the main southern entrance of the new breakwater at Buffalo, New York.

March 28, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there be established, to mark the main southern entrance of the new breakwater at Buffalo, New York, suitable light and fog-signal stations, at a cost not to exceed forty-five thousand dollars.

Buffalo, N. Y.
Light stations established at entrance of new breakwater.

Approved, March 28, 1900.

CHAP. 116.—An Act To authorize the Cambridge Bridge Commission to construct a drawless bridge across the Charles River, in the State of Massachusetts.

March 29, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Cambridge Bridge Commission be, and hereby is, authorized to construct a drawless bridge across the Charles River, in the State of Massachusetts, between the cities of Boston and Cambridge, as provided for by chapter four hundred and sixty-seven of the acts of eighteen hundred and ninety-eight, and chapter one hundred and eighty of the acts of eighteen hundred and ninety-nine, of the legislature of the State of Massachusetts;

Cambridge Bridge Commission may bridge Charles River, Mass.

Proviso.
Compensation to
owners of wharf prop-
erty, etc.

said bridge to be at least twenty-six feet above mean high water over the main ship channel, and the piers and other obstructions to the flow of the tide to be constructed in such form and in such places as the Secretary of War shall approve: *Provided*, That the State of Massachusetts, within a reasonable time after the completion of said bridge, by legislative enactment, shall provide for adequate compensation to the owner or owners of wharf property now used as such on said river above said bridge, for damages, if any, sustained by said property by reason of interference with access by water to said property now and hitherto enjoyed, because of the construction of said bridge without a draw.

Approved, March 29, 1900.

March 30, 1900.

CHAP. 118.—An Act Making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred, and for prior years, and for other purposes.

Urgent deficiencies
appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred, and for prior years, and for other objects hereinafter stated, namely:

Treasury Depart-
ment.

TREASURY DEPARTMENT.

MINTS AND ASSAY OFFICES.

Mint, Philadelphia.

MINT AT PHILADELPHIA: For wages of workmen and adjusters, one hundred thousand dollars.

For incidental and contingent expenses, including new machinery and repairs, expenses annual assay commission, melter and refiner's wastage, and loss on sale of sweeps arising from the manufacture of ingots for coinage and wastage and loss on sale of coiners' sweeps, and purchase not exceeding five hundred dollars in value of specimen coins and ores for the cabinet of the mint, forty-five thousand dollars.

Office Auditor for
War Department.

OFFICE OF AUDITOR FOR THE WAR DEPARTMENT: For the purpose of restoring and repairing the worn-out and defaced rolls and vouchers in the Office of the Auditor for the War Department, two thousand nine hundred and forty-four dollars and forty cents.

Public buildings.

PUBLIC BUILDINGS.

Repairs, etc.

REPAIRS OF PUBLIC BUILDINGS: For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, and post-offices, marine hospitals, and quarantine stations, and other public buildings and the grounds thereof under the control of the Treasury Department, fifty thousand dollars.

Heating, etc.

HEATING APPARATUS FOR PUBLIC BUILDINGS: For heating, hoisting, and ventilating apparatus, and repairs to the same, for all public buildings, including marine hospitals and quarantine stations, under control of the Treasury Department, exclusive of personal services, except for work done by contract, thirty thousand dollars.

Vaults, safes, and
locks.

VAULTS, SAFES, AND LOCKS FOR PUBLIC BUILDINGS: For vaults, safes, and locks, and repairs to the same, for all public buildings under control of the Treasury Department, exclusive of personal services, except for work done by contract, seven thousand five hundred dollars.

WAR DEPARTMENT.

War Department.

MILITARY POSTS.

That the provisions of section three hundred and fifty-five, Revised Statutes, are waived so far as they prohibit the expenditure of public money for the purpose of erecting public buildings on a tract of land recently acquired as a site for necessary buildings at Fort Du Pont, Delaware, before the consent of the legislature of the State of Delaware to the purchase has been given, it being impracticable to apply to the State legislature for consent to its purchase until its next session in January, nineteen hundred and one, and the buildings being urgently required for the shelter of troops.

Fort Du Pont, Del.
Consent of legislature to erection of public buildings waived.
R. S., sec. 355, p. 60.

NAVAL ESTABLISHMENT.

Navy.

To meet unforeseen contingencies constantly arising, to be expended at the discretion of the President, one hundred and twenty-five thousand dollars.

Emergency fund.

For the purchase of a water boat for the purpose of supplying ships of the Navy with water, twenty-five thousand dollars.

Water boat.

For the purchase of coal barges for supplying coal to ships of the Navy, one hundred and fifty thousand dollars.

Coal barges.

BUREAU OF EQUIPMENT.

Bureau of Equipment.

For the installation of a suitable equipment plant in the Philippine Islands, thirty thousand dollars.

Philippine Islands.

BUREAU OF YARDS AND DOCKS.

Bureau of Yards and Docks.

For general maintenance of yards and docks, namely:

For freight, transportation of materials and stores, books, maps, models, and drawing; purchase and repair of fire engines; machinery; repairs on steam fire engines and attendance on the same; purchase and maintenance of oxen, horses, and driving teams; carts, timber wheels, and all vehicles for use in the navy-yards; tools and repairs of the same; postage on letters and mailable matter on public service sent to foreign countries, and telegrams; stationery; furniture for Government houses and offices in navy-yards; coal and other fuel, candles, oil, and gas; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines, and apparatus; incidental labor at navy-yards; water tax, tolls, ferriage; rent of four officers' quarters at Philadelphia, Pennsylvania; pay of watchmen in navy-yards; awnings and packing boxes, and advertising for yards and docks and for other purposes; and for rent of wharf and storehouses at Erie, Pennsylvania, for use and accommodation of United States steamer Michigan, fifty thousand dollars.

Maintenance.

For repairs and preservation at navy-yards and stations, fifty thousand dollars.

Repairs, etc.

For contingent expenses that may arise at navy-yards and stations, ten thousand dollars.

Contingent expenses.

For reconstructing building numbered seven, replacing furniture, mathematical and engineering instruments and stationery, and providing temporary offices, rendered necessary by fire on February eleventh, nineteen hundred, sixty thousand dollars.

Building No. 7.

BUREAU OF MEDICINE AND SURGERY.

Bureau of Medicine and Surgery.

To supply a deficiency in the appropriation for naval hospital fund for the fiscal year ending June thirtieth, nineteen hundred, "For maintenance of the naval hospitals at the various navy-yards and stations, and for the care and maintenance of patients in other hospitals at home and abroad," ten thousand dollars.

Naval hospitals.

Surgeons' necessaries.

For surgeons' necessaries for vessels in commission, navy-yards, naval stations, Marine Corps, and Coast Survey, and for the civil establishment at the several naval hospitals, navy-yards, naval laboratory, and department of instructions, museum of hygiene, and Naval Academy, ten thousand dollars.

Bureau of Construction and Repair.

BUREAU OF CONSTRUCTION AND REPAIR.

Preservation of vessels, etc.

For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postage, telegrams, telephone service, photographing, books, professional magazines, plans, stationery, and instruments for drafting room, one hundred thousand dollars.

Marine Corps.

MARINE CORPS.

Repairs, etc.

Repair of barracks, including repairs, improvements, additions, and rent of barracks, quarters, and grounds; transportation, recruiting, military stores, including ammunition; fuel and contingent expenses, including freight, tolls, cartage, advertising, laundering enlisted men's bedclothes, funeral expenses, stationery and other paper; telegraphing, procurement and maintenance of telephones, and typewriters; apprehension of stragglers and deserters; employment of civilians, per diem of enlisted men employed on constant labor for a period not less than ten days; installation and repair of gas, electric, and water fixtures; office and barracks furniture, camp and garrison equipage and implements; carpenters' tools, tools for police purposes, safes; purchase and maintenance of public horses, wagons, and harness; service of veterinary surgeon, fire hose, fire extinguishers, fire grenades; purchase and repair of cooking stoves, ranges; purchase of ice, toilet articles, books, newspapers, and periodicals; purchase of bedding, mattresses, mattress covers, pillows, sheets, and bedsteads; furniture for Government quarters and repair of same, and for all emergencies and extraordinary expenses impossible to anticipate and classify for naval stations without the United States, twenty-five thousand dollars.

Department of the Interior.

DEPARTMENT OF THE INTERIOR.

Government Hospital for the Insane.

GOVERNMENT HOSPITAL FOR THE INSANE.

Current expenses.

For current expenses of the Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, and inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States who are insane, all persons who have become insane since their entry into the military or naval service of the United States who have been admitted to the hospital and who are indigent, forty thousand dollars.

Repairs.

For general repairs and improvements, ten thousand dollars.

Laundry.

For furnishing new laundry, three thousand and eighty dollars.

Public buildings.

PUBLIC BUILDINGS.

Capitol building.

For work at Capitol, and for general repairs thereof, including wages of mechanics and laborers, seven thousand two hundred dollars.

GEOLOGICAL SURVEY.

Geological Survey.

For engraving and printing the geological maps of the United States, two thousand five hundred dollars.

Maps.

For gauging the streams and determining the water supply of the United States, including the investigation of underground currents and artesian wells in arid and semiarid sections, and the preparation of reports upon the best methods of utilizing the water resources of said sections, twenty thousand dollars.

Water supply investigation.

DEPARTMENT OF STATE.

Department of State.

For stationery, furniture, fixtures, and repairs, and for the purchase of passport paper, five hundred dollars.

Stationery.

For contingent expenses, namely: For care and subsistence of horses to be used only for official purposes, and repairs of wagons, carriage, and harness, rent of stable, telegraphic and electric apparatus and repairs to the same, and miscellaneous items not included in the foregoing, one thousand dollars.

Contingent expenses.

LEGISLATIVE.

Legislative.

SENATE.

Senate.

For miscellaneous items, exclusive of labor, twenty thousand dollars.

Miscellaneous.

For purchase of furniture, five thousand dollars.

Furniture.

For fuel, oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, two thousand five hundred dollars.

Heating apparatus.

For repairs of Maltby Building, five hundred dollars.

Maltby Building.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding one dollar and twenty-five cents per printed page, seven thousand dollars.

Inquiries and investigations.

HOUSE OF REPRESENTATIVES.

House of Representatives.

For furniture, and repairs of the same, two thousand dollars.

Furniture.

For miscellaneous items and expenses of special and select committees, twenty thousand dollars.

Miscellaneous.

PUBLIC PRINTING AND BINDING.

Public printing and binding.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the Congressional Record, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employees, for labor (by the day, piece, or contract), and for rents, books of reference, and all the necessary materials which may be needed in the prosecution of the work, four hundred and fifty thousand dollars.

For printing and binding for the Department of Justice, four thousand dollars.

Department of Justice.

For printing and binding for the Navy Department, twenty-five thousand dollars.

Navy Department.

For printing and binding for the War Department, namely: For publication of the Official Records of the War of the Rebellion by the Record and Pension Office, ten thousand dollars.

War Department.

Government Printing Office.
Leaves of absence.

To enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employees of the Government Printing Office, on account of fiscal years as follows:

For the fiscal year nineteen hundred, fifteen thousand dollars, or so much thereof as may be necessary.

To enable the Public Printer to pay employees of the Government Printing Office for leave of absence to which they were entitled during the fiscal year ended June thirtieth, eighteen hundred and ninety-nine, and which could not be granted to them in consequence of the appropriation for leaves of absence becoming exhausted, eighteen thousand dollars, or so much thereof as may be necessary.

Advance payments to Public Printer.

Hereafter there shall be advanced to the Public 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 the penalty of his official bond, to enable him to pay for work and material.

Approved, March 30, 1900.

March 31, 1900.

CHAP. 120.—An Act Concerning the boarding of vessels.

Boarding of vessels before inspection; regulations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to prescribe from time to time and enforce regulations governing the boarding of vessels arriving at the seaports of the United States, before such vessels have been properly inspected and placed in security, and for that purpose to employ any of the officers of that Department.

Penalty.

SEC. 2. That each person violating such regulations shall be subject to a penalty of not more than one hundred dollars or imprisonment not to exceed six months, or both, in the discretion of the court.

Act to be supplementary, etc.
Vol. 22, p. 189.
R. S., sec. 4606, p. 893.

SEC. 3. That this Act shall be construed as supplementary to section nine of chapter three hundred and seventy-four of the Statutes of eighteen hundred and eighty-two, and section forty-six hundred and six of the Revised Statutes.

Effect.

SEC. 4. That this Act shall take effect thirty days after its passage.

Approved, March 31, 1900.

March 31, 1900.

CHAP. 121.—An Act To amend an Act providing for the construction of a light-ship to be located near Cape Elizabeth, Maine.

Cape Elizabeth, Me.,
light-ship.
Vol. 30, p. 815.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act approved February fourth, eighteen hundred and ninety-nine, entitled "An Act providing for the construction of a light-ship to be located near Cape Elizabeth, Maine," is hereby amended so that the limit of the cost for the said light-ship and fog signal shall be increased from seventy thousand dollars to ninety thousand dollars, and the Secretary of the Treasury is hereby authorized and directed to proceed with the construction of the said light-ship and fog signal, as directed by the original Act as modified by this Act.

Approved, March 31, 1900.

CHAP. 156.—An Act Approving a revision and adjustment of certain sales of Otoe and Missouriia lands in the States of Nebraska and Kansas.

April 4, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the revision and adjustment of the sales of lands in the late reservation of the confederated Otoe and Missouriia tribes of Indians in the States of Nebraska and Kansas, to which more than three-fourths of the adult male members of said tribes have given their consent, by an instrument in writing dated the twentieth day of November, eighteen hundred and ninety-nine, and now on file in the office of the Secretary of the Interior, is hereby approved and confirmed, and the Secretary of the Interior is hereby directed to carry the same into full force and effect as to all delinquent purchasers of said lands, their heirs and legal representatives, in the following manner, to wit: The Secretary of the Interior shall cause notice to be given to said purchasers, their heirs and legal representatives, respectively, of the amounts of the deferred payments found to be due and unpaid on their respective purchases under the adjustment hereby confirmed; and within one year thereafter it shall be the duty of such purchasers, their heirs and representatives, respectively, to make full payment in cash of the amounts thus found to be due by them, severally, and in default of such payment within said period of one year the entry of any purchaser so in default shall be forthwith canceled and the lands shall be resold for the benefit of the Indians at not less than the appraised value thereof, and in no case at less than two dollars and fifty cents per acre, as provided in the Act under which they were originally sold. Upon making such complete payment within the time so fixed each purchaser, his heirs or legal representatives, shall be entitled to receive a patent for the lands so purchased.

Otoe and Missouriia Indians, Nebraska and Kansas.

Vol. 27, p. 568.
Revision of sale of land in reservation of, confirmed.

—manner of enforcing as to delinquent purchasers.

Vol. 21, p. 380.

Approved, April 4, 1900.

CHAP. 157.—An Act To establish a military post at or near Des Moines, Iowa.

April 4, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the transfer and conveyance to the United States of a good and sufficient title to not less than four hundred acres of land, without cost to the United States, situated at or near the city of Des Moines, in the county of Polk and State of Iowa, and on or near a railroad, and constituting an eligible and suitable site for an army post, and to be approved and accepted by the Secretary of War for that purpose, then and thereupon there shall be, and is hereby, established and located on said land a United States army post, of such character and capacity as the Secretary of War shall direct and approve.

Des Moines, Iowa. Military post established at.

Approved, April 4, 1900.

CHAP. 158.—An Act Making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

April 4, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the payment of pensions for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes, namely:

Pensions appropriations.

For army and navy pensions, as follows: For invalids, widows, minor children, and dependent relatives, army nurses, and all other pension-

Invalid, etc., pensions.

<i>Provisos.</i> Navy pensions.	ers who are now borne on the rolls, or who may hereafter be placed thereon, under the provisions of any and all Acts of Congress, one hundred and forty-four million dollars: <i>Provided</i> , That the appropriation aforesaid for navy pensions shall be paid from the income of the navy pension fund so far as the same shall be sufficient for that purpose: <i>Provided further</i> , That the amount expended under each of the above items shall be accounted for separately.
Accounts.	For fees and expenses of examining surgeons for services rendered within the fiscal year nineteen hundred and one, seven hundred thousand dollars. And each member of each examining board shall, as now authorized by law, receive the sum of two dollars for the examination of each applicant whenever five or a less number shall be examined on any one day and one dollar for the examination of each additional applicant on such day: <i>Provided</i> , That if twenty or more applicants appear on one day no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of one dollar only until twenty examinations shall have been made: <i>Provided further</i> , That no fee shall be paid to any member of an examining board who was not personally present and assisting in the examination of applicant: <i>And provided further</i> , That the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to, and the report of such examining surgeons shall specifically and accurately set forth the physical condition of the applicant, each and every existing disability being fully and carefully described. The reports of the special examiners of the Bureau of Pensions shall be open to inspection and copy by the applicant or his attorney, under such rules and regulations as the Secretary of the Interior may prescribe.
Examining surgeons. —fees, etc.	For salaries of eighteen agents for the payment of pensions, at four thousand dollars each, seventy-two thousand dollars.
<i>Provisos.</i> Examinations.	For clerk hire, four hundred and thirty thousand dollars: <i>Provided</i> , That the amount of clerk hire for each agency shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency and the salaries paid shall be subject to the approval of the Secretary of the Interior.
No fee unless service rendered.	For fuel, two hundred and fifty dollars.
Report to state rating. —physical condition.	For lights, five hundred dollars.
—to be open to inspection.	For rents, twelve thousand four hundred and eighty dollars.
Agents' salaries.	For stationery and other necessary expenses, thirty thousand dollars.
Clerk hire. <i>Proviso.</i> Apportionment.	Approved, April 4, 1900.
Fuel.	
Light.	
Rent.	
Stationery.	

April 4, 1900.

CHAP. 159.—An Act Making appropriations for the diplomatic and consular service for the fiscal year ending June thirtieth, nineteen hundred and one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, severally appropriated, in full compensation for the diplomatic and consular service for the fiscal year ending June thirtieth, nineteen hundred and one, out of any money in the Treasury not otherwise appropriated, for the objects hereinafter expressed, namely:

Schedule A.

SCHEDULE A.

Salaries.

SALARIES OF AMBASSADORS AND MINISTERS.

Ambassadors.

Ambassadors extraordinary and plenipotentiary to France, Germany, Great Britain, Mexico, and Russia, at seventeen thousand five hundred dollars each, eighty-seven thousand five hundred dollars;

Ambassador extraordinary and plenipotentiary to Italy, twelve thousand dollars;

Envoys extraordinary and ministers plenipotentiary to Austria, Brazil, China, Japan, and Spain, at twelve thousand dollars each, sixty thousand dollars;

Envoys extraordinary and ministers plenipotentiary.

Envoys extraordinary and ministers plenipotentiary to the Argentine Republic, Belgium, Chile, Colombia, Netherlands, Peru, Turkey, and Venezuela, at ten thousand dollars each, eighty thousand dollars;

Envoy extraordinary and minister plenipotentiary to Nicaragua, Costa Rica, and Salvador, ten thousand dollars;

Envoy extraordinary and minister plenipotentiary to Guatemala and Honduras, ten thousand dollars;

Envoys extraordinary and ministers plenipotentiary to Denmark, Paraguay and Uruguay, Portugal, Sweden and Norway, and Switzerland, at seven thousand five hundred dollars each, thirty-seven thousand five hundred dollars;

Envoy extraordinary and minister plenipotentiary to Roumania, Servia, and Greece, six thousand five hundred dollars;

Envoys extraordinary and ministers plenipotentiary to Bolivia and Ecuador, at five thousand dollars each, ten thousand dollars;

Envoy extraordinary and minister plenipotentiary to Haiti, to be accredited also as charge de affaires to Santo Domingo, seven thousand five hundred dollars;

Minister resident and consul-general to Korea, seven thousand five hundred dollars;

Ministers resident and consuls-general.

Minister resident and consul-general to Siam, seven thousand five hundred dollars;

Minister resident and consul-general to Persia, five thousand dollars;

Minister resident and consul-general to Liberia, four thousand dollars;

Agent and consul-general at Cairo, five thousand dollars;

Agent, etc., Cairo.

Chargés d'affaires ad interim and diplomatic officers abroad, thirty thousand dollars;

Chargés d'affaires.

Total, three hundred and eighty thousand dollars.

SALARIES OF DIPLOMATIC AND CONSULAR OFFICERS WHILE RECEIVING INSTRUCTIONS AND MAKING TRANSITS.

To pay the salaries of ambassadors, ministers, consuls, and other officers of the United States for the periods actually and necessarily occupied in receiving instructions, and in making transits to and from their posts, and while waiting recognition and authority to act, in pursuance of the provisions of section seventeen hundred and forty of the Revised Statutes, so much as may be necessary for the fiscal year ending June thirtieth, nineteen hundred and one, is hereby appropriated.

Instruction and transit pay. R. S., sec. 1740, p. 309.

SALARIES OF SECRETARIES OF EMBASSIES AND LEGATIONS.

Secretaries of embassies to Great Britain, France, Germany, Italy, Mexico, and Russia, at two thousand six hundred and twenty-five dollars each, fifteen thousand seven hundred and fifty dollars;

Secretaries of embassies and legations.

Secretaries of legations to China and Japan, at two thousand six hundred and twenty-five dollars each, five thousand two hundred and fifty dollars;

Secretary of legation and consul-general to Colombia, two thousand dollars;

Secretary of legation to Guatemala and Honduras, one thousand eight hundred dollars;

Secretaries of legations to Nicaragua, Costa Rica, and Salvador, and to Chile, one thousand eight hundred dollars each, three thousand six hundred dollars;

Secretaries of legations to Turkey, Austria, Spain, and Brazil, at one thousand eight hundred dollars each, seven thousand two hundred dollars;

Secretaries of legations to Argentine Republic, Venezuela, and Peru, at one thousand eight hundred dollars each, Liberia, and Korea, at one thousand five hundred dollars each, eight thousand four hundred dollars;

Second secretaries of embassies to Great Britain, France, Germany, Italy, Mexico, and Russia, at two thousand dollars each, twelve thousand dollars;

Second secretaries.

Second secretaries of legations to Japan and China, who shall be American students of the language of the court and country to which they are appointed, respectively, and shall be allowed and required, under the direction of the Secretary of State, to devote their time to the acquisition of such language, at one thousand eight hundred dollars each, three thousand six hundred dollars;

Third secretaries.

Third secretaries of embassies to Great Britain, France, Mexico, and Germany, at one thousand two hundred dollars each, four thousand eight hundred dollars;

Total, sixty-four thousand four hundred dollars.

SALARIES OF INTERPRETERS TO LEGATIONS.

Interpreters.

Chinese secretary, legation to China, and interpreter to legation to Turkey, at three thousand dollars each, six thousand dollars;

Interpreter to legation to Japan, two thousand five hundred dollars;

Interpreter to legation and consulate-general to Persia, one thousand dollars;

Interpreter to legation and consulate-general to Korea, five hundred dollars;

Interpreter to legation and consulate-general to Bangkok, Siam, five hundred dollars;

Total, ten thousand five hundred dollars.

—not to draw salaries appropriated for other officers.

But no person drawing the salary of interpreter as above provided shall be allowed any part of the salary appropriated for any secretary of legation or other officer.

Spain.

LEGATION TO SPAIN.

Clerk hire.

For clerk hire at legation to Spain, one thousand two hundred dollars.

CONTINGENT EXPENSES, FOREIGN MISSIONS.

Contingent expenses, foreign missions.

To enable the President to provide, at the public expense, all such stationery, blanks, records, and other books, seals, presses, flags, and signs as he shall think necessary for the several embassies and legations in the transaction of their business, and also for rent, postage, telegrams, furniture, messenger service, clerk hire, compensation of kavasses, guards, dragomen, and porters, including compensation of interpreter, guards, and Arabic clerk at the consulate at Tangiers, and the compensation of dispatch agents at London, New York, and San Francisco, and for traveling and miscellaneous expenses of embassies and legations, and for printing in the Department of State, and for loss on bills of exchange to and from embassies and legations, one hundred and fifty thousand dollars.

Dispatch agents

Printing.
Loss by exchange.

STEAM LAUNCH FOR LEGATION AT CONSTANTINOPLE.

Steam launch, Turkey.

Hiring of steam launch for use of the legation at Constantinople, one thousand eight hundred dollars.

RENT OF LEGATION BUILDINGS AND GROUNDS IN CHINA.

Rent.

Rent of buildings for legation and other purposes at Peking, or such other place in China as shall be designated, three thousand six hundred dollars.

China.

GROUND RENT OF LEGATION AT TOKYO, JAPAN.

Annual ground rent of the legation at Tokyo, Japan, for the year ending March fifteenth, nineteen hundred and one, two hundred and fifty dollars, or so much thereof as may be necessary.

Japan.

REPAIRS OF LEGATION PREMISES AT BAN KOK, SIAM.

For repairing and improvement of legation premises at Bangkok, Siam, the same, with the ground, being the gift of the Government of Siam, two thousand dollars.

Bangkok, Siam; repairs.

ANNUAL EXPENSES OF CAPE SPARTEL LIGHT, COAST OF MOROCCO.

Annual proportion of the expenses of Cape Spartel and Tangiers Light, on the coast of Morocco, including loss by exchange, three hundred and twenty-five dollars.

Cape Spartel light.

BRINGING HOME CRIMINALS.

Actual expenses incurred in bringing home from foreign countries persons charged with crime, five thousand dollars.

Bringing home criminals.

FEES AND COSTS IN EXTRADITION CASES.

To enable the Secretary of State to comply with the requirements of the fourth section of "An Act regulating fees and the practice in extradition cases," approved August third, eighteen hundred and eighty-two, to be disbursed by the Secretary of State, five thousand dollars.

Extradition expenses. Vol. 22, p. 216.

RESCUING SHIPWRECKED AMERICAN SEAMEN.

Expenses which may be incurred in the acknowledgment of the services of masters and crews of foreign vessels in rescuing American seamen or citizens from shipwreck, four thousand five hundred dollars.

Life-saving testimonials.

EXPENSES UNDER THE NEUTRALITY ACT.

To meet the necessary expenses attendant upon the execution of the neutrality Act, to be expended under the direction of the President, pursuant to the requirement of section two hundred and ninety-one of the Revised Statutes, eight thousand dollars, or so much thereof as may be necessary.

Expenses, neutrality act. R. S., sec. 291, p. 49.

EMERGENCIES ARISING IN THE DIPLOMATIC AND CONSULAR SERVICE.

To enable the President to meet unforeseen emergencies arising in the diplomatic and consular service, and to extend the commercial and other interests of the United States, to be expended pursuant to the requirement of section two hundred and ninety-one of the Revised Statutes, sixty-three thousand dollars, or so much thereof as may be necessary.

Unforeseen emergencies. R. S., sec. 291, p. 49.

ALLOWANCE TO WIDOWS OR HEIRS OF DIPLOMATIC OFFICERS WHO DIE ABROAD.

Payment to heirs of diplomatic or consular officers dying abroad.
R. S., sec. 1749, p. 311.

Payment, under the provisions of section seventeen hundred and forty-nine of the Revised Statutes of the United States, to the widows or heirs at law of diplomatic or consular officers of the United States dying in foreign countries in the discharge of their duties, five thousand dollars.

TRANSPORTING REMAINS OF DIPLOMATIC OFFICERS, CONSULS, AND CONSULAR CLERKS TO THEIR HOMES FOR INTERMENT.

Bringing home remains of ministers, consuls, etc.

Defraying the expenses of transporting the remains of diplomatic and consular officers of the United States, including consular clerks, who have died or may die abroad or in transit, while in the discharge of their official duties, to their former homes in this country for interment, and for the ordinary and necessary expenses of such interment, five thousand dollars.

INTERNATIONAL BUREAU OF WEIGHTS AND MEASURES.

International Bureau of Weights and Measures.
Vol. 20, p. 714.

Contribution to the maintenance of the International Bureau of Weights and Measures for the year ending June thirtieth, nineteen hundred and one, in conformity with the terms of the convention of May twenty-fourth, eighteen hundred and seventy-five, the same, or so much thereof as may be necessary, to be paid, under the direction of the Secretary of State, to said Bureau, on its certificate of apportionment, two thousand two hundred and seventy dollars.

INTERNATIONAL BUREAU FOR PUBLICATION OF CUSTOMS TARIFFS.

International Customs Tariffs Bureau.

Vol. 26, p. 1518.

To meet the share of the United States in the annual expense for the year ending March thirty-first, nineteen hundred and one, of sustaining the International Bureau at Brussels for the translation and publication of customs tariffs, one thousand three hundred and eighteen dollars and seventy-six cents; this appropriation to be available on April first, nineteen hundred, pursuant to convention proclaimed December seventeenth, eighteen hundred and ninety.

INTERNATIONAL (WATER) BOUNDARY COMMISSION, UNITED STATES AND MEXICO.

Mexican Water Boundary Commission.
Vol. 24, p. 1011.
Vol. 26, p. 1512.

To enable the commission to continue its work under the treaties of eighteen hundred and eighty-four and eighteen hundred and eighty-nine, twenty thousand dollars.

INTERNATIONAL BUREAU AT BRUSSELS FOR REPRESSION OF THE AFRICAN SLAVE TRADE.

Bureau for repression African slave trade.
Vol. 27, p. 917.

To meet the share of the United States in the expenses of the special bureau created by article eighty-two of the general act concluded at Brussels July second, eighteen hundred and ninety, for the repression of the African slave trade and the restriction of the importation into and sale, in a certain defined zone of the African continent, of firearms, ammunition, and spirituous liquors, for the year nineteen hundred and one, one hundred dollars.

INTERNATIONAL PRISON COMMISSION.

International Prison Commission.

For subscription of the United States as an adhering member of the International Prison Commission, and the expenses of a commissioner, including preparation of reports, two thousand dollars, or so much thereof as may be necessary.

INTERNATIONAL GEODETIC ASSOCIATION FOR THE MEASUREMENT OF THE EARTH.

To enable the Government of the United States to pay, through the American embassy at Berlin, its quota as an adhering member of the International Geodetic Association for the Measurement of the Earth, one thousand five hundred dollars.

International Geodetic Association.

REPAIRS TO LEGATION AND CONSULAR PREMISES.

To enable the Secretary of State to keep in repair the legation and consular premises owned by the Government of the United States and occupied by its agents, three thousand dollars.

Repairs to legations and consulates.

SCHEDULE B.

Schedule B.

SALARIES, CONSULAR SERVICE.

Salaries.

Consuls-general at London, Paris, and Rio de Janeiro, at five thousand dollars each, fifteen thousand dollars;

Consuls-general

Consuls-general at Hongkong, Shanghai, and Calcutta, at five thousand dollars each, fifteen thousand dollars;

Consul-general at Melbourne, four thousand five hundred dollars;

Consuls-general at Berlin, Montreal, Yokohama, Panama, and Mexico (city), at four thousand dollars each, twenty thousand dollars;

Consuls-general at Halifax, Ottawa, and Vienna, at three thousand five hundred dollars each, ten thousand five hundred dollars;

Consuls-general at Antwerp, Apia, Constantinople, Dresden, Guayaquil, Frankfort, Rome, Saint Petersburg, Singapore, Cape Town (Africa), Barcelona, and Saint Gall, at three thousand dollars each, thirty-six thousand dollars;

Consul-general at Monterey, at two thousand five hundred dollars;

Consul-general at Guatemala, two thousand dollars;

Consuls-general at Tangiers and Maracaibo, at two thousand dollars each, four thousand dollars;

Consul-general at Santo Domingo, two thousand dollars;

Consul-general and secretary of legation at Stockholm, one thousand five hundred dollars;

Consul-general at Christiania, one thousand five hundred dollars;

Total, one hundred and fourteen thousand five hundred dollars.

For salaries of consuls, vice-consuls, and commercial agents, four hundred and forty-six thousand dollars, as follows, namely:

Consuls, etc.

CLASS I.

Class I, \$5,000 a year.

Consul at Liverpool, five thousand dollars.

CLASS II.

Class II, \$3,500 a year.

At three thousand five hundred dollars per annum.

China:

Consuls at Amoy, Canton, and Tientsin.

France:

Consul at Havre.

Peru:

Consul at Callao.

CLASS III.

Class III, \$3,000 a year.

At three thousand dollars per annum.

Austria:

Consul at Prague.

Chile:
 Consul at Valparaiso.
 Colombia:
 Consul at Colon (Aspinwall).
 China:
 Consuls at Cheefoo, Chinkingang, Fuchau, Hankow, and Chung King.
 France:
 Consul at Bordeaux.
 Germany:
 Consuls at Barmen and Nuremberg.
 Great Britain and British Dominions:
 Consuls at Belfast, Bradford, Demerara, Glasgow, Kingston (Jamaica), Manchester, and Dawson City, British North America.
 Japan:
 Consuls at Nagasaki, and Osaka and Hiogo.
 Mexico:
 Consul at Vera Cruz.
 Switzerland:
 Consul at Basel.
 Uruguay:
 Consul at Montevideo.

Class IV, \$2,500 a year.

CLASS IV.

At two thousand five hundred dollars per annum.
 Argentine Republic:
 Consul at Buenos Ayres.
 Austria:
 Consul at Reichenberg.
 Belgium:
 Consul at Brussels.
 Brazil:
 Consuls at Bahia, Santos and Pernambuco.
 Danish Dominions:
 Consul at Saint Thomas.
 France:
 Consuls at Lyons and Marseilles.
 Germany:
 Consuls at Aix la Chapelle, Annaberg, Bremen, Chemnitz, Hamburg, Mayence, Plauen, and Stuttgart.
 Greece:
 Consul at Athens.
 Great Britain and British Dominions:
 Consuls at Barbados, Birmingham, Dundee, Edinburgh, Huddersfield, Nottingham, Sheffield, Southampton, Swansea, Tunstall, Quebec, and Victoria (British Columbia).
 Mexico:
 Consul at Ciudad Juarez.
 Netherlands:
 Consul at Rotterdam.
 Nicaragua:
 Consul at San Juan del Norte.
 Turkish Dominions:
 Consuls at Smyrna and Jerusalem.
 Russia:
 Consul at Vladivostock.

Class V, \$2,000 a year.

CLASS V.

At two thousand dollars per annum.
 Austria-Hungary:
 Consul at Trieste.

Belgium:

Consul at Ghent.

Brazil:

Consul at Para.

Colombia:

Consul at Barranquilla.

Costa Rica:

Consul at San Jose.

France:

Consuls at Calais, Reims, Roubaix, and Saint Etienne.

Germany:

Consuls at Bamberg, Cologne, Crefeld, Dusseldorf, Kehl, Leipzig, Munich, Brunswick, Coburg, Magdeburg, Solingen, Weimar, and Glauchau.

Great Britain and British Dominions:

Consuls at Bombay (India), Cardiff, Chatham, Collingwood, Cork, Dublin, Dunfermline, Newcastle on Tyne, Hamilton (Ontario), Leeds, London (Canada), Nassau (New Providence), Port Louis (Mauritius), Saint Thomas (Canada), Saint John (New Brunswick), Sherbrooke (Canada), Sydney (New South Wales), Toronto (Canada), Hamilton (Bermuda), Auckland (New Zealand), Trinidad, and Vancouver (British Columbia).

Honduras:

Consul at Tegucigalpa.

Italy:

Consuls at Genoa, Milan, Palermo and Naples.

Madagascar:

Consul at Tamatave.

Mexico:

Consuls at Acapulco, Chihuahua, Ciudad Porfirio Diaz, Mazatlan, Tampico, and Nuevo Laredo.

Netherlands:

Consul at Curaçao.

Nicaragua:

Consul at Managua.

Portuguese Dominions:

Consul at Lourenço Marquez (Africa).

Russia:

Consul at Odessa.

Salvador:

Consul at San Salvador.

South African Republic:

Consul at Pretoria.

Switzerland:

Consuls at Aarau, Berne, and Zurich.

Turkish Dominions:

Consuls at Beirut and Erzerum.

Venezuela:

Consul at La Guayra.

Zanzibar:

Consul at Zanzibar.

CLASS VI.

Class VI, \$1,500 a year.

At one thousand five hundred dollars per annum.

Argentine Republic:

Consul at Rosario.

Belgium:

Consul at Liege.

Colombia:

Consul at Cartagena.

- Denmark:
 Consul at Copenhagen.
- France and French Dominions:
 Consuls at Grenoble, Guadeloupe, La Rochelle, Limoges, Martinique, Nantes, and Nice.
- Germany:
 Consuls at Breslau, Freiburg, Hanover, Mannheim, and Zittau.
- Great Britain and British Dominions:
 Consuls at Aden (Arabia), Amherstburg (Canada), Antigua (West Indies), Belize (British Honduras), Bristol, Brockville (Ontario), Ceylon (India), Charlottetown (Prince Edward Island), Niagara Falls (Canada), Coaticook (Canada), Fort Erie (Canada), Goderich (Canada), Gibraltar, Guelph (Canada), Hull, Kingston (Canada), Malta, Morrisburg (Canada), Sydney (Nova Scotia), Port Hope (Canada), Orillia (Ontario), Port Sarnia (Canada), Port Stanley (Falkland Islands), Prescott (Canada), Saint Helena, Saint Hyacinth (Quebec), Saint Johns (Quebec), Saint Stephens (Canada), Sierra Leone (West Africa), Stratford (Ontario), Three Rivers (Canada), Wallaceburg (Canada), Windsor (Ontario), Winnipeg (Manitoba), Woodstock (New Brunswick), Yarmouth (Nova Scotia), and Saint Johns (Newfoundland).
- Italy:
 Consuls at Castellamare, Catania, Florence, Leghorn, Messina, and Venice.
- Japan:
 Consul at Tamsui, Formosa.
- Mexico:
 Consuls at Durango, Matamoros, Progreso, and Nogales.
- Netherlands:
 Consul at Amsterdam.
- Paraguay:
 Consul at Asuncion.
- Portuguese Dominions:
 Consuls at Saint Michaels (Azores) and Funchal (Madeira).
- Spain:
 Consuls at Cadiz, Valencia, and Malaga.
- Switzerland:
 Consul at Geneva.
- Sweden and Norway:
 Consul at Gottenburg.
- Turkey:
 Consuls at Alexandretta, Harpoot, and Sivas.
- Venezuela:
 Consul at Puerto Cabello.

Schedule C.

SCHEDULE C.

Class VII, \$1,000 a year.

CLASS VII.

- At one thousand dollars per annum.
- Germany:
 Consul at Stettin.
- Great Britain and British Dominions:
 Consuls at Gaspé Basin (Canada), and Windsor (Nova Scotia).
- Greece:
 Consul at Patras.
- Haiti:
 Consul at Cape Haitien.
- Honduras:
 Consul at Utila.
- Italy:
 Consul at Turin.

Mexico:
 Consuls at Ensenada and Saltillo.
 Netherlands:
 Consul at Batavia.
 Society Islands:
 Consul at Tahiti.

SALARIES OF CONSULAR CLERKS.

Ten consular clerks, at one thousand two hundred dollars each, twelve thousand dollars; and three consular clerks, at one thousand dollars each, three thousand dollars; total, fifteen thousand dollars. Consular clerks.

SALARIES OF CONSULAR OFFICERS NOT CITIZENS.

The salary of a consular officer not a citizen of the United States shall be paid out of the amount specifically appropriated for salary at the consular office to which the alien officer is attached or appointed. Payment to consular officers not citizens.

ALLOWANCE FOR CLERKS AT CONSULATES.

Allowance for clerks at consulates, as follows: Clerks at consulates.
 Liverpool, two thousand dollars;
 Bradford, one thousand eight hundred dollars;
 London, three thousand dollars;
 Shanghai, one thousand six hundred dollars;
 Paris, two thousand six hundred dollars;
 Rio de Janeiro, one thousand six hundred dollars;
 Antwerp, one thousand five hundred dollars;
 Berlin, Bordeaux, Bremen, Chemnitz, Crefeld, Frankfort, Hamburg, Havre, Hongkong, Yokohama, Lyons, Manchester, Mexico (city), Montreal, Ottawa, Rotterdam, Osaka, and Hioga, Barmen, and Vienna, at one thousand two hundred dollars each, twenty-two thousand eight hundred dollars;
 Southampton, one thousand seven hundred and fifty dollars;
 Halifax, six hundred and forty dollars;
 Belfast and Coburg, at one thousand dollars each, two thousand dollars;
 Birmingham and Marseilles, at nine hundred and sixty dollars each, one thousand nine hundred and twenty dollars;
 Brussels, Calcutta, Colon, Dresden, Dundee, Glasgow, Leipsic, Melbourne, Monterey, Nuremberg, Panama, Port au Prince, Sheffield, Singapore, Toronto, and Tunstall, at eight hundred dollars each, twelve thousand eight hundred dollars;
 Kingston (Jamaica), eight hundred dollars;
 Maracaibo, eight hundred dollars;
 Naples, eight hundred dollars;
 Guayaquil and Victoria, at eight hundred dollars each, one thousand six hundred dollars;
 Messina, Palermo, Saint Gall, Smyrna, and Tangier, at eight hundred dollars each, four thousand dollars;
 Edinburgh, at six hundred and forty dollars;
 Cairo, Cologne, Constantinople, Huddersfield, Aarau, Mayence, Munich, Nottingham, Odessa, Para, Pernambuco, Tampico, Vera Cruz, and Zurich, at six hundred dollars each, eight thousand four hundred dollars;
 Beirut, four hundred and eighty dollars;
 Ciudad Porfirio Diaz, six hundred and forty dollars;
 Ciudad Juarez, six hundred and forty dollars;
 Aix la Chapelle, six hundred and forty dollars;
 Prague, seven hundred and twenty dollars;

Berne, Demerara, Florence, Genoa, Malaga, Mannheim, and Stuttgart, at four hundred and eighty dollars each, three thousand three hundred and sixty dollars;

Consulates not specified.

Allowance for clerks at consulates, to be expended under the direction of the Secretary of State at consulates not herein provided for in respect to clerk hire, no greater portion of this sum than five hundred dollars to be allowed to any one consulate in any one fiscal year, thirty-five thousand dollars: *Provided*, That the total sum expended in one year shall not exceed the amount appropriated;

Proviso.
—limit.

Total, one hundred and fourteen thousand five hundred and thirty dollars.

SALARIES OF INTERPRETERS TO CONSULATES IN CHINA, KOREA, AND JAPAN.

Interpreters.

Interpreters to be employed at consulates in China, Korea, and Japan, to be expended under the direction of the Secretary of State, fifteen thousand dollars.

EXPENSES OF INTERPRETERS, GUARDS, AND SO FORTH, IN TURKISH DOMINIONS, AND SO FORTH.

Interpreters, guards, etc.

Interpreters and guards at the consulates in the Turkish dominions and at Zanzibar, to be expended under the direction of the Secretary of State, eight thousand dollars.

SALARIES, MARSHALS FOR CONSULAR COURTS.

Marshals.

Marshals for the consular courts in China, Korea, and Turkey, nine thousand three hundred dollars.

Consular prisons.

EXPENSES OF PRISONS FOR AMERICAN CONVICTS.

Bangkok.

Expenses of a prison and prison keeper at the consulate-general in Bangkok, Siam, one thousand dollars;

Shanghai.

Actual expense of renting a prison at Shanghai for American convicts in China, seven hundred and fifty dollars; and for the wages of a keeper of such prison, eight hundred dollars; one thousand five hundred and fifty dollars;

Keeping prisoners.

Provisos.
—maximum allowance.

Paying for the keeping and feeding of prisoners in China, Korea, Siam, and Turkey, nine thousand dollars: *Provided*, That no more than fifty cents per day for the keeping and feeding of each prisoner while actually confined shall be allowed or paid for any such keeping and feeding. This is not to be understood as covering cost of medical attendance and medicines when required by such prisoners: *And provided further*, That no allowance shall be made for the keeping and feeding of any prisoner who is able to pay or does pay the above sum of fifty cents per day; and the consular officer shall certify to the fact of inability in every case;

—self-supporting prisoners.

Rent, Turkey.

Rent of prison for American convicts in Turkey, and for wages of keepers of the same, one thousand dollars;

Total, twelve thousand five hundred and fifty dollars.

RELIEF AND PROTECTION OF AMERICAN SEAMEN.

Relief of American seamen.

Relief and protection of American seamen in foreign countries, and shipwrecked American seamen in the Territory of Alaska, in the Hawaiian Islands, Cuba, Puerto Rico, and the Philippine Islands, or so much thereof as may be necessary, thirty thousand dollars.

FOREIGN HOSPITAL AT CAPE TOWN.

Foreign hospitals.

Annual contribution toward the support of the Somerset Hospital (a foreign hospital) at Cape Town, twenty-five dollars, to be paid by the Secretary of State upon the assurance that suffering seamen and citizens of the United States will be admitted to the privileges of said hospital.

Cape Town.

FOREIGN HOSPITALS AT PANAMA.

Annual contributions toward the support of foreign hospitals at Panama, five hundred dollars, to be paid by the Secretary of State upon the assurance that suffering seamen and citizens of the United States will be admitted to the privileges of said hospitals.

Panama.

PUBLICATION OF DIPLOMATIC, CONSULAR, AND OTHER COMMERCIAL REPORTS.

Preparation, printing, publication, and distribution by the Department of State of the diplomatic, consular, and other commercial reports, thirty thousand dollars; and of this sum the Secretary of State is authorized to expend not exceeding five thousand five hundred dollars for services of employees in the Bureau of Foreign Commerce (formerly the Bureau of Statistics), Department of State, in the work of compiling and distributing such reports; the sum of two thousand dollars for the cost of cablegrams in instructing consular officers to report upon matters of immediate importance to commerce and industry, and of cablegrams of consuls on such subjects; also to defray the extra expense imposed upon consular officers in collecting certain data where it seems to be warranted; and not exceeding two hundred and fifty dollars in the purchase of such books, maps, and periodicals as may be necessary to the editing of diplomatic, consular, and other commercial reports: *Provided*, That all terms of measure, weight, and money shall be reduced to and expressed in terms of measure, weight, and coin of the United States, as well as in the foreign terms; that each issue of diplomatic, consular, and other commercial reports shall not exceed ten thousand copies.

Preparing, etc., consular reports.

Employees, etc.

Proviso.
Equivalents of measure, etc.
Limit of issue of reports.

CONTINGENT EXPENSES, UNITED STATES CONSULATES.

Expenses of providing all such stationery, blanks, record and other books, seals, presses, flags, signs, rent, postage, furniture, statistics, newspapers, freight (foreign and domestic), telegrams, advertising, messenger service, traveling expenses of consular officers and consular clerks, compensation of Chinese writers, loss by exchange, and such other miscellaneous expenses as the President may think necessary for the several consulates, consular agencies, and commercial agencies in the transaction of their business, two hundred thousand dollars.

Contingent expenses, consulates.

INTERNATIONAL UNION OF AMERICAN REPUBLICS.

Commercial Bureau of American Republics, thirty-six thousand dollars: *Provided*, That any moneys received from the other American Republics for the support of the Bureau, or from the sale of the Bureau publications, from rents, or other sources shall be paid into the Treasury as a credit in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the Bureau: *And provided further*, That the Public Printer be, and is hereby, authorized to print an edition of the Monthly Bulletin not to exceed five thousand copies for distribution by the Bureau every month during the fiscal year ending June thirtieth, nineteen hundred and one.

Bureau of American Republics.
Provisos.
Use of receipts from sales, etc.

Printing of Monthly Bulletin authorized.

Approved, April 4, 1900.

April 5, 1900.

CHAP. 178.—An Act To establish light and fog signal at Browns Point, in Puget Sound.

Browns Point, Puget Sound.
Light and fog signal established at.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a light and fog signal be established and constructed at Browns Point, on Commencement Bay, in Puget Sound, being at the entrance of the harbor of the city of Tacoma; said light and fog signal not to exceed the cost of six thousand dollars.

Approved, April 5, 1900.

April 7, 1900.

CHAP. 180.—An Act To complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming, and making appropriation therefor.

Sheridan, Wyo.
Military post established near.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and directed to complete the establishment and erection of a military post near the city of Sheridan, in the State of Wyoming, at the site heretofore selected by the Major-General Commanding the Army and approved by the Secretary of War. The said post shall contain not less than one thousand two hundred and eighty acres, and the selection shall be from lands heretofore withdrawn from settlement for this purpose belonging to the United States and a part of the public domain.

Appropriation.

SEC. 2. That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of one hundred thousand dollars, to be expended under the direction of the Secretary of War in continuing the work of constructing the necessary buildings, quarters, barracks, and stables for the post established under the provisions of this bill.

Approved, April 7, 1900.

April 9, 1900.

CHAP. 182.—An Act To settle the title to real estate in the city of Santa Fe, New Mexico.

Santa Fe, N. Mex.
Release to of certain lands.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the United States of America hereby releases and quitclaims unto the city of Santa Fe, New Mexico, and its successors, all right, claim, or interest which the United States may have in or to any and all of the lands embraced within the present survey of the Santa Fe grant as the same appears on file in the General Land Office in Washington and in the office of the surveyor-general for the district of New Mexico, and approved by H. M. Atkinson, surveyor-general, and the Commissioner of the General Land Office, being a tract containing four square Spanish leagues, having for the center thereof the soldiers' monument in the center of the plaza of said city, and extending one Spanish league therefrom to each of the cardinal points of the compass, and patent from the United States shall issue therefor; this said grant and quitclaim to the city of Santa Fe being to it as a municipal corporation for all parks, streets, alleys, vacant unoccupied lands, or other public places now existing within said limits, and to the said city in trust for the benefit of all persons claiming title to their individual holdings of real estate within such limits by actual possession or under color of title for the period of ten years prior to the passage of this Act: *Provided,* That there is expressly reserved from this grant and quitclaim all lands and buildings now occupied or claimed by the United States for its Federal building,

Proviso,
—reserved from grant.

national cemetery, the Fort Marcy Reservation, and Indian schools; and also reserving therefrom any private land grants that may have been, or may hereafter be confirmed by the Court of Private Land Claims or other authority of the United States.

SEC. 2. That it is hereby made the duty of the mayor and clerk of said city, and of their successors in office, to execute proper deeds of quitclaim to the persons entitled thereto under this Act for their respective holdings of real estate upon such claimants applying therefor and presenting proper deeds for the signatures of such officers, without any expense to the said applicants, and such deeds when executed shall be taken in all courts and places as a relinquishment of any claim or title to the lands therein described on the part of the United States.

Deeds of quitclaim, etc.

SEC. 3. That this Act shall take effect and be in force from and after its passage.

Effect.

Approved, April 9, 1900.

CHAP. 183.—An Act Authorizing the Secretary of the Interior to issue patent to the city of Elreno, Oklahoma, for cemetery purposes.

April 9, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to issue a patent to the city of Elreno, Oklahoma, for cemetery purposes, to the following-described land, to wit: The east half of the northeast quarter of section sixteen, township twelve, range seven, in Canadian County, Oklahoma: *Provided,* That said city pay one dollar and twenty-five cents per acre therefor, which sum shall be paid over to the Territorial school fund.

Elreno, Okla. Patent to, for certain land.

Proviso. Payment per acre.

Approved, April 9, 1900.

CHAP. 184.—An Act Ratifying an appropriation by the legislature of Oklahoma, out of the Morrill fund, for the use of the university at Langston for colored students.

April 9, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the appropriation made by the territorial legislature of the Territory of Oklahoma, by section five of an act approved March tenth, eighteen hundred and ninety-nine, entitled "An Act making appropriations for erecting, maintaining, and supporting the educational institutions of the Territory of Oklahoma for the years eighteen hundred and ninety-nine and nineteen hundred," be, and the same is hereby, ratified and confirmed

Oklahoma Territory. Appropriation by legislature for Langston University ratified.

Approved, April 9, 1900.

CHAP. 185.—An Act To create the northwestern division of the northern district of Georgia for judicial purposes and to fix the time and place for holding court therein.

April 12, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Dade, Walker, Catoosa, Whitfield, Murray, Chattooga, Gordon, Floyd, Bartow, Polk, Paulding, Haralson, and Carroll, in the State of Georgia, shall constitute the northwestern division of the northern judicial district of Georgia, and a term of the circuit and district courts for said district shall be held in said division hereby created at the city of Rome on the third Monday of May and the third Monday of November

Northern judicial district of Georgia. Northwestern division created.

Term of courts at Rome.

Proviso.
—court accommoda-
tions.

Suits against resi-
dents of different divi-
sions, etc.

of each year: *Provided, however,* That suitable rooms and accommodations are furnished for the holding of said courts free of expense to the Government of the United States.

SEC. 2. That all civil suits which shall hereafter be brought against a defendant or defendants who reside in said northwestern division of said district shall be brought in said northwestern division; but if there are two or more defendants residing in different divisions of said district, such suit may be brought in either division of said district in which any defendant or defendants reside, and all mesne and final process subject to the provisions of this Act issued in either of the divisions of the northern district of Georgia may be served and executed in either or all of the divisions.

Prosecution of crimes.

Proviso.
—pending cases.

SEC. 3. That all crimes and offenses against the laws of the United States committed within the counties comprising the northwestern division of said district shall be prosecuted, tried, and determined at the terms of the circuit and district courts herein provided for: *Provided, however,* That all prosecutions begun and pending at the taking effect of this Act shall be proceeded with and finally determined as if this Act were not passed.

Appointment of
deputy clerks at Rome.

Proviso.
—approval of, etc.

SEC. 4. That the clerks of the circuit and district courts for said northern district shall each appoint a deputy, who shall reside and maintain an office at the city of Rome, each of whom, in the absence of the clerks, shall exercise all the powers and perform all the duties of his principal within the division for which he shall be appointed: *Provided,* That the appointment of such deputies shall be approved by the court for which they shall be respectively appointed, and they may be removed by such court at pleasure.

Jurors

SEC. 5. That all the grand jurors and all jurors for the trial of civil and criminal causes in the division hereby created shall be selected from citizens residing in the division created by this Act.

Effect.

Repeal.

SEC. 6. That this Act shall take effect from and after the thirtieth day of June, anno Domini nineteen hundred, and all Acts and parts of Acts so far as inconsistent herewith are hereby repealed.

Approved, April 12, 1900.

April 12, 1900.

CHAP. 186.—An Act To attach the county of Foard, in the State of Texas, to the Fort Worth division of the northern district of Texas, and providing that all process issued against defendants residing in said county shall be returned to Fort Worth.

Texas northern judi-
cial district.
Foard county at-
tached to Fort Worth
division of,
—process.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of Foard, in the State of Texas, be, and the same is hereby, assigned to the Fort Worth division of the northern judicial district of the State of Texas, and that all process issued against defendants residing in the said county of Foard shall be returned to Fort Worth.

Approved, April 12, 1900.

April 12, 1900.

CHAP. 187.—An Act Declaring certain trestles of the Washington County Railroad Company to be lawful structures.

Washington County
Railroad.
Certain trestles be-
longing to, declared
lawful structures.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the trestle on the Eastport Branch of the Washington County Railroad, being the property of the Washington County Railroad Company, and running from the extreme point of land south of Pleasant Point, in the town of Perry, county of Washington and State of Maine, to the extreme northern end of Carlows Island, in the town of Eastport, in said county and State; and a certain other trestle, also the property of said railroad

company, in the East Machias River, in said county of Washington and State of Maine, at the extreme end of said river, near the village of East Machias, in said county and State, be, and both of said trestles hereby are, declared to be lawful structures: *Provided*, That such modifications are made in their present position, condition, and elevation as the Secretary of War may order in the interests of navigation.

Proviso.
—changes of position, etc.

Approved, April 12, 1900.

CHAP. 188.—An Act To amend an Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement.

April 12, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the privileges of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the ports of Laredo, Eagle Pass, and El Paso, Texas, and Nogales, Arizona.

Laredo, Eagle Pass, and El Paso, Tex., and Nogales, Ariz.
Immediate transportation privileges, etc., extended to.
Vol. 21, p. 174.

Approved, April 12, 1900.

CHAP. 189.—An Act Permitting the building of a dam between Coon Rapids and the north limits of the city of Minneapolis, Minnesota, across the Mississippi River.

April 12, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to the Twin City Rapid Transit Company, its successors or assigns, to construct across the Mississippi River, at any point between Coon Rapids and the north line of the limits of the city of Minneapolis, a dam, canal, and works necessarily incident thereto, for water-power purposes. The said dam shall be so constructed that there can, at any time, be constructed in connection therewith a suitable lock for navigation purposes: *Provided, also*, That the Government of the United States may at any time take possession of said dam and appurtenant works and control the same for purposes of navigation by paying the said company the value not exceeding the actual cost of the same, but shall not do so to the destruction of the water power created by said dam to any greater extent than may be necessary to provide proper facilities for navigation: *Provided further*, That the works shall be constructed so as to provide for the free passage of saw logs. The said Twin City Rapid Transit Company shall make such change and modification in the works as the Secretary of War may from time to time deem necessary in the interests of navigation, at its own cost and expense: *Provided further*, That in case any litigation arises from the obstruction of the channel by the dam, canal, or appurtenant works, the case may be tried in the proper Federal court of the United States in which the works are situated.

Twin City Rapid Transit Company may dam Mississippi River at Coon Rapids, etc.

Provisos.
Government control.

Passage of saw logs.
Changes.

Litigation.

SEC. 2. That the right to amend, alter, or repeal this Act is hereby expressly reserved: *And provided further*, That suitable fishways, to be approved by the United States Fish Commissioner, shall be constructed and maintained at said dam by the Twin City Rapid Transit Company, its successors or assigns.

Amendment.
Proviso.
Fishways.

SEC. 3. That this Act shall become null and void unless the dam herein authorized be commenced on or before the first day of July, nineteen hundred and one, and be completed within three years thereafter.

Commencement and completion.

Approved, April 12, 1900.

April 12, 1900.

CHAP. 190.—An Act To authorize the Shreveport and Red River Valley Railway Company to build and maintain a railway bridge across Red River, at or near the town of Alexandria, in the Parish of Rapides, State of Louisiana.

Shreveport and Red River Valley Railway may bridge Red River at Alexandria, La.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Shreveport and Red River Valley Railway Company, a corporation duly incorporated and existing under and by virtue of the laws of the State of Louisiana, be, and is hereby, authorized to construct and maintain, by itself or through its assignees, a railway bridge across Red River at a point suitable to the interest of navigation, at or near the town of Alexandria, in the parish of Rapides, State of Louisiana. Said bridge shall be constructed to provide for passage of railway trains, and for transmission of the mails at such legal rates of toll as may be fixed by said railway company, or its transferees, and approved by the Secretary of War.

Transit, tolls, etc.

To be lawful structure and post route.

SEC. 2. That said bridge, built under this Act and subject to its limitations, shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate per mile paid for the transportation over the railroad or public highways leading to the said bridge, and shall enjoy the rights and privileges of other post-roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal telegraph purposes: *Provided,* That the bridge herein authorized to be constructed shall be so kept and managed by the company owning or operating it as to afford proper ways and means for the passage through or under it of vessels, barges, or rafts at all times, both by day and by night; and if said bridge be constructed as a drawbridge, the draw shall be opened promptly upon reasonable signal for the passage of boats; and upon whatever kind of bridge is built there shall be displayed on said bridge from sunset to sunrise, at the expense of said company, such lights and signals as the Light-House Board shall prescribe.

Telegraph, etc., companies.

Proriso.
Aids to navigation.

Draw.

Lights.

Alterations.

SEC. 3. That if said bridge, erected and maintained under the authority of this Act, shall at any time substantially or materially obstruct the free navigation of said river, or shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and such alteration shall be made and all such obstructions be removed at the expense of the owners or operators of said bridge; and in case of any litigation arising from the obstruction or alleged obstruction to the free navigation of said river, the case may be brought in the district court of the United States for the western district of Louisiana: *Provided,* That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said bridge from the operation of same.

Litigation.

Proriso.
Existing law unchanged, etc.

Railroad rights to use.

SEC. 4. That all railroad companies desiring to use the said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains over the same and the approaches thereto upon the payment of a reasonable compensation for such use, which compensation may be different in case of different railways. In case of disagreement as to compensation for the use of said bridge, the difference shall be determined by the Secretary of War upon hearing the allegations and proof of the parties in interest.

Secretary of War to approve plans, etc.

SEC. 5. That the bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation

shall submit to the Secretary of War, for his examination and approval, a design and drawing of said bridge, and a map of the location, prepared with reference to known datum plane upon prescribed scales furnished by the engineer officer having supervision of said river, and giving, for the space of two miles above and two miles below the proposed location of the bridge, the topography of the banks of the river, with shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject. And until said plans and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of the said bridge during the process of construction, such change shall be subject to the approval of the Secretary of War, and said structure shall be changed at the cost and expense of the owners thereof, from time to time, as the Secretary of War may direct, so as to preserve the free and convenient navigation of said river.

SEC. 6. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

Commencement and completion.

SEC. 7. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, April 12, 1900.

CHAP. 191.—An Act Temporarily to provide revenues and a civil government for Porto Rico, and for other purposes.

April 12, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of this Act shall apply to the island of Porto Rico and to the adjacent islands and waters of the islands lying east of the seventy-fourth meridian of longitude west of Greenwich, which were ceded to the United States by the Government of Spain by treaty entered into on the tenth day of December, eighteen hundred and ninety-eight; and the name Porto Rico, as used in this Act, shall be held to include not only the island of that name, but all the adjacent islands as aforesaid.

Porto Rico. Provisions for civil government, etc. Scope of act. Vol. 30, p. 1754.

SEC. 2. That on and after the passage of this Act the same tariffs, customs, and duties shall be levied, collected, and paid upon all articles imported into Porto Rico from ports other than those of the United States which are required by law to be collected upon articles imported into the United States from foreign countries: *Provided*, That on all coffee in the bean or ground imported into Porto Rico there shall be levied and collected a duty of five cents per pound, any law or part of law to the contrary notwithstanding: *And provided further*, That all Spanish scientific, literary, and artistic works, not subversive of public order in Porto Rico, shall be admitted free of duty into Porto Rico for a period of ten years, reckoning from the eleventh day of April, eighteen hundred and ninety-nine, as provided in said treaty of peace between the United States and Spain: *And provided further*, That all books and pamphlets printed in the English language shall be admitted into Porto Rico free of duty when imported from the United States.

Tariff on foreign imports.

Provisos.—coffee.

Spanish books admitted free.

English books from the United States.

SEC. 3. That on and after the passage of this Act all merchandise coming into the United States from Porto Rico and coming into Porto Rico from the United States shall be entered at the several ports of entry upon payment of fifteen per centum of the duties which are required to be levied, collected, and paid upon like articles of merchandise imported from foreign countries; and in addition thereto upon articles of merchandise of Porto Rican manufacture coming into the

Tariff as between the United States and Porto Rico.

—on Porto Rican manufactures.

United States and withdrawn for consumption or sale upon payment of a tax equal to the internal-revenue tax imposed in the United States upon the like articles of merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps to be purchased and provided by the Commissioner of Internal Revenue and to be procured from the collector of internal revenue at or most convenient to the port of entry of said merchandise in the United States, and to be affixed under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe; and on all articles of merchandise of United States manufacture coming into Porto Rico in addition to the duty above provided upon payment of a tax equal in rate and amount to the internal-revenue tax imposed in Porto Rico upon the like articles of Porto Rican manufacture: *Provided*, That on and after the date when this Act shall take effect, all merchandise and articles, except coffee, not dutiable under the tariff laws of the United States, and all merchandise and articles entered in Porto Rico free of duty under orders heretofore made by the Secretary of War, shall be admitted into the several ports thereof, when imported from the United States, free of duty, all laws or parts of laws to the contrary notwithstanding; and whenever the legislative assembly of Porto Rico shall have enacted and put into operation a system of local taxation to meet the necessities of the government of Porto Rico, by this Act established, and shall by resolution duly passed so notify the President, he shall make proclamation thereof, and thereupon all tariff duties on merchandise and articles going into Porto Rico from the United States or coming into the United States from Porto Rico shall cease, and from and after such date all such merchandise and articles shall be entered at the several ports of entry free of duty; and in no event shall any duties be collected after the first day of March, nineteen hundred and two, on merchandise and articles going into Porto Rico from the United States or coming into the United States from Porto Rico.

SEC. 4. That the duties and taxes collected in Porto Rico in pursuance of this Act, less the cost of collecting the same, and the gross amount of all collections of duties and taxes in the United States upon articles of merchandise coming from Porto Rico, shall not be covered into the general fund of the Treasury, but shall be held as a separate fund, and shall be placed at the disposal of the President to be used for the government and benefit of Porto Rico until the government of Porto Rico herein provided for shall have been organized, when all moneys theretofore collected under the provisions hereof, then unexpended, shall be transferred to the local treasury of Porto Rico, and the Secretary of the Treasury shall designate the several ports and sub-ports of entry in Porto Rico and shall make such rules and regulations and appoint such agents as may be necessary to collect the duties and taxes authorized to be levied, collected, and paid in Porto Rico by the provisions of this Act, and he shall fix the compensation and provide for the payment thereof of all such officers, agents, and assistants as he may find it necessary to employ to carry out the provisions hereof: *Provided, however*, That as soon as a civil government for Porto Rico shall have been organized in accordance with the provisions of this Act and notice thereof shall have been given to the President he shall make proclamation thereof, and thereafter all collections of duties and taxes in Porto Rico under the provisions of this Act shall be paid into the treasury of Porto Rico, to be expended as required by law for the government and benefit thereof instead of being paid into the Treasury of the United States.

SEC. 5. That on and after the day when this Act shall go into effect all goods, wares, and merchandise previously imported from Porto Rico, for which no entry has been made, and all goods, wares, and merchandise previously entered without payment of duty and under

—United States, manufactures.

Proviso.
Admission free of merchandise not dutiable in the United States.

Duties to cease when system of local taxation established, etc.

No duties after March 1, 1902.

Duties, etc., to constitute separate fund in Treasury for benefit of Porto Rico.

Secretary of Treasury to designate ports of entry and to make rules and regulations.

Proviso.
Duties to be paid into Porto Rican treasury when civil government established.

Duties on entry or withdrawal of merchandise imported from Porto Rico prior to this act, etc.

bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this Act, and to no other duty, upon the entry or the withdrawal thereof: *Provided*, That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

Proviso.
—duties based on weight.

GENERAL PROVISIONS.

General provisions.

SEC. 6. That the capital of Porto Rico shall be at the city of San Juan and the seat of government shall be maintained there.

Capital.

SEC. 7. That all inhabitants continuing to reside therein who were Spanish subjects on the eleventh day of April, eighteen hundred and ninety-nine, and then resided in Porto Rico, and their children born subsequent thereto, shall be deemed and held to be citizens of Porto Rico, and as such entitled to the protection of the United States, except such as shall have elected to preserve their allegiance to the Crown of Spain on or before the eleventh day of April, nineteen hundred, in accordance with the provisions of the treaty of peace between the United States and Spain entered into on the eleventh day of April, eighteen hundred and ninety-nine; and they, together with such citizens of the United States as may reside in Porto Rico, shall constitute a body politic under the name of The People of Porto Rico, with governmental powers as hereinafter conferred, and with power to sue and be sued as such.

Spanish subjects deemed citizens of Porto Rico, etc.

Vol. 30, p. 1759.

—to constitute body politic, etc.

SEC. 8. That the laws and ordinances of Porto Rico now in force shall continue in full force and effect, except as altered, amended, or modified hereinafter, or as altered or modified by military orders and decrees in force when this Act shall take effect, and so far as the same are not inconsistent or in conflict with the statutory laws of the United States not locally inapplicable, or the provisions hereof, until altered, amended, or repealed by the legislative authority hereinafter provided for Porto Rico or by Act of Congress of the United States: *Provided*, That so much of the law which was in force at the time of cession, April eleventh, eighteen hundred and ninety-nine, forbidding the marriage of priests, ministers, or followers of any faith because of vows they may have taken, being paragraph four, article eighty-three, chapter three, civil code, and which was continued by the order of the secretary of justice of Porto Rico, dated March seventeenth, eighteen hundred and ninety-nine, and promulgated by Major-General Guy V. Henry, United States Volunteers, is hereby repealed and annulled, and all persons lawfully married in Porto Rico shall have all the rights and remedies conferred by law upon parties to either civil or religious marriages: *And provided further*, That paragraph one, article one hundred and five, section four, divorce, civil code, and paragraph two, section nineteen, of the order of the minister of justice of Porto Rico, dated March seventeenth, eighteen hundred and ninety-nine, and promulgated by Major-General Guy V. Henry, United States Volunteers, be, and the same hereby are, so amended as to read: "Adultery on the part of either the husband or the wife."

Existing laws continued.
—except.

Provisos.
—marriage of priests, etc.

—adultery, etc.

SEC. 9. That the Commissioner of Navigation shall make such regulations, subject to the approval of the Secretary of the Treasury, as he may deem expedient for the nationalization of all vessels owned by the inhabitants of Porto Rico on the eleventh day of April, eighteen hundred and ninety-nine, and which continued to be so owned up to the date of such nationalization, and for the admission of the same to all the benefits of the coasting trade of the United States; and the coasting trade between Porto Rico and the United States shall be regulated in accordance with the provisions of law applicable to such trade between any two great coasting districts of the United States.

Nationalization of Porto Rican vessels.

- Quarantine stations.
—regulations. SEC. 10. That quarantine stations shall be established at such places in Porto Rico as the Supervising Surgeon-General of the Marine-Hospital Service of the United States shall direct, and the quarantine regulations relating to the importation of diseases from other countries shall be under the control of the Government of the United States.
- Redemption of
Porto Rican coins. SEC. 11. That for the purpose of retiring the Porto Rican coins now in circulation in Porto Rico and substituting therefor the coins of the United States, the Secretary of the Treasury is hereby authorized to redeem, on presentation in Porto Rico, all the silver coins of Porto Rico known as the peso and all other silver and copper Porto Rican coins now in circulation in Porto Rico, not including any such coins that may be imported into Porto Rico after the first day of February, nineteen hundred, at the present established rate of sixty cents in the coins of the United States for one peso of Porto Rican coin, and for all minor or subsidiary coins the same rate of exchange shall be applied. The Porto Rican coins so purchased or redeemed shall be recoined at the expense of the United States, under the direction of the Secretary of the Treasury, into such coins of the United States now authorized by law as he may direct, and from and after three months after the date when this Act shall take effect no coins shall be a legal tender, in payment of debts thereafter contracted, for any amount in Porto Rico, except those of the United States; and whatever sum may be required to carry out the provisions hereof, and to pay all expenses that may be incurred in connection therewith, is hereby appropriated, and the Secretary of the Treasury is hereby authorized to establish such regulations and employ such agencies as may be necessary to accomplish the purposes hereof: *Provided, however,* That all debts owing on the date when this Act shall take effect shall be payable in the coins of Porto Rico now in circulation, or in the coins of the United States at the rate of exchange above named.
- recoinage. SEC. 12. That all expenses that may be incurred on account of the government of Porto Rico for salaries of officials and the conduct of their offices and departments, and all expenses and obligations contracted for the internal improvement or development of the island, not, however, including defenses, barracks, harbors, light-houses, buoys, and other works undertaken by the United States, shall be paid by the treasurer of Porto Rico out of the revenues in his custody.
- Legal tender. SEC. 13. That all property which may have been acquired in Porto Rico by the United States under the cession of Spain in said treaty of peace in any public bridges, road houses, water powers, highways, unnavigable streams, and the beds thereof, subterranean waters, mines, or minerals under the surface of private lands, and all property which at the time of the cession belonged, under the laws of Spain then in force, to the various harbor-works boards of Porto Rico, and all the harbor shores, docks, slips, and reclaimed lands, but not including harbor areas or navigable waters, is hereby placed under the control of the government established by this Act to be administered for the benefit of the people of Porto Rico; and the legislative assembly hereby created shall have authority, subject to the limitations imposed upon all its acts, to legislate with respect to all such matters as it may deem advisable.
- Appropriation. SEC. 14. That the statutory laws of the United States not locally inapplicable, except as hereinbefore or hereinafter otherwise provided, shall have the same force and effect in Porto Rico as in the United States, except the internal-revenue laws, which, in view of the provisions of section three, shall not have force and effect in Porto Rico.
- Regulations. SEC. 15. That the legislative authority hereinafter provided shall have power by due enactment to amend, alter, modify, or repeal any law or ordinance, civil or criminal, continued in force by this Act, as it may from time to time see fit.
- Proviso.*
Existing debts; in
what payable.
- Expenses payable
from Porto Rican revenues.
- Property in bridges,
unnavigable streams,
etc., acquired under
treaty of peace placed
under government of
Porto Rico, etc.
- Federal laws applicable.
- Legislature may repeal, etc., laws continued in force.

SEC. 16. That all judicial process shall run in the name of "United States of America, ss: the President of the United States," and all criminal or penal prosecutions in the local courts shall be conducted in the name and by the authority of "The people of Porto Rico;" and all officials authorized by this Act shall before entering upon the duties of their respective offices take an oath to support the Constitution of the United States and the laws of Porto Rico.

Judicial process.

Oath.

THE GOVERNOR.

The governor.

SEC. 17. That the official title of the chief executive officer shall be "The Governor of Porto Rico." He shall be appointed by the President, by and with the advice and consent of the Senate; he shall hold his office for a term of four years and until his successor is chosen and qualified unless sooner removed by the President; he shall reside in Porto Rico during his official incumbency, and shall maintain his office at the seat of government; he may grant pardons and reprieves, and remit fines and forfeitures for offenses against the laws of Porto Rico, and respites for offenses against the laws of the United States, until the decision of the President can be ascertained; he shall commission all officers that he may be authorized to appoint, and may veto any legislation enacted, as hereinafter provided; he shall be the commander in chief of the militia, and shall at all times faithfully execute the laws, and he shall in that behalf have all the powers of governors of the Territories of the United States that are not locally inapplicable; and he shall annually, and at such other times as he may be required, make official report of the transactions of the government in Porto Rico, through the Secretary of State, to the President of the United States: *Provided*, That the President may, in his discretion, delegate and assign to him such executive duties and functions as may in pursuance with law be so delegated and assigned.

Title.

Appointment.

Term of office.

Location of office.

Powers.

Report.

Proviso.
Duties which may be assigned him.

THE EXECUTIVE COUNCIL.

SEC. 18. That there shall be appointed by the President, by and with the advice and consent of the Senate, for the period of four years, unless sooner removed by the President, a secretary, an attorney-general, a treasurer, an auditor, a commissioner of the interior, and a commissioner of education, each of whom shall reside in Porto Rico during his official incumbency and have the powers and duties hereinafter provided for them, respectively, and who, together with five other persons of good repute, to be also appointed by the President for a like term of four years, by and with the advice and consent of the Senate, shall constitute an executive council, at least five of whom shall be native inhabitants of Porto Rico, and, in addition to the legislative duties hereinafter imposed upon them as a body, shall exercise such powers and perform such duties as are hereinafter provided for them, respectively, and who shall have power to employ all necessary deputies and assistants for the proper discharge of their duties as such officials and as such executive council.

Appointment of officials, etc., who shall constitute the executive council.

—duties.

SEC. 19. That the secretary shall record and preserve minutes of the proceedings of the executive council and the laws enacted by the legislative assembly and all acts and proceedings of the governor, and shall promulgate all proclamations and orders of the governor and all laws enacted by the legislative assembly. He shall, within sixty days after the end of each session of the legislative assembly, transmit to the President, the President of the Senate, the Speaker of the House of Representatives, and the Secretary of State of the United States one copy each of the laws and journals of such session.

Secretary; duties of, etc.

SEC. 20. That in case of the death, removal, resignation, or disability of the governor, or his temporary absence from Porto Rico, the

—to act in absence of governor.

secretary shall exercise all the powers and perform all the duties of the governor during such vacancy, disability, or absence.

Attorney-general.

SEC. 21. That the attorney-general shall have all the powers and discharge all the duties provided by law for an attorney of a Territory of the United States in so far as the same are not locally inapplicable, and he shall perform such other duties as may be prescribed by law, and make such reports, through the governor, to the Attorney-General of the United States as he may require, which shall annually be transmitted to Congress.

Treasurer

SEC. 22. That the treasurer shall give bond, approved as to form by the attorney-general of Porto Rico, in such sum as the executive council may require, not less, however, than the sum of one hundred thousand dollars, with surety approved by the governor, and he shall collect and be the custodian of the public funds, and shall disburse the same when appropriated by law, on warrants signed by the auditor and countersigned by the governor, and shall perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as he may require, which shall annually be transmitted to Congress.

Auditor.

SEC. 23. That the auditor shall keep full and accurate accounts, showing all receipts and disbursements, and perform such other duties as may be prescribed by law, and make, through the governor, such reports to the Secretary of the Treasury of the United States as he may require, which shall annually be transmitted to Congress.

Commissioner of the interior.

SEC. 24. That the commissioner of the interior shall superintend all works of a public nature, and shall have charge of all public buildings, grounds, and lands, except those belonging to the United States, and shall execute such requirements as may be imposed by law with respect thereto, and shall perform such other duties as may be prescribed by law, and make such reports through the governor to the Secretary of the Interior of the United States as he may require, which shall annually be transmitted to Congress.

Commissioner of education.

SEC. 25. That the commissioner of education shall superintend public instruction throughout Porto Rico, and all disbursements on account thereof must be approved by him; and he shall perform such other duties as may be prescribed by law, and make such reports through the governor as may be required by the Commissioner of Education of the United States, which shall annually be transmitted to Congress.

Other members of executive council; duties, etc.

SEC. 26. That the other five members of the executive council, to be appointed as hereinbefore provided, shall attend all meetings of the executive council and participate in all business of every character that may be transacted by it; and they shall receive as compensation for their services such annual salaries as may be provided by the legislative assembly.

HOUSE OF DELEGATES.

Legislative assembly of Porto Rico to consist of executive council and house of delegates.

SEC. 27. That all local legislative powers hereby granted shall be vested in a legislative assembly which shall consist of two houses; one the executive council, as hereinbefore constituted, and the other a house of delegates, to consist of thirty-five members elected biennially by the qualified voters as hereinafter provided; and the two houses thus constituted shall be designated "The legislative assembly of Porto Rico."

Election districts.

SEC. 28. That for the purposes of such elections Porto Rico shall be divided by the executive council into seven districts, composed of contiguous territory and as nearly equal as may be in population, and each district shall be entitled to five members of the house of delegates.

ELECTION OF DELEGATES.

Election of delegates.

SEC. 29. That the first election for delegates shall be held on such date and under such regulations as to ballots and voting as the executive

council may prescribe; and at such elections the voters of each legislative district shall choose five delegates to represent them in the house of delegates from the date of their election and qualification until two years from and after the first day of January next ensuing; of all which thirty days' notice shall be given by publication in the Official Gazette, or by printed notices distributed and posted throughout the district, or by both, as the executive council may prescribe. At such elections all citizens of Porto Rico shall be allowed to vote who have been bona fide residents for one year and who possess the other qualifications of voters under the laws and military orders in force on the first day of March, nineteen hundred, subject to such modifications and additional qualifications and such regulations and restrictions as to registration as may be prescribed by the executive council. The house of delegates so chosen shall convene at the capital and organize by the election of a speaker, a clerk, a sergeant-at-arms, and such other officers and assistants as it may require, at such time as may be designated by the executive council; but it shall not continue in session longer than sixty days in any one year, unless called by the governor to meet in extraordinary session. The enacting clause of the laws shall be, "Be it enacted by the legislative assembly of Porto Rico;" and each member of the house of delegates shall be paid for his services at the rate of five dollars per day for each day's attendance while the house is in session, and mileage at the rate of ten cents per mile for each mile necessarily traveled each way to and from each session of the legislative assembly.

—term of service, etc.

Qualified voters.

Organization of house of delegates.

Length of session.

Enacting clause of laws.

Salary, etc., of members.

All future elections of delegates shall be governed by the provisions hereof, so far as they are applicable, until the legislative assembly shall otherwise provide.

Existing provisions continued until changed by legislature.

SEC. 30. That the house of delegates shall be the sole judge of the elections, returns, and qualifications of its members, and shall have and exercise all the powers with respect to the conduct of its proceedings that usually appertain to parliamentary legislative bodies. No person shall be eligible to membership in the house of delegates who is not twenty-five years of age and able to read and write either the Spanish or the English language, or who is not possessed in his own right of taxable property, real or personal, situated in Porto Rico.

Powers of house of delegates.

Qualifications of members.

SEC. 31. That all bills may originate in either house, but no bill shall become a law unless it be passed in each house by a majority vote of all the members belonging to such house and be approved by the governor within ten days thereafter. If, when a bill that has been passed is presented to the governor for signature, he approves the same, he shall sign it, or if not he shall return it, with his objections, to that house in which it originated, which house shall enter his objections at large on its journal, and proceed to reconsider the bill. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be considered, 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 and against the bill shall be entered upon the journal of each house, respectively. If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have 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 prevent its return, in which case it shall not be a law: *Provided, however,* That all laws enacted by the legislative assembly shall be reported to the Congress of the United States, which hereby reserves the power and authority, if deemed advisable, to annul the same.

Bills; passage of, etc.

—approval.

—veto, etc.

Provido.

Congress may annul laws.

SEC. 32. That the legislative authority herein provided shall extend to all matters of a legislative character not locally inapplicable, includ-

Legislative authority: scope of.

ing power to create, consolidate, and reorganize the municipalities, so far as may be necessary, and to provide and repeal laws and ordinances therefor; and also the power to alter, amend, modify, and repeal any and all laws and ordinances of every character now in force in Porto Rico, or any municipality or district thereof, not inconsistent with the provisions hereof: *Provided, however,* That all grants of franchises, rights, and privileges or concessions of a public or quasi-public nature shall be made by the executive council, with the approval of the governor, and all franchises granted in Porto Rico shall be reported to Congress, which hereby reserves the power to annul or modify the same.

Proviso.
Grant of franchises.

The judiciary.

THE JUDICIARY.

Established courts
continued.

SEC. 33. That the judicial power shall be vested in the courts and tribunals of Porto Rico as already established and now in operation, including municipal courts, under and by virtue of General Orders, Numbered One hundred and eighteen, as promulgated by Brigadier-General Davis, United States Volunteers, August sixteenth, eighteen hundred and ninety-nine, and including also the police courts established by General Orders, Numbered One hundred and ninety-five, promulgated November twenty-ninth, eighteen hundred and ninety-nine, by Brigadier-General Davis, United States Volunteers, and the laws and ordinances of Porto Rico and the municipalities thereof in force, so far as the same are not in conflict herewith, all which courts and tribunals are hereby continued. The jurisdiction of said courts and the form of procedure in them, and the various officials and attachés thereof, respectively, shall be the same as defined and prescribed in and by said laws and ordinances, and said General Orders, Numbered One hundred and eighteen and One hundred and ninety-five, until otherwise provided by law: *Provided, however,* That the chief justice and associate justices of the supreme court and the marshal thereof shall be appointed by the President, by and with the advice and consent of the Senate, and the judges of the district courts shall be appointed by the governor, by and with the advice and consent of the executive council, and all other officials and attachés of all the other courts shall be chosen as may be directed by the legislative assembly, which shall have authority to legislate from time to time as it may see fit with respect to said courts, and any others they may deem it advisable to establish, their organization, the number of judges and officials and attachés for each, their jurisdiction, their procedure, and all other matters affecting them.

Jurisdiction and
procedure.

Proviso.
Appointment of ter-
ritorial judicial offi-
cers.

Power of legislature
in regard to courts.

Judicial district es-
tablished.
Federal judicial
officers.

District court.

—officers.

—jurisdiction.

—procedure.

—terms of court.

SEC. 34. That Porto Rico shall constitute a judicial district to be called "the district of Porto Rico." The President, by and with the advice and consent of the Senate, shall appoint a district judge, a district attorney, and a marshal for said district, each for a term of four years, unless sooner removed by the President. The district court for said district shall be called the district court of the United States for Porto Rico and shall have power to appoint all necessary officials and assistants, including a clerk, an interpreter, and such commissioners as may be necessary, who shall have like power and duties as are exercised and performed by commissioners of the circuit courts of the United States, and shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizant in the circuit courts of the United States, and shall proceed therein in the same manner as a circuit court. The laws of the United States relating to appeals, writs of error and certiorari, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the district court of the United States and the courts of Porto Rico. Regular terms of said court shall be held at San Juan, commencing on the second Monday in April and October

of each year, and also at Ponce on the second Monday in January of each year, and special terms may be held at Mayaguez at such other stated times as said judge may deem expedient. All pleadings and proceedings in said court shall be conducted in the English language.

Proceedings to be in English.

The United States district court hereby established shall be the successor to the United States provisional court established by General Orders, Numbered Eighty-eight, promulgated by Brigadier-General Davis, United States Volunteers, and shall take possession of all records of that court, and take jurisdiction of all cases and proceedings pending therein, and said United States provisional court is hereby discontinued.

District court to succeed provisional court, etc.

SEC. 35. That writs of error and appeals from the final decisions of the supreme court of Porto Rico and the district court of the United States shall be allowed and may be taken to the Supreme Court of the United States in the same manner and under the same regulations and in the same cases as from the supreme courts of the Territories of the United States; and such writs of error and appeal shall be allowed in all cases where the Constitution of the United States, or a treaty thereof, or an Act of Congress is brought in question and the right claimed thereunder is denied; and the supreme and district courts of Porto Rico and the respective judges thereof may grant writs of habeas corpus in all cases in which the same are grantable by the judges of the district and circuit courts of the United States. All such proceedings in the Supreme Court of the United States shall be conducted in the English language.

Appeal to Supreme Court, U.S.

—when allowed.

Habeas corpus, etc.

SEC. 36. That the salaries of all officials of Porto Rico not appointed by the President, including deputies, assistants, and other help, shall be such, and be so paid out of the revenues of Porto Rico, as the executive council shall from time to time determine: *Provided, however,* That the salary of no officer shall be either increased or diminished during his term of office. The salaries of all officers and all expenses of the offices of the various officials of Porto Rico, appointed as herein provided by the President, including deputies, assistants, and other help, shall also be paid out of the revenues of Porto Rico on the warrant of the auditor, countersigned by the governor.

Salaries of officials.

Proviso.

—not to be changed during incumbency.

—payable, etc.

The annual salaries of the officials appointed by the President, and so to be paid, shall be as follows:

The governor, eight thousand dollars; in addition thereto he shall be entitled to the occupancy of the buildings heretofore used by the chief executive of Porto Rico, with the furniture and effects therein, free of rental.

Salaries of governor and secretary, etc.

- The secretary, four thousand dollars.
- The attorney-general, four thousand dollars.
- The treasurer, five thousand dollars.
- The auditor, four thousand dollars.
- The commissioner of the interior, four thousand dollars.
- The commissioner of education, three thousand dollars.
- The chief justice of the supreme court, five thousand dollars.
- The associate justices of the supreme court (each), four thousand five hundred dollars.
- The marshal of the supreme court, three thousand dollars.
- The United States district judge, five thousand dollars.
- The United States district attorney, four thousand dollars.
- The United States district marshal, three thousand five hundred dollars.

SEC. 37. That the provisions of the foregoing section shall not apply to the municipal officials. Their salaries and the compensation of their deputies, assistants, and other help, as well as all other expenses incurred by the municipalities, shall be paid out of the municipal revenues in such manner as the legislative assembly shall provide.

Municipal salaries and expenses, how paid.

No export duties.
Legislature may tax,
etc.

Bond issues, etc.

Proviso.
—limit.

Resident commis-
sioner to United
States.

Proviso.
—qualifications.

Commission to re-
port on permanent
system of govern-
ment, etc.

—expenses.

—to report within a
year.

Effect.

SEC. 38. That no export duties shall be levied or collected on exports from Porto Rico; but taxes and assessments on property, and license fees for franchises, privileges, and concessions may be imposed for the purposes of the insular and municipal governments, respectively, as may be provided and defined by act of the legislative assembly; and where necessary to anticipate taxes and revenues, bonds and other obligations may be issued by Porto Rico or any municipal government therein as may be provided by law to provide for expenditures authorized by law, and to protect the public credit, and to reimburse the United States for any moneys which have been or may be expended out of the emergency fund of the War Department for the relief of the industrial conditions of Porto Rico caused by the hurricane of August eighth, eighteen hundred and ninety-nine: *Provided, however,* That no public indebtedness of Porto Rico or of any municipality thereof shall be authorized or allowed in excess of seven per centum of the aggregate tax valuation of its property.

SEC. 39. That the qualified voters of Porto Rico shall, on the first Tuesday after the first Monday of November, anno Domini nineteen hundred, and every two years thereafter, choose a resident commissioner to the United States, who shall be entitled to official recognition as such by all Departments, upon presentation to the Department of State of a certificate of election of the governor of Porto Rico, and who shall be entitled to a salary, payable monthly by the United States, at the rate of five thousand dollars per annum: *Provided,* That no person shall be eligible to such election who is not a bona fide citizen of Porto Rico, who is not thirty years of age, and who does not read and write the English language.

SEC. 40. That a commission, to consist of three members, at least one of whom shall be a native citizen of Porto Rico, shall be appointed by the President, by and with the advice and consent of the Senate, to compile and revise the laws of Porto Rico; also the various codes of procedure and systems of municipal government now in force, and to frame and report such legislation as may be necessary to make a simple, harmonious, and economical government, establish justice and secure its prompt and efficient administration, inaugurate a general system of education and public instruction, provide buildings and funds therefor, equalize and simplify taxation and all the methods of raising revenue, and make all other provisions that may be necessary to secure and extend the benefits of a republican form of government to all the inhabitants of Porto Rico; and all the expenses of such commissioners, including all necessary clerks and other assistants that they may employ, and a salary to each member of the commission at the rate of five thousand dollars per annum, shall be allowed and paid out of the treasury of Porto Rico as a part of the expenses of the government of Porto Rico. And said commission shall make full and final report, in both the English and Spanish languages, of all its revisions, compilations, and recommendations, with explanatory notes as to the changes and the reasons therefor, to the Congress on or before one year after the passage of this Act.

SEC. 41. That this Act shall take effect and be in force from and after the first day of May, nineteen hundred.

Approved, April 12, 1900.

April 17, 1900.

CHAP. 192.—An Act Making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

Legislative, execu-
tive, and judicial
expenses appropria-
tions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service

of the fiscal year ending June thirtieth, nineteen hundred and one, for the objects hereinafter expressed, namely:

LEGISLATIVE.

SENATE.

For compensation of Senators, four hundred and fifty thousand dollars.

For mileage of Senators, forty-five thousand dollars.

For compensation of the officers, clerks, messengers, and others in the service of the Senate, namely:

OFFICE OF THE VICE-PRESIDENT: For secretary to the Vice-President, two thousand two hundred and twenty dollars; for messenger, one thousand four hundred and forty dollars; telegraph operator, one thousand two hundred dollars; telegraph page, six hundred dollars; in all, five thousand four hundred and sixty dollars.

CHAPLAIN: For Chaplain of the Senate, nine hundred dollars.

OFFICE OF SECRETARY: For Secretary of the Senate, including compensation as disbursing officer of the contingent fund of the Senate, five thousand dollars, and for compensation as disbursing officer of salaries of Senators, three hundred and ninety-six dollars; hire of horse and wagon for the Secretary's office, seven hundred dollars; chief clerk and financial clerk, at three thousand dollars each, and five hundred dollars additional for the financial clerk while the office is held by the present incumbent; principal clerk, minute and journal clerk, and enrolling clerk, at two thousand five hundred and ninety-two dollars each; assistant financial clerk, and reading clerk, at two thousand four hundred dollars each; librarian, two thousand two hundred and twenty dollars, and two hundred and eighty dollars additional while the office is held by the present incumbent; assistant librarian, one thousand eight hundred dollars; messenger, acting as assistant librarian, one thousand six hundred dollars; six clerks, at two thousand two hundred and twenty dollars each; five clerks, at two thousand one hundred dollars each; keeper of stationery, two thousand one hundred and two dollars and forty cents; assistant keeper of stationery, one thousand eight hundred dollars; assistant in stationery room, one thousand dollars, and two hundred dollars additional while the office is held by the present incumbent; two messengers, at one thousand four hundred and forty dollars each; assistant messenger, one thousand two hundred dollars; five laborers, at seven hundred and twenty dollars each; in all, sixty-seven thousand six hundred and seventy-four dollars and forty cents.

CLERKS AND MESSENGERS TO COMMITTEES: For clerk of printing records, two thousand two hundred and twenty dollars; clerk to the Committee on Appropriations, three thousand dollars; assistant clerk, two thousand two hundred and twenty dollars; messenger, to be appointed by the committee, one thousand four hundred and forty dollars; clerk and stenographer to the Committee on Finance, two thousand five hundred dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on Claims, two thousand two hundred and twenty dollars; assistant clerk, one thousand four hundred and forty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on Commerce, two thousand two hundred and twenty dollars; assistant clerk, one thousand four hundred and forty dollars; clerk to the Committee on Pensions, two thousand two hundred and twenty dollars; two assistant clerks, at one thousand four hundred and forty dollars each; messenger, one thousand four hundred and forty dollars; clerk to the Committee on the Judiciary, two thousand two hundred and twenty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on Military Affairs, two thousand two hundred and twenty dollars; assistant clerk, one thousand four hundred and forty dollars; messenger, one thousand

Legislative.

Senate.

Pay of Senators.

Mileage.

Compensation of officers, etc.

Vice-President's office.

Chaplain.

Secretary of the Senate, clerks, etc.

Clerks and messengers to committees.

four hundred and forty dollars; clerk to the Committee on Post-Offices and Post-Roads, two thousand two hundred and twenty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on the District of Columbia, two thousand two hundred and twenty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on Foreign Relations, two thousand two hundred and twenty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Committee on Engrossed Bills, two thousand two hundred and twenty dollars; messenger, one thousand four hundred and forty dollars; clerk to the Joint Committee on the Library, two thousand two hundred and twenty dollars; clerks to the committees on Naval Affairs, Census, Public Lands, Indian Affairs, to Audit and Control the Contingent Expenses of the Senate, Public Buildings and Grounds, Agriculture and Forestry, Education and Labor, Territories, Interstate Commerce, Public Health and National Quarantine, Private Land Claims, Patents, Coast Defenses, Privileges and Elections, Additional Accommodations for the Library of Congress, Rules, Civil Service and Retrenchment, Enrolled Bills, Geological Survey, Railroads, Pacific Railroads, Pacific Islands and Porto Rico, Philippines, Relations with Cuba, Interoceanic Canals, Transportation and Sale of Meat Products, Five Civilized Tribes of Indians, and clerk to conference minority of the Senate, at two thousand two hundred and twenty dollars each; clerks to committees on Woman Suffrage, and Mines and Mining, at two thousand one hundred dollars each; in all, one hundred and twenty-two thousand three hundred dollars.

Clerks to committees, at \$1,800 a year.

For twenty-one clerks to committees, at one thousand eight hundred dollars each, thirty-seven thousand eight hundred dollars.

Sergeant-at-Arms and Doorkeeper and assistants.

OFFICE OF SERGEANT-AT-ARMS AND DOORKEEPER: For Sergeant-at-Arms and Doorkeeper, four thousand five hundred dollars; horse and wagon for his use, four hundred and twenty dollars or so much thereof as may be necessary; for clerk to Sergeant-at-Arms, two thousand dollars; assistant doorkeeper, two thousand five hundred and ninety-two dollars; acting assistant doorkeeper, two thousand five hundred and ninety-two dollars; three messengers, acting as assistant doorkeepers, at one thousand eight hundred dollars each; forty-six messengers, at one thousand four hundred and forty dollars each; assistant messenger on the floor of the Senate, one thousand four hundred and forty dollars; messenger to official reporters' room, one thousand four hundred and forty dollars; messenger in charge of storeroom, one thousand two hundred dollars; upholsterer and locksmith, one thousand four hundred and forty dollars; three carpenters to assist him, at nine hundred and sixty dollars each; skilled laborer, one thousand dollars; two janitors, at nine hundred dollars each; laborer in charge of private passage, eight hundred and forty dollars; two female attendants in charge of ladies' retiring room, at seven hundred and twenty dollars each; two telephone operators, at seven hundred and twenty dollars each; telephone page, six hundred dollars; press gallery page, six hundred dollars; three laborers, at eight hundred and forty dollars each; forty-nine laborers, at seven hundred and twenty dollars each, which shall be immediately available; sixteen pages for the Senate Chamber, at the rate of two dollars and fifty cents per day each during the session, four thousand eight hundred and forty dollars; in all, one hundred and forty-two thousand five hundred and four dollars.

Messengers.

Laborers.

Pages.

Postmaster, etc.

POST-OFFICE: For Postmaster, two thousand two hundred and fifty dollars; assistant postmaster and mail carrier, two thousand and eighty-eight dollars; seven mail carriers and one wagon master, at one thousand two hundred dollars each; four riding pages, at nine hundred and twelve dollars and fifty cents each; in all, seventeen thousand five hundred and eighty-eight dollars.

DOCUMENT ROOM: For superintendent of the document room (Amzi Smith), three thousand dollars; first assistant in document room, one thousand eight hundred dollars; two assistants in document room, at one thousand four hundred and forty dollars each; clerk to superintendent of document room, one thousand four hundred and forty dollars; skilled laborer, one thousand dollars; in all, ten thousand one hundred and twenty dollars.

Document room, superintendent, etc.

FOLDING ROOM: For superintendent of folding room, two thousand one hundred and sixty dollars; assistant in folding room, one thousand two hundred dollars; clerk in folding room, one thousand two hundred dollars; foreman in folding room, one thousand two hundred dollars; nine folders, at one thousand dollars each; thirteen folders, at eight hundred and forty dollars each; and page, six hundred dollars; in all, twenty-six thousand two hundred and eighty dollars.

Folding room, superintendent, etc.

UNDER ARCHITECT OF THE CAPITOL: For chief engineer, two thousand one hundred and sixty dollars; four assistant engineers, at one thousand four hundred and forty dollars each; five conductors of elevators, at one thousand two hundred dollars each; machinist and assistant conductor of elevators, one thousand dollars; three firemen, at one thousand and ninety-five dollars each; six laborers, at seven hundred and twenty dollars each; in all, twenty-two thousand five hundred and twenty-five dollars.

Chief engineer, etc.

For thirty annual clerks to Senators who are not chairmen of committees, at one thousand five hundred dollars each, forty-five thousand dollars.

Clerks to Senators.

FOR CONTINGENT EXPENSES, NAMELY: For stationery and newspapers for Senators and the President of the Senate, including five thousand dollars for stationery for committees and officers of the Senate, sixteen thousand three hundred and seventy-five dollars.

Contingent expenses. Stationery and newspapers.

For postage stamps for the office of the Secretary of the Senate, one hundred dollars; for the office of the Sergeant-at-Arms, seventy-five dollars; in all, one hundred and seventy-five dollars.

Postage stamps.

For expenses of maintaining and equipping horses and mail wagons for carrying the mails, five thousand dollars, or so much thereof as may be necessary.

Horses and wagons.

For materials for folding, three thousand dollars.

Folding.

For folding speeches and pamphlets, at a rate not exceeding one dollar per thousand, six thousand dollars.

For fuel, oil, and cotton waste, and advertising, for the heating apparatus, exclusive of labor, fifteen thousand dollars.

Fuel, oil, etc.

For purchase of furniture, six thousand dollars.

Furniture.

For materials for furniture and repairs of same, exclusive of labor, two thousand dollars.

For services in cleaning, repairing, and varnishing furniture, two thousand dollars.

For packing boxes, nine hundred and seventy dollars.

Packing boxes.

For miscellaneous items, exclusive of labor, fifty thousand dollars.

Miscellaneous items.

For miscellaneous items on account of the Maltby Building, sixteen thousand nine hundred and forty dollars.

Maltby Building.

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding one dollar and twenty-five cents per printed page, twenty thousand dollars.

Investigations.

For reporting the debates and proceedings of the Senate, twenty-five thousand dollars, payable in equal monthly installments.

Reporting debates.

For repairs of Maltby Building, two thousand dollars.

Maltby Building.

For rent of warehouse for storage of public documents for the Senate, one thousand eight hundred dollars.

Storage warehouse.

Capitol police.

CAPITOL POLICE.

Pay.

For captain, one thousand six hundred dollars, and three lieutenants, at one thousand two hundred dollars each, to be selected jointly by the Sergeant-at-Arms of the Senate and the Sergeant-at-Arms of the House of Representatives; thirty privates, at one thousand one hundred dollars each; twenty-five privates, at nine hundred and sixty dollars each; and eight watchmen, at nine hundred dollars each, one-half of said privates and watchmen to be selected by the Sergeant-at-Arms of the Senate and one-half by the Sergeant-at-Arms of the House of Representatives; in all, sixty-nine thousand four hundred dollars, one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives. And the officers, privates, and watchmen of the Capitol police shall when on duty wear the regulation uniform.

Contingent expenses.

For contingent expenses, three hundred dollars, one-half to be disbursed by the Secretary of the Senate and the other half to be disbursed by the Clerk of the House of Representatives.

CONGRESSIONAL DIRECTORY.

Congressional Directory.

For expenses of compiling, preparing, and indexing the Congressional Directory, to be expended under the direction of the present Joint Committee on Printing, one thousand two hundred dollars.

House of Representatives.

HOUSE OF REPRESENTATIVES.

Pay of Members and Delegates.

For compensation of Members of the House of Representatives and Delegates from Territories, one million eight hundred and three thousand dollars.

Mileage.

For mileage, one hundred and thirty thousand dollars.

Compensation of officers, etc.

For compensation of the officers, clerks, messengers, and others in the service of the House of Representatives, namely:

Speaker's office.

OFFICE OF THE SPEAKER: For private secretary to the Speaker, two thousand three hundred and fifty dollars; clerk to the Speaker's table, two thousand two hundred and fifty dollars, and for preparing Digest of the Rules, one thousand dollars per annum; clerk to the Speaker, one thousand six hundred dollars; messenger to the Speaker, one thousand two hundred dollars; in all, eight thousand four hundred dollars.

Chaplain.

CHAPLAIN: For Chaplain of the House, nine hundred dollars.

Clerk of the House, etc.

OFFICE OF THE CLERK: For Clerk of the House of Representatives, including compensation as disbursing officer of the contingent fund, five thousand dollars; hire of horses and wagons and cartage for use of the Clerk's office, nine hundred dollars, or so much thereof as may be necessary; chief clerk, journal clerk, and two reading clerks, at three thousand six hundred dollars each; tally clerk, three thousand dollars; for printing and bill clerk, and disbursing clerk, at two thousand five hundred dollars each; file clerk, two thousand seven hundred and fifty dollars; enrolling clerk, two thousand two hundred and fifty dollars; assistant disbursing clerk, assistant enrolling clerk, resolution and petition clerk, newspaper clerk, index clerk, assistant journal clerk, assistant to chief clerk, and librarian, at two thousand dollars each; distributing clerk, stationery clerk, and two assistant librarians, at one thousand eight hundred dollars each; one bookkeeper, and seven clerks, at one thousand six hundred dollars each; document and bill clerk, under resolution of February second, nineteen hundred, one thousand six hundred dollars; document clerk, and locksmith, at one thousand four hundred and forty dollars each; two messengers in the House library, at one thousand three hundred and fourteen dollars

each; telegraph operator, assistant file clerk, and stenographer to the Clerk, at one thousand two hundred dollars each; one page, one laborer in the bathroom, and six laborers, at seven hundred and twenty dollars each; assistant index clerk, during the session and three months after its close, one hundred and eighty-two days, at six dollars per day, one thousand and ninety-two dollars; page in enrolling room, and messenger in chief clerk's office, at seven hundred and twenty dollars each; in all, eighty-eight thousand three hundred dollars.

UNDER ARCHITECT OF THE CAPITOL: For chief engineer, one thousand seven hundred dollars; two assistant engineers, at one thousand two hundred dollars each; four conductors of elevators, at one thousand one hundred dollars each, who shall be under the supervision and direction of the Architect of the Capitol; laborer, eight hundred and twenty dollars; five firemen, at nine hundred dollars each; electrician, one thousand two hundred dollars; laborer, one thousand dollars; laborer to clean Statuary Hall and watch statuary therein, six hundred and sixty dollars; in all, sixteen thousand six hundred and eighty dollars.

Chief engineer, etc.

CLERKS AND MESSENGERS TO COMMITTEES: For clerk to the Committee on Ways and Means, three thousand dollars; assistant clerk, one thousand six hundred dollars; messenger, one thousand two hundred dollars; janitor, seven hundred and twenty dollars; clerk to the Committee on Appropriations, three thousand dollars; assistant clerk and stenographer, two thousand dollars; messenger and assistant clerk, one thousand two hundred dollars; clerks to Committees on Accounts, Agriculture, Banking and Currency, Claims, District of Columbia, Elections, Foreign Affairs, Interstate and Foreign Commerce, Indian Affairs, Invalid Pensions, Judiciary, Merchant Marine and Fisheries, Military Affairs, Naval Affairs, Post-Office and Post-Roads, Public Buildings and Grounds, Public Lands, Rivers and Harbors, War Claims, Pensions, Insular Affairs, and clerk to continue Digest of Claims under resolution of March seventh, eighteen hundred and eighty-eight, at two thousand dollars each; and for assistant clerk to the Committee on War Claims, one thousand two hundred dollars; in all, fifty-seven thousand nine hundred and twenty dollars.

Clerks and messengers to committees.

For seventeen clerks to committees, at six dollars each per day during the session, twelve thousand three hundred and forty-two dollars.

Clerks to committees, session.

OFFICE OF SERGEANT-AT-ARMS: For Sergeant-at-Arms of the House of Representatives, four thousand five hundred dollars; deputy to the Sergeant-at-Arms, two thousand dollars; cashier, three thousand dollars; paying teller, two thousand dollars; bookkeeper, one thousand eight hundred dollars; messenger, one thousand two hundred dollars; page, seven hundred and twenty dollars; and laborer, six hundred and sixty dollars; in all, fifteen thousand eight hundred and eighty dollars.

Sergeant-at-Arms, deputy, etc.

OFFICE OF DOORKEEPER: For Doorkeeper, three thousand five hundred dollars; hire of horses, feed, repair of wagon and harness, six hundred dollars, or so much thereof as may be necessary; assistant doorkeeper, superintendent of document room, assistant superintendent of document room, and Department messenger, at two thousand dollars each; one special employee (John T. Chancey), one thousand five hundred dollars; one special employee, one thousand five hundred dollars; document file clerk, one thousand four hundred dollars; assistant document file clerk, one thousand three hundred and fourteen dollars; clerk to Doorkeeper, and janitor, at one thousand two hundred dollars each; nine messengers, including the messenger to the reporters' gallery, at one thousand two hundred dollars each; nine messengers, at one thousand dollars each; six laborers, at seven hundred and twenty dollars each; two laborers in the water-closet, at seven hundred and twenty dollars each; one laborer, six hundred dollars; female attendant in ladies' retiring room, seven hundred and twenty dollars; superintendent of folding room, two thousand dollars; three clerks in folding

Doorkeeper, assistant, etc.

Superintendent of document room, etc.

Messengers, etc.

Superintendent of folding room, etc.

room, one at one thousand eight hundred dollars, and two at one thousand two hundred dollars each; foreman, one thousand five hundred dollars; messenger, one thousand two hundred dollars; folder in sealing room, one thousand two hundred dollars; page, five hundred dollars; laborer, seven hundred and twenty dollars; ten folders, at nine hundred dollars each; five folders, at eight hundred and forty dollars each; three folders during the session, at seventy dollars per month each, eight hundred and forty dollars; fifteen folders, at seven hundred and twenty dollars each; night watchman, nine hundred dollars; driver, six hundred dollars; fourteen messengers, on the soldiers' roll, at one thousand two hundred dollars each; two chief pages, at nine hundred dollars each; thirty-three pages, boys not under twelve years of age, during the session, including two riding pages, one telephone page, and one telegraph page, at two dollars and fifty cents per day each, nine thousand nine hundred and eighty-two dollars and fifty cents; two messengers during the session, at seventy dollars per month each, five hundred and sixty dollars; ten laborers, during the session, at sixty dollars per month each, two thousand four hundred dollars; eight laborers, known as cloakroom men, at six hundred dollars each; horse and buggy, for Department messenger, two hundred and fifty dollars; four assistants in document room, one at one thousand six hundred dollars, one at one thousand two hundred dollars, and two at one thousand dollars each; in all, one hundred and twenty-six thousand one hundred and forty-six dollars and fifty cents.

Pages.

Laborers.

Assistants, document room.

Joel Grayson. For employment of Joel Grayson in document room, one thousand eight hundred dollars.

Minority employees. For the following minority employees authorized and named in the resolution adopted by the House of Representatives December seventh, eighteen hundred and ninety-nine, namely: One special employee, one thousand five hundred dollars; two special messengers, at one thousand two hundred dollars each; and one special chief page, nine hundred dollars; in all, four thousand eight hundred dollars.

Assistant Department messenger. For the assistant Department messenger authorized and named in the resolution adopted by the House of Representatives December seventh, eighteen hundred and ninety-seven, one thousand eight hundred dollars.

Special messenger. For the special messenger authorized and named in the resolution adopted by the House of Representatives January fifteenth, nineteen hundred, one thousand two hundred dollars.

Postmaster, assistant, etc. **OFFICE OF POSTMASTER:** For Postmaster, two thousand five hundred dollars; assistant postmaster, two thousand dollars; ten messengers, including messenger to superintend transportation of mails, at one thousand two hundred dollars each; three messengers, during the session, at eight hundred dollars each; four messengers, at one hundred dollars per month each, during the session; one thousand six hundred dollars; and one laborer, seven hundred and twenty dollars; in all, twenty-one thousand two hundred and twenty dollars.

Horses and wagons. For hire of horses and mail wagons for carrying the mails, two thousand five hundred dollars, or so much thereof as may be necessary.

Reporting debates. **OFFICIAL REPORTERS:** For five official reporters of the proceedings and debates of the House, at five thousand dollars each; assistant official reporter, one thousand two hundred dollars; in all, twenty-six thousand two hundred dollars.

Stenographers to committees. **STENOGRAPHERS TO COMMITTEES:** For three stenographers to committees, at five thousand dollars each; assistant stenographer to committees, one thousand six hundred dollars; in all, sixteen thousand six hundred dollars.

"During the session" defined. That wherever the words "during the session" occur in the foregoing paragraphs they shall be construed to mean four months, or one hundred and twenty-one days.

FOR CLERK HIRE, MEMBERS AND DELEGATES: To pay Members and Delegates the amount which they certify they have paid or agreed to pay for clerk hire necessarily employed by them in the discharge of their official and representative duties, as provided in the Joint Resolution approved March third, eighteen hundred and ninety-three, during the session of Congress, and when Congress is not in session as provided in House Resolution passed May eighth, eighteen hundred and ninety-six, and the deficiency appropriation Act approved July seventh, eighteen hundred and ninety-eight, four hundred and seventeen thousand dollars, or so much thereof as may be necessary; and 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 of the Revised Statutes of the United States, shall be entitled to payment under this appropriation.

Clerk hire, Members and Delegates.

Vol. 27, p. 757.

Vol. 30, p. 687.
Clerks for members-elect.

R. S., sec. 31, p. 6.

FOR CONTINGENT EXPENSES, NAMELY: For wrapping paper, paste-board, paste, twine, newspaper wrappers, and other necessary materials for folding, for the use of Members of the House, and for use in the Clerk's office and the House folding room (not including envelopes, writing paper, and other paper and materials to be printed and furnished by the Public Printer, upon requisitions from the Clerk of the House, under the provisions of the Act approved January twelfth, eighteen hundred and ninety-five, for the public printing and binding), seven thousand dollars.

Contingent expenses.
Folding materials.

Vol. 28, p. 624.

For fuel and oil for the heating apparatus, thirteen thousand dollars.

Fuel, oil, etc.

For furniture, and repairs of the same, nine thousand dollars.

Furniture.

For packing boxes, three thousand two hundred and eighteen dollars and forty cents.

Packing boxes.

For miscellaneous items and expenses of special and select committees, twenty thousand dollars.

Miscellaneous items.

For stationery for members of the House of Representatives, including five thousand dollars for stationery for the use of the committees and officers of the House, fifty thousand dollars.

Stationery.

For postage stamps for the Postmaster, one hundred dollars; for the Clerk, three hundred dollars; for the Sergeant-at-Arms, two hundred dollars; and for the Doorkeeper, fifty dollars; in all, six hundred and fifty dollars.

Postage stamps.

OFFICE OF THE PUBLIC PRINTER.

Public printing.

For Public Printer, four thousand five hundred dollars; chief clerk, two thousand five hundred dollars; two clerks of class four; two clerks of class three; one clerk of class two; in all, fifteen thousand two hundred dollars.

Public printer, clerks, etc.

For contingent expenses, namely: For stationery, postage, advertising, traveling expenses, horses and wagons, and miscellaneous items, three thousand dollars.

Contingent expenses.

LIBRARY OF CONGRESS.

Library of Congress.

General Administration: For Librarian of Congress, six thousand dollars; chief assistant librarian, four thousand dollars; chief clerk, two thousand five hundred dollars; Librarian's secretary, one thousand five hundred dollars; one clerk, nine hundred dollars; one assistant messenger, seven hundred and twenty dollars; in all, fifteen thousand six hundred and twenty dollars.

Librarian, assistants, etc.

Mail and Supply: For assistant in charge, one thousand two hundred dollars; one assistant, nine hundred dollars; one messenger boy, three hundred and sixty dollars; in all, two thousand four hundred and sixty dollars.

Mail and supply.

Packing and Stamping: For two attendants, at seven hundred and twenty dollars each; one thousand four hundred and forty dollars.

Packing and stamping.

Order.

Order (purchasing): For chief of division, two thousand dollars; one assistant, one thousand five hundred dollars; one assistant, one thousand two hundred dollars; three assistants, at nine hundred dollars each; two assistants, at seven hundred and twenty dollars each; two assistants, at six hundred dollars each; one assistant, five hundred and twenty dollars; and two messenger boys, at three hundred and sixty dollars each; in all, eleven thousand two hundred and eighty dollars.

Catalogue and shelf.

Catalogue and shelf: For chief of division, three thousand dollars; two assistants, at one thousand eight hundred dollars each; five assistants, at one thousand five hundred dollars each; six assistants, at one thousand two hundred dollars each; eleven assistants, at nine hundred dollars each; four assistants, at seven hundred and twenty dollars each; one assistant, six hundred dollars; ten assistants, at five hundred and forty dollars each; six messengers, at three hundred and sixty dollars each; in all, forty-two thousand two hundred and forty dollars.

Binding.

Binding: For one assistant in charge, one thousand two hundred dollars; one assistant, nine hundred dollars; one messenger boy, three hundred and sixty dollars; in all, two thousand four hundred and sixty dollars.

Bibliography.

Bibliography: For chief of division, two thousand dollars; one assistant, one thousand two hundred dollars; two assistants, at nine hundred dollars each; one assistant, seven hundred and twenty dollars; and one messenger boy, three hundred and sixty dollars; in all, six thousand and eighty dollars.

Reading rooms.

Reading rooms (including evening service) and special collections: For superintendent of reading room, three thousand dollars; two assistants, at one thousand five hundred dollars each; four assistants, at one thousand two hundred dollars each; one assistant (reading room for the blind), nine hundred dollars; five assistants, at nine hundred dollars each; ten assistants, at seven hundred and twenty dollars each; evening service: five assistants, at nine hundred dollars each; fifteen assistants, at seven hundred and twenty dollars each; one attendant, Senate reading room, nine hundred dollars; one attendant, Representatives' reading room, nine hundred dollars; one attendant, Representatives' reading room, seven hundred and twenty dollars; two attendants, cloakrooms, at seven hundred and twenty dollars each; one attendant, Toner Library, nine hundred dollars; one attendant, Washingtonian Library, nine hundred dollars; four messenger boys, at three hundred and sixty dollars each; two watchmen, at seven hundred and twenty dollars each; in all, forty-seven thousand three hundred and forty dollars.

Periodical.

Periodical (including evening service): For chief of division, two thousand dollars; chief assistant, one thousand five hundred dollars; two assistants, at nine hundred dollars each; three assistants, at seven hundred and twenty dollars each; two messenger boys, at three hundred and sixty dollars each; for arrears of assorting and collating and to enable periodical reading room to be opened in the evening, two assistants, at seven hundred and twenty dollars each; in all, nine thousand six hundred and twenty dollars.

Documents.

Documents: For chief of division, three thousand dollars; one assistant, one thousand two hundred dollars; one assistant, seven hundred and twenty dollars; one messenger, three hundred and sixty dollars; in all, five thousand two hundred and eighty dollars.

Manuscript.

Manuscript: For chief of division, one thousand five hundred dollars; two assistants, at seven hundred and twenty dollars each; one messenger boy, three hundred and sixty dollars; in all, three thousand three hundred dollars.

Maps and charts.

Maps and charts: For chief of division, two thousand dollars; one assistant, one thousand two hundred dollars; two assistants, at nine hundred dollars each; one assistant, seven hundred and twenty dollars;

one messenger boy, three hundred and sixty dollars; in all, six thousand and eighty dollars.

Music: For chief of division, one thousand five hundred dollars; one assistant, one thousand two hundred dollars; one assistant, one thousand dollars; two assistants, at seven hundred and twenty dollars each; one messenger boy, three hundred and sixty dollars; in all, five thousand five hundred dollars.

Music.

Prints: For chief of division, two thousand dollars; three assistants, at nine hundred dollars each; one messenger, three hundred and sixty dollars; in all, five thousand and sixty dollars.

Prints.

Smithsonian deposit: For custodian, one thousand five hundred dollars; one assistant, one thousand two hundred dollars; one messenger, seven hundred and twenty dollars; one messenger boy, three hundred and sixty dollars; in all, three thousand seven hundred and eighty dollars.

Smithsonian deposit.

Congressional Reference Library: For custodian, one thousand five hundred dollars; one assistant, one thousand two hundred dollars; one assistant, nine hundred dollars; one assistant, seven hundred and twenty dollars; two messenger boys, at three hundred and sixty dollars each; in all, five thousand and forty dollars.

Congressional Reference Library.

Law Library: For custodian, two thousand five hundred dollars; two assistants, at one thousand four hundred dollars each; one messenger, nine hundred dollars; in all, six thousand two hundred dollars.

Law Library.

COPYRIGHT OFFICE, under the direction of the Librarian of Congress: Register of copyrights, three thousand dollars; four clerks, at one thousand eight hundred dollars each; four clerks, at one thousand six hundred dollars each; two clerks, at one thousand four hundred dollars each; nine clerks, at one thousand two hundred dollars each; three clerks, at one thousand dollars each; eight clerks, at nine hundred dollars each; seven clerks, at seven hundred and twenty dollars each; one clerk, six hundred dollars; one messenger boy, three hundred and sixty dollars; Arrears, Special Service: Three clerks, at one thousand two hundred dollars each; one porter, seven hundred and twenty dollars; one messenger boy, three hundred and sixty dollars; in all, fifty-one thousand and eighty dollars.

Copyright office.

To enable the Librarian of Congress to employ during the last quarter of the fiscal year nineteen hundred such of the additional employees as are herein provided for in the Library of Congress for the fiscal year nineteen hundred and one, and at the rates of compensation prescribed, fourteen thousand two hundred and forty-five dollars, or so much thereof as may be necessary.

Additional employees, etc.

For special, temporary, and miscellaneous service, at the discretion of the Librarian, to be available immediately and continue available until expended, two thousand dollars.

Special, etc., service.

INCREASE OF LIBRARY OF CONGRESS: For purchase of books for the Library, and for freight, commissions, and traveling expenses incidental to the acquisition of books by purchase, gift, or exchange, fifty thousand dollars;

Purchase, etc., of books.

For purchase of law books for the Library, under the direction of the Chief Justice, three thousand dollars;

For purchase of new books of reference for the Supreme Court, to be a part of the Library of Congress and purchased by the marshal of the Supreme Court, under the direction of the Chief Justice, one thousand five hundred dollars;

For expenses of exchanging public documents for the publications of foreign Governments, one thousand six hundred and eighty dollars;

For purchase of periodicals, serials, and newspapers, five thousand dollars;

In all, sixty-one thousand one hundred and eighty dollars.

For miscellaneous and contingent expenses of the Library, station-

Contingent expenses.

ery, supplies, and all stock and materials directly purchased, miscellaneous traveling expenses, postage, transportation, and all incidental expenses connected with the administration of the Library and the Copyright Office, eight thousand five hundred dollars.

Custody of building and grounds. Superintendent, clerks, etc.

CUSTODY, CARE, AND MAINTENANCE OF LIBRARY BUILDING AND GROUNDS: For superintendent of the Library building and grounds, five thousand dollars; for clerks, messengers, watchmen, engineers, firemen, electricians, elevator conductors, mechanics, laborers, charwomen, and others, as follows: Chief clerk, two thousand dollars; clerk, one thousand four hundred dollars; clerk, one thousand dollars; messenger, eight hundred and forty dollars; assistant messenger, seven hundred and twenty dollars; telephone operator, six hundred dollars; captain of watch, one thousand four hundred dollars; lieutenant of watch, one thousand dollars; eighteen watchmen; carpenter, nine hundred dollars; painter, nine hundred dollars; foreman of laborers, nine hundred dollars; thirteen laborers, at four hundred and eighty dollars each; two attendants in ladies' room, at three hundred and twenty-five dollars each; two check boys, at three hundred and twenty-five dollars each; mistress of charwomen, four hundred and twenty-five dollars; charwoman, two hundred and forty dollars; thirty-five charwomen, at one hundred and eighty dollars each; chief engineer, one thousand five hundred dollars; four assistant engineers, at one thousand dollars each; electrician, one thousand five hundred dollars; assistant electrician, one thousand dollars; two machinists, at nine hundred dollars each; plumber, nine hundred dollars; two elevator conductors, at seven hundred and twenty dollars each; nine firemen; six skilled laborers, at seven hundred and twenty dollars each; in all, sixty-seven thousand and sixty-five dollars.

Additional employes, etc.

To enable the superintendent to employ during the last quarter of the fiscal year nineteen hundred such of the additional employees as are herein provided for the custody, care, and maintenance of the Library building and grounds for the fiscal year nineteen hundred and one, and at the rates of compensation prescribed, eight hundred and three dollars and twenty-five cents.

Fuel, lights, etc.

For fuel, lights, repairs, and miscellaneous supplies, electric and steam apparatus, reference books, stationery, and all incidental expenses in connection with the custody, care, and maintenance of said building and grounds, twenty-five thousand dollars.

Furniture.

For furniture, including partitions, screens, and shelving, forty-five thousand dollars.

Botanic Garden.

BOTANIC GARDEN.

Superintendent, etc.

For superintendent, one thousand eight hundred dollars.

For assistants and laborers, under the direction of the Joint Library Committee of Congress, twelve thousand and ninety-three dollars and seventy-five cents.

Repairs and improvements.

For procuring manure, tools, fuel, purchasing trees, shrubs, plants, seeds, and for services, materials, miscellaneous supplies, and contingent expenses in connection with repairs and improvements to Botanic Garden, under direction of the Joint Library Committee of Congress, five thousand dollars.

Executive.

EXECUTIVE.

Compensation of the President.

For compensation of the President of the United States, fifty thousand dollars.

Vice-President.

For compensation of the Vice-President of the United States from March third, nineteen hundred and one, two thousand six hundred and twenty-two dollars and twenty-three cents.

For compensation to the following in the office of the President of the United States: Secretary, five thousand dollars; two assistant secretaries, at two thousand eight hundred dollars each; executive clerk, two thousand two hundred dollars; executive clerk and disbursing officer, two thousand dollars; two clerks, at two thousand dollars each; five clerks of class four; one clerk of class three; steward, one thousand eight hundred dollars; usher to the President, one thousand eight hundred dollars; chief doorkeeper, one thousand eight hundred dollars; four doorkeepers, at one thousand two hundred dollars each; four messengers, at one thousand two hundred dollars each; two messengers, at nine hundred dollars each; watchman, nine hundred dollars; fireman, seven hundred and twenty dollars; laborer, seven hundred and twenty dollars; in all, forty-eight thousand five hundred and forty dollars.

Executive office.
Secretary, assistants, etc.

And hereafter a complete inventory, in proper books, shall be made annually, by the steward, under the direction of the officer in charge of public buildings and grounds, of all the public property in and belonging to the Executive Mansion, showing when purchased, use to which applied, cost, condition, and final disposition, to be submitted to Congress with annual report of the officer in charge of public buildings and grounds.

Inventory and report of property belonging to Executive Mansion to be made annually.

For contingent expenses of the Executive Office, including stationery therefor, as well as record books, telegrams, telephones, books for library, miscellaneous items, and furniture and carpets for offices, care of office carriage, horses, and harness, twelve thousand dollars.

Contingent expenses.

CIVIL SERVICE COMMISSION.

For three Commissioners, at three thousand five hundred dollars each; chief examiner, three thousand dollars; secretary, two thousand dollars; eight clerks of class four; ten clerks of class three; thirteen clerks of class two; fifteen clerks of class one; three clerks, at one thousand dollars each; two clerks, at nine hundred dollars each; one messenger; two laborers; engineer, eight hundred and forty dollars; two watchmen; in all, ninety-one thousand three hundred and forty dollars.

Civil Service Commission.

Commissioners, examiner, etc.

For necessary traveling expenses, including those of examiners acting under the direction of the Commission, and for expenses of examinations and investigations held elsewhere than at Washington, seven thousand dollars.

Expenses.

DEPARTMENT OF STATE.

For compensation of the Secretary of State, eight thousand dollars; Assistant Secretary, four thousand five hundred dollars; Second and Third Assistant Secretaries, at four thousand five hundred dollars each; chief clerk, two thousand five hundred dollars; assistant solicitor of the Department of State, to be appointed by the Secretary of State, two thousand five hundred dollars; seven chiefs of bureaus, and two translators, at two thousand one hundred dollars each; private secretary to the Secretary, two thousand two hundred and fifty dollars; ten clerks of class four; four clerks of class three; eight clerks of class two; twenty clerks of class one, one of whom is to be a telegraph operator; five clerks, at one thousand dollars each; ten clerks, at nine hundred dollars each; two messengers; two assistant messengers; packer, seven hundred and twenty dollars; and thirteen laborers; for temporary typewriters and stenographers, to be selected by the Secretary, two thousand dollars; in all, one hundred and thirty-five thousand six hundred and seventy dollars.

Department of State.

Pay of Secretary, assistants, clerks, etc.

Stationery.	For stationery, furniture fixtures, and repairs, and for the purchase of passport paper, six thousand dollars.
Purchase of books, etc., for library.	For books and maps, and books for the library, and to enable the Secretary of State to purchase for the library of the Department of State books and manuscripts, including a collection of books and pamphlets bearing upon the history of the war of the Revolution, formerly in the library of General Sir Henry Clinton, commander in chief of the British forces in America during that period, the same having been richly annotated in his hand, three thousand dollars.
Lithographer, etc.	For services of lithographer and necessary materials for the lithographic press, one thousand two hundred dollars.
Contingent expenses.	For contingent expenses, namely: For care and subsistence of horses, to be used only for official purposes, and repairs of wagons, carriage, and harness, rent of stable, telegraphic and electric apparatus and repairs to the same, and miscellaneous items not included in the foregoing; in all, three thousand five hundred dollars.
Editing, etc., laws.	For expenses of editing and distributing the laws enacted during the first session of the Fifty-sixth Congress, three thousand dollars, to be immediately available.
Editing, etc., Statutes at Large.	For editing and distributing the Statutes at Large of the Fifty-sixth Congress, one thousand dollars, to be immediately available.

TREASURY DEPARTMENT.

Treasury Department.	<p>OFFICE OF THE SECRETARY: For compensation of the Secretary of the Treasury, eight thousand dollars; three Assistant Secretaries of the Treasury, at four thousand five hundred dollars each; clerk to the Secretary, two thousand two hundred and fifty dollars; stenographer, one thousand eight hundred dollars; three private secretaries, one to each Assistant Secretary, at one thousand eight hundred dollars each; Government actuary, under control of the Treasury, one thousand eight hundred dollars; one clerk of class three; one clerk of class two; two clerks of class one; one clerk, one thousand dollars; four messengers; three assistant messengers, and one laborer; in all, forty-five thousand three hundred and thirty dollars.</p>
Secretary, assistants, clerks, etc.	<p>Office of chief clerk and superintendent: For chief clerk, including three hundred dollars as superintendent of Treasury building, three thousand dollars; assistant superintendent of Treasury building, two thousand five hundred dollars; inspector of electric-light plants, gas, and fixtures for all public buildings under control of the Treasury Department, one thousand nine hundred dollars; four clerks of class four; additional to one clerk of class four, as bookkeeper, one hundred dollars; two clerks of class three; three clerks of class two; four clerks of class one (one as librarian); one clerk, one thousand dollars; one messenger; two assistant messengers; storekeeper, one thousand two hundred dollars; telegraph operator, one thousand two hundred dollars; chief engineer, one thousand four hundred dollars; assistant engineer, one thousand dollars; two assistant engineers, at seven hundred and twenty dollars each; six elevator conductors, at seven hundred and twenty dollars each; three firemen; five firemen, at six hundred and sixty dollars each; coal passer, five hundred dollars; locksmith, one thousand two hundred dollars; captain of the watch, one thousand four hundred dollars; two lieutenants of the watch, at nine hundred dollars each; fifty-eight watchmen; six special watchmen, at seven hundred and twenty dollars each; foreman of laborers, one thousand dollars; skilled laborer, male, eight hundred and forty dollars; three skilled laborers, male, at seven hundred and twenty dollars each; twenty-six laborers: ten laborers, at five hundred dollars each; laborer, four hundred and eighty dollars; two laborers, at three hundred and sixty dollars each; ninety charwomen; foreman of cabinet</p>
Chief clerk, clerks, etc.	
Engineer, etc.	
Watchmen.	
Laborers.	

shop, one thousand five hundred dollars; draftsman, one thousand two hundred dollars; eleven cabinetmakers, at one thousand dollars each; cabinetmaker, seven hundred and twenty dollars; carpenter, one thousand dollars; carpenter's helper, six hundred and sixty dollars. For the Winder Building: Engineer, one thousand dollars; three firemen; conductor of elevator, seven hundred and twenty dollars; four watchmen; three laborers, one of whom, when necessary, shall assist and relieve the conductor of the elevator; laborer, four hundred and eighty dollars; and six charwomen. For the Cox Building, seventeen hundred and nine New York avenue: Three watchmen-firemen, at seven hundred and twenty dollars each; and one laborer; in all, one hundred and seventy-five thousand seven hundred dollars.

Cabinetmakers, etc.

Winder Building.

Cox Building.

Division of bookkeeping and warrants: For chief of division, three thousand five hundred dollars; assistant chief of division, two thousand seven hundred dollars; estimate and digest clerk, two thousand two hundred and fifty dollars; two principal bookkeepers, at two thousand one hundred dollars each; ten bookkeepers, at two thousand dollars each; eleven clerks of class four; four clerks of class three; two clerks of class two; three clerks of class one; one messenger; one assistant messenger; and one laborer; in all, sixty-seven thousand four hundred and seventy dollars.

Bookkeeping and warrants division.

Division of customs: For chief of division, two thousand seven hundred and fifty dollars; assistant chief of division, two thousand dollars; four clerks of class four; additional to one clerk of class four acting as drawback clerk, two hundred dollars; three clerks of class three; two clerks of class two; two clerks of class one; three clerks, at one thousand dollars each; three clerks, at nine hundred dollars each; and two assistant messengers; in all, twenty-nine thousand two hundred and ninety dollars.

Customs division.

Division of appointments: For chief of division, two thousand seven hundred and fifty dollars; assistant chief of division, two thousand dollars; four clerks of class four; three clerks of class three; three clerks of class two; five clerks of class one; four clerks, at one thousand dollars each; five clerks, at nine hundred dollars each; one messenger; three assistant messengers; and one laborer; in all, thirty-nine thousand one hundred and ten dollars.

Appointments division.

Division of public moneys: For chief of division, two thousand five hundred dollars; assistant chief of division, two thousand dollars; four clerks of class four; three clerks of class three; two clerks of class two; one clerk of class one; one clerk, one thousand dollars; one clerk, nine hundred dollars; one messenger; and one assistant messenger; in all, twenty-three thousand nine hundred and sixty dollars.

Public moneys division.

Division of loans and currency: For chief of division, two thousand five hundred dollars; assistant chief of division, two thousand one hundred dollars; five clerks of class four; additional to two clerks of class four as receiving clerk of bonds, and bookkeeper, one hundred dollars each; one clerk of class three; two clerks of class two; three clerks of class one; two clerks, at one thousand dollars each; thirteen clerks, at nine hundred dollars each; six expert counters, at seven hundred and twenty dollars each; two assistant messengers; six laborers; superintendent of paper room, one thousand two hundred dollars; paper cutter, at three dollars per day; paper counter, seven hundred and twenty dollars; twenty-four paper counters and laborers, at six hundred and twenty dollars each; and one laborer, five hundred and fifty dollars; and for continuing two additional clerks, at nine hundred dollars each, and six additional paper counters and laborers, at six hundred and twenty dollars each, rendered necessary because of increase of work incident to the war with Spain; in all, sixty-nine thousand and twenty-nine dollars.

Loans and currency division.

Revenue-Cutter division.

Division of Revenue-Cutter Service: For assistant chief of division, two thousand dollars; one clerk of class four; four clerks of class three; two clerks of class two; three clerks of class one; two clerks, at one thousand dollars each; two clerks, at nine hundred dollars each; and one laborer; in all, twenty-one thousand and sixty dollars.

Miscellaneous division.

Miscellaneous division: For chief of division, two thousand five hundred dollars; assistant chief of division, two thousand dollars; one clerk of class four; one clerk of class three; one clerk of class one; clerk, one thousand dollars; clerk, nine hundred dollars; and one assistant messenger; in all, eleven thousand seven hundred and twenty dollars.

Stationery division.

Division of stationery, printing, and blanks: For chief of division, two thousand five hundred dollars; assistant chief of division, two thousand dollars; three clerks of class four; three clerks of class three; three clerks of class two; one clerk of class one; two clerks, at nine hundred dollars each; two messengers; two assistant messengers; foreman of bindery, at five dollars per day; four binders, at four dollars per day each; and two sewers and folders, at two dollars and fifty cents per day each; in all, thirty-three thousand one hundred and fifty-eight dollars.

Mail and files division.

Division of mail and files: For chief of division, two thousand five hundred dollars; one clerk of class three; additional to clerk of class three, as registered mail and bond clerk, two hundred dollars; five clerks of class two; additional to one clerk of class two, in charge of documents, two hundred dollars; two clerks of class one; six clerks, at one thousand dollars each; four clerks, at nine hundred dollars each; one mail messenger, one thousand two hundred dollars; two assistant messengers; and two laborers, at six hundred dollars each; in all, twenty-seven thousand three hundred and forty dollars.

Special agents division.

Division of special agents: For assistant chief of division, two thousand four hundred dollars; one clerk of class three; one clerk of class two; three clerks of class one; one clerk, one thousand dollars; three clerks, at nine hundred dollars each; and one messenger; in all, thirteen thousand five hundred and forty dollars.

Disbursing clerks.

Offices of disbursing clerks: For two disbursing clerks, at two thousand five hundred dollars each; one clerk of class four; one clerk of class three; one clerk of class two; two clerks of class one; one clerk, one thousand dollars; in all, thirteen thousand two hundred dollars.

Supervising Architect's office.

OFFICE OF THE SUPERVISING ARCHITECT: In the construction branch of the Treasury: For Supervising Architect, four thousand five hundred dollars; and one assistant messenger; in all, five thousand two hundred and twenty dollars.

Draftsmen, etc

And the services of skilled draftsmen, civil engineers, computers, accountants, assistants to the photographer, copyists, and such other services as the Secretary of the Treasury may deem necessary and specially order, may be employed in the office of the Supervising Architect exclusively to carry into effect the various appropriations for public buildings, to be paid for from and equitably charged against such appropriations: *Provided*, That the expenditures on this account for the fiscal year ending June thirtieth, nineteen hundred and one, shall not exceed two hundred and fifty thousand dollars; and that the Secretary of the Treasury shall each year in the annual estimates report to Congress the number of persons so employed and the amount paid to each.

Proviso.
—limit, etc.

Comptroller's office.

OFFICE OF COMPTROLLER OF THE TREASURY: For Comptroller of the Treasury, five thousand five hundred dollars; Assistant Comptroller of the Treasury, four thousand five hundred dollars; chief clerk, two thousand five hundred dollars; chief law clerk, two thousand five hundred dollars; four law clerks revising accounts and briefing opinions, one at two thousand one hundred dollars and three at two thou-

sand dollars each; private secretary, one thousand eight hundred dollars; four expert accountants, at two thousand dollars each; six clerks of class four; two clerks of class three; two clerks of class two; typewriter-copyist, one thousand dollars; two messengers; one assistant messenger; and one laborer; in all, fifty-three thousand seven hundred and sixty dollars.

OFFICE OF AUDITOR FOR TREASURY DEPARTMENT: For Auditor, four thousand dollars; Deputy Auditor, two thousand five hundred dollars; law clerk, two thousand dollars; four chiefs of division, at two thousand dollars each; seventeen clerks of class four; thirteen clerks of class three; ten clerks of class two; twenty clerks of class one; three clerks, at one thousand dollars each; three clerks, at nine hundred dollars each; three assistant messengers; four laborers; and for continuing three clerks of class one and for four additional clerks of class one rendered necessary by increased work incident to the war with Spain; in all, one hundred and twenty-five thousand seven hundred dollars.

Office of Auditor for Treasury Department.

For clerical force for the liquidation of manifests of vessels and cars arriving in the United States from foreign countries with merchandise intended for consumption, namely: For one clerk of class four; two clerks of class three; three clerks of class two; three clerks of class one; ten clerks, at one thousand dollars each; and three clerks, at nine hundred dollars each; in all, twenty-five thousand five hundred dollars.

Clerks on manifests.

OFFICE OF AUDITOR FOR WAR DEPARTMENT: For Auditor, four thousand dollars; Deputy Auditor, two thousand five hundred dollars; law clerk, two thousand dollars; six chiefs of division, at two thousand dollars each; sixteen clerks of class four; additional to one clerk as disbursing clerk, two hundred dollars; forty-two clerks of class three; sixty-four clerks of class two; fifty-four clerks of class one; ten clerks, at one thousand dollars each; five clerks, at nine hundred dollars each; skilled laborer, nine hundred dollars; three clerks, at eight hundred and forty dollars each; one messenger; three assistant messengers; and eight laborers; in all, two hundred and ninety-seven thousand three hundred dollars.

Office of Auditor for War Department.

For continuing the following additional force rendered necessary because of increased work incident to the war with Spain: Eight clerks of class four; seventeen clerks of class three; ten clerks of class two; thirty clerks of class one; ten clerks, at one thousand dollars each; ten clerks, at nine hundred dollars each; and three laborers; in all, one hundred and twelve thousand five hundred and eighty dollars.

Additional force.

For the purpose of restoring and repairing the worn-out and defaced rolls and vouchers in the office of the Auditor for the War Department, twenty-one thousand dollars.

Restoring rolls, etc.

OFFICE OF AUDITOR FOR NAVY DEPARTMENT: For Auditor, four thousand dollars; Deputy Auditor, two thousand five hundred dollars; three chiefs of division, at two thousand dollars each; one clerk of class four; ten clerks of class three; six clerks of class two; eleven clerks of class one; six clerks, at one thousand dollars each; five clerks, at nine hundred dollars each; one clerk, eight hundred dollars; one messenger; one assistant messenger; and two laborers; in all, sixty-six thousand and eighty dollars.

Office of Auditor for Navy Department.

For continuing the following additional force, rendered necessary because of increased work incident to the war with Spain: Two clerks of class three; three clerks of class two; four clerks of class one; six clerks, at one thousand dollars each; and four clerks, at nine hundred dollars each; in all, twenty-one thousand eight hundred dollars.

Additional force.

OFFICE OF AUDITOR FOR INTERIOR DEPARTMENT: For Auditor, four thousand dollars; Deputy Auditor, two thousand five hundred dollars; law clerk, two thousand dollars; three chiefs of division, at two thousand dollars each; eight clerks of class four; nineteen clerks of class

Office of Auditor for Interior Department

three; thirty-five clerks of class two; twenty-five clerks of class one; eleven clerks, at one thousand dollars each; seven clerks, at nine hundred dollars each; one clerk, eight hundred and forty dollars; one assistant messenger; ten laborers; and one female laborer, four hundred and eighty dollars; in all, one hundred and sixty-four thousand two hundred and forty dollars.

Office of Auditor for State, etc., Departments.

OFFICE OF AUDITOR FOR STATE AND OTHER DEPARTMENTS: For Auditor; four thousand dollars; Deputy Auditor, two thousand five hundred dollars; law clerk, two thousand dollars; three chiefs of division, at two thousand dollars each; twelve clerks of class four; thirteen clerks of class three; eleven clerks of class two; seven clerks of class one; five clerks, at one thousand dollars each; four clerks, at nine hundred dollars each; two copyists; one messenger; and three laborers; in all, ninety-three thousand nine hundred and twenty dollars.

Office of Auditor for Post-Office Department.

OFFICE OF AUDITOR FOR POST-OFFICE DEPARTMENT: For Auditor, four thousand dollars; Deputy Auditor, two thousand five hundred dollars; chief clerk, two thousand dollars; law clerk, two thousand dollars; seven chiefs of division, at two thousand dollars each; thirteen clerks of class four; additional to one clerk as disbursing clerk, two hundred dollars; sixty-one clerks of class three; seventy-six clerks of class two; ninety clerks of class one; seventy clerks, at one thousand dollars each; twenty-one clerks, at nine hundred dollars each; skilled laborer, one thousand dollars; twenty-five money-order assorters, at nine hundred dollars each; thirty-one money-order assorters, at eight hundred and forty dollars each; twenty-three money-order assorters, at seven hundred and twenty dollars each; two messengers; twelve assistant messengers; twenty-three male laborers, at six hundred and sixty dollars each; three female laborers, at six hundred and sixty dollars each; and fifteen charwomen; in all, five hundred and forty-six thousand one hundred and eighty dollars.

Additional force on money orders.

For additional force for bringing up work of assorting and checking money orders one year or more in arrears, and for increased business, namely: For five clerks of class four; four clerks of class three; five clerks of class two; eight clerks of class one; twelve clerks, at one thousand dollars each; and five clerks, at nine hundred dollars each; in all, forty-eight thousand five hundred dollars.

Treasurers' office.

OFFICE OF THE TREASURER: For Treasurer of the United States, six thousand dollars; Assistant Treasurer, three thousand six hundred dollars; cashier, three thousand six hundred dollars; assistant cashier, three thousand two hundred dollars; chief clerk, two thousand five hundred dollars; five chiefs of division, at two thousand five hundred dollars each; vault clerk, two thousand five hundred dollars; principal bookkeeper, two thousand five hundred dollars; assistant bookkeeper, two thousand one hundred dollars; two tellers, at two thousand five hundred dollars each; two assistant tellers, at two thousand two hundred and fifty dollars each; clerk for the Treasurer, one thousand eight hundred dollars; twenty-five clerks of class four; seventeen clerks of class three; fourteen clerks of class two; coin clerk, one thousand four hundred dollars; twenty-three clerks of class one; eleven clerks, at one thousand dollars each; fifty-two clerks, at nine hundred dollars each; twenty-two expert counters, at seven hundred and twenty dollars each; nine clerks, at seven hundred dollars each; mail messenger, eight hundred and forty dollars; six messengers; six assistant messengers; twenty-three laborers; seven charwomen; four pressmen, at one thousand four hundred dollars each; eight separators, at six hundred and sixty dollars each; seven feeders, at six hundred and sixty dollars each; one compositor and pressman, one thousand four hundred dollars; in all, two hundred and ninety-four thousand five hundred dollars.

Redemption of currency.

For the force employed in redeeming the national currency (to be reimbursed by the national banks), namely: For superintendent, three

thousand five hundred dollars; teller, two thousand five hundred dollars; bookkeeper, two thousand four hundred dollars; assistant teller, two thousand dollars; two clerks of class four; three clerks of class three; four clerks of class two; twenty clerks of class one; ten clerks, at one thousand dollars each; one skilled laborer, one thousand dollars; ten clerks, at nine hundred dollars each; three assistant messengers; and two charwomen; in all, seventy-one thousand and forty dollars.

OFFICE OF THE REGISTER OF THE TREASURY: For Register, four thousand dollars; Assistant Register, two thousand two hundred and fifty dollars; two chiefs of division, at two thousand dollars each; four clerks of class four; six clerks of class three; five clerks of class two; five clerks of class one; one clerk, one thousand dollars; twenty-two clerks, at nine hundred dollars each; one messenger; two assistant messengers; and four laborers; in all, sixty-five thousand seven hundred and seventy dollars.

Register's office.

For continuing the following additional force rendered necessary because of increased work incident to the war with Spain: Three clerks of class one; and three clerks, at one thousand dollars each; in all, six thousand six hundred dollars.

OFFICE OF THE COMPTROLLER OF THE CURRENCY: For Comptroller of the Currency, five thousand dollars; Deputy Comptroller, two thousand eight hundred dollars; chief clerk, two thousand five hundred dollars; three chiefs of division, at two thousand two hundred dollars each; stenographer, one thousand six hundred dollars; eight clerks of class four; additional to bond clerk, two hundred dollars; eleven clerks of class three; ten clerks of class two; nine clerks of class one; ten clerks, at one thousand dollars each; thirteen clerks, at nine hundred dollars each; one messenger; two assistant messengers; engineer, one thousand dollars; one fireman; three laborers; and two night watchmen; in all, one hundred and four thousand six hundred and twenty dollars.

Office of Comptroller of the Currency.

For expenses of special examinations of national banks and bank plates, of keeping macerator in Treasury building in repair, and for other incidental expenses attending the working of the macerator, five thousand dollars.

Special examinations, etc.

For expenses of the national currency (to be reimbursed by the national banks), namely: For superintendent, two thousand two hundred dollars; teller, bookkeeper, and assistant bookkeeper, at two thousand dollars each; two clerks of class one; one clerk, one thousand dollars; five clerks, at nine hundred dollars each; and one assistant messenger; in all, sixteen thousand eight hundred and twenty dollars.

National currency expenses.

OFFICE OF THE COMMISSIONER OF INTERNAL REVENUE: For Commissioner of Internal Revenue, six thousand dollars; deputy commissioner, four thousand dollars; additional deputy commissioner during the fiscal year nineteen hundred and one, three thousand six hundred dollars; chemist, two thousand five hundred dollars; two heads of divisions, at two thousand five hundred dollars each; four heads of divisions, at two thousand two hundred and fifty dollars each; two additional heads of divisions during the fiscal year nineteen hundred and one, at two thousand two hundred and fifty dollars each; superintendent of stamp vault, two thousand dollars; stenographer, one thousand eight hundred dollars; twenty-four clerks of class four; twenty-four clerks of class three; thirty-four clerks of class two; twenty-four clerks of class one; twenty-two clerks, at one thousand dollars each; thirty clerks, at nine hundred dollars each; two messengers; fourteen assistant messengers; and thirteen laborers; in all, two hundred and sixty-five thousand seven hundred and forty dollars.

Office of Commissioner of Internal Revenue.

For one stamp agent, one thousand six hundred dollars, and one counter, nine hundred dollars; in all, two thousand five hundred dollars, the same to be reimbursed by the stamp manufacturers.

Stamp agent

Light-House Board.

LIGHT-HOUSE BOARD: For chief clerk, two thousand four hundred dollars; two clerks of class four; two clerks of class three; two clerks of class two; four clerks of class one; two clerks, at one thousand dollars each; ten clerks, at nine hundred dollars each; one clerk, eight hundred and forty dollars; two assistant messengers; laborer, six hundred dollars; assistant civil engineer, two thousand four hundred dollars; draftsman, one thousand eight hundred dollars; draftsman, one thousand five hundred and sixty dollars; draftsman, one thousand four hundred and forty dollars; draftsman, one thousand two hundred dollars; in all, thirty-nine thousand and eighty dollars.

Life-Saving Service.

OFFICE OF LIFE-SAVING SERVICE: For General Superintendent of the Life-Saving Service, four thousand dollars; assistant general superintendent, two thousand five hundred dollars; principal clerk, two thousand dollars; topographer and hydrographer, one thousand eight hundred dollars; civil engineer, one thousand eight hundred dollars; draftsman, one thousand five hundred dollars; four clerks of class four; three clerks of class three; three clerks of class two; five clerks of class one; two clerks, at one thousand dollars each; four clerks, at nine hundred dollars each; one assistant messenger; and one laborer; in all, forty-two thousand seven hundred and eighty dollars.

Bureau of Navigation.

BUREAU OF NAVIGATION: For Commissioner of Navigation, three thousand six hundred dollars; two clerks of class four; additional to one clerk designated as deputy commissioner, four hundred dollars; one clerk of class three; two clerks of class two; four clerks of class one; nine clerks, at nine hundred dollars each; one assistant messenger; and one laborer; in all, twenty-six thousand two hundred and eighty dollars.

Bureau of Engraving and Printing.

BUREAU OF ENGRAVING AND PRINTING: For Director of Bureau, four thousand five hundred dollars; assistant director, two thousand two hundred and fifty dollars; accountant, two thousand dollars; stenographer, one thousand six hundred dollars; one clerk of class three; two clerks of class one; one clerk, one thousand dollars; two assistant messengers; and one laborer; in all, seventeen thousand four hundred and fifty dollars.

Bureau of Statistics.

BUREAU OF STATISTICS: For officer in charge of the Bureau of Statistics, three thousand five hundred dollars; chief clerk, two thousand two hundred and fifty dollars; statistical clerk, two thousand dollars; four clerks of class four; three clerks of class three; stenographer and typewriter, one thousand five hundred dollars; five clerks of class two; eight clerks of class one; translator, one thousand two hundred dollars; six clerks, at one thousand dollars each; two copyists; one messenger; one assistant messenger; one laborer; and one female laborer, four hundred and eighty dollars; in all, forty-nine thousand five hundred and fifty dollars.

Experts, etc.

For payment of the services of experts, and for other necessary expenditures connected with the collection of facts relative to the internal and foreign commerce of the United States, two thousand dollars.

Secret Service Division.

SECRET SERVICE DIVISION: For one chief, three thousand five hundred dollars; chief clerk, two thousand dollars; one clerk of class four; two clerks of class two; one clerk of class one; one clerk, one thousand dollars; and one attendant, seven hundred and twenty dollars; in all, thirteen thousand and twenty dollars.

Standard weights and measures.

OFFICE OF CONSTRUCTION OF STANDARD WEIGHTS AND MEASURES: For construction and verification of standard weights and measures, including metric standards, for the custom-houses, other offices of the United States, and for the several States, and mural standards of length in Washington, District of Columbia: For inspector of standards, three thousand dollars; adjuster, one thousand five hundred dollars; one verifier, one thousand five hundred dollars; mechanic, one thousand two hundred and fifty dollars; one assistant messenger; one adjuster's

helper, seven hundred and twenty dollars; and one watchman; in all, nine thousand four hundred and ten dollars.

For purchase of materials and apparatus, and incidental expenses, one thousand dollars.

Expenses.

For expenses of the attendance of the American delegate at the meeting of the International Bureau of Weights and Measures, as provided for in the convention signed May twentieth, eighteen hundred and seventy-five, four hundred and seventy-five dollars, or so much thereof as may be necessary.

American delegate to International Bureau of Weights and Measures.

OFFICE OF THE DIRECTOR OF THE MINT: For Director, four thousand five hundred dollars; examiner, and computer, at two thousand five hundred dollars each; assayer, two thousand two hundred dollars; adjuster of accounts, two thousand dollars; two clerks of class four; one clerk of class two; four clerks of class one; translator, one thousand four hundred dollars; one clerk, one thousand dollars; one copyist; one messenger; one assistant in laboratory, one thousand two hundred dollars; and one assistant messenger; in all, twenty-nine thousand five hundred and sixty dollars.

Office of Director of the Mint.

For freight on bullion and coin, by registered mail or otherwise, between mints and assay offices, seventy-five thousand dollars.

Freight.

For contingent expenses of the Bureau of the Mint, to be expended under the direction of the Director, namely: For assay laboratory, chemicals, fuel, materials, and other necessaries, one thousand dollars.

Contingent expenses.

For examination of mints, expense in visiting mints and assay offices for the purpose of superintending the annual settlements, and for special examinations, two thousand five hundred dollars.

For books, pamphlets, periodicals, specimens of coins and ores, balances, weights, and incidentals, four hundred dollars.

For the collection of statistics relative to the annual production of the precious metals in the United States, three thousand five hundred dollars.

Statistics.

OFFICE OF SUPERVISING SURGEON-GENERAL MARINE-HOSPITAL SERVICE: For Supervising Surgeon-General, four thousand dollars; chief clerk, two thousand dollars; two clerks of class four; four clerks of class three; three clerks of class two; four clerks of class one; clerk and translator, one thousand two hundred dollars; hospital steward (employed as chemist), one thousand two hundred dollars; six clerks, at nine hundred dollars each; one messenger, six hundred dollars; five laborers, at five hundred and forty dollars each; in all, thirty-six thousand one hundred dollars, the same to be paid from the permanent appropriations for the Marine-Hospital Service.

Marine-Hospital Service.

OFFICE SUPERVISING INSPECTOR-GENERAL STEAMBOAT-INSPECTION SERVICE: For Supervising Inspector-General, three thousand five hundred dollars; chief clerk, one thousand eight hundred dollars; two clerks of class three; one clerk of class one; one clerk of class one (stenographer and typewriter); one messenger; in all, eleven thousand seven hundred and forty dollars, the same to be paid from the permanent appropriations for the Steamboat-Inspection Service.

Steamboat - Inspection Service.

BUREAU OF IMMIGRATION: For Commissioner-General of Immigration, four thousand dollars; chief clerk, two thousand two hundred and fifty dollars; confidential clerk, one thousand two hundred dollars; statistician and stenographer, with power to act as immigrant inspector, one thousand eight hundred dollars; one supervising immigrant inspector, to be attached to this Bureau in Washington for special work outside, one thousand six hundred dollars; one messenger; and one assistant messenger; in all, twelve thousand four hundred and ten dollars, which, together with other expenses of regulating immigration, shall be paid from the permanent appropriation for expenses regulating immigration.

Immigration Bureau.

- Contingent expenses.** FOR CONTINGENT EXPENSES OF THE TREASURY DEPARTMENT, INCLUDING ALL BUILDINGS UNDER CONTROL OF THE TREASURY IN WASHINGTON, DISTRICT OF COLUMBIA, namely:
- Stationery.** For stationery for the Treasury Department and its several Bureaus, twenty-six thousand dollars.
- Postage.** For postage required to prepay matter addressed to Postal Union countries, and for postage for the Treasury Department, one thousand dollars.
For purchasing material for binding important records, four hundred dollars.
- Newspapers, etc.** For newspapers, law books, city directories, and other books of reference relating to the business of the Department, one thousand dollars.
- Investigations.** For investigation of accounts and records, including the necessary traveling expenses, and for other traveling expenses, when ordered by the Secretary of the Treasury, in connection with special work, including the temporary employment of stenographers, typewriters, accountants, or other expert services outside the District of Columbia when not properly chargeable to any other appropriation under the control of the Treasury Department, five hundred dollars.
- Freight, etc.** For freight, expressage, telegraph and telephone service, five thousand dollars.
- Rent.** For rent of buildings, seven thousand and ninety dollars.
- Horses and wagons.** For purchase of horses and wagons, for office and mail service, to be used only for official purposes, care and subsistence of horses, including shoeing, and of wagons, harness, and repairs of the same, three thousand dollars.
- Ice.** For purchase of ice, including ice for the office of the Auditor for the Post-Office Department, two thousand five hundred dollars.
- File holders, etc.** For purchase of file holders and file cases, two thousand dollars.
- Fuel, etc.** For purchase of coal, wood, engine oils and grease, grates, grate baskets and fixtures, blowers, coal hods, coal, shovels, pokers, and tongs, nine thousand five hundred dollars.
- Lighting.** For purchase of gas, electric current for lighting and power purposes, gas and electric light fixtures, electric-light wiring and material, candles, candlesticks, droplights and tubing, gas burners, gas torches, globes, lanterns, and wicks, fourteen thousand dollars.
- Miscellaneous.** For washing and hemming towels, for the purchase of awnings and fixtures, window shades and fixtures, alcohol, benzine, turpentine, varnish, baskets, belting, bellows, bowls, brooms, buckets, brushes, canvas, crash, cloth, chamois skins, cotton waste, door and window fasteners, dusters, flower garden, street and engine hose, lace leather, lye, nails, oils, plants, picks, pitchers, powders, stencil plates, hand stamps, and repairs of same, stamp ink, spittoons, soap, matches, match safes, sponges, tacks, traps, thermometers, tools, towels, towel racks, tumblers, wire, zinc, and for blacksmithing, repairs of machinery, removal of rubbish, sharpening tools, advertising for proposals and for sales at public auction in Washington, District of Columbia, of condemned property belonging to the Treasury Department, payment of auctioneer fees, and purchase of other absolutely necessary articles, eight thousand dollars.
- Numbering machines, etc.** For purchase of registering accountants, numbering machines, and other machines of a similar character, and repairs thereto, two thousand dollars.
- Carpets.** For purchase of carpets, carpet border and lining, linoleum, mats, rugs, matting, and repairs, and for cleaning, cutting, making, laying, and relaying of the same, by contract, three thousand dollars.
- Furniture.** For purchase of boxes, book rests, chairs, chair caning, chair covers, desks, bookcases, clocks, cloth for covering desks, cushions, leather for covering chairs and sofas, locks, lumber screens, tables, type-

writers, ventilators, wardrobe cabinets, washstands, water coolers and stands, seven thousand dollars.

COLLECTING INTERNAL REVENUE.

For salaries and expenses of collectors and deputy collectors and surveyors, and clerks, including transportation of public funds, and also including expenses of enforcing the Act of August second, eighteen hundred and eighty-six, taxing oleomargarine, and the Act of August fourth, eighteen hundred and eighty-six, imposing upon the Government the expense of the inspection of tobacco exported; also the Act of June sixth, eighteen hundred and ninety-six, imposing a tax on filled cheese, one million seven hundred and ten thousand dollars.

Provided, That the Commissioner of Internal Revenue is authorized to detail deputy collectors of internal revenue in one district for special duty in other districts, and the deputy collectors so detailed shall be paid by the collector of internal revenue and disbursing agent for the district for which they are appointed and for which the allowance for their salary and expenses is made, the same as if all their services had been performed and expenses incurred in that district.

For continuing the additional clerks and other employees in the Office of the Commissioner of Internal Revenue and for salaries and expenses of increased force of deputy collectors rendered necessary by the Act of June thirteenth, eighteen hundred and ninety-eight, providing for war expenditures, and for other purposes, and for salaries and expenses of ten additional agents provided for in section three, and the twenty additional clerks and agents provided for in section forty-seven of said Act of June thirteenth, eighteen hundred and ninety-eight, six hundred and fifty thousand dollars.

For salaries and expenses of agents, fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers, and miscellaneous expenses, one million nine hundred thousand dollars:

Provided, That the compensation of the chief of the internal-revenue agents shall not exceed ten dollars per day, and of the other agents not exceeding seven dollars per day each; and for per diem in lieu of subsistence, when absent on duty from their legal residence, said agents shall receive, at a rate to be fixed by the Secretary of the Treasury, not exceeding three dollars per day: *Provided further*, That the Commissioner of Internal Revenue is authorized to detail gaugers, storekeeper-gaugers, and storekeepers, appointed in one district, for special or regular duty in other districts, and the accounts of gaugers, storekeeper-gaugers, and storekeepers so detailed shall be adjusted and paid in the district where they are appointed the same as if assigned to regular duty, without regard to the number of districts in which they may have been employed in any one month, the same as if all their services had been performed and expenses incurred in the district in which appointed, and the order of the Commissioner of Internal Revenue transferring gaugers, storekeeper-gaugers, or storekeepers to special work shall be accepted by the accounting officers of the Treasury Department as full authority for proper expenses incurred by said gaugers, storekeeper-gaugers, or storekeepers, while so assigned.

INDEPENDENT TREASURY.

OFFICE OF ASSISTANT TREASURER AT BALTIMORE: For assistant treasurer, four thousand five hundred dollars; cashier, two thousand five hundred dollars; three clerks, at one thousand eight hundred dollars each; two clerks, at one thousand four hundred dollars each; three clerks, at one thousand two hundred dollars each; two clerks, at one

Collecting internal revenue.

Collectors, etc.

Vol. 24, p. 209.

Vol. 24, p. 218.

Vol. 29, p. 253

Proviso.
Detail of deputies in one district for special service in other districts.

Additional clerks, etc.

Vol. 30, pp. 450, 469.

Agents, gaugers, etc.

Provisos.
Agents compensation and per diem, etc.

Detail of gaugers, etc., in one district for duty in other districts, etc.

Independent treasury.

Office of assistant treasurers.
Baltimore.

thousand dollars each; messenger, eight hundred and forty dollars; three vault watchmen, at seven hundred and twenty dollars each; in all, twenty-three thousand eight hundred dollars.

Boston.

OFFICE OF ASSISTANT TREASURER AT BOSTON: For assistant treasurer, five thousand dollars; chief clerk, and paying teller, at two thousand five hundred dollars each; assistant paying teller, two thousand two hundred dollars; vault clerk, and receiving teller, at two thousand dollars each; first bookkeeper, one thousand eight hundred dollars; second bookkeeper, one thousand four hundred dollars; specie clerk, one thousand eight hundred dollars; assistant specie clerk, and money clerk, at one thousand five hundred dollars each; redemption clerk, and one clerk, at one thousand four hundred dollars each; two clerks, at one thousand two hundred dollars each; clerk, one thousand one hundred dollars; three clerks, at one thousand dollars each; clerk, eight hundred dollars; messenger and chief watchman, one thousand and sixty dollars; stenographer and typewriter, one thousand dollars; three watchmen and janitors, at eight hundred and fifty dollars each; in all, thirty-eight thousand nine hundred and ten dollars.

Chicago.

OFFICE OF ASSISTANT TREASURER AT CHICAGO: For assistant treasurer, five thousand dollars; cashier, two thousand five hundred dollars; vault clerk, one thousand eight hundred dollars; paying teller, one thousand eight hundred dollars; assorting teller, and receiving teller, at one thousand five hundred dollars each; clerk, one thousand six hundred dollars; bookkeeper, one thousand five hundred dollars; three coin, coupon, and currency clerks, at one thousand five hundred dollars each; fifteen clerks, at one thousand two hundred dollars each; messenger, eight hundred and forty dollars; stenographer, seven hundred and twenty dollars; janitor, six hundred dollars; and three watchmen, at seven hundred and twenty dollars each; in all, forty-four thousand and twenty dollars.

Cincinnati.

OFFICE OF ASSISTANT TREASURER AT CINCINNATI: For assistant treasurer, four thousand five hundred dollars; cashier, two thousand dollars; bookkeeper, one thousand eight hundred dollars; receiving teller, one thousand five hundred dollars; check clerk, and interest clerk, at one thousand two hundred dollars each; two clerks, at one thousand two hundred dollars each; two clerks, at one thousand dollars each; one clerk and stenographer, seven hundred and twenty dollars; two night watchmen, at seven hundred and twenty dollars each; messenger, six hundred dollars; in all, nineteen thousand three hundred and sixty dollars.

New Orleans.

OFFICE OF ASSISTANT TREASURER AT NEW ORLEANS: For assistant treasurer, four thousand dollars; chief clerk and cashier, two thousand two hundred and fifty dollars; receiving teller, and paying teller, at two thousand dollars each; bookkeeper, one thousand five hundred dollars; five clerks, at one thousand two hundred dollars each; coin and redemption clerk, one thousand two hundred dollars; two clerks, at one thousand dollars each; porter, five hundred dollars; day watchman, seven hundred and twenty dollars; night watchman, seven hundred and twenty dollars; in all, twenty-two thousand eight hundred and ninety dollars.

New York.

OFFICE OF ASSISTANT TREASURER AT NEW YORK: For assistant treasurer, eight thousand dollars; deputy assistant treasurer and cashier, four thousand two hundred dollars; assistant cashier and chief clerk, three thousand six hundred dollars; assistant cashier and vault clerk, three thousand two hundred dollars; two chiefs of division, at three thousand one hundred dollars each; chief paying teller, three thousand dollars; two chiefs of division, at two thousand seven hundred dollars each; chief of division, two thousand six hundred dollars; chief of division, and chief bookkeeper, at two thousand four hundred dollars each; chief of division, and assistant chief of division, at two

thousand three hundred dollars each; two assistant chiefs of division, at two thousand two hundred and fifty dollars each; two assistant tellers, at two thousand two hundred dollars each; two assistant tellers, and one bookkeeper, at two thousand one hundred dollars each; six assistant tellers, one assistant chief of division, and three bookkeepers, at two thousand dollars each; ten assistant tellers, and two bookkeepers, at one thousand eight hundred dollars each; two assistant tellers, at one thousand seven hundred dollars each; four assistant tellers, one bookkeeper, and two clerks, at one thousand six hundred dollars each; six assistant tellers, and two clerks, at one thousand five hundred dollars each; nine assistant tellers, one bookkeeper, and four clerks, at one thousand four hundred dollars each; one assistant teller, and two clerks, at one thousand three hundred dollars each; eight assistant tellers, and three clerks, at one thousand two hundred dollars each; six assistant tellers, at one thousand dollars each; five assistant tellers, and one clerk, at nine hundred dollars each; five assistant tellers, at eight hundred dollars each; two messengers, at one thousand two hundred dollars each; three messengers, at nine hundred dollars each; two messengers, at eight hundred dollars each; two hall men, at one thousand dollars each; two porters, at nine hundred dollars each; superintendent of building, one thousand eight hundred dollars; chief detective, one thousand five hundred dollars; assistant detective, one thousand two hundred dollars; two engineers, at one thousand and fifty dollars each; assistant engineer, eight hundred and twenty dollars; eight watchmen, at seven hundred and twenty dollars each; in all, two hundred and four thousand seven hundred and eighty dollars.

OFFICE OF ASSISTANT TREASURER AT PHILADELPHIA: For assistant treasurer, four thousand five hundred dollars; cashier and chief clerk, two thousand five hundred dollars; bookkeeper, two thousand five hundred dollars; paying teller, two thousand two hundred dollars; bond and authorities clerk, and vault clerk, at one thousand nine hundred dollars each; assorting teller, one thousand eight hundred dollars; coin teller, one thousand seven hundred dollars; redemption teller, and receiving teller, at one thousand six hundred dollars each; clerk, one thousand five hundred dollars; two clerks, at one thousand four hundred dollars each; clerk, one thousand three hundred dollars; five clerks, at one thousand two hundred dollars each; superintendent messenger and chief watchman, one thousand one hundred dollars; five counters, at nine hundred dollars each; seven watchmen, at seven hundred and twenty dollars each; in all, forty-four thousand four hundred and forty dollars.

Philadelphia.

OFFICE OF ASSISTANT TREASURER AT SAINT LOUIS: For assistant treasurer, four thousand five hundred dollars; cashier and chief clerk, two thousand five hundred dollars; first teller, two thousand dollars; second teller, one thousand eight hundred dollars; third teller, one thousand six hundred dollars; fourth teller, one thousand two hundred dollars; bookkeeper, one thousand five hundred dollars; three assistant bookkeepers, and coin teller, at one thousand two hundred dollars each; two clerks, at one thousand two hundred dollars each; assistant coin teller, stenographer and typewriter, and messenger, at one thousand dollars each; two day watchmen, and coin counters, at nine hundred dollars each; night watchman, seven hundred and twenty dollars; and janitor, six hundred dollars; in all, twenty-eight thousand four hundred and twenty dollars.

St. Louis.

OFFICE OF ASSISTANT TREASURER AT SAN FRANCISCO: For assistant treasurer, four thousand five hundred dollars; cashier, three thousand dollars; bookkeeper, two thousand five hundred dollars; chief clerk, two thousand four hundred dollars; assistant cashier, receiving teller, and assistant bookkeeper, at two thousand dollars each; coin teller, and one clerk, at one thousand eight hundred dollars each; clerk, one

San Francisco.

thousand four hundred dollars; messenger, eight hundred and forty dollars; and four watchmen, at seven hundred and twenty dollars each; in all, twenty-seven thousand one hundred and twenty dollars.

Special agents.

For salaries of special agents, and for actual expenses of examiners detailed to examine the books, accounts, and money on hand at the several subtreasuries and depositories, including national banks acting as depositories under the requirements of section thirty-six hundred and forty-nine of the Revised Statutes of the United States, also including examinations of cash accounts at mints, three thousand dollars.

Paper for checks.

For paper for interest, transfer, redemption, pension, and other checks and drafts for the use of the Treasurer of the United States, assistant treasurers, pension agents, disbursing officers, and others, twelve thousand five hundred dollars.

Mints and assay offices.

UNITED STATES MINTS AND ASSAY OFFICES.

Carson.

MINT AT CARSON, NEVADA: For assayer in charge, who shall also perform the duties of melter, two thousand dollars; assistant assayer, and one clerk, at one thousand five hundred dollars each; in all, five thousand dollars.

Wages.

For wages of workmen and watchmen, five thousand five hundred dollars.

Contingent expenses.

For incidental and contingent expenses, two thousand six hundred dollars.

Denver.

MINT AT DENVER, COLORADO: For assayer in charge, three thousand dollars; melter, two thousand two hundred and fifty dollars; chief clerk, one thousand eight hundred dollars; clerk, one thousand six hundred dollars; clerk, one thousand four hundred dollars; two calculating clerks, at one thousand four hundred dollars each; two clerks, at one thousand two hundred dollars each; in all, fifteen thousand two hundred and fifty dollars.

Wages.

For wages of workmen, twenty-two thousand dollars.

Contingent expenses.

For incidental and contingent expenses, six thousand dollars.

Assay office continued until coinage mint established.
Vol. 28, p. 673.

Until the mint and assay office at Denver shall become a coinage mint in accordance with law, the present mint shall be continued as an assay office, and the business now transacted at said mint shall be continued therein, and the appropriations heretofore and herein made shall be applicable to such mint.

New Orleans.

MINT AT NEW ORLEANS, LOUISIANA: For superintendent, three thousand five hundred dollars; assayer, melter and refiner, and coiner, at two thousand five hundred dollars each; cashier, and chief clerk, at two thousand dollars each; assistant assayer, assistant melter and refiner, and assistant coiner, at one thousand nine hundred dollars each; abstract clerk, bookkeeper, weigh clerk, and assayer's computation clerk, at one thousand six hundred dollars each; register of deposits, warrant clerk, and assistant weigh clerk, at one thousand two hundred and fifty dollars each; cashier's clerk, one thousand one hundred dollars; in all, thirty-one thousand nine hundred and fifty dollars.

Wages.

For wages of workmen and adjusters, thirty thousand dollars.

Contingent expenses.

For incidental and contingent expenses, including wastage of operative officers and loss on sale of sweeps, and for machinery and repairs, fifteen thousand dollars.

Philadelphia.

MINT AT PHILADELPHIA: For superintendent, four thousand five hundred dollars; assayer, melter and refiner, coiner, and engraver, at three thousand dollars each; assistant assayer, assistant melter and refiner, and assistant coiner, at two thousand dollars each; cashier, two thousand five hundred dollars; chief clerk, two thousand two hundred and fifty dollars; bookkeeper, abstract clerk, and weigh clerk, at two thousand dollars each; cashier's clerk, warrant clerk, and register of depos-

its, at one thousand seven hundred dollars each; assistant weigh clerk, and assayer's computation clerk, at one thousand six hundred dollars each; in all, forty-one thousand five hundred and fifty dollars.

Wages.

For wages of workmen and adjusters, three hundred and fifty thousand dollars.

For incidental and contingent expenses, including new machinery and repairs, expenses annual assay commission, melter and refiner's wastage, and loss on sale of sweeps arising from the manufacture of ingots for coinage and wastage and loss on sale of coiners' sweeps, and purchase not exceeding five hundred dollars in value of specimen coins and ores for the cabinet of the mint, seventy-five thousand dollars.

Contingent expenses.

MINT AT SAN FRANCISCO, CALIFORNIA: For superintendent, four thousand five hundred dollars; assayer, melter and refiner, and coiner, at three thousand dollars each; chief clerk and cashier, at two thousand five hundred dollars each; bookkeeper, abstract clerk, weigh clerk, warrant clerk, assistant assayer, assistant melter and refiner, assistant coiner, and register of deposits, at two thousand dollars each; cashier's clerk, one thousand eight hundred dollars; assayer's computation clerk, assistant weigh clerk, and superintendent's calculating clerk, at one thousand six hundred dollars each; in all, forty-one thousand one hundred dollars.

San Francisco.

For wages of workmen and adjusters, one hundred and seventy-five thousand dollars.

Wages.

For incidental and contingent expenses, including new machinery, melter and refiner's wastage, and loss on sale of sweeps, arising from the manufacture of ingots for coinage, and wastage of, and loss on sale of coiners' sweeps, forty thousand dollars.

Contingent expenses.

ASSAY OFFICE AT BOISE, IDAHO: For assayer, who shall also perform the duties of melter, two thousand dollars; one clerk, one thousand four hundred dollars; in all, three thousand four hundred dollars.

Boise.

For wages of workmen, seven thousand five hundred dollars.

Wages.

For incidental and contingent expenses, three thousand dollars.

Contingent expenses.

ASSAY OFFICE AT CHARLOTTE, NORTH CAROLINA: For assayer and melter, one thousand five hundred dollars; assistant assayer, one thousand two hundred and fifty dollars; in all, two thousand seven hundred and fifty dollars.

Charlotte, N. C.

For wages of workmen, one thousand and eighty dollars.

Wages.

For incidental and contingent expenses, nine hundred and twenty dollars.

Contingent expenses.

ASSAY OFFICE AT DEADWOOD, SOUTH DAKOTA: For assayer in charge, who shall also perform the duties of melter, two thousand dollars; one clerk, one thousand two hundred dollars; in all, three thousand two hundred dollars.

Deadwood.

For wages of workmen, six thousand dollars.

Wages.

For incidental and contingent expenses, including rent of building, three thousand dollars.

Contingent expenses.

ASSAY OFFICE AT HELENA, MONTANA: For assayer in charge, two thousand two hundred and fifty dollars; melter, one thousand eight hundred dollars; chief clerk, one thousand eight hundred dollars; clerk, one thousand four hundred dollars; in all, seven thousand two hundred and fifty dollars.

Helena, Mont.

For wages of workmen, fourteen thousand dollars.

Wages.

For incidental and contingent expenses, four thousand dollars.

Contingent expenses.

ASSAY OFFICE AT NEW YORK: For superintendent, four thousand five hundred dollars; assayer, and melter and refiner, at three thousand dollars each; chief clerk, assistant melter and refiner, and weigh clerk, at two thousand five hundred dollars each; bookkeeper, two thousand three hundred and fifty dollars; warrant clerk, two thousand dollars; cashier, two thousand two hundred and fifty dollars; bar clerk, abstract clerk, and assayer's computing clerk, at one thousand eight

New York.

hundred dollars each; assistant weigh clerk, one thousand six hundred dollars; register of deposits, one thousand two hundred and fifty dollars; assayer's first assistant, two thousand two hundred and fifty dollars; assayer's second assistant, two thousand one hundred and fifty dollars; assayer's third assistant, two thousand dollars; in all, thirty-nine thousand two hundred and fifty dollars.

Wages. For wages of workmen and messengers, twenty-seven thousand five hundred dollars.

Contingent expenses. For incidental and contingent expenses, ten thousand dollars.

St. Louis. **ASSAY OFFICE AT SAINT LOUIS, MISSOURI:** For assayer in charge, two thousand dollars; clerk, one thousand dollars; in all, three thousand dollars.

Wages. For wages of workmen (including janitor), one thousand dollars.

Contingent expenses. For incidental and contingent expenses, seven hundred and fifty dollars.

Seattle. **ASSAY OFFICE AT SEATTLE, WASHINGTON:** For assayer in charge, who shall also perform the duties of melter, two thousand five hundred dollars; chief clerk, one thousand eight hundred dollars; one clerk, one thousand six hundred dollars; one clerk, one thousand five hundred dollars; one clerk, one thousand four hundred dollars; one clerk, one thousand two hundred dollars; in all, ten thousand dollars.

Contingent expenses, etc. For wages of workmen, rent, and contingent expenses, thirty thousand dollars.

Territories. **GOVERNMENT IN THE TERRITORIES.**

Alaska. **TERRITORY OF ALASKA:** For governor, four thousand dollars; judge, four thousand dollars; attorney, four thousand dollars; marshal and clerk, at two thousand five hundred dollars each; ten commissioners, one of whom shall reside at Kadiak, and one of whom shall reside in Forty Mile mining district, in the District of Alaska, at one thousand dollars each; ten deputy marshals, at seven hundred and fifty dollars each; in all, thirty-four thousand five hundred dollars: *Provided*, That the said commissioners shall report to the Attorney-General on or before November, nineteen hundred, the amount of all fees earned for the first quarter of the fiscal year nineteen hundred and one.

Proviso.
Report of fees by commissioners.

Contingent expenses. For incidental and contingent expenses of the Territory, clerk hire, stationery, lights, and fuel, to be expended under the direction of the governor, two thousand dollars.

Arizona. **TERRITORY OF ARIZONA:** For governor, three thousand dollars; chief justice and three associate judges, at three thousand dollars each; secretary, one thousand eight hundred dollars; interpreter and translator in the executive office, five hundred dollars; in all, seventeen thousand three hundred dollars.

Contingent expenses. For contingent expenses of the Territory, to be expended by the governor, five hundred dollars.

Legislative expenses. For legislative expenses, namely: For rent, messenger, postage, stationery, fuel, lights, printing, and incidental expenses for secretary's office; per diem of members of the legislature, mileage, legislative supplies, pay of officers of legislature, rent, furniture, printing, and incidentals for legislative assembly, twenty-four thousand two hundred and fifty dollars.

Expenses moving, etc.

For moving furniture, records of Territory of Arizona, fitting up offices, new capitol building, and necessary expenses of such moving, five hundred dollars.

New Mexico. **TERRITORY OF NEW MEXICO:** For governor, three thousand dollars; chief justice and four associate judges, at three thousand dollars each; secretary, one thousand eight hundred dollars; and interpreter and translator in the executive office, five hundred dollars; in all, twenty thousand three hundred dollars.

Contingent expenses. For contingent expenses of the Territory, to be expended by the governor, five hundred dollars.

For legislative expenses, namely: For rent, light, fuel, telephone, ice, water, stationery, record files, record casings, printing, postage, clerks, messenger and porter, and incidentals in secretary's office; per diem of members of the legislature, mileage, legislative supplies, pay of officers of legislature, rent, furniture, printing, and incidentals for legislative assembly, twenty-four thousand two hundred and fifty dollars. Legislative expenses.

TERRITORY OF OKLAHOMA: For governor, three thousand dollars; chief justice and four associate judges, at three thousand dollars each; and secretary, one thousand eight hundred dollars; in all, nineteen thousand eight hundred dollars. Oklahoma.

For contingent expenses of the Territory, to be expended by the governor for rents, private secretary, stenographer and typewriter, and typewriter supplies, janitor, messenger, fuel, lights, stationery and printing, postage, telegrams, furniture for office, express, and other incidentals, one thousand dollars. Contingent expenses.

For legislative expenses, namely: For rent of office, furniture, fuel, lights, stationery, clerk hire, printing, postage, ice, record casings, messenger, porter, and other incidental expenses of the secretary's office; per diem of members of the legislature, mileage, legislative supplies, pay of officers of legislature, rent, furniture, printing, and incidentals for legislative assembly, twenty-four thousand two hundred and fifty dollars: *Provided*, That the legislative assembly shall not consider any proposition or pass any bill to remove the seat of government of said Territory from its present location: *Provided further*, That said legislative assembly shall not make any appropriation or enter into any contract for a capitol building. Legislature.
—expenses of.

Proviso.
—not to remove present seat of government.
—or contract for new capitol building.

WAR DEPARTMENT.

War Department.

OFFICE OF THE SECRETARY: For compensation of the Secretary of War, eight thousand dollars; Assistant Secretary, four thousand five hundred dollars; chief clerk, including five hundred dollars as assistant in military park and insular affairs, three thousand dollars; clerk to the chief clerk, two thousand one hundred dollars; clerk to the Secretary, two thousand two hundred and fifty dollars; clerk to the Assistant Secretary, two thousand one hundred dollars; stenographer, one thousand eight hundred dollars; disbursing clerk, two thousand dollars; four chiefs of division, at two thousand dollars each; superintendent of buildings, outside of State, War, and Navy Department building, in addition to compensation as chief of division, five hundred dollars; appointment clerk, two thousand dollars; librarian, one thousand eight hundred dollars; four clerks of class four; five clerks of class three; ten clerks of class two; eleven clerks of class one; four clerks, at one thousand dollars each; carpenter, one thousand dollars; foreman of laborers, one thousand dollars; two carpenters, at nine hundred dollars each; four messengers; seven assistant messengers; eight laborers; hostler, six hundred dollars; two hostlers, and one watchman, at five hundred and forty dollars each; in all, one hundred and four thousand one hundred and fifty dollars. Secretary, assistant clerks, etc.

For continuing the employment of such additional temporary force of clerks, messengers, laborers, and other assistants, rendered necessary because of increased work incident to the war with Spain, as in the judgment of the Secretary of War may be proper and necessary to the prompt, efficient, and accurate dispatch of official business in the War Department and its bureaus, to be allotted by the Secretary of War to such bureaus and offices as the exigencies of the needs of the service may demand, six hundred thousand dollars. Persons in the classified service of the Government shall not be eligible to appointment under this appropriation or other appropriations for additional employees because of increased work incident to the war with Spain. Additional temporary force.

—persons in classified service not eligible, etc.

or to be transferred from any position in the classified service to positions paid under this or said other appropriations.

Record and Pension
Office.

RECORD AND PENSION OFFICE: For three chiefs of division, at two thousand dollars each; one agent, two thousand dollars; twenty-four clerks of class four; forty-five clerks of class three; ninety-five clerks of class two; one hundred and eighty-seven clerks of class one; fifty-five clerks, at one thousand dollars each; engineer, one thousand four hundred dollars; assistant engineer, nine hundred dollars; two firemen; skilled mechanic, one thousand dollars; five messengers; thirty-five assistant messengers; messenger boy, three hundred and sixty dollars; five watchmen; superintendent of building, two hundred and fifty dollars; and seventeen laborers; in all, five hundred and eighty-five thousand one hundred and seventy dollars; and all employees provided for by this paragraph for the Record and Pension Office of the War Department shall be exclusively engaged on the work of this office for the fiscal year nineteen hundred and one.

Adjutant-General's
Office.

OFFICE OF THE ADJUTANT-GENERAL: For chief clerk, two thousand dollars; clerk to the Adjutant-General, one thousand eight hundred dollars; two chiefs of division, at two thousand dollars each; twelve clerks of class four; fourteen clerks of class three; thirteen clerks of class two; fifty-eight clerks of class one; seven clerks, at one thousand dollars each; four messengers; eighteen assistant messengers; and three watchmen; in all, one hundred and sixty-five thousand and eighty dollars.

Inspector-General's
Office.

OFFICE OF THE INSPECTOR-GENERAL: For one clerk of class four; two clerks of class three; three clerks of class two; two clerks of class one; one messenger; and one assistant messenger; in all, thirteen thousand one hundred and sixty dollars.

Judge-Advocate-
General's Office.

OFFICE OF THE JUDGE-ADVOCATE-GENERAL: For chief clerk, two thousand dollars; one clerk of class four; two clerks of class three; one clerk of class two; three clerks of class one; one clerk, one thousand dollars; one copyist; one messenger; and one assistant messenger; in all, fifteen thousand four hundred and sixty dollars.

Signal Office.

SIGNAL OFFICE: For chief clerk, two thousand dollars; one clerk of class four; one clerk of class one; one messenger; one laborer; in all, six thousand five hundred dollars.

Quartermaster-Gen-
eral's Office.

OFFICE OF THE QUARTERMASTER-GENERAL: For chief clerk, two thousand dollars; eleven clerks of class four; nine clerks of class three; twenty-three clerks of class two; thirty-nine clerks of class one; eight clerks, at one thousand dollars each; six skilled typewriters, at one thousand dollars each; female messenger, four hundred and eighty dollars; four messengers; nine assistant messengers; two laborers; civil engineer, one thousand eight hundred dollars; assistant civil engineer, one thousand two hundred dollars; draftsman, one thousand eight hundred dollars; assistant draftsman, one thousand six hundred dollars; assistant draftsman, one thousand four hundred dollars; assistant draftsman, one thousand four hundred dollars; experienced builder and mechanic, two thousand five hundred dollars; in all, one hundred and fifty-two thousand five hundred and forty dollars.

Commissary - Gen-
eral's Office.

OFFICE OF THE COMMISSARY-GENERAL: For chief clerk, two thousand dollars; one clerk of class four; three clerks of class three; four clerks of class two; fourteen clerks of class one; nine clerks, at one thousand dollars each; two assistant messengers; two laborers; in all, forty-two thousand seven hundred and sixty dollars.

Surgeon-General's
Office.

OFFICE OF THE SURGEON-GENERAL: For chief clerk, two thousand dollars; fourteen clerks of class four; eleven clerks of class three; twenty-six clerks of class two; twenty-nine clerks of class one; five clerks, at one thousand dollars each; anatomist, one thousand six hundred dollars; engineer, one thousand four hundred dollars; assistant engineer, for night duty, nine hundred dollars; two firemen; skilled

mechanic, one thousand dollars; twelve assistant messengers; three watchmen; superintendent of building (Army Medical Museum and Library), two hundred and fifty dollars; five laborers; chemist, two thousand and eighty-eight dollars; principal assistant librarian, two thousand and eighty-eight dollars; pathologist, one thousand eight hundred dollars; microscopist, one thousand eight hundred dollars; assistant librarian, one thousand eight hundred dollars; in all, one hundred and fifty-one thousand two hundred and sixty-six dollars.

OFFICE OF THE PAYMASTER-GENERAL: For chief clerk, two thousand dollars; five clerks of class four; five clerks of class three; seven clerks of class two; two clerks of class one; one assistant messenger; four laborers; in all, thirty-four thousand five hundred and sixty dollars.

Paymaster-General's Office.

OFFICE OF THE CHIEF OF ORDNANCE: For chief clerk, two thousand dollars; two clerks of class four; two clerks of class three; two clerks of class two; twenty clerks of class one; three clerks, at one thousand dollars each; two messengers; one assistant messenger; one laborer; in all, forty-one thousand six hundred and sixty dollars.

Office Chief of Ordnance.

OFFICE OF THE CHIEF OF ENGINEERS: For chief clerk, two thousand dollars; five clerks of class four; four clerks of class three; four clerks of class two; four clerks of class one; one clerk, one thousand dollars; one assistant messenger, and two laborers; in all, thirty thousand eight hundred and forty dollars.

Office Chief of Engineers.

And the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary may be employed in the office of the Chief of Engineers to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys to be paid from such appropriations: *Provided*, That the expenditures on this account for the fiscal year ending June thirtieth, nineteen hundred and one, shall not exceed seventy-two thousand dollars; and that the Secretary of War shall each year, in the annual estimates, report to Congress the number of persons so employed and the amount paid to each.

Skilled draftsmen.

For postage stamps for the War Department and its bureaus, as required under the Postal Union, to prepay postage on matters addressed to Postal Union countries, one thousand dollars.

Proviso.
—limit of expenditure.

Postage stamps.

For contingent expenses of the War Department and its bureaus and offices, including purchase of professional and scientific books, law books, books of reference, periodicals, blank books, pamphlets, newspapers, maps; furniture and repairs to same; carpets, matting, oilcloth, file cases, towels, ice, brooms, soap, sponges, fuel, gas, and heating apparatus for and repairs to the buildings (outside of the State, War, and Navy Department building) occupied by the Adjutant-General's Office, the Surgeon-General's Office, Record and Pension Office, Paymaster-General's and Ordnance offices, Signal Office and building for signal stores and supplies, the depot quartermaster's office, and the other offices of the War Department and its bureaus located in the Lemon Building; expenses of horses and wagons to be used only for official purposes; freight and express charges, temporary labor not to exceed one thousand dollars, and other absolutely necessary expenses, thirty-eight thousand dollars.

Contingent expenses.

For additional amount for the foregoing objects, twenty thousand dollars.

For stationery for the War Department and its bureaus and offices, twenty-two thousand five hundred dollars.

Stationery.

For additional amount for the foregoing object, ten thousand dollars.

For rent of buildings for use of the War Department as follows: For medical dispensary, Surgeon-General's Office, one thousand dollars; for Paymaster-General's and Ordnance offices, one thousand eight hundred dollars; for depot quartermaster's office, one thousand five hundred dollars; for War Department (Lemon Building), six thousand

Rent.

dollars; for Record and Pension Office, three thousand two hundred dollars; in all, thirteen thousand five hundred dollars.

Public buildings and grounds.

PUBLIC BUILDINGS AND GROUNDS.

Clerks, etc.

OFFICE OF PUBLIC BUILDINGS AND GROUNDS: For one assistant engineer, one thousand eight hundred dollars; one office clerk, one thousand eight hundred dollars; one clerk, one thousand six hundred dollars; one messenger; landscape gardener, two thousand dollars; one surveyor and draftsman, one thousand five hundred dollars; in all, nine thousand five hundred and forty dollars.

Overseers, etc.

For overseers, draftsmen, foremen, gardeners, mechanics, and laborers employed in the public grounds, thirty-three thousand dollars.

For one sergeant of watchmen, nine hundred dollars.

Watchmen.

For day watchmen as follows: One in Franklin Park; one in Lafayette Park; two in Smithsonian Grounds; one in Judiciary Park; one in Lincoln Park and adjacent reservations; one at Iowa Circle; one at Thomas Circle and neighboring reservations; one at Washington Circle and neighboring reservations; one at Dupont Circle and neighboring reservations; one at McPherson and Farragut parks; one at Stanton Park and neighboring reservations; two at Henry and Seaton parks; one at Mount Vernon Park and adjacent reservations; one for the greenhouses and nursery; one at grounds south of Executive Mansion; one at Garfield Park; eighteen in all, at six hundred and sixty dollars each, eleven thousand eight hundred and eighty dollars.

For night watchmen as follows: Two in Smithsonian Grounds; one in Judiciary Park; two in Henry and Seaton parks; one in grounds south of Executive Mansion; one in Monument Park; and two in Garfield Park; nine in all, at seven hundred and twenty dollars each, six thousand four hundred and eighty dollars.

Wakefield, Va.

For watchman for the care of the monument and dock at Wakefield, Virginia, the birthplace of Washington, three hundred dollars.

Contingent expenses.

For contingent and incidental expenses, including purchase of professional and scientific books and periodicals, books of reference, blank books, photographs, and maps, seven hundred dollars.

Amount payable from revenues of District of Columbia.

Of the foregoing amounts appropriated under Public Buildings and Grounds, the sum of twenty-seven thousand one hundred and thirty dollars shall be paid out of the revenues of the District of Columbia.

State, War, and Navy Department building.

STATE, WAR, AND NAVY DEPARTMENT BUILDING.

Clerk, engineers, etc.

Office of the superintendent: For one clerk of class one; stenographer and typewriter, nine hundred dollars; chief engineer, one thousand two hundred dollars; eight assistant engineers, at one thousand dollars each; captain of the watch, one thousand two hundred dollars; two lieutenants of the watch, at eight hundred and forty dollars each; fifty-eight watchmen; carpenter, one thousand dollars; plumber, machinist, and painter, at nine hundred dollars each; four skilled laborers, at seven hundred and twenty dollars each; twenty-eight firemen; ten conductors of elevators, at seven hundred and twenty dollars each; seventeen laborers; and eighty charwomen; in all, one hundred and twenty thousand three hundred dollars.

Fuel, lights, etc.

For fuel, lights, repairs, and miscellaneous items, including city directories, thirty-eight thousand dollars.

Navy Department.

NAVY DEPARTMENT.

Pay of Secretary, assistant, etc.

OFFICE OF THE SECRETARY: For compensation of the Secretary of the Navy, eight thousand dollars; Assistant Secretary of the Navy, four thousand five hundred dollars; chief clerk, two thousand five

hundred dollars; clerk to the Secretary, two thousand two hundred and fifty dollars; disbursing clerk, two thousand two hundred and fifty dollars; four clerks of class four; one clerk of class three; stenographer, one thousand eight hundred dollars; one clerk of class two; four clerks of class one; two clerks, at one thousand dollars each; telegraph operator, one thousand dollars; carpenter, nine hundred dollars; two messengers; four assistant messengers; four laborers; in all, forty-seven thousand four hundred dollars.

It shall be the duty of the Secretary of the Navy to submit in the Book of Estimates for the fiscal year nineteen hundred and two, and annually thereafter, under the respective bureaus and offices of the Navy Department, a statement in detail, showing the number of persons employed during the previous fiscal year and the rate of compensation of each under appropriations for "Increase of the Navy" or other general appropriations.

Statement of number, etc., of persons employed under appropriations for "Increase of the Navy," etc.

LIBRARY OF THE NAVY DEPARTMENT: For one clerk of class two; one clerk of class one; one assistant messenger; one laborer; in all, three thousand nine hundred and eighty dollars.

Library.

OFFICE OF NAVAL RECORDS OF THE REBELLION: For two clerks of class four; two clerks of class two; two clerks of class one; two clerks, at one thousand dollars each; two copyists; two copyists, at seven hundred and twenty dollars each; necessary traveling expenses for collection of records, two hundred and fifty dollars; in all, fourteen thousand two hundred and ninety dollars.

Office of Naval Records of the Rebellion.

For continuing the publication of an edition of eleven thousand copies of the Official Records of the Union and Confederate Navies in the War of the Rebellion, in accordance with the plan approved by the Secretary of the Navy under the Act of Congress approved July thirty-first, eighteen hundred and ninety-four, and for the purpose of making such maps and illustrations as relate to the work, twenty-one thousand dollars.

Continuing publication.

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JUDGE-ADVOCATE-GENERAL, UNITED STATES NAVY: For a solicitor, to be an assistant to the Judge-Advocate of the Navy, and to perform the duties of that officer in case of his death, resignation, absence, or sickness, two thousand five hundred dollars; chief clerk, two thousand dollars; two clerks of class four; one clerk of class three; one clerk of class two; one clerk of class one; one clerk, one thousand dollars; one clerk, nine hundred dollars; and one laborer; in all, fourteen thousand eight hundred and sixty dollars.

Judge - Advocate-General's Office.

BUREAU OF NAVIGATION: For chief clerk, two thousand dollars; one clerk of class four; three clerks of class three; four clerks of class two; four clerks of class one; six clerks, at one thousand dollars each; two copyists; twenty copyists, at eight hundred and forty dollars each; three copyists, at seven hundred and twenty dollars each; three assistant messengers; three laborers; in all, forty-nine thousand nine hundred dollars.

Bureau of Navigation.

OFFICE OF NAVAL INTELLIGENCE: For one clerk of class three; one clerk of class two; one translator, one thousand four hundred dollars; one assistant draftsman, one thousand two hundred dollars; three clerks, at one thousand dollars each; and one laborer; in all, nine thousand two hundred and sixty dollars.

Office of Naval Intelligence.

BUREAU OF EQUIPMENT: For chief clerk, two thousand dollars; one clerk of class four; one electrical expert and draftsman, one thousand six hundred dollars; one clerk of class two; one clerk of class one; one copyist; one assistant messenger; one messenger boy, three hundred and sixty dollars; and one laborer; in all, ten thousand six hundred and forty dollars.

Bureau of Equipment.

HYDROGRAPHIC OFFICE: For two clerks of class two; one clerk of class one; one assistant messenger; one watchman; in all, five thousand four hundred and forty dollars.

Hydrographic Office.

Services.	For hydrographic engineer, draftsmen, engravers, assistants, nautical experts, computers, lithographers, custodian of archives, compiler, copyists, copperplate printers, apprentices, helpers, and laborers in the Hydrographic Office, ninety-five thousand four hundred and eighteen dollars; and no other fund appropriated shall be used in payment for such or similar services in the Hydrographic Office, at Washington, District of Columbia.
Materials.	For purchase of copperplates, steel plates, chart paper, packing boxes, chart portfolios, electrotyping copperplates; cleaning copperplates; tools, instruments, power, and materials for drawing, engraving, and printing; materials for and mounting charts; reduction of charts by photography; photolithographing charts for immediate use; transfer of photolithographic and other charts to copper; care and repairs to printing presses, furniture, instruments, and tools; extra drawing and engraving; translating from foreign languages; telegrams on public business; the preparation of the Pilot Chart and supplements, and the printing and mailing of the same; and purchase of data for charts and sailing directions and other nautical publications; works, and periodicals relating to hydrography, marine meteorology, navigation, surveying, oceanography, and terrestrial magnetism, seven thousand dollars.
Rent.	For rent of building and rooms, repairs and heating of the same, and for gas, water, and telephone rates, two thousand one hundred dollars.
Contingent expenses.	Contingent expenses of branch offices at Boston, New York, Philadelphia, Baltimore, Norfolk, Savannah, New Orleans, San Francisco, Portland (Oregon), Portland (Maine), Chicago, Cleveland, Port Townsend, Buffalo, Duluth, and Sault Sainte Marie, including furniture, fuel, lights, rent and care of offices, car fare and ferrriage in visiting merchant vessels, freight and express charges, telegrams, and other necessary expenses incurred in collecting the latest information for the Pilot Chart, and for other purposes for which the offices were established, and for the establishment of a branch office at Galveston, thirty thousand dollars.
Monthly Pilot Chart, Pacific Ocean.	For a monthly Pilot Chart of the North Pacific Ocean, showing graphically the matters of value and interest to the maritime community of the Pacific coast, and particularly the directions and forces of the winds to be expected during the month succeeding the date of issue; the set and strength of the currents; the feeding grounds of whales and seals; the regions of storm, fog, and ice; the positions of derelicts and floating obstructions to navigation; and the best routes to be followed by steam and by sail; including the expenses of communicating and circulating information; lithographing and engraving; the purchase of materials for, and printing and mailing the chart, two thousand dollars.
Limit on expenditures.	No expenditure shall be incurred or authorized for personal services or otherwise under the Hydrographic Office, at Washington, District of Columbia, during the fiscal year nineteen hundred and one except as herein authorized by appropriations under the Navy Department or under appropriations that may be made for printing and binding.
Naval Observatory.	NAVAL OBSERVATORY: For pay of three assistant astronomers, one at two thousand dollars, and two at one thousand eight hundred dollars each; one clerk of class four; one clerk of class one; instrument maker, one thousand five hundred dollars; electrician, one thousand five hundred dollars; photographer, one thousand two hundred dollars; five computers, at one thousand two hundred dollars each; assistant librarian, one thousand two hundred dollars; foreman and captain of the watch, one thousand dollars; carpenter and engineer, at one thousand dollars each; one skilled laborer, seven hundred and twenty dollars; three firemen; six watchmen; elevator conductor, seven hun-

dred and twenty dollars; and ten laborers; in all, thirty-seven thousand five hundred and twenty dollars.

For miscellaneous computations, four thousand dollars.

Computations.

For professional and scientific books, periodicals, engravings, photographs, and fixtures for the library, seven hundred and fifty dollars.

Books.

For apparatus and instruments, and for repairs of the same, two thousand dollars.

Apparatus.

For repairs to buildings, fixtures, and fences, furniture, gas, chemicals, and stationery, freight (including transmission of public documents through the Smithsonian exchange), foreign postage, and expressage, plants, fertilizers, and all contingent expenses, two thousand five hundred dollars.

Contingent expenses.

For fuel, oil, grease, tools, pipe, wire, and other materials needed for the maintenance and repair of boilers, engines, heating apparatus, electric lighting and power plant, and water-supply system; purchase and maintenance of teams; material for boxing nautical instruments for transportation; paints, telegraph and telephone service, and incidental labor, seven thousand five hundred dollars.

Miscellaneous.

NAUTICAL ALMANAC OFFICE: For the following assistants, in preparing for publication the American Ephemeris and Nautical Almanac, nameiy: Three, at one thousand six hundred dollars each; two, at one thousand four hundred dollars each; three, at one thousand two hundred dollars each; two, at one thousand dollars each; one copyist and typewriter, nine hundred dollars; one assistant messenger; one laborer; and one messenger boy, four hundred and twenty dollars; in all, fifteen thousand nine hundred dollars.

Nautical Almanac Office.

For pay of computers on piecework in preparing for publication the American Ephemeris and Nautical Almanac and improving the tables of the planets, moon, and stars, seven thousand dollars.

BUREAU OF STEAM ENGINEERING: For chief clerk, two thousand dollars; one clerk of class three; one clerk of class two; one clerk of class one; one assistant messenger; two laborers; draftsman, one thousand four hundred dollars; assistant draftsman, one thousand dollars; one stenographer and typewriter, one thousand dollars; one stenographer and typewriter, nine hundred dollars; in all, twelve thousand five hundred and forty dollars.

Bureau of Steam Engineering.

BUREAU OF CONSTRUCTION AND REPAIR: For chief clerk, two thousand dollars; assistant draftsman, one thousand four hundred dollars; two clerks of class three; two clerks of class one; one assistant messenger; and one laborer; in all, ten thousand three hundred and eighty dollars.

Bureau of Construction and Repair.

BUREAU OF ORDNANCE: For chief clerk, two thousand dollars; draftsman, one thousand eight hundred dollars; assistant draftsman, one thousand four hundred dollars; two clerks of class two; two clerks of class one; one assistant messenger; and one laborer; in all, eleven thousand seven hundred and eighty dollars.

Bureau of Ordnance.

BUREAU OF SUPPLIES AND ACCOUNTS: For chief clerk, two thousand dollars; three clerks of class four; six clerks of class three; two clerks of class two; two stenographers, at one thousand four hundred dollars each; eleven clerks of class one; five clerks, at one thousand dollars each; one assistant messenger; one messenger boy, four hundred and twenty dollars; and one laborer; in all, forty-two thousand six hundred dollars.

Bureau of Supplies and Accounts.

BUREAU OF MEDICINE AND SURGERY: For chief clerk, two thousand dollars; one clerk of class three; one clerk of class two; one clerk of class one; one clerk, one thousand dollars; two copyists, at eight hundred and forty dollars each; one laborer; janitor, six hundred dollars; and one laborer, four hundred and eighty dollars (for Naval Dispensary); in all, ten thousand six hundred and twenty dollars.

Bureau of Medicine and Surgery.

Bureau of Yards and
Docks.

BUREAU OF YARDS AND DOCKS: For chief clerk, two thousand dollars; draftsman and clerk, one thousand eight hundred dollars; one clerk of class three; two clerks of class two; one clerk of class one; one assistant messenger; and one laborer; in all, ten thousand seven hundred and eighty dollars.

Books.

For professional books and periodicals for Department library, seven hundred and fifty dollars.

Contingent expenses.

For stationery, furniture, newspapers, plans, drawings, drawing materials, horses and wagons, to be used only for official purposes, freight, expressage, postage, and other absolutely necessary expenses of the Navy Department and its various bureaus and offices, twelve thousand dollars.

Interior Department.

DEPARTMENT OF THE INTERIOR.

Pay of secretary,
assistants, clerks, etc.

OFFICE OF THE SECRETARY: For compensation of the Secretary of the Interior, eight thousand dollars; First Assistant Secretary, four thousand five hundred dollars; Assistant Secretary, four thousand dollars; chief clerk, two thousand five hundred dollars, and two hundred and fifty dollars additional as superintendent of the Patent Office building; nine members of a Board of Pension Appeals, to be appointed by the Secretary of the Interior, at two thousand dollars each; three additional members of said Board of Pension Appeals, to be appointed by the Secretary of the Interior and to be selected from the force of the Pension Office, at two thousand dollars each; special land inspector, connected with the administration of the public land service to be appointed by the Secretary of the Interior and to be subject to his direction, two thousand five hundred dollars; clerk in charge of documents, two thousand dollars; custodian, who shall give bond in such sum as the Secretary of the Interior may determine, two thousand dollars; seven clerks, chiefs of division, at two thousand dollars each, one of whom shall be disbursing clerk; four clerks, at two thousand dollars each; private secretary to the Secretary of the Interior, two thousand two hundred and fifty dollars; twelve clerks of class four; eleven clerks of class three; thirteen clerks of class two; twenty-seven clerks of class one, two of whom shall be stenographers or typewriters; returns office clerk, one thousand two hundred dollars; female clerk, to be designated by the President, to sign land patents, one thousand two hundred dollars; two clerks, at one thousand dollars each; one clerk, nine hundred dollars; eight copyists; telephone operator, six hundred dollars; three messengers; six assistant messengers; fourteen laborers; two skilled mechanics, one at nine hundred dollars and one at seven hundred and twenty dollars; two carpenters, at nine hundred dollars each; one laborer, six hundred dollars; one packer, six hundred and sixty dollars; conductor of elevator, seven hundred and twenty dollars; four charwomen; captain of the watch, one thousand dollars; forty watchmen; additional to two watchmen acting as lieutenants of watchmen, at one hundred and twenty dollars each; engineer, one thousand two hundred dollars; assistant engineer, one thousand dollars; and seven firemen; in all, two hundred and thirty-six thousand six hundred and twenty dollars.

Board of Pension
Appeals.
—additional mem-
bers.

Land inspector.

Messengers.

Watchmen.

Additional employ-
ees, General Post-
Office building.

For additional employees, for the proper protection, heating, care, and preservation of the General Post-Office building, to be occupied by the Department of the Interior, namely: One engineer, one thousand four hundred dollars; one assistant engineer, one thousand dollars; four firemen; three watchmen, acting as lieutenants, at eight hundred and forty dollars each; twenty watchmen; one conductor of elevator, at seven hundred and twenty dollars; fourteen laborers; ten laborers, at four hundred and eighty dollars each; in all, thirty-six thousand two hundred and sixty dollars.

For a clerk of class four, to act as census clerk, and for rent, salaries, heat, and light incident to the proper care and preservation of the records of the Eleventh and previous censuses, six thousand eight hundred dollars.

Eleventh Census, expenses, etc.

OFFICE OF ASSISTANT ATTORNEY-GENERAL: For assistant attorney, two thousand seven hundred and fifty dollars; assistant attorney, two thousand five hundred dollars; two assistant attorneys, at two thousand two hundred and fifty dollars each; sixteen assistant attorneys, at two thousand dollars each; four clerks of class three, one of whom shall act as stenographer and one of whom shall be a stenographer and typewriter; one clerk of class one; and one clerk, nine hundred dollars; in all, fifty thousand two hundred and fifty dollars.

Assistant Attorney-General's office.

For per diem in lieu of subsistence of one special land inspector connected with the administration of the public land service, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding three dollars per day, and for actual necessary expenses of transportation, two thousand dollars, to be expended under the direction of the Secretary of the Interior.

Per diem, land inspector.

GENERAL LAND OFFICE: For the Commissioner of the General Land Office, five thousand dollars; Assistant Commissioner, to be appointed by the President, by and with the advice and consent of the Senate, who shall be authorized to sign such letters, papers, and documents and to perform such other duties as may be directed by the Commissioner, and shall act as Commissioner in the absence of that officer or in case of a vacancy in the office of Commissioner, three thousand five hundred dollars; chief clerk, two thousand two hundred and fifty dollars; two law clerks, at two thousand two hundred dollars each; three inspectors of surveyors-general and district land offices, at two thousand dollars each; recorder, two thousand dollars; eleven chiefs of division, at two thousand dollars each; two law examiners, at two thousand dollars each; ten principal examiners of land claims and contests, at two thousand dollars each; thirty clerks of class four; fifty-six clerks of class three; fifty-nine clerks of class two; sixty-one clerks of class one; fifty-three clerks, at one thousand dollars each; fifty-nine copyists; two messengers; eight assistant messengers; twenty-one laborers; and one packer, seven hundred and twenty dollars; one depositary acting for the Commissioner as receiver of public moneys and also as confidential secretary, two thousand dollars; librarian for the law library of the General Land Office, to be selected by the Secretary of the Interior wholly with reference to his special fitness for such work, one thousand dollars; in all, four hundred and ninety-nine thousand six hundred and seventy dollars.

General Land Office.

For per diem in lieu of subsistence of inspectors and of clerks detailed to investigate fraudulent land entries, trespasses on the public lands, and cases of official misconduct; also of clerks detailed to examine the books of and assist in opening new land offices, while traveling on duty, at a rate to be fixed by the Secretary of the Interior, not exceeding three dollars per day, and for actual necessary expenses of transportation, including necessary sleeping-car fares, and for employment of stenographers and other assistants when necessary to the efficient conduct of examinations, and when authorized by the Commissioner of the General Land Office, seven thousand dollars.

Per diem, etc., investigations.

For law books for the law library of the General Land Office, including two hundred and fifty dollars for law digests, four hundred and fifty dollars.

Law books.

For connected and separate United States and other maps prepared in the General Land Office, fourteen thousand eight hundred and forty dollars: *Provided*, That of the United States maps procured hereunder seven thousand two hundred copies shall be delivered to the Senate and fourteen thousand four hundred copies shall be delivered

Maps.

Proviso, distribution.

to the House of Representatives, and the residue shall be delivered to the Secretary of the Interior for distribution.

Mine inspectors.
Vol. 26, p. 1104.

MINE INSPECTORS: For salaries of two mine inspectors, authorized by the Act approved March third, eighteen hundred and ninety-one, for the protection of the lives of miners in the Territories, at two thousand dollars per annum each, four thousand dollars.

For per diem, subject to such rules and regulations as the Secretary of the Interior may prescribe, in lieu of subsistence at a rate not exceeding three dollars per day each, while absent from their homes on duty, and for actual necessary traveling expenses of said inspectors, including necessary sleeping-car fares, three thousand three hundred and fifty dollars.

Indian Office.

INDIAN OFFICE: For the Commissioner of Indian Affairs, four thousand dollars; Assistant Commissioner, who shall also perform the duties of chief clerk, three thousand dollars; financial clerk, two thousand dollars; chief of division, two thousand dollars; principal bookkeeper, one thousand eight hundred dollars; five clerks of class four; fourteen clerks of class three; draftsman, one thousand six hundred dollars; stenographer, one thousand six hundred dollars; stenographer, one thousand four hundred dollars; ten clerks of class two; twenty-five clerks of class one; fourteen clerks, at one thousand dollars each; one stenographer, and one clerk, to superintendent of Indian schools, at one thousand dollars each; seventeen copyists; architect, one thousand five hundred dollars; draftsman, one thousand five hundred dollars; one messenger; two assistant messengers; two laborers; female messenger, eight hundred and forty dollars; messenger boy, three hundred and sixty dollars; and two charwomen; in all, one hundred and thirty-two thousand three hundred and eighty dollars.

Pension Office.

PENSION OFFICE: For the Commissioner of Pensions, five thousand dollars; First Deputy Commissioner, three thousand six hundred dollars; Second Deputy Commissioner, three thousand six hundred dollars; chief clerk, two thousand two hundred and fifty dollars; assistant chief clerk, two thousand dollars; medical referee, three thousand dollars; assistant medical referee, two thousand two hundred and fifty dollars; two qualified surgeons, who shall be experts in their profession, at two thousand dollars each; thirty-eight medical examiners, who shall be surgeons of education, skill, and experience in their profession, at one thousand eight hundred dollars each; ten chiefs of division, at two thousand dollars each; law clerk, two thousand dollars; fifty-eight principal examiners, at two thousand dollars each; twenty assistant chiefs of division, at one thousand eight hundred dollars each; three stenographers, at one thousand six hundred dollars each; seventy clerks of class four; eighty-five clerks of class three; three hundred and thirty clerks of class two; four hundred clerks of class one; two hundred and fifty clerks, at one thousand dollars each; one hundred and sixty copyists; superintendent of building, one thousand four hundred dollars; two engineers, at one thousand two hundred dollars each; three firemen; thirty-three messengers; twelve assistant messengers; twenty messenger boys, at four hundred dollars each; thirty-five laborers; ten female laborers, at four hundred dollars each; fifteen charwomen; one painter, skilled in his trade, nine hundred dollars; one cabinetmaker, skilled in his trade, nine hundred dollars; captain of the watch, eight hundred and forty dollars; three sergeants of the watch, at seven hundred and fifty dollars each; twenty watchmen; in all, one million nine hundred and seventy-one thousand two hundred and ten dollars.

Per diem, etc., in-
vestigations.

For per diem, when absent from home and traveling on duty outside the District of Columbia, for special examiners, or other persons employed in the Bureau of Pensions, detailed for the purpose of making special investigations pertaining to said Bureau, in lieu of expenses

for subsistence, not exceeding three dollars per day, and for actual and necessary expenses for transportation and assistance and any other necessary expenses, including telegrams, four hundred thousand dollars: *Provided*, That two special examiners, or clerks detailed and acting as chief and assistant chief of the division of special examiners, may be allowed, from this appropriation, in addition to their salaries and in lieu of per diem and all expenses for subsistence, a sum sufficient to make their annual compensation two thousand dollars and one thousand eight hundred dollars, respectively, and whenever it may be necessary for either of them to travel on official business outside the District of Columbia by special direction of the Commissioner, he shall receive the same allowance in lieu of subsistence and for transportation as is herein provided for special examiners and detailed clerks engaged in field service; and the Secretary of the Interior shall so apportion the sum herein appropriated as to prevent a deficiency therein.

Proviso.
Chief and assistant
special examiners.

For an additional force of one hundred and fifty special examiners for one year, at a salary of one thousand three hundred dollars each, one hundred and ninety-five thousand dollars, and no person so appointed shall be employed in the State from which he is appointed; and any of those now employed in the Pension Office or as special examiners may be reappointed if they be found to be qualified.

Additional special
examiners.

PATENT OFFICE: For the Commissioner of Patents, five thousand dollars; Assistant Commissioner, who shall perform such duties pertaining to the office of Commissioner as may be assigned to him by the Commissioner, three thousand dollars; chief clerk, two thousand five hundred dollars; two law clerks, at two thousand five hundred dollars each; three examiners in chief, at three thousand dollars each; examiner of interferences, two thousand five hundred dollars; thirty-six principal examiners, at two thousand five hundred dollars each; thirty-eight first assistant examiners, at one thousand eight hundred dollars each; forty-two second assistant examiners, at one thousand six hundred dollars each; fifty-one third assistant examiners, at one thousand four hundred dollars each; sixty fourth assistant examiners, at one thousand two hundred dollars each; financial clerk, who shall give bonds in such amount as the Secretary of the Interior may determine, two thousand dollars; librarian, two thousand dollars; three chiefs of division, at two thousand dollars each; three assistant chiefs of division, at one thousand eight hundred dollars each; five clerks of class four, one of whom shall act as application clerk; machinist, one thousand six hundred dollars; six clerks of class three, one of whom shall be translator of languages; fourteen clerks of class two; fifty-seven clerks of class one; skilled laborer, one thousand two hundred dollars; three skilled draftsmen, at one thousand two hundred dollars each; four draftsmen, at one thousand dollars each; twenty-seven permanent clerks, at one thousand dollars each; messenger and property clerk, one thousand dollars; five model attendants, at one thousand dollars each; ten model attendants, at eight hundred dollars each; ninety-six copyists, seven of whom may be copyists of drawings; forty-one copyists, at seven hundred and twenty dollars each; three messengers; twenty-six assistant messengers; fifty-one laborers, at six hundred dollars each; fifty laborers, at four hundred and eighty dollars each; thirty-four messenger boys, at three hundred and sixty dollars each; in all, seven hundred and seventy-three thousand four hundred dollars.

Patent Office.

Books.

For purchase of professional and scientific books and expenses of transporting publications of patents issued by the Patent Office to foreign governments, two thousand dollars.

For purchase of law books, five hundred dollars.

For producing the Official Gazette, including weekly, monthly, quarterly, and annual indexes therefor, exclusive of expired patents, one hundred thousand dollars.

Official Gazette.

Copies of drawings,
etc.

Vol. 28, p. 620.

Provided,
Work at Govern-
ment Printing Office.

For producing copies of drawings of the weekly issues of patents; for producing copies of designs, trade-marks, and pending applications; and for the reproduction of exhausted copies of drawings and specifications; said work referred to in this and the preceding paragraph to be done as provided by the "Act providing for the public printing and binding and for the distribution of public documents:" *Provided*, That the entire work may be done at the Government Printing Office if, in the judgment of the Joint Committee on Printing, or, if there shall be no Joint Committee, in the judgment of the Committee on Printing of either House, it shall be deemed to be for the best interests of the Government, sixty-four thousand dollars.

Investigating use of
inventions.

For investigating the question of the public use or sale of inventions for two years or more prior to filing applications for patents, and for expenses attending defense of suits instituted against the Commissioner of Patents, two hundred and fifty dollars.

International Bu-
reau, Berne.

For the share of the United States in the expense of conducting the International Bureau at Berne, Switzerland, seven hundred dollars.

Bureau of Educa-
tion.

BUREAU OF EDUCATION: For Commissioner of Education, three thousand dollars; chief clerk, one thousand eight hundred dollars; statistician, one thousand eight hundred dollars; translator, one thousand six hundred dollars; collector and compiler of statistics, two thousand four hundred dollars; specialist in foreign educational systems, one thousand eight hundred dollars; specialist in education as a preventive of pauperism and crime, two thousand dollars; specialist in educational systems, one thousand four hundred dollars; two clerks of class four; two clerks of class three; four clerks of class two; seven clerks of class one; two clerks, at one thousand dollars each; seven copyists; two copyists, at eight hundred dollars each; copyist, seven hundred and twenty dollars; skilled laborer, eight hundred and forty dollars; one assistant messenger; two laborers; two laborers, at four hundred and eighty dollars each; laborer, four hundred dollars; and one laborer, three hundred and sixty dollars; in all, fifty-one thousand eight hundred and twenty dollars.

Agricultural College
statistics.

For one clerk of class four, to obtain, receive, collate, and, under the direction of the Commissioner of Education, to furnish the Secretary of the Interior with the information in relation to the operations and work of the colleges of agriculture and mechanic arts that will enable the Secretary to discharge the duties imposed on the Secretary of the Interior by the Act approved August thirtieth, eighteen hundred and ninety, to apply a portion of the proceeds of the public lands to the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts, established under the provisions of an Act of Congress approved July second, eighteen hundred and sixty-two, one thousand eight hundred dollars.

Vol. 26, p. 47.

Vol. 12, p. 503.

Books, etc.

For books for library, current educational periodicals, other current publications, and completing valuable sets of periodicals, two hundred and fifty dollars.

Statistics.

For collecting statistics for special reports and circulars of information, two thousand five hundred dollars.

Distribution, etc.,
documents.

For the purchase, distribution, and exchange of educational documents, and for the collection, exchange, and cataloguing of educational apparatus and appliances, text-books and educational reference books, articles of school furniture and models of school buildings illustrative of foreign and domestic systems and methods of education, and for procuring anthropological instruments of precision, and for repairing the same, two thousand five hundred dollars.

Commissioner of
Railroads.

OFFICE OF COMMISSIONER OF RAILROADS: For Commissioner, four thousand five hundred dollars; bookkeeper, two thousand dollars; assistant bookkeeper, one thousand eight hundred dollars; one clerk of class two; one clerk, one thousand dollars; and one assistant messenger; in all,

eleven thousand four hundred and twenty dollars: *Provided*, That the office of Commissioner of Railroads shall terminate on the thirtieth day of June, nineteen hundred and one. *Proviso.*
—office terminated.

OFFICE OF THE ARCHITECT OF THE CAPITOL: For Architect, four thousand five hundred dollars; chief clerk and assistant, two thousand two hundred and fifty dollars, and said officer hereafter in case of the absence or disability of the Architect shall have full power and authority to do and perform all the acts which the Architect might himself do, and in case of a vacancy shall perform the duties of the Architect until the vacancy shall be filled according to law; draftsman, one thousand eight hundred dollars; compensation to disbursing clerk, one thousand dollars; one assistant messenger; person in charge of the heating of the Supreme Court and central portion of the Capitol, eight hundred and sixty-four dollars; laborer in charge of water-closets in central portion of the Capitol, six hundred and sixty dollars; three laborers for cleaning Rotunda, corridors, and Dome, at six hundred and sixty dollars each; two laborers in charge of public closets of the House of Representatives and in the terrace, at seven hundred and twenty dollars each; in all, fifteen thousand two hundred and fourteen dollars. Architect of the Capitol.

OFFICE OF THE DIRECTOR OF THE GEOLOGICAL SURVEY: For Director, five thousand dollars; chief clerk, two thousand two hundred and fifty dollars; chief disbursing clerk, two thousand four hundred dollars; librarian, two thousand dollars; photographer, two thousand dollars; three assistant photographers, one at nine hundred dollars, one at seven hundred and twenty dollars, and one at four hundred and eighty dollars; two clerks of class one; one clerk, one thousand dollars; four clerks, at nine hundred dollars each; four copyists, at seven hundred and twenty dollars each; watchman, eight hundred and forty dollars; four watchmen, at six hundred dollars each; janitor, six hundred dollars; four messengers, at four hundred and eighty dollars each; in all, thirty-one thousand three hundred and ninety dollars. Geological Survey.

For contingent expenses of the office of the Secretary of the Interior and the bureaus, offices, and buildings of the Interior Department, including the Civil Service Commission: For furniture, carpet, ice, lumber, hardware, dry goods, advertising, telegraphing, expressage, wagons, and harness, food and shoeing of horses, diagrams, awnings, constructing model and other cases, cases for drawings, file holders, repairs of cases and furniture, and other absolutely necessary expenses, including fuel and lights, ninety thousand dollars. Contingent expenses.

For stationery for the Department of the Interior and its several bureaus and offices, including the Civil Service Commission, fifty-five thousand five hundred dollars. Stationery.

For professional and scientific books, law books, and books to complete broken sets, periodicals, directories, and other books of reference relating to the business of the Department, seven hundred and fifty dollars. Books.

For rent of buildings for the Department of the Interior, namely: For the Bureau of Education, four thousand dollars; Geological Survey, ten thousand dollars; additional rooms for the engraving and printing divisions of the Geological Survey, one thousand two hundred dollars; storage of documents, two thousand dollars; Civil Service Commission, four thousand dollars; Patent Office model exhibit, thirteen thousand dollars; in all, thirty-four thousand two hundred dollars. Rent.

For postage stamps for the Department of the Interior and its bureaus, as required under the Postal Union, to prepay postage on matter addressed to Postal Union countries, three thousand six hundred dollars. Postage stamps.

Surveyors-general,
etc.

SURVEYORS-GENERAL AND THEIR CLERKS.

Alaska.

For surveyor-general of Alaska, three thousand dollars; clerks in his office, three thousand dollars; in all, six thousand dollars.

For rent of office for surveyor-general, pay of messenger, stationery, binding of records, furniture, drafting instruments, and other incidental expenses, one thousand five hundred dollars.

Arizona.

For surveyor-general of the Territory of Arizona, two thousand dollars; and for the clerks in his office, five thousand dollars; in all, seven thousand dollars.

For rent of office for the surveyor-general, pay of messenger, fuel, light, stationery, printing, binding of records, drafting supplies, record cases, office furniture, new typewriter, and other incidental expenses, one thousand dollars.

California.

For surveyor-general of California, two thousand dollars; and for the clerks in his office, twelve thousand dollars; in all, fourteen thousand dollars.

For pay of messenger, stationery, binding, washing, telephone, repairing maps, repairs to locks, clocks, and typewriter, and other incidental expenses, one thousand five hundred dollars.

Colorado.

For surveyor-general of the State of Colorado, two thousand dollars; and for the clerks of his office, ten thousand dollars; in all, twelve thousand dollars.

For rent of office for the surveyor-general, pay of messenger, stationery, binding and repairing records, repairs of furniture, and other incidental expenses, two thousand five hundred dollars.

Florida.

For surveyor-general of Florida, one thousand eight hundred dollars; and for the clerks in his office, one thousand two hundred dollars; in all, three thousand dollars.

For pay of messenger, stationery, supplies, post-office box rent, and other incidental expenses, five hundred dollars.

Idaho.

For surveyor-general of Idaho, two thousand dollars; and for the clerks in his office, eight thousand dollars; in all, ten thousand dollars.

For rent of office for the surveyor-general, pay of messenger, stationery, binding, printing, fuel, light, typewriter, drafting instruments, new furniture, post-office box rent, and other incidental expenses, one thousand five hundred dollars.

Louisiana.

For surveyor-general of Louisiana one thousand eight hundred dollars; and for the clerks in his office, seven thousand dollars; in all, eight thousand eight hundred dollars.

For messenger, stationery, binding records, and other incidental expenses, one thousand dollars.

Minnesota.

For surveyor-general of Minnesota, one thousand eight hundred dollars; and for the clerks in his office, two thousand dollars; in all, three thousand eight hundred dollars.

For pay of messenger, stationery, printing, binding, and other incidental expenses, five hundred dollars.

Montana.

For surveyor-general of Montana, two thousand dollars; and for the clerks in his office, eleven thousand dollars; in all, thirteen thousand dollars.

For rent of office for the surveyor-general, pay of messenger, lights, post-office box, ice, stationery, binding, furniture, and other incidental expenses, one thousand five hundred dollars.

Nevada.

For surveyor-general of Nevada, one thousand eight hundred dollars; and for the clerks in his office, one thousand five hundred dollars; in all, three thousand three hundred dollars.

For rent of office for the surveyor-general, pay of messenger, fuel, stationery, post-office box rent, draftsmen's requisites, fuel, binding records, and other incidental expenses, five hundred dollars.

New Mexico.

For surveyor-general of the Territory of New Mexico, two thousand

dollars; and for clerks in his office, ten thousand dollars; in all, twelve thousand dollars.

For printing, stationery, drafting instruments, drawing paper, binding record books, and plats, telephone, registration of letters, post-office box rent, towels, pay of messenger, and other incidental expenses, one thousand dollars.

For surveyor-general of North Dakota, two thousand dollars; and for the clerks in his office, five thousand five hundred dollars; in all, seven thousand five hundred dollars.

North Dakota.

For rent of office for the surveyor-general, pay of messenger, stationery, printing, binding, lights, laundry, ice, post-office box rent, furniture and repairs, and other incidental expenses, one thousand five hundred dollars.

For surveyor-general of Oregon, two thousand dollars; and for the clerks in his office, seven thousand two hundred and fifty dollars; in all, nine thousand two hundred and fifty dollars.

Oregon.

For pay of messenger, stationery, furniture, record books, laundry, ice, binding, post-office box rent, and other incidental expenses, one thousand dollars.

For surveyor-general of South Dakota, two thousand dollars; and for clerks in his office, five thousand dollars; in all, seven thousand dollars.

South Dakota.

For rent of office for the surveyor-general, stationery, typewriters, drafting instruments, fuel, pay of messenger, binding, furniture, laundry, post-office box rent, and other incidental expenses, one thousand five hundred dollars.

For surveyor-general of Utah, two thousand dollars; and for the clerks in his office, six thousand dollars; in all, eight thousand dollars.

Utah.

For rent of office for the surveyor-general, pay of messenger, stationery supply, binding, drawing paper, and other incidental expenses, one thousand two hundred dollars.

For surveyor-general of Washington, two thousand dollars; and for the clerks in his office, eight thousand eight hundred dollars; in all, ten thousand eight hundred dollars.

Washington.

For rent of office for the surveyor-general, books, blanks, furniture, stationery, pay of messenger, binding records, and other incidental expenses, two thousand dollars.

For surveyor-general of Wyoming, two thousand dollars; and for the clerks in his office, six thousand three hundred dollars; in all, eight thousand three hundred dollars.

Wyoming.

For rent of office for the surveyor-general, pay of messenger, stationery, and supplies, lights, ice, post-office box rent, and other incidental expenses, one thousand dollars.

POST-OFFICE DEPARTMENT.

Post-Office Department.

OFFICE POSTMASTER-GENERAL: For compensation of the Postmaster-General, eight thousand dollars; chief clerk, Post-Office Department, two thousand five hundred dollars; private secretary, two thousand two hundred and fifty dollars; stenographer, one thousand six hundred dollars; appointment clerk, one thousand eight hundred dollars; one clerk of class four; two clerks of class three; four clerks of class two; one clerk of class one; one clerk, one thousand dollars; curator of museum, one thousand dollars; one clerk, nine hundred dollars; one messenger; one assistant messenger; one telephone operator, six hundred and sixty dollars; page, three hundred and sixty dollars; in all, thirty-three thousand four hundred and thirty dollars.

Pay of Postmaster-General, clerks, etc.

Office of Assistant Attorney-General for the Post-Office Department: Assistant attorney, two thousand seven hundred and fifty dollars; one clerk of class four; one clerk of class three; one clerk of class

Assistant Attorney-General's office.

two; two clerks of class one; assistant messenger; in all, ten thousand six hundred and seventy dollars.

First Assistant Postmaster-General, clerks, etc.

Money-Order System.

Free delivery.

Dead-Letter Office.

OFFICE FIRST ASSISTANT POSTMASTER-GENERAL: For First Assistant Postmaster-General, four thousand dollars; chief clerk, two thousand five hundred dollars; Superintendent of the Money-Order System, three thousand dollars; chief clerk Money-Order System, two thousand dollars; superintendent of free delivery, three thousand dollars; four assistant superintendents of free delivery, at two thousand dollars each; Superintendent of the Dead-Letter Office, two thousand five hundred dollars; one clerk of class four, who shall be chief clerk of the Dead-Letter Office; superintendent of salaries and allowances, three thousand dollars; assistant superintendent of salaries and allowances, two thousand dollars; superintendent of post-office supplies, two thousand two hundred and fifty dollars; assistant superintendent of the division of post-office supplies, one thousand eight hundred dollars; chief of the correspondence division, two thousand dollars; ten clerks of class four; eighteen clerks of class three; twenty-one clerks of class two; forty-two clerks of class one; forty-five clerks, at one thousand dollars each; thirty-seven clerks, at nine hundred dollars each; eight assistant messengers; twenty-five laborers; two pages, at three hundred and sixty dollars each; and five female laborers, at four hundred and eighty dollars each; in all, two hundred and sixty-eight thousand one hundred and thirty dollars.

Temporary force.

For continuing the employment of such additional temporary force of clerks and other employees, rendered necessary because of increase of work incident to the war with Spain, as in the judgment of the Postmaster-General may be proper and necessary to the prompt, efficient, and accurate dispatch of the business in the office of the First Assistant Postmaster-General, seventeen thousand eight hundred and fifty dollars.

Second Assistant Postmaster-General, clerks, etc.

OFFICE SECOND ASSISTANT POSTMASTER-GENERAL: For Second Assistant Postmaster-General, four thousand dollars; chief clerk, two thousand one hundred dollars; chief of division of inspection, two thousand dollars; chief of contract division, two thousand dollars; chief of mail equipment division, two thousand dollars; superintendent of railway adjustment division, two thousand dollars; superintendent of foreign mails, three thousand dollars; chief clerk, two thousand dollars; nine clerks of class four; thirty-six clerks of class three; nineteen clerks of class two; stenographer, one thousand six hundred dollars; nineteen clerks of class one; sixteen clerks, at one thousand dollars each; six clerks, at nine hundred dollars each; messenger in charge of mails, nine hundred dollars; four assistant messengers; and two laborers; in all, one hundred and seventy thousand four hundred dollars.

Third Assistant Postmaster-General, clerks, etc.

OFFICE THIRD ASSISTANT POSTMASTER-GENERAL: For Third Assistant Postmaster-General, four thousand dollars; chief clerk, two thousand one hundred dollars; chief of division of postage stamps, two thousand two hundred and fifty dollars; chief of finance division, who shall give bond in such amount as the Postmaster-General may determine for the faithful discharge of his duties, two thousand two hundred and fifty dollars; chief of classification division, two thousand dollars; superintendent of registry system, two thousand five hundred dollars; four assistant superintendents of registry system, at two thousand dollars each; four clerks of class four; eighteen clerks of class three; twenty-two clerks of class two; twenty-six clerks of class one; ten clerks, at one thousand dollars each; six clerks, at nine hundred dollars each; three assistant messengers; eight laborers; in all, one hundred and forty-three thousand nine hundred and forty dollars.

Per diem, etc., assistant superintendents registry system.

For per diem allowance for assistant superintendents of registry system, when actually traveling on business of the Post-Office Department, at a rate to be fixed by the Postmaster-General, not exceeding

three dollars per day, and for actual necessary traveling expenses, five thousand eight hundred and forty dollars.

OFFICE FOURTH ASSISTANT POSTMASTER-GENERAL: For Fourth Assistant Postmaster-General, four thousand dollars; chief clerk, two thousand one hundred dollars; chief post-office inspector, three thousand dollars; chief clerk of mail depredations, two thousand dollars; chief of appointment division, two thousand dollars; chief of bond division, two thousand dollars; one clerk of class four; nineteen clerks of class three; twelve clerks of class two; twenty clerks of class one; stenographer, one thousand six hundred dollars; stenographer, one thousand two hundred dollars; nine clerks, at one thousand dollars each; five clerks at nine hundred dollars each; page, three hundred and sixty dollars; three assistant messengers, and four laborers; in all, one hundred and nine thousand five hundred and sixty dollars.

Fourth Assistant Postmaster-General, clerks, etc.
Chief inspector.

OFFICE OF TOPOGRAPHER: For topographer, two thousand five hundred dollars; three skilled draftsmen, at one thousand eight hundred dollars each; three skilled draftsmen, at one thousand six hundred dollars each; three skilled draftsmen, at one thousand four hundred dollars each; three skilled draftsmen, at one thousand two hundred dollars each; examiner, one thousand two hundred dollars; one clerk of class two; map mouter, one thousand two hundred dollars; assistant map mouter, seven hundred and twenty dollars; one assistant map mouter, who shall be a mechanic, one thousand dollars; one assistant messenger, and four copyists of maps, at nine hundred dollars each; in all, thirty thousand three hundred and forty dollars.

Topographer, draftsmen, etc.

OFFICE OF DISBURSING CLERK: Disbursing clerk and superintendent of buildings, two thousand one hundred dollars; one clerk of class two; engineer, one thousand four hundred dollars; seven assistant engineers, at one thousand dollars each; one electrician, one thousand two hundred dollars; two assistant electricians, one at one thousand two hundred dollars, and one at one thousand dollars; three dynamo tenders, at nine hundred dollars each; one fireman, who shall be a blacksmith, and one fireman, who shall be a steam fitter, at nine hundred dollars each; nine elevator conductors, at seven hundred and twenty dollars each; one assistant messenger; twelve firemen; ten laborers and coal passers, at five hundred dollars each; carpenter, one thousand two hundred dollars; assistant carpenter, one thousand dollars; captain of the watch, one thousand dollars; additional to two watchmen acting as lieutenants of watchmen, at one hundred and twenty dollars each; thirty-one watchmen; twenty-four laborers; plumber, and awning maker, at nine hundred dollars each; two female laborers, at four hundred and eighty dollars each; and twenty-seven charwomen; in all, ninety-one thousand four hundred and eighty dollars.

Disbursing clerk, etc.

FOR CONTINGENT EXPENSES OF THE POST-OFFICE DEPARTMENT, including the additional building occupied for storage of post-office supplies, namely:

Contingent expenses.

For stationery and blank books, including amount necessary for the purchase of free penalty envelopes, seven thousand dollars.

For fuel and repairs to heating, lighting, and power plant, sixteen thousand dollars.

For gas and electric lights, one thousand dollars.

For plumbing, one thousand five hundred dollars.

For telegraphing, four thousand dollars.

For painting, one thousand dollars.

For carpets and matting, including one thousand dollars for the office of the Auditor for the Post-Office Department, three thousand dollars.

For furniture, including one thousand dollars for the office of the Auditor for the Post-Office Department, two thousand five hundred dollars.

For purchase, exchange, and keeping of horses and repair of wagons

and harness to be used only for official purposes, one thousand three hundred dollars.

For hardware, five hundred dollars.

For miscellaneous items, including one thousand five hundred dollars for the office of the Auditor for the Post-Office Department, fourteen thousand nine hundred and eighty-five dollars, of which sum not exceeding three thousand nine hundred and eighty-five dollars may be expended for telephone service, and not exceeding five hundred dollars may be expended for law books, books of reference, railway guides, city directories, and books necessary to conduct the business of the Department.

Rent.

For rent of a suitable building for the storage of post-office supplies, four thousand dollars.

For rent of stable, two hundred and forty dollars.

Official Postal Guide.

For the publication of copies of the Official Postal Guide, including not exceeding one thousand five hundred copies for the use of the Executive Departments, twenty-five thousand dollars.

Post-route maps.

For miscellaneous expenses in the topographer's office in the preparation and publication of the post-route maps, twenty thousand dollars. And the Postmaster-General may authorize the sale of post-route maps to the public at cost of printing and ten per centum thereof added, the proceeds of such sales to be used as a further appropriation for the preparation and publication of post-route maps.

Postage stamps.

For postage stamps for correspondence addressed abroad which is not exempt from postage under article eight of the Paris convention of the Universal Postal Union, five hundred and fifty dollars.

Department of Justice.

DEPARTMENT OF JUSTICE.

Pay of Attorney-General, Assistants, Solicitor-General, clerks, etc.

OFFICE OF THE ATTORNEY-GENERAL: For compensation of the Attorney-General, eight thousand dollars; Solicitor-General, seven thousand dollars; four Assistant Attorneys-General, at five thousand dollars each; Assistant Attorney-General of the Post-Office Department, four thousand five hundred dollars; solicitor of internal revenue, four thousand five hundred dollars; solicitor for the Department of State, four thousand five hundred dollars; two assistant attorneys, at three thousand dollars each; four assistant attorneys, at two thousand five hundred dollars each; assistant attorney, two thousand dollars; assistant attorney, in charge of dockets, two thousand five hundred dollars; law clerk and examiner of titles, two thousand seven hundred dollars; chief clerk and ex officio superintendent of the building, two thousand five hundred dollars; private secretary to the Attorney-General, two thousand two hundred and fifty dollars; stenographer to the Solicitor-General, one thousand six hundred dollars; three stenographic clerks, at one thousand six hundred dollars each; two law clerks, at two thousand dollars each; seven clerks of class four; chief of division of accounts, two thousand five hundred dollars; attorney in charge of pardons, two thousand four hundred dollars; additional for disbursing clerk, five hundred dollars; seven clerks of class three; nine clerks of class two; sixteen clerks of class one; telegraph operator and stenographer, one thousand two hundred dollars; nine copyists; one messenger; eight assistant messengers; four laborers; three watchmen; engineer, one thousand two hundred dollars; two conductors of the elevator, at seven hundred and twenty dollars each; eight charwomen; superintendent of building, two hundred and fifty dollars; and three firemen; in all, one hundred and seventy-five thousand five hundred and twenty dollars.

Contingent expenses.

For contingent expenses of the Department, namely:

For furniture and repairs, seven hundred and fifty dollars.

For books for law library of the Department, one thousand seven hundred and fifty dollars.

For purchase of session laws and statutes of the States and Territories for library of Department, five hundred dollars.

For stationery, two thousand five hundred dollars.

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of building and care of grounds, and other necessities, directly ordered by the Attorney-General, seven thousand five hundred dollars.

For official transportation, including purchase, keep, and shoeing of animals, and purchase and repairs of wagons and harness, two thousand dollars.

OFFICE OF THE SOLICITOR OF THE TREASURY: For Solicitor of the Treasury, four thousand five hundred dollars; assistant solicitor, three thousand dollars; chief clerk, two thousand dollars; four clerks of class four; four clerks of class three; three clerks of class two; one assistant messenger; and one laborer; in all, twenty-eight thousand six hundred and eighty dollars.

Solicitor of the Treasury.

For law books for office of the Solicitor of the Treasury, three hundred dollars.

Law books.

For stationery for office of Solicitor of the Treasury, one hundred and fifty dollars.

Stationery.

DEPARTMENT OF LABOR.

Department of Labor.

For compensation of the Commissioner of Labor, five thousand dollars; chief clerk, two thousand five hundred dollars; disbursing clerk, two thousand dollars; four statistical experts, at two thousand dollars each; four clerks of class four; five clerks of class three; six clerks of class two; twelve clerks of class one; ten clerks, at one thousand dollars each; two copyists; one messenger; one assistant messenger; three watchmen; four laborers; three charwomen; six special agents, at one thousand six hundred dollars each; ten special agents, at one thousand four hundred dollars each; four special agents, at one thousand two hundred dollars each; in all, one hundred and two thousand seven hundred and eighty dollars.

Commissioner, clerks, etc.

For per diem in lieu of subsistence of special agents and employees while traveling on duty away from home and outside of the District of Columbia, at a rate not to exceed three dollars per day, and for their transportation, and for employment of experts and temporary assistance, and for traveling expenses of officers and employees, and for the purchase of reports and materials for the bulletin of the Department of Labor authorized by legislative act approved March second, eighteen hundred and ninety-five, sixty thousand dollars.

Per diem, etc., special agents.

Vol. 28, p. 805.

For stationery, one thousand dollars.

Stationery.

For books, periodicals, and newspapers for the library, one thousand dollars.

Books.

For postage stamps to prepay postage on matter addressed to Postal Union countries, four hundred and fifty dollars.

Postage stamps.

For rent of rooms, including steam heat and elevator service, six thousand seven hundred and fifty dollars.

Rent.

For contingent expenses, namely: For furniture, carpets, ice, lumber, hardware, dry goods, advertising, telegraphing, telephone service, expressage, storage for documents not to exceed seven hundred and fifty dollars, repairs of cases and furniture, fuel and lights, soap, brushes, brooms, mats, oils, and other absolutely necessary expenses, three thousand dollars.

Contingent expenses.

JUDICIAL.

Judicial.

SUPREME COURT: For the Chief Justice of the Supreme Court of the United States, ten thousand five hundred dollars; and for eight associate justices, at ten thousand dollars each;

Supreme Court Justices.

Marshal.	For marshal of the Supreme Court of the United States, three thousand dollars;
Clerks to justices.	For stenographic clerk for the Chief Justice and for each associate justice of the Supreme Court, at not exceeding one thousand six hundred dollars each; in all, one hundred and seven thousand nine hundred dollars.
Circuit judges.	CIRCUIT COURTS: For twenty-five circuit judges, at six thousand dollars each, one hundred and fifty thousand dollars;
Circuit courts of appeals. Clerks.	For nine clerks of circuit courts of appeals, at three thousand dollars each, twenty-seven thousand dollars;
Crier, etc., eighth circuit.	For messenger to act as librarian and crier, circuit court of appeals, eighth circuit, two thousand dollars; in all, one hundred and seventy-nine thousand dollars.
District judges.	DISTRICT COURTS: For salaries of the sixty-five district judges of the United States, at five thousand dollars each, three hundred and twenty-five thousand dollars.
Indian Territory courts.	UNITED STATES COURTS, INDIAN TERRITORY: For salaries of the four judges of the United States courts in the Indian Territory, at five thousand dollars each, twenty thousand dollars.
Retired judges. R. S., sec. 714, p. 135.	RETIRED JUDGES: To pay the salaries of the United States judges retired under section seven hundred and fourteen of the Revised Statutes, so much as may be necessary for the fiscal year ending June thirtieth, nineteen hundred and one, is hereby appropriated.
Court of Private Land Claims.	COURT OF PRIVATE LAND CLAIMS: For chief justice and four associate justices, at five thousand dollars each;
	For clerk, two thousand dollars;
	For stenographer, one thousand five hundred dollars;
	For attorney, three thousand five hundred dollars;
	For interpreter and translator, one thousand five hundred dollars;
	in all, thirty-three thousand five hundred dollars.
	For deputy clerks, as authorized by law, so much therefor as may be necessary.
Court continued to June 30, 1902. Vol. 28, p. 805.	That section nineteen of an Act entitled "An Act to establish a Court of Private Land Claims and to provide for the settlement of private land claims in certain States and Territories," approved March third, eighteen hundred and ninety-one, as amended in legislative, executive, and judicial appropriation Act for the fiscal year eighteen hundred and ninety-eight, approved February nineteenth, eighteen hundred and ninety-seven, be, and the same is hereby, further amended to read as follows:
Vol. 29, p. 577.	"Sec. 19. That the powers and functions of the court established by this Act shall cease and determine on the thirtieth day of June, nineteen hundred and two, and all papers, files, and records in the possession of the said court belonging to any other public office of the United States shall be returned to such office, and all other papers, files, and records in the possession of or appertaining to said court shall be returned to and filed in the Department of the Interior."
Assistant attorneys, etc.	To enable the Attorney-General to employ such assistant attorneys, agents, stenographers, and experts to aid the United States attorney for said court as may be necessary to conduct the business of the Court of Private Land Claims during the fiscal year nineteen hundred and one, eight thousand dollars.
Court of appeals, District of Columbia.	COURT OF APPEALS, DISTRICT OF COLUMBIA: For the chief justice of court of appeals of the District of Columbia, six thousand five hundred dollars; and for two associate justices, at six thousand dollars each;
	For clerk, three thousand dollars;
	For assistant or deputy clerk, two thousand dollars;
Proviso. Reports.	For reporter, one thousand dollars: <i>Provided</i> , That the reports issued by him shall not be sold for more than five dollars per volume;
	For messenger, seven hundred and twenty dollars;

For necessary expenditures in the conduct of the clerk's office, five hundred dollars;

In all, twenty-five thousand seven hundred and twenty dollars, one-half of which shall be paid from the revenues of the District of Columbia.

SUPREME COURT, DISTRICT OF COLUMBIA: For salaries of the chief justice of the supreme court of the District of Columbia and of the five associate judges, at five thousand dollars each, thirty thousand dollars, one-half of which shall be paid from the revenues of the District of Columbia.

Supreme court, District of Columbia.

CLERK OF DISTRICT COURT, NORTHERN DISTRICT OF ILLINOIS: For salary of the clerk of the district court for the northern district of Illinois, as authorized by the Act of July thirty-first, eighteen hundred and ninety-four, three thousand dollars.

Clerk, northern district of Illinois.

COMMISSIONER YELLOWSTONE PARK: For salary of commissioner in Yellowstone National Park, one thousand five hundred dollars. And the provisions of section twenty-one of an Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, and for other purposes, approved May twenty-eighth, eighteen hundred and ninety-six, shall not be construed as impairing the right of said commissioner to receive said salary as herein provided.

Commissioner Yellowstone Park. Vol. 29, p. 184. Provision as to fees of commissioners not to impair salary.

COURT OF CLAIMS: For salaries of five judges of the Court of Claims, at four thousand five hundred dollars each; chief clerk, three thousand dollars; assistant clerk, two thousand dollars; bailiff, one thousand five hundred dollars; one clerk, at one thousand six hundred dollars; one clerk, at one thousand four hundred dollars; three clerks, at one thousand two hundred dollars each; one messenger; one stenographer, one thousand two hundred dollars; three firemen; three watchmen; one elevator conductor, seven hundred and twenty dollars; one assistant messenger; one laborer; and two charwomen; in all, forty-four thousand five hundred and forty dollars.

Court of Claims.

To defray the cost of the employment of auditors in the Court of Claims, to be disbursed under the direction of the court, eight thousand dollars.

Auditors.

For stationery, court library, repairs, and other miscellaneous expenses, two thousand dollars.

Contingent expenses.

For fuel, electric lights, and electric elevator, one thousand four hundred dollars.

For reporting the decisions of the court and superintending the printing of the thirty-fifth volume of the reports of the Court of Claims, to be paid on the order of the court, one thousand dollars; said sum to be paid to the reporter, notwithstanding section seventeen hundred and sixty-five of the Revised Statutes, or section three of the Act of June twentieth, eighteen hundred and seventy-four, chapter three hundred and twenty-eight.

Reporting decisions.

R. S., sec., 1765, p. 314.

SEC. 2. That the pay of assistant messengers, firemen, watchmen, laborers, and charwomen provided for in this Act, unless otherwise specially stated, shall be as follows: For assistant messengers, firemen, and watchmen, at the rate of seven hundred and twenty dollars per annum each; for laborers, at the rate of six hundred and sixty dollars per annum each, and for charwomen, at the rate of two hundred and forty dollars per annum each.

Rates of pay, assistant messengers, firemen, etc.

SEC. 3. That the term of temporary service of such additional clerks and other employees rendered necessary because of increased work incident to the war with Spain, and under the Act of June thirteenth, eighteen hundred and ninety-eight, providing for war expenditures and for other purposes, appointed in the various departments of the Government, shall be extended for the term of one year from June thirtieth nineteen hundred, without compliance with the conditions

Terms of service temporary employees.

Vol. 30, pp. 696, 890, etc.

prescribed by the Act entitled "An Act to regulate and improve the civil service," approved January sixteenth, eighteen hundred and eighty-three, provided they are otherwise competent.

Appropriations not available for incapacitated employees.

SEC. 4. That the appropriations herein made for the officers, clerks, and persons employed in the public service shall not be available for the compensation of any persons permanently incapacitated for performing such service.

State papers, etc., late Confederate States, compilation, etc., of.

SEC. 5. That permission is hereby granted to J. D. Richardson, to compile, edit, and publish, without expense to the Government, the state papers and diplomatic correspondence of the late Confederate States, and access to said papers and correspondence shall be given him for that purpose, by the heads of the Executive Departments having such papers in charge under such regulations as may be respectively prescribed by them.

Repeal.

SEC. 6. That all laws or parts of laws inconsistent with this Act are repealed.

Approved, April 17, 1900.

April 17, 1900.

CHAP. 193.—An Act Granting the right of way to the Minnesota and Manitoba Railroad Company across the ceded portion of the Chippewa (Red Lake) Indian Reservation in Minnesota.

Minnesota and Manitoba Railroad granted right of way through Chippewa (Red Lake) Indian Reservation, Minn.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby granted to the Minnesota and Manitoba Railroad Company, a corporation organized and existing under the laws of the State of Minnesota, and its successors and assigns, the right of way of said railroad, with necessary side tracks and switch tracks, and for telegraph and telephone lines, through the ceded lands of what was formerly the Red Lake Indian Reservation, which railroad commenced at a point at or near the terminus of the Manitoba and Southeastern Railway, on the boundary line between the State of Minnesota and the province of Manitoba; thence in a southeasterly direction through townships one hundred and sixty-four, one hundred and sixty-three, one hundred and sixty-two, one hundred and sixty-one, one hundred and sixty to a point on Rainy River, forming the northeastern boundary of the State of Minnesota, at or near the mouth of the Baudette River, in the State of Minnesota, which right of way shall be fifty feet in width on each side of the central line of said railroad. And said company shall also have the right to take from lands, to which there is no prior valid claim and which have not been appraised for sale as pine lands, lying adjacent to the line of said railroad, material, stone, earth, and timber necessary for the construction of said railroad; also ground adjacent to such right of way for station buildings, depots, machine shops, side tracks, turn-outs, turntables, water stations, and such other structures at such points as the said railroad company may deem to their interest to erect, not to exceed three hundred feet in width and three thousand feet in length for each station, to the extent of one station for each ten miles of road, except at the crossing of said Rainy River, at which point said railroad company may take not exceeding forty acres in addition to the grounds allowed for station purposes for the corresponding section of ten miles: *Provided,* That no part of such lands herein granted shall be used except in such manner and for such purposes only as are necessary for the construction, maintenance, and convenient operation of said railroad.

—width.

Materials.

Additional ground for stations, etc.

Proviso.
—use restricted.

Damages.

SEC. 2. That before said railroad shall be constructed through any land, claim, or improvements held by individual occupants according to any custom of the tribes, treaties, or laws of the United States, compensation shall be made such occupant or claimant for all property

to be taken or damage done by reason of the construction of such railroad. In case of failure to make satisfactory settlement with any such claimant, the United States district court at Minneapolis, Minnesota, shall have jurisdiction, upon petition of either party, to determine such just compensation in accordance with the laws of Minnesota provided for determining the damage when property is taken for railroad purposes. The amount of damages resulting to the tribes of Indians, in their tribal capacity, by reason of the construction of said railroad through such ceded lands of the former Red Lake Reservation as are not occupied in severalty, shall be ascertained and determined in such manner as the Secretary of the Interior may direct, and be subject to his final approval; but no right of any kind shall vest in said railroad company in or to any part of the right of way herein provided for until plats thereof, made upon actual survey for the definite location of such railroad, and including grounds for station buildings, depots, machine shops, side tracks, turn-outs, and water stations, shall have been approved by the Secretary of the Interior, and until compensation aforesaid shall have been fixed and paid: *Provided*, That said railroad shall be located, constructed, and operated with due regard to the rights of the Indians.

—jurisdiction.

Plats.

Proviso.
Rights of Indians to be preserved.

SEC. 3. That said company shall file maps showing the definite location of the line of road and station grounds in the local land office for the district in which the land lies, and upon approval thereof by the Secretary of the Interior the grant of right of way shown thereon shall relate back to the date of such filing. Upon the completion of the road the company shall file an affidavit of its engineer and a certificate of its president as evidence thereof.

Maps.

SEC. 4. That said company is hereby authorized to enter upon said ceded lands for the purpose of surveying and locating its line of railroad.

Surveys.

SEC. 5. That the right herein granted shall be forfeited by said company unless the road shall be constructed through the said ceded lands within two years after the passage of this Act.

Completion.

SEC. 6. That nothing herein contained shall restrict or impair the rights which said company may now have or hereafter acquire to the benefits and provisions of the Act of Congress approved March third, eighteen hundred and seventy-five, entitled "An Act granting to railroads the right of way through the public lands of the United States."

Railroad rights.

Vol. 18, p. 482.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this Act, or any part thereof.

Amendment.

Approved, April 17, 1900.

CHAP. 243.—An Act To set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office.

April 18, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That jurisdiction is hereby transferred and given to the Secretary of Agriculture and his successors in office over so much of the Government land in Alexandria County, Virginia, known as the Arlington estate, as lies east of the public road leading from the Aqueduct Bridge to Alexandria, Virginia, otherwise called the Georgetown and Alexandria road, and between said road and the Potomac River, containing about four hundred acres, with the exception, however, of a strip of land as follows, commencing at the point where the Georgetown and Alexandria road enters the Arlington estate on the north side, thence along said road six hundred and twenty-

Experimental agriculture on Arlington estate.
Jurisdiction given Secretary of Agriculture of lands.

—location.

five yards, thence in a line perpendicular to said road to the Chesapeake and Ohio Canal, thence along said canal to the south line of the reservation, jurisdiction over which is retained by the Secretary of War.

Intent of act.

SEC. 2. That the declared purpose of this Act is to set apart said tract of land as a general experimental farm in its broadest sense, where all that pertains to agriculture in its several and different branches, including animal industry and horticulture, may be fostered and encouraged, and the practice and science of farming in the United States advanced, promoted, and practically illustrated.

Secretary given immediate control of property, etc.

SEC. 3. That the Secretary of Agriculture will take immediate and absolute control of said property described in section one, and by clearing, underdraining, grassing, laying out proper roads and driveways, constructing proper bridges and buildings, and in other ways as his judgment may dictate bring said property as rapidly as possible into the proper condition to answer the purposes for which it is set apart:

Provisos.
Existing sewers, etc., not to be obstructed.

Provided, That all improvements of or which may at any time be made upon said premises, as herein contemplated, shall be so located, constructed, and maintained as not to interfere with or obstruct the natural waterways or the sewers or other means now established or which may hereafter be provided, constructed, or maintained for the purpose of affording proper drainage and sewerage to the other portions of said estate: *And provided further*, That this Act shall not impair or interfere with any of the rights heretofore granted by Act of Congress to the Washington, Alexandria and Mount Vernon Railway Company to construct, maintain, and operate its electric railroad across the said portion of the estate lying east of said public road.

—or rights of Washington, Alexandria and Mount Vernon Railway impaired.

Secretary given full discretion, etc.

SEC. 4. That in the development, improvement, and management of said property full discretion is hereby given the Secretary of Agriculture and his successors in office to carry into effect the declared purposes of this Act.

Effect.

SEC. 5. That this Act shall be in force from its passage.

Approved, April 18, 1900.

April 18, 1900.

CHAP. 244.—An Act Repealing section forty-seven hundred and sixteen of the Revised Statutes, so far as the same may be applicable to the claims of dependent parents of soldiers, sailors, and marines who served in the Army or Navy of the United States during the war with Spain.

Pensions.
Dependent parents of soldiers, etc., who served in the Confederate army and in the war with Spain may be pensioned.
R. S., sec. 4716, p. 919.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-seven hundred and sixteen of the Revised Statutes be, and the same is hereby, repealed, so far as the same may be applicable to the claims to pension of dependent parents of soldiers, sailors, and marines who served in the Army or Navy of the United States during the war with Spain.

Approved, April 18, 1900.

April 18, 1900.

CHAP. 245.—An Act To authorize the holding of a regular term of the district court of the United States for the western district of Virginia in the city of Charlottesville, Virginia.

Virginia western judicial district.
Term of district court to be held at Charlottesville.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a regular term of the district court of the United States for the western district of Virginia shall be held in each year in the city of Charlottesville, Virginia, on the second Monday in January.

Approved, April 18, 1900.

CHAP. 246.—An Act To extend the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, to the port of Greenbay, Wisconsin.

April 18, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement be, and they are hereby, extended to the port of Greenbay, in the customs collection district of Milwaukee, Wisconsin.

Greenbay, Wis.
Granted immediate
transportation privi-
leges.
Vol. 21, p. 173.

Approved, April 18, 1900.

CHAP. 250.—An Act To legalize and maintain the iron bridge across Pearl River at Rockport, Mississippi.

April 21, 1900.

Whereas the boards of supervisors of Copiah and Simpson counties, Mississippi, did, in eighteen hundred and ninety-eight, jointly contract for an iron bridge to be built across Pearl River, at Rockport, Mississippi, believing that said stream at this point was practically nonnavigable; that afterwards an injunction was sued out by the Government, restraining contractors, which, being heard before Judge H. C. Niles, of the district Federal court at Jackson, Mississippi, he decided that the part of Pearl River from Rockport to Jackson was a nonnavigable stream and dissolved the injunction; that an iron bridge was built in accordance with said contract and opened for travel in August, eighteen hundred and ninety-nine, without a draw; that in January, nineteen hundred, an appeal was taken by the Government to the United States circuit court and is now pending; and

Preamble.

Whereas said boards of supervisors are desirous of complying with their obligation with the bridge company and giving the citizens of said counties the benefit of said bridge, which is of great public utility: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the bridge aforesaid be, and the same is hereby, legalized and maintained as constructed by said counties for the use of the general public.

Bridge across Pearl
River at Rockport,
Miss., legalized.

SEC. 2. That Congress reserves the right to alter, amend, or repeal this Act at pleasure.

Amendment.

Received by the President, April 10, 1900.

[NOTE BY THE DEPARTMENT OF STATE.—The foregoing act having been presented to the President of the United States for his approval, and not having been returned by him to the house of Congress in which it originated within the time prescribed by the Constitution of the United States, has become a law without his approval.]

CHAP. 251.—An Act To extend the provisions of an Act entitled "An Act granting increase of pension to soldiers of the Mexican war in certain cases," approved January fifth, eighteen hundred and ninety-three.

April 23, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the benefits of the Act entitled "An Act granting increase of pension to soldiers of the Mexican war in certain cases," approved January fifth, eighteen hundred and ninety-three, be, and they are hereby, extended to all survivors of the Mexican war who are pensionable under existing Mexican war service pension laws, and who have become or may hereafter become wholly disabled for manual labor and in such destitute circumstances

Mexican war pen-
sions.
Increase in certain
cases authorized.
Vol. 27, p. 413.

that eight dollars per month are insufficient to provide them the necessaries of life, irrespective of the date of the granting of the said service pension.

Approved, April 23, 1900.

April 23, 1900.

CHAP. 252.—An Act To amend an Act entitled "An Act in relation to taxes and tax sales in the District of Columbia."

District of Columbia.
Redemption by
owner of property sold
for taxes.
Chap. 32, vol. 30, p.
252, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section four of the Act of February twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act in relation to taxes and tax sales in the District of Columbia," be, and the same is hereby, amended by striking out all after the word "sale" in line eight of said section.

Approved, April 23, 1900.

April 23, 1900.

CHAP. 253.—An Act Making appropriations to supply additional urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes.

Deficiencies appro-
priations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred, and for other objects hereinafter stated, namely:

United States courts.

UNITED STATES COURTS.

Marshals.

For payment of salaries, fees, and expenses of United States marshals and their deputies, one hundred and sixty-five thousand dollars, to include payments for services rendered in behalf of the United States or otherwise.

Jurors.

For fees of jurors, fifty-five thousand dollars.

Witnesses.

For fees of witnesses, one hundred and fifty-five thousand dollars.

Miscellaneous ex-
penses.

For payment of such miscellaneous expenses as may be authorized by the Attorney-General, for the United States courts and their officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and moving of records, thirty thousand dollars.

Reappropriation of
unexpended balances
for erecting prisons,
etc.
Vol. 26, p. 839.

The unexpended balance of the sum of one hundred thousand dollars, appropriated by the Act approved March third, eighteen hundred and ninety-one, entitled "An Act for the erection of United States prisons and for the imprisonment of United States prisoners, and for other purposes," to be expended under the direction of the Attorney-General in the fitting of workshops for the employment of prisoners, and the unexpended balance of the sum of fifteen thousand dollars, appropriated by the sundry civil appropriation Act, approved July first, eighteen hundred and ninety-eight, to enable the Attorney-General and the Secretary of the Interior to have prepared plans, specifications, and estimates, and for expenses connected with the selection of a prison site south of the thirty-ninth degree of north latitude and east of the Rocky Mountains are hereby made available in addition to and for the same purposes as the sum of five hundred thousand dollars appropriated by the sundry civil appropriation Act approved March third, eighteen hundred and ninety-nine, for the erection, complete, of a United States penitentiary at Atlanta, Georgia, and for expenses incident thereto, the same to continue available until expended.

—for prison site east
of Rocky Mountains,
etc.
Vol. 30, p. 641.

Atlanta peniten-
tiary.
Vol. 30, p. 1113.

TREASURY DEPARTMENT.

Treasury Department.

For stationery for the Treasury Department and its several bureaus, seven thousand dollars.

Stationery.

ENGRAVING AND PRINTING.

Engraving and printing.

For labor and expenses of engraving and printing: For salaries of all necessary clerks and employees, other than plate printers and plate printers' assistants, sixty thousand nine hundred and forty-two dollars and ninety cents, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the Act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March fourteenth, nineteen hundred.

Salaries.

Proviso.
Notes of larger denomination.

Ante, p. 45.

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants at one dollar and twenty-five cents a day each when employed, ninety-one thousand three hundred and sixty dollars and twenty-five cents, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the Act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March fourteenth, nineteen hundred.

Wages.

Proviso.
Notes of larger denomination.

Ante, p. 45.

For engravers' and printers' materials and other materials, except distinctive paper, and for miscellaneous expenses, sixty-one thousand two hundred and thirty-three dollars.

Materials.

PUBLIC PRINTING AND BINDING.

Public printing and binding.

For printing and binding for the Treasury Department, sixty thousand dollars.

Treasury Department.

For printing and binding for the Department of the Interior, forty-three thousand dollars.

Interior Department.

Approved, April 23, 1900.

CHAP. 254.—An Act Providing that the State of Wyoming be permitted to relinquish to the United States certain lands heretofore selected and to select other lands from the public domain in lieu thereof.

April 23, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That upon the delivery to the Secretary of the Interior by the State of Wyoming of its properly executed and duly recorded deed or deeds reconveying to the United States of America, in fee simple, certain lands heretofore selected by and certified to said State under the provisions of an Act entitled "An Act to provide for the admission of the State of Wyoming into the Union, and for other purposes," approved July tenth, eighteen hundred and ninety, to wit:

Wyoming.
Selection by, of other lands for certain lands relinquished to the United States.

Vol. 26, p. 222.

Southwest quarter of section five; southeast quarter, south half of northeast quarter, southeast quarter of northwest quarter, and lots one, two, three, four, and five of section six; east half of southeast

Lands relinquished.

quarter, east half of northeast quarter, northeast quarter of northwest quarter, and lots one, two, three of section seven; all of section eight; southwest quarter of section nine; south half of northeast quarter and south half of northwest quarter of section seventeen; northwest quarter of section twenty, in township thirty-four north, range one hundred and eighteen west; all of sections one and two; east half of section three; north half of section eleven; northeast quarter, northeast quarter of northwest quarter, south half of northwest quarter, north half of southeast quarter, north half of southwest quarter, and southwest quarter of southwest quarter of section twelve; northeast quarter, north half of northwest quarter, and southwest quarter of northwest quarter of section fourteen; southwest quarter of section twenty-four; all of section twenty-five, in township thirty-four north, range one hundred and nineteen west; west half of section ten; west half of section fifteen; north half of southeast quarter, north half of southwest quarter, northwest quarter, and south half of northeast quarter of section twenty-two; southeast quarter, south half of northeast quarter, east half of southwest quarter, and south half of northwest quarter of section twenty-three; southwest quarter, west half of southeast quarter, east half of northwest quarter, and west half of northeast quarter of section twenty-six, in township thirty-six north, range one hundred and nineteen west, the land so described having been selected under the grant of thirty thousand acres for the benefit of the Miners' Hospital, said selection being approved by the honorable Secretary of the Interior on March sixth, eighteen hundred and ninety-four.

West half of section one; all of section two; east half of section three; south half, south half of northeast quarter, and south half of northwest quarter of section eleven; southwest quarter of section twelve; west half of section thirteen; all of sections fourteen and twenty-three; west half of section twenty-four; west half of section twenty-five; all of sections twenty-six and thirty-five, in township thirty-five north, range one hundred and nineteen west; south half of southwest quarter and south half of southeast quarter of section twenty-two; southeast quarter, north half of southwest quarter, and southeast quarter of southwest quarter of section twenty-seven; east half, east half of northwest quarter, east half of southwest quarter, and southwest quarter of southwest quarter of section thirty-four; west half of northeast quarter, northwest quarter, and south half of section thirty-five, in township thirty-six north, range one hundred and nineteen west, the lands so described having been selected under the grant of thirty thousand acres for the benefit of the insane asylum in Uinta County, said selection being approved by the honorable Secretary of the Interior on February sixteenth, eighteen hundred and ninety-four.

Selection of other lands.

The said State shall be authorized and permitted to select an equal number of acres from the unappropriated public lands of the United States in said State in the same manner, for the same purposes, and subject to the same conditions and limitations under which the lands so reconveyed were selected and held.

Reconveyed lands restored to public domain, etc.

SEC. 2. That the lands so reconveyed shall be restored to and become a part of the public domain and be subject to disposal by the Government in the same manner in which other public lands of a like character are disposed of.

Approved, April 23, 1900.

CHAP. 338.—An Act To provide an American register for the steamship Garonne.

April 27, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamship Garonne, owned by Charles Richardson, of Tacoma, State of Washington, and Frank Waterhouse, of Seattle, State of Washington, citizens of the United States, to be registered as a vessel of the United States.

Steamship Garonne.
Granted American
register.

Approved, April 27, 1900.

CHAP. 339.—An Act To provide a government for the Territory of Hawaii.

April 30, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Hawaii.
Provisions for gov-
ernment of.

CHAPTER I.—GENERAL PROVISIONS.

General provisions.

DEFINITIONS.

Definitions.

SEC. 1. That the phrase “the laws of Hawaii,” as used in this Act without qualifying words, shall mean the constitution and laws of the Republic of Hawaii, in force on the twelfth day of August, eighteen hundred and ninety-eight, at the time of the transfer of the sovereignty of the Hawaiian Islands to the United States of America.

—“laws of Hawaii.”

The constitution and statute laws of the Republic of Hawaii then in force, set forth in a compilation made by Sidney M. Ballou under the authority of the legislature, and published in two volumes entitled “Civil Laws” and “Penal Laws,” respectively, and in the Session Laws of the Legislature for the session of eighteen hundred and ninety-eight, are referred to in this Act as “Civil Laws,” “Penal Laws,” and “Session Laws.”

“Civil laws,” etc.

TERRITORY OF HAWAII.

SEC. 2. That the islands acquired by the United States of America under an Act of Congress entitled “Joint resolution to provide for annexing the Hawaiian Islands to the United States,” approved July seventh, eighteen hundred and ninety-eight, shall be known as the Territory of Hawaii.

Name of annexed
territory.
Vol. 30, p. 750.

GOVERNMENT OF THE TERRITORY OF HAWAII.

SEC. 3. That a Territorial government is hereby established over the said Territory, with its capital at Honolulu, on the island of Oahu.

Government.

CITIZENSHIP.

SEC. 4. That all persons who were citizens of the Republic of Hawaii on August twelfth, eighteen hundred and ninety-eight, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii.

Citizenship.

And all citizens of the United States resident in the Hawaiian Islands who were resident there on or since August twelfth, eighteen hundred and ninety-eight, and all the citizens of the United States who shall hereafter reside in the Territory of Hawaii for one year shall be citizens of the Territory of Hawaii.

APPLICATION OF THE LAWS OF THE UNITED STATES.

SEC. 5. That the Constitution, and, except as herein otherwise provided, all the laws of the United States which are not locally inappli-

Application of Fed-
eral laws.

cable, shall have the same force and effect within the said Territory as elsewhere in the United States: *Provided*, That sections eighteen hundred and fifty and eighteen hundred and ninety of the Revised Statutes of the United States shall not apply to the Territory of Hawaii.

Proviso.
Submission of territorial laws to Congress.

Limitation on right of religious corporations to hold real estate.

R. S., secs. 1850-1890, pp. 327-333.

Existing laws continued in force.

Existing laws repealed.

—civil laws.

—penal laws repealed.

LAWS OF HAWAII.

SEC. 6. That the laws of Hawaii not inconsistent with the Constitution or laws of the United States or the provisions of this Act shall continue in force, subject to repeal or amendment by the legislature of Hawaii or the Congress of the United States.

SEC. 7. That the constitution of the Republic of Hawaii and the laws of Hawaii, as set forth in the following acts, chapters, and sections of the civil laws, penal laws, and session laws, and relating to the following subjects, are hereby repealed:

CIVIL LAWS: Sections two and three, Promulgation of laws; chapter five, Flag and seal; sections thirty to thirty-three, inclusive, Tenders for supplies; chapter seven, Minister of foreign affairs; chapter eight, Diplomatic and consular agents; sections one hundred and thirty-four and one hundred and thirty-five, National museum; chapter twelve, Education of Hawaiian youths abroad; sections one hundred and fifty to one hundred and fifty-six, inclusive, Aid to board of education; chapter fourteen, Minister of the interior; sections one hundred and sixty-six to one hundred and sixty-eight, inclusive, one hundred and seventy-four and one hundred and seventy-five, Government lands; section one hundred and ninety, Board of commissioners of public lands; section four hundred and twenty-four, Bureau of agriculture and forestry; chapter thirty-one, Agriculture and manufactures; chapter thirty-two, Ramie; chapter thirty-three, Taro flour; chapter thirty-four, Development of resources; chapter thirty-five, Agriculture; section four hundred and seventy-seven, Brands; chapter thirty-seven, Patents; chapter thirty-eight, Copyrights; sections five hundred and fifty-six and five hundred and fifty-seven, Railroad subsidy; chapter forty-seven, Pacific cable; chapter forty-eight, Hospitals; chapter fifty-one, Coins and currency; chapter fifty-four, Consolidation of public debt; chapter fifty-six, Post-office; chapter fifty-seven, Exemptions from postage; chapter fifty-eight, Postal savings banks; chapter sixty-five, Import duties; chapter sixty-six, Imports; chapter sixty-seven, Ports of entry and collection districts; chapter sixty-eight, Collectors; chapter sixty-nine, Registry of vessels; section one thousand and eleven, Custom-house charges; section eleven hundred and two, Elections; section eleven hundred and thirty-two, Appointment of magistrate; last clause of first subdivision and fifth subdivision of section eleven hundred and forty-four, first subdivision of section eleven hundred and forty-five, Jurisdiction; sections eleven hundred and seventy-three to eleven hundred and seventy-eight, inclusive, Translation of decisions; section eleven hundred and eighty-eight, Clerks of court; sections thirteen hundred and twenty-nine, thirteen hundred and thirty-one, thirteen hundred and thirty-two, thirteen hundred and forty-seven to thirteen hundred and fifty-four, inclusive, Juries; sections fifteen hundred and nine to fifteen hundred and fourteen, inclusive, Maritime matters; chapter one hundred and two, Naturalization; section sixteen hundred and seventy-eight, Habeas corpus; chapter one hundred and eight, Arrest of debtors; subdivisions six, seven, ten, twelve to fourteen of section seventeen hundred and thirty-six, Garnishment; sections seventeen hundred and fifty-five to seventeen hundred and fifty-eight, inclusive, Liens on vessels; chapter one hundred and sixteen, Bankruptcy, and sections eighteen hundred and twenty-eight to eighteen hundred and thirty-two, inclusive, Water rights.

PENAL LAWS: Chapter six, Treason; section sixty-five to sixty-seven, inclusive, Foot binding; chapter seventeen, Violation of postal laws;

section three hundred and fourteen, Blasphemy; sections three hundred and seventy-one to three hundred and seventy-two, inclusive, Vagrants; sections four hundred and eleven to four hundred and thirteen, inclusive, Manufacture of liquors; chapter forty-three, Offenses on the high seas and other waters; sections five hundred and ninety-five and six hundred and two to six hundred and five, inclusive, Jurisdiction; section six hundred and twenty-three, Procedure; sections seven hundred and seven hundred and one, Imports; section seven hundred and fifteen, Auction license; section seven hundred and forty-five, Commercial travelers; sections seven hundred and forty-eight to seven hundred and fifty-five, inclusive, Firearms; sections seven hundred and ninety-six to eight hundred and nine, inclusive, Coasting trade; sections eight hundred and eleven and eight hundred and twelve, Peddling foreign goods; sections eight hundred and thirteen to eight hundred and fifteen, inclusive, Importation of live stock; section eight hundred and nineteen, Imports; sections eight hundred and eighty-six to nine hundred and six, inclusive, Quarantine; section eleven hundred and thirty-seven, Consuls and consular agents; chapter sixty-seven, Whale ships; sections eleven hundred and forty-five to eleven hundred and seventy-nine, inclusive, and twelve hundred and four to twelve hundred and nine, inclusive, Arrival, entry, and departure of vessels; chapters sixty-nine to seventy-six, inclusive, Navigation and other matters within the exclusive jurisdiction of the United States; sections thirteen hundred and forty-seven and thirteen hundred and forty-eight, Fraudulent exportation; chapter seventy-eight, Masters and servants; chapter ninety-three, Immigration; sections sixteen hundred and one, sixteen hundred and eight, and sixteen hundred and twelve, Agriculture and forestry; chapter ninety-six, Seditious offenses; and chapter ninety-nine, Sailing regulations.

SESSION LAWS: Act fifteen, Elections; Act twenty-six, Duties; Act twenty-seven, Exemptions from duties; Act thirty-two, Registry of vessels; section four of Act thirty-eight, Importation of live stock; Act forty-eight, Pacific cable; Act sixty-five, Consolidation of public debt; Act sixty-six, Ports of entry; and Act sixty-eight, Chinese immigration. —session laws repealed.

CERTAIN OFFICES ABOLISHED.

SEC. 8. That the offices of President, minister of foreign affairs, minister of the interior, minister of finance, minister of public instruction, auditor-general, deputy auditor-general, surveyor-general, marshal, and deputy marshal of the Republic of Hawaii are hereby abolished. Certain offices abolished.

AMENDMENT OF OFFICIAL TITLES.

SEC. 9. That wherever the words "President of the Republic of Hawaii," or "Republic of Hawaii," or "Government of the Republic of Hawaii," or their equivalents, occur in the laws of Hawaii not repealed by this Act, they are hereby amended to read "Governor of the Territory of Hawaii," or "Territory of Hawaii," or "Government of the Territory of Hawaii," or their equivalents, as the context requires. Amendment of official titles.

CONSTRUCTION OF EXISTING STATUTES.

SEC. 10. That all rights of action, suits at law and in equity, prosecutions, and judgments existing prior to the taking effect of this Act shall continue to be as effectual as if this Act had not been passed; and those in favor of or against the Republic of Hawaii, and not assumed by or transferred to the United States, shall be equally valid in favor of or against the government of the Territory of Hawaii. All offenses which by statute then in force were punishable as offenses against the Construction of existing statutes.
Existing obligations, etc., unaffected.
—existing offenses

Republic of Hawaii shall be punishable as offenses against the government of the Territory of Hawaii, unless such statute is inconsistent with this Act, or shall be repealed or changed by law. No person shall be subject to imprisonment for nonpayment of taxes nor for debt. All criminal and penal proceedings then pending in the courts of the Republic of Hawaii shall be prosecuted to final judgment and execution in the name of the Territory of Hawaii; all such proceedings, all actions at law, suits in equity, and other proceedings then pending in the courts of the Republic of Hawaii shall be carried on to final judgment and execution in the corresponding courts of the Territory of Hawaii; and all process issued and sentences imposed before this Act takes effect shall be as valid as if issued or imposed in the name of the Territory of Hawaii: *Provided*, That no suit or proceedings shall be maintained for the specific performance of any contract heretofore or hereafter entered into for personal labor or service, nor shall any remedy exist or be enforced for breach of any such contract, except in a civil suit or proceeding instituted solely to recover damages for such breach: *Provided further*, That the provisions of this section shall not modify or change the laws of the United States applicable to merchant seamen.

—criminal, etc., proceedings.

Proviso.
Contracts for labor, etc.

Merchant seamen.

Contracts for a definite term of service void, etc.

Contract labor laws made applicable. Vol. 23, p. 332.

That all contracts made since August twelfth, eighteen hundred and ninety-eight, by which persons are held for service for a definite term, are hereby declared null and void and terminated, and no law shall be passed to enforce said contracts in any way; and it shall be the duty of the United States marshal to at once notify such persons so held of the termination of their contracts.

That the Act approved February twenty-sixth, eighteen hundred and eighty-five, "To prohibit the importation and migration of foreigners and aliens under contract or agreement to perform labor in the United States, its Territories, and the District of Columbia," and the Acts amendatory thereof and supplemental thereto, be, and the same are hereby, extended to and made applicable to the Territory of Hawaii.

STYLE OF PROCESS.

Style of process.

SEC. 11. That the style of all process in the Territorial courts shall hereafter run in the name of "The Territory of Hawaii," and all prosecutions shall be carried on in the name and by the authority of the Territory of Hawaii.

The legislature.

CHAPTER II.—THE LEGISLATURE.

THE LEGISLATIVE POWER.

—to consist of two houses.

SEC. 12. That the legislature of the Territory of Hawaii shall consist of two houses, styled, respectively, the senate and house of representatives, which shall organize and sit separately, except as otherwise herein provided.

—style.

The two houses shall be styled "The legislature of the Territory of Hawaii."

—qualifications of members.

SEC. 13. That no person shall sit as a senator or representative in the legislature unless elected under and in conformity with this Act.

GENERAL ELECTIONS.

General elections.

SEC. 14. That a general election shall be held on the Tuesday next after the first Monday in November, nineteen hundred, and every second year thereafter: *Provided, however*, That the governor may, in his discretion, on thirty days' notice, order a special election before the first general election, if, in his opinion, the public interests shall require a special session of the legislature.

Proviso.
Special elections.

EACH HOUSE JUDGE OF QUALIFICATIONS OF MEMBERS.

SEC. 15. That each house shall be the judge of the elections, returns, and qualifications of its own members. Each house judge of qualifications of members.

DISQUALIFICATIONS OF LEGISLATORS.

SEC. 16. That no member of the legislature shall, during the term for which he is elected, be appointed or elected to any office of the Territory of Hawaii. Disqualifications of legislators.

DISQUALIFICATIONS OF GOVERNMENT OFFICERS AND EMPLOYEES.

SEC. 17. That no person holding office in or under or by authority of the Government of the United States or of the Territory of Hawaii shall be eligible to election to the legislature, or to hold the position of a member of the same while holding said office. Government officers ineligible as legislators.

SEC. 18. No idiot or insane person, and no person who shall be expelled from the legislature for giving or receiving bribes or being accessory thereto, and no person who, in due course of law, shall have been convicted of any criminal offense punishable by imprisonment, whether with or without hard labor, for a term exceeding one year, whether with or without fine, shall register to vote or shall vote or hold any office in, or under, or by authority of, the government, unless the person so convicted shall have been pardoned and restored to his civil rights. Idiots, convicts, etc., disqualified as voters.

OATH OF OFFICE.

SEC. 19. That every member of the legislature, and all officers of the government of the Territory of Hawaii, shall take the following oath or affirmation: Oath of office.

I solemnly swear (or affirm), in the presence of Almighty God, that I will faithfully support the Constitution and laws of the United States, and conscientiously and impartially discharge my duties as a member of the legislature, or as an officer of the government of the Territory of Hawaii (as the case may be).

OFFICERS AND RULES.

SEC. 20. That the senate and house of representatives shall each choose its own officers, determine the rules of its own proceedings, not inconsistent with this Act, and keep a journal. Officers and rules.

AYES AND NOES.

SEC. 21. That the ayes and noes of the members on any question shall, at the desire of one-fifth of the members present, be entered on the journal. Ayes and noes.

QUORUM.

SEC. 22. That a majority of the number of members to which each house is entitled shall constitute a quorum of such house for the conduct of ordinary business, of which quorum a majority vote shall suffice; but the final passage of a law in each house shall require the vote of a majority of all the members to which such house is entitled. Quorum.

SEC. 23. That a smaller number than a quorum may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may provide. —smaller number may adjourn from day to day.

SEC. 24. That, for the purpose of ascertaining whether there is a quorum present, the chairman shall count the number of members present. —ascertaining quorum.

PUNISHMENT OF PERSONS NOT MEMBERS.

Punishment of persons not members.

—offenses specified.

Accused to be heard in his own defense.

SEC. 25. That each house may punish by fine, or by imprisonment not exceeding thirty days, any person not a member of either house who shall be guilty of disrespect of such house by any disorderly or contemptuous behavior in its presence or that of any committee thereof; or who shall, on account of the exercise of any legislative function, threaten harm to the body or estate of any of the members of such house; or who shall assault, arrest, or detain any witness or other person ordered to attend such house, on his way going to or returning therefrom; or who shall rescue any person arrested by order of such house.

But the person charged with the offense shall be informed, in writing, of the charge made against him, and have an opportunity to present evidence and be heard in his own defense.

COMPENSATION OF MEMBERS.

Compensation of members.

SEC. 26. That the members of the legislature shall receive for their services, in addition to mileage at the rate of ten cents a mile each way, the sum of four hundred dollars for each regular session of the legislature, payable in three equal installments on and after the first, thirtieth, and fiftieth days of the session, and the sum of two hundred dollars for each extra session of the legislature.

PUNISHMENT OF MEMBERS.

Punishment of members.

SEC. 27. That each house may punish its own members for disorderly behavior or neglect of duty, by censure, or by a two-thirds vote suspend or expel a member.

EXEMPTION FROM LIABILITY.

Exemption from liability.

SEC. 28. That no member of the legislature shall be held to answer before any other tribunal for any words uttered in the exercise of his legislative functions in either house.

EXEMPTION FROM ARREST.

Exemption from arrest.

Proviso.
—limitation.

SEC. 29. That the members of the legislature shall, in all cases except treason, felony, or breach of the peace, be privileged from arrest during their attendance at the sessions of the respective houses, and in going to and returning from the same: *Provided*, That such privilege as to going and returning shall not cover a period of over ten days each way.

Senate.

THE SENATE.

Number of members.

NUMBER OF MEMBERS.

Term of service.

Proviso.
Division into classes.

SEC. 30. That the Senate shall be composed of fifteen members, who shall hold office for four years: *Provided, however*, That of the senators elected at the first general election, two from the first district, one from the second, three from the third, and one from the fourth district shall hold office for two years only. the details of such apportionment to be provided for by the legislature.

VACANCIES.

Vacancies.

SEC. 31. That vacancies caused by death, resignation, or otherwise shall be filled for the unexpired term at general or special elections.

SENATORIAL DISTRICTS.

SEC. 32. That for the purpose of representation in the senate, until otherwise provided by law, the Territory is divided into the following senatorial districts, namely: Senatorial districts.

First district: The island of Hawaii.

Second district: The islands of Maui, Molokai, Lanai, and Kahoolawe.

Third district: The island of Oahu.

Fourth district: The islands of Kauai and Niihau.

SEC. 33. That the electors in the said districts shall be entitled to elect senators as follows: Apportionment.

In the first district, four;

In the second district, three;

In the third district, six;

In the fourth district, two.

QUALIFICATIONS OF SENATORS.

SEC. 34. That in order to be eligible to election as a senator a person shall— Qualifications of senators.

Be a male citizen of the United States;

Have attained the age of thirty years;

Have resided in the Hawaiian Islands not less than three years and be qualified to vote for senators in the district from which he is elected.

THE HOUSE OF REPRESENTATIVES.

House of Representatives.

NUMBER OF REPRESENTATIVES.

SEC. 35. That the house of representatives shall be composed of thirty members, elected, except as herein provided, every second year. Number of representatives, etc.

TERM OF OFFICE.

SEC. 36. That the term of office of the representatives elected at any general or special election shall be until the next general election held thereafter. Term of office.

VACANCIES.

SEC. 37. That vacancies in the office of representative caused by death, resignation, or otherwise shall be filled for the unexpired term at special elections. Vacancies.

REPRESENTATIVE DISTRICTS.

SEC. 38. That for the purpose of representation in the house of representatives, until otherwise provided by law, the Territory is divided into the following representative districts, namely: Representative districts.

First district: That portion of the island of Hawaii known as Puna, Hilo, and Hamakua.

Second district: That portion of the island of Hawaii known as Kau, Kona, and Kohala.

Third district: The islands of Maui, Molokai, Lanai, and Kahoolawe.

Fourth district: That portion of the island of Oahu lying east and south of Nuuanu street and a line drawn in extension thereof from the Nuuanu Pali to Mokapu Point.

Fifth district: That portion of the island of Oahu lying west and north of the fourth district.

Sixth district: The islands of Kauai and Niihau.

APPORTIONMENT.

Apportionment.

SEC. 39. That the electors in the said districts shall be entitled to elect representatives as follows:

- In the first district, four;
- In the second district, four;
- In the third district, six;
- In the fourth district, six;
- In the fifth district, six;
- In the sixth district, four.

QUALIFICATIONS OF REPRESENTATIVES.

Qualifications of representatives.

SEC. 40. That in order to be eligible to be a member of the house of representatives a person shall, at the time of election—

- Have attained the age of twenty-five years;
- Be a male citizen of the United States;
- Have resided in the Hawaiian Islands not less than three years;
- And shall be qualified to vote for representatives in the district from which he is elected.

Legislation.

LEGISLATION.

SESSIONS OF THE LEGISLATURE.

Sessions of the legislature.

SEC. 41. That the first regular session of the legislature shall be held on the third Wednesday in February, nineteen hundred and one, and biennially thereafter, in Honolulu.

SEC. 42. That neither house shall adjourn during any session for more than three days, or sine die, without the consent of the other.

—duration of.

Proviso.
—extension.

SEC. 43. That each session of the legislature shall continue not longer than sixty days, excluding Sundays and holidays: *Provided, however,* That the governor may extend such session for not more than thirty days.

Special session.

The governor may convene the legislature, or the senate alone, in special session, and, in case the seat of government shall be unsafe from an enemy, riot, or insurrection, or any dangerous disease, direct that any regular or special session shall be held at some other than the regular meeting place.

Session at other than Capital.

ENACTING CLAUSE—ENGLISH LANGUAGE.

Enacting clause.

SEC. 44. That the enacting clause of all laws shall be, "Be it enacted by the legislature of the Territory of Hawaii."

English language.

All legislative proceedings shall be conducted in the English language.

TITLE OF LAWS.

Title of laws.

SEC. 45. That each law shall embrace but one subject, which shall be expressed in its title.

READING OF BILLS.

Reading of bills.

SEC. 46. That a bill in order to become a law shall, except as herein provided, pass three readings in each house, on separate days, the final passage of which in each house shall be by a majority vote of all the members to which such house is entitled, taken by ayes and noes and entered upon its journal.

—final passage.

CERTIFICATION OF BILLS FROM ONE HOUSE TO THE OTHER.

SEC. 47. That every bill when passed by the house in which it originated, or in which amendments thereto shall have originated, shall immediately be certified by the presiding officer and clerk and sent to the other house for consideration.

Certification of bills from one house to another.

SIGNING BILLS.

SEC. 48. That, except as herein provided, all bills passed by the legislature shall, in order to be valid, be signed by the governor.

Signing bills.

VETO OF GOVERNOR.

SEC. 49. That every bill which shall have passed the legislature shall be certified by the presiding officers and clerks of both houses, and shall thereupon be presented to the governor. If he approves it, he shall sign it, and it shall become a law. If the governor does not approve such bill, he may return it, with his objections, to the legislature.

Veto of governor.

He may veto any specific item or items in any bill which appropriates money for specific purposes; but shall veto other bills, if at all, only as a whole.

PROCEDURE UPON RECEIPT OF VETO.

SEC. 50. That upon the receipt of a veto message from the governor each house of the legislature shall enter the same at large upon its journal and proceed to reconsider such bill, or part of a bill, and again vote upon it by ayes and noes, which shall be entered upon its journal.

Procedure upon receipt of veto.

If after such reconsideration such bill, or part of a bill, shall be approved by a two-thirds vote of all the members to which each house is entitled, it shall thereby become law.

FAILURE TO SIGN OR VETO.

SEC. 51. That if the governor neither signs nor vetoes a bill within ten days after it is delivered to him it shall become a law without his signature, unless the legislature adjourns sine die prior to the expiration of such ten days.

Failure to sign or veto.

If any bill shall not be returned by the governor within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the legislature by their adjournment prevents its return, in which case it shall not be a law.

APPROPRIATIONS.

SEC. 52. That appropriations, except as otherwise herein provided, shall be made biennially by the legislature: *Provided, however,* That pending the time when this Act shall take effect and until a session of the legislature of the Territory of Hawaii shall be held, the President may, in his discretion, authorize and direct the use of such money in the treasury of the Republic of Hawaii as well as of the Territory of Hawaii, as he shall think requisite and proper for carrying on the government of the Territory of Hawaii, the preservation of the public health, the completion of the sewerage system of the city of Honolulu, and such other expenditures as in the President's judgment shall seem to be appropriate.

Appropriations made biennially. Post p. 162. *Proviso.* Use of funds in Hawaiian treasury authorized

SEC. 53. That the governor shall submit to the legislature, at each regular session, estimates for appropriations for the succeeding biennial period.

Estimates for appropriations.

Failure to appropriate for current expenses.

—extra session.

SEC. 54. That in case of failure of the legislature to pass appropriation bills providing for payments of the necessary current expenses of carrying on the government and meeting its legal obligations as the same are provided for by the then existing laws, the governor shall, upon the adjournment of the legislature, call it in extra session for the consideration of appropriation bills, and until the legislature shall have acted the treasurer may, with the advice of the governor, make such payments, for which purpose the sums appropriated in the last appropriation bills shall be deemed to have been reappropriated. And all legislative and other appropriations made prior to the date when this Act shall take effect, shall be available to the government of the Territory of Hawaii.

LEGISLATIVE POWER.

Legislative power.—scope of.

—exclusive privileges, etc., to corporations.

—private charters.

—incorporations.

Proviso. Real estate holdings of corporations limited, etc.

Divorce.

Lotteries.

Liquors.

Sectarian, etc., schools.

Government subscription to stock of corporations, etc.

Contracting territorial debts restricted, etc.

SEC. 55. That the legislative power of the Territory shall extend to all rightful subjects of legislation not inconsistent with the Constitution and laws of the United States locally applicable. The legislature, at its first regular session after the census enumeration shall be ascertained, and from time to time thereafter, shall reapportion the membership in the senate and house of representatives among the senatorial and representative districts on the basis of the population in each of said districts who are citizens of the Territory; but the legislature shall not grant to any corporation, association, or individual any special or exclusive privilege, immunity, or franchise without the approval of Congress; nor shall it grant private charters, but it may by general act permit persons to associate themselves together as bodies corporate for manufacturing, agricultural, and other industrial pursuits, and for conducting the business of insurance, savings banks, banks of discount and deposit (but not of issue), loan, trust, and guaranty associations, for the establishment and conduct of cemeteries, and for the construction and operation of railroads, wagon roads, vessels, and irrigating ditches, and the colonization and improvement of lands in connection therewith, or for colleges, seminaries, churches, libraries, or any other benevolent, charitable, or scientific association: *Provided*, That no corporation, domestic or foreign, shall acquire and hold real estate in Hawaii in excess of one thousand acres; 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. No divorce shall be granted by the legislature, nor shall any divorce be granted by the courts of the Territory unless the applicant therefor shall have resided in the Territory for two years next preceding the application, but this provision shall not affect any action pending when this Act takes effect; nor shall any lottery or sale of lottery tickets be allowed; nor shall spirituous or intoxicating liquors be sold except under such regulations and restrictions as the Territorial legislature shall provide; nor shall any public money be appropriated for the support or benefit of any sectarian, denominational, or private school, or any school not under the exclusive control of the government; nor shall the government of the Territory of Hawaii, or any political or municipal corporation or subdivision of the Territory, make any subscription to the capital stock of any incorporated company, or in any manner lend its credit for the use thereof; nor shall any debt be authorized to be contracted by or on behalf of the Territory, or any political or municipal corporation or subdivision thereof, except to pay the interest upon the existing indebtedness, to suppress insurrection, or to provide for the common defense, except that in addition to any indebtedness created for such purposes the legislature may authorize loans by the Territory, or any such subdivision thereof, for the erection of penal, charitable, and educational institutions, and for public buildings, wharves, roads, and harbor and

other public improvements, but the total of such indebtedness incurred in any one year by the Territory or any subdivision shall not exceed one per centum upon the assessed value of taxable property of the Territory or subdivision thereof, as the case may be, as shown by the last general assessment for taxation, and the total indebtedness for the Territory shall not at any time be extended beyond seven per centum of such assessed value, and the total indebtedness of any subdivision shall not at any time be extended beyond three per centum of such assessed value, but nothing in this provision shall prevent the refunding of any existing indebtedness at any time; nor shall any such loan be made upon the credit of the public domain or any part thereof, nor shall any bond or other instrument of any such indebtedness be issued unless made redeemable in not more than five years and payable in not more than fifteen years from the date of the issue thereof; nor shall any such bond or indebtedness be incurred until approved by the President of the United States.

TOWN, CITY, AND COUNTY GOVERNMENT.

SEC. 56. That the legislature may create counties and town and city municipalities within the Territory of Hawaii and provide for the government thereof. Town, etc., government.

ELECTIONS.

EXEMPTION OF ELECTORS ON ELECTION DAY.

SEC. 57. That every elector shall be privileged from arrest on election day during his attendance at election and in going to and returning therefrom, except in case of breach of the peace then committed, or in case of treason or felony. Elections.

SEC. 58. That no elector shall be so obliged to perform military duty on the day of election as to prevent his voting, except in time of war or public danger, or in case of absence from his place of residence in actual military service, in which case provision may be made by law for taking his vote. Exemption of electors on election day.

METHOD OF VOTING FOR REPRESENTATIVES.

SEC. 59. That each voter for representative may cast a vote for as many representatives as are to be elected from the representative district in which he is entitled to vote. Method of voting for representatives.

The required number of candidates receiving the highest number of votes in the respective representative districts shall be the representatives for such districts.

QUALIFICATIONS OF VOTERS FOR REPRESENTATIVES.

SEC. 60. That in order to be qualified to vote for representatives a person shall— Qualifications of voters for representatives.

First. Be a male citizen of the United States.

Second. Have resided in the Territory not less than one year preceding and in the representative district in which he offers to register not less than three months immediately preceding the time at which he offers to register.

Third. Have attained the age of twenty-one years.

Fourth. Prior to each regular election, during the time prescribed by law for registration, have caused his name to be entered on the register of voters for representatives for his district.

Fifth. Be able to speak, read, and write the English or Hawaiian language.

METHOD OF VOTING FOR SENATORS.

Method of voting for senators.

SEC. 61. That each voter for senator may cast one vote for each senator to be elected from the senatorial district in which he is entitled to vote.

The required number of candidates receiving the highest number of votes in the respective senatorial districts shall be the senators for such district.

QUALIFICATIONS OF VOTERS FOR SENATORS AND IN ALL OTHER ELECTIONS.

Qualifications of voters for senators and in all other elections.

SEC. 62. That in order to be qualified to vote for senators and for voting in all other elections in the Territory of Hawaii a person must possess all the qualifications and be subject to all the conditions required by this Act of voters for representatives.

Military service in Territory, disqualification.

SEC. 63. That no person shall be allowed to vote who is in the Territory by reason of being in the Army or Navy or by reason of being attached to troops in the service of the United States.

Ballou's Compilation. Provision as to oaths etc., continued in force.

SEC. 64. That the rules and regulations for administering oaths and holding elections set forth in Ballou's Compilation, Civil Laws, Appendix, and the list of registering districts and precincts appended, are continued in force with the following changes, to wit:

—except

Strike out the preliminary proclamation and sections one to twenty-six, inclusive, sections thirty and thirty-nine, the second and third paragraphs of section forty-eight, the second paragraph of section fifty, and sections sixty-two, sixty-three, and sixty-six, second paragraph of section one hundred.

In section twenty-nine strike out all after the word "Niihau" and in lieu thereof insert: "The boards of registration existing at the date of the approval of this Act shall go out of office, and new boards, which shall consist of three members each, shall be appointed by the governor, by and with the advice and consent of the senate, whose terms of office shall be four years. Appointments made by the governor when the senate is not in session shall be valid until the succeeding meeting of that body."

In section thirty-one strike out "the first day of April and the thirtieth day of June, in the year eighteen hundred and ninety-seven," and insert in lieu thereof "the last day of August and the tenth day of October, in the year nineteen hundred."

Strike out the words "and the detailed record" in sections fifty-two and one hundred and twelve.

Strike out "marshal" wherever it occurs and insert in lieu thereof "high sheriff."

Strike out of section fifty-three the words "except as provided in section one hundred and fourteen hereof."

In sections fifty-three, fifty-four, fifty-six, fifty-seven, fifty-nine, sixty, seventy-one, seventy-five, eighty-six, ninety-two, ninety-three, ninety-four, ninety-five, one hundred and eleven, one hundred and twelve, and one hundred and thirteen strike out the words "minister" and "minister of the interior" wherever they occur and insert in lieu thereof the words "secretary of the Territory."

In section fifty-six, paragraph three, strike out "interior office" and insert "office of the secretary of the Territory."

In section fifty-six, first paragraph, after the words "candidate for election" insert "to the legislature;" and in the last paragraph strike out the word "only."

Strike out the word "elective" in section sixty-four.

In sections twenty-seven, sixty-four, sixty-five, sixty-eight, seventy, and seventy-two strike out the words "minister of the interior" or

“minister” wherever they occur and insert in lieu thereof the word “governor.”

Amend section sixty-seven so that it will read: “At least forty days before any election the governor shall issue an election proclamation and transmit copies of the same to the several boards of inspectors throughout the Territory, or where such election is to be held.”

In section seventy-five strike out the word “perfectly,” and in section seventy-six strike out “in” and insert “on.”

In section one hundred and twelve strike out “interior department” and insert in lieu thereof “office of the secretary of the Territory.”

In section one hundred and fourteen strike out the word “Republic” wherever it occurs and insert in lieu thereof “Territory.”

In section one hundred and fifteen strike out the words “minister” and “minister of the interior” and insert in lieu thereof “treasurer,” and strike out all after the word “refreshments:” *Provided, however,* That for the holding of a special election before the first general election the governor may prescribe the time during which the boards of registration shall meet and the registration be made.

SEC. 65. That the legislature of the Territory may from time to time establish and alter the boundaries of election districts and voting precincts and apportion the senators and representatives to be elected from such districts.

Altering boundaries of election districts.

CHAPTER 3.—THE EXECUTIVE.

The Executive.

THE EXECUTIVE POWER.

SEC. 66. That the executive power of the government of the Territory of Hawaii shall be vested in a governor, who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and shall hold office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President. He shall be not less than thirty-five years of age; shall be a citizen of the Territory of Hawaii; shall be commander in chief of the militia thereof; may grant pardons or reprieves for offenses against the laws of the said Territory and reprieves for offenses against the laws of the United States until the decision of the President is made known thereon.

Governor.

ENFORCEMENT OF LAW.

SEC. 67. That the governor shall be responsible for the faithful execution of the laws of the United States and of the Territory of Hawaii within the said Territory, and whenever it becomes necessary he may call upon the commanders of the military and naval forces of the United States in the Territory of Hawaii, or summon the posse comitatus, or call out the militia of the Territory to prevent or suppress lawless violence, invasion, insurrection, or rebellion in said Territory, and he may, in case of rebellion or invasion, or imminent danger thereof, when the public safety requires it, suspend the privilege of the writ of habeas corpus, or place the Territory, or any part thereof, under martial law until communication can be had with the President and his decision thereon made known.

Powers of governor.

GENERAL POWERS OF THE GOVERNOR.

SEC. 68. That all the powers and duties which, by the laws of Hawaii, are conferred upon or required of the President or any minister of the Republic of Hawaii (acting alone or in connection with any other officer or person or body) or the cabinet or executive council, and not inconsistent with the Constitution or laws of the United States,

—general powers.

are conferred upon and required of the governor of the Territory of Hawaii, unless otherwise provided.

SECRETARY OF THE TERRITORY.

Secretary of the Territory, duties, etc.

SEC. 69. That there shall be a secretary of the said Territory, who shall be appointed by the President, by and with the advice and consent of the Senate of the United States, and who shall be a citizen of the Territory of Hawaii and hold his office for four years and until his successor shall be appointed and qualified, unless sooner removed by the President. He shall record and preserve all the laws and proceedings of the legislature and all acts and proceedings of the governor, and promulgate proclamations of the governor. He shall, within thirty days after the end of each session of the legislature, transmit to the President, the President of the Senate, and the Speaker of the House of Representatives of the United States one copy each of the laws and journals of such session. He shall transmit to the President, semiannually, on the first days of January and July, a copy of the executive proceedings, and shall perform such other duties as are prescribed in this Act or as may be required of him by the legislature of Hawaii.

ACTING GOVERNOR IN CERTAIN CONTINGENCIES.

—when to act as governor.

SEC. 70. That in case of the death, removal, resignation, or disability of the governor, or his absence from the Territory, the secretary shall exercise all the powers and perform all the duties of governor during such vacancy, disability, or absence, or until another governor is appointed and qualified.

ATTORNEY-GENERAL.

Attorney-general, duties, etc.

SEC. 71. That there shall be an attorney-general, who shall have the powers and duties of the attorney-general and those of the powers and duties of the minister of the interior which relate to prisons, prisoners, and prison inspectors, notaries public, and escheat of lands under the laws of Hawaii, except as changed by this Act and subject to modification by the legislature.

TREASURER.

Treasurer, duties, etc.

SEC. 72. That there shall be a treasurer, who shall have the powers and duties of the minister of finance and those of the powers and duties of the minister of the interior which relate to licenses, corporations, companies, and partnerships, business conducted by married women, newspapers, registry of conveyances, and registration of prints, labels, and trade-marks under the laws of Hawaii, except as changed in this Act and subject to modification by the legislature.

Commissioner of public lands.

COMMISSIONER OF PUBLIC LANDS.

Public-land laws, sales, etc., continued in force.

SEC. 73. That the laws of Hawaii relating to public lands, the settlement of boundaries, and the issuance of patents on land-commission awards, except as changed by this Act, shall continue in force until Congress shall otherwise provide. That, subject to the approval of the President, all sales, grants, leases, and other dispositions of the public domain, and agreements concerning the same, and all franchises granted by the Hawaiian government in conformity with the laws of Hawaii between the seventh day of July, eighteen hundred and ninety-eight, and the twenty-eighth day of September, eighteen hundred and

ninety-nine, are hereby ratified and confirmed. In said laws "land patent" shall be substituted for "royal patent;" "commissioner of public lands" for "minister of the interior," "agent of public lands," and "commissioners of public lands," or their equivalents; and the words "that I am a citizen of the United States," or "that I have declared my intention to become a citizen of the United States, as required by law," for the words "that I am a citizen by birth (or naturalization) of the Republic of Hawaii," or "that I have received letters of denization under the Republic of Hawaii," or "that I have received a certificate of special right of citizenship from the Republic of Hawaii." And no lease of agricultural land shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than five years until Congress shall otherwise direct. All funds arising from the sale or lease or other disposal of such lands shall be appropriated by the laws of the government of the Territory of Hawaii and applied to such uses and purposes for the benefit of the inhabitants of the Territory of Hawaii as are consistent with the joint resolution of annexation, approved July seventh, eighteen hundred and ninety-eight: *Provided*, There shall be excepted from the provisions of this section all lands heretofore set apart, or reserved, by Executive order, or orders, by the President of the United States.

Change of terms.

Lease of agricultural land.

Vol. 30, p. 750.

Proviso.
—exception.

COMMISSIONER OF AGRICULTURE AND FORESTRY.

SEC. 74. That the laws of Hawaii relating to agriculture and forestry, except as changed by this Act, shall continue in force, subject to modification by Congress or the legislature. In said laws "commissioner of agriculture and forestry" shall be substituted, respectively, for "bureau," "bureau of agriculture and forestry," "commissioner," "commissioners of agriculture," and "commissioners for the island of Oahu."

Commissioner of Agriculture and Forestry.

Laws continued in force.

Change of terms.

SUPERINTENDENT OF PUBLIC WORKS.

SEC. 75. That there shall be a superintendent of public works, who shall have the powers and duties of the superintendent of public works and those of the powers and duties of the minister of the Interior which relate to streets and highways, harbor improvements, wharves, landings, waterworks, railways, electric light and power, telephone lines, fences, pounds, brands, weights and measures, fires and fireproof buildings, explosives, eminent domain, public works, markets, buildings, parks and cemeteries, and other grounds and lands now under the control and management of the minister of the interior, and those of the powers and duties of the minister of finance and collector-general which relate to pilots and harbor masters under the laws of Hawaii except as changed by this Act and subject to modification by the legislature. In said laws the word "legislature" shall be substituted for "councils" and the words "the circuit court" for "the Hawaiian Postal Savings Bank."

Superintendent of public works, duties, etc.

Change of terms.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

SEC. 76. That there shall be a superintendent of public instruction, who shall have the powers and perform the duties conferred upon and required of the minister of public instruction by the laws of Hawaii as amended by this Act, and subject to modification by the legislature.

Superintendent of public instruction, duties, etc.

It shall be the duty of the United States Commissioner of Labor to collect, assort, arrange, and present in annual reports statistical details relating to all departments of labor in the Territory of Hawaii, especially in relation to the commercial, industrial, social, educational, and sanitary condition of the laboring classes, and to all such other subjects

Labor statistics.

as Congress may, by law, direct. The said commissioner is especially charged to ascertain, at as early a date as possible, and as often thereafter as such information may be required, the highest, lowest, and average number of employees engaged in the various industries in the Territory, to be classified as to nativity, sex, hours of labor, and conditions of employment, and to report the same to Congress.

AUDITOR AND DEPUTY AUDITOR.

Auditor and deputy,
duties, etc.

SEC. 77. That there shall be an auditor and deputy auditor, who shall have the powers and duties conferred upon and required of the auditor-general and deputy auditor-general, respectively, by act thirty-nine of the Session Laws, as amended by this Act, subject to modification by the legislature. In said act "officer" shall be substituted for "minister" where used without other designation.

SURVEYOR.

Surveyor.

SEC. 78. That there shall be a surveyor, who shall have the powers and duties heretofore attached to the surveyor-general, except such as relate to the geodetic survey of the Hawaiian Islands.

HIGH SHERIFF.

High sheriff.

SEC. 79. That there shall be a high sheriff and deputies, who shall have the powers and duties of the marshal and deputies of the Republic of Hawaii under the laws of Hawaii, except as changed by this Act, and subject to modification by the legislature.

APPOINTMENT, REMOVAL, TENURE, AND SALARIES OF OFFICERS.

Appointment of of-
ficers.

SEC. 80. That the President shall nominate and, by and with the advice and consent of the Senate, appoint the chief justice and justices of the supreme court, the judges of the circuit courts, who shall hold their respective offices for the term of four years, unless sooner removed by the President; and the governor shall nominate and, by and with the advice and consent of the senate of the Territory of Hawaii, appoint the attorney-general, treasurer, commissioner of public lands, commissioner of agriculture and forestry, superintendent of public works, superintendent of public instruction, auditor, deputy auditor, surveyor, high sheriff, members of the board of health, commissioners of public instruction, board of prison inspectors, board of registration and inspectors of election, and any other boards of a public character that may be created by law; and he may make such appointments when the senate is not in session by granting commissions, which shall, unless such appointments are confirmed, expire at the end of the next session of the senate. He may, by and with the advice and consent of the senate of the Territory of Hawaii, remove from office any of such officers. All such officers shall hold office for four years and until their successors are appointed and qualified, unless sooner removed, except the commissioners of public instruction and the members of said boards, whose terms of office shall be as provided by the laws of the Territory of Hawaii.

—removal.

Term of office.

Appointment, etc,
of unspecified officers.

The manner of appointment and removal and the tenure of all other officers shall be as provided by law; and the governor may appoint or remove any officer whose appointment or removal is not otherwise provided for.

Salaries.

The salaries of all officers other than those appointed by the President shall be as provided by the legislature, but those of the chief justice and the justices of the supreme court and judges of the circuit courts shall not be diminished during their term of office.

All officers appointed under the provisions of this section shall be citizens of the Territory of Hawaii. Officers to be citizens.

All persons holding office in the Hawaiian Islands at the time this Act takes effect shall continue to hold their respective offices until their successors are appointed and qualified, but not beyond the end of the first session of the senate of the Territory of Hawaii unless reappointed as herein provided. Present incumbents to hold until successor appointed.

CHAPTER IV.

THE JUDICIARY.

SEC. 81. That the judicial power of the Territory shall be vested in one supreme court, circuit courts, and in such inferior courts as the legislature may from time to time establish. And until the legislature shall otherwise provide, the laws of Hawaii heretofore in force concerning the several courts and their jurisdiction and procedure shall continue in force except as herein otherwise provided. The judiciary.

SUPREME COURT.

Supreme Court.

SEC. 82. That the supreme court shall consist of a chief justice and two associate justices, who shall be citizens of the Territory of Hawaii and shall be appointed by the President of the United States, by and with the advice and consent of the Senate of the United States, and may be removed by the President: *Provided, however,* That in case of the disqualification or absence of any justice thereof, in any cause pending before the court, on the trial and determination of said cause his place shall be filled as provided by law. —of what to consist.

Proviso.
Absence of justices.

LAWS CONTINUED IN FORCE.

SEC. 83. That the laws of Hawaii relative to the judicial department, including civil and criminal procedure, except as amended by this Act, are continued in force, subject to modification by Congress, or the legislature. The provisions of said laws or any laws of the Republic of Hawaii which require juries to be composed of aliens or foreigners only, or to be constituted by impaneling natives of Hawaii only, in civil and criminal cases specified in said laws, are repealed, and all juries shall hereafter be constituted without reference to the race or place of nativity of the jurors; but no person who is not a male citizen of the United States and twenty-one years of age and who can not understandingly speak, read, and write the English language shall be a qualified juror or grand juror in the Territory of Hawaii. No person shall be convicted in any criminal case except by unanimous verdict of the jury. No plaintiff or defendant in any suit or proceeding in a court of the Territory of Hawaii shall be entitled to a trial by a jury impaneled exclusively from persons of any race. Until otherwise provided by the legislature of the Territory, grand juries may be drawn in the manner provided by the Hawaiian statutes for drawing petty juries, and shall sit at such times as the circuit judges of the respective circuits shall direct; the number of grand jurors in each circuit shall be not less than thirteen, and the method of the presentation of cases to said grand jurors shall be prescribed by the supreme court of the Territory of Hawaii. The several circuit courts may subpoena witnesses to appear before the grand jury in like manner as they subpoena witnesses to appear before their respective courts. Laws continued in force.

Juries.
—repeal of certain provisions.

—qualifications.

—of one race only, etc.

—grand juries.

DISQUALIFICATION BY RELATIONSHIP, PECUNIARY INTEREST, OR PREVIOUS JUDGMENT.

SEC. 84. That no person shall sit as a judge or juror in any case in which his relative by affinity or by consanguinity within the third Disqualification of judge or jury.

degree is interested, either as a plaintiff or defendant, or in the issue of which the said judge or juror may have, either directly or through such relative, any pecuniary interest. No judge shall sit on an appeal, or new trial, in any case, in which he may have given a previous judgment.

United States officers.

CHAPTER 5.—UNITED STATES OFFICERS.

DELEGATE TO CONGRESS.

Delegate to Congress.

SEC. 85. That a Delegate to the House of Representatives of the United States, to serve during each Congress, shall be elected by the voters qualified to vote for members of the house of representatives of the legislature; such Delegate shall possess the qualifications necessary for membership of the senate of the legislature of Hawaii. The times, places, and manner of holding elections shall be as fixed by law. The person having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting.

FEDERAL COURT.

Federal Court.

Appointment of judge, etc.

Jurisdiction.

Procedure, etc.

Terms of court.

Clerk.

Reporter.

SEC. 86. That there shall be established in said Territory a district court to consist of one judge, who shall reside therein and be called the district judge. The President of the United States, by and with the advice and consent of the Senate of the United States, shall appoint a district judge, a district attorney, and a marshal of the United States for the said district, and said judge, attorney, and marshal shall hold office for six years unless sooner removed by the President. Said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court; and said judge, district attorney, and marshal shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges, district attorneys, and marshals of district and circuit courts of the United States. Writs of error and appeals from said district court shall be had and allowed to the circuit court of appeals in the ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeals as provided by law, and the laws of the United States relating to juries and jury trials shall be applicable to said district court. The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii. Regular terms of said court shall be held at Honolulu on the second Monday in April and October and at Hilo on the last Wednesday in January of each year; and special terms may be held at such times and places in said district as the said judge may deem expedient. The said district judge shall appoint a clerk for said court at a salary of three thousand dollars per annum, and shall appoint a reporter of said court at a salary of twelve hundred dollars per annum.

INTERNAL-REVENUE DISTRICT.

Internal-revenue district.

SEC. 87. That the Territory of Hawaii shall constitute a district for the collection of the internal revenue of the United States, with a collector, whose office shall be at Honolulu, and deputy collectors at such

other places in the several islands as the Secretary of the Treasury shall direct.

CUSTOMS DISTRICT.

SEC. 88. That the Territory of Hawaii shall comprise a customs district of the United States, with ports of entry and delivery at Honolulu, Hilo, Mahukona, and Kahului.

Customs district.

CHAPTER 6.—MISCELLANEOUS.

REVENUES FROM WHARVES.

SEC. 89. That until further provision is made by Congress the wharves and landings constructed or controlled by the Republic of Hawaii on any seacoast, bay, roadstead, or harbor shall remain under the control of the government of the Territory of Hawaii, which shall receive and enjoy all revenues derived therefrom, on condition that said property shall be kept in good condition for the use and convenience of commerce, but no tolls or charges shall be made by the government of the Territory of Hawaii for the use of any such property by the United States, or by any vessel of war, tug, revenue cutter, or other boat or transport in the service of the United States.

Revenues from wharves.

SEC. 90. That Hawaiian postage stamps, postal cards, and stamped envelopes at the post-offices of the Hawaiian Islands when this Act takes effect shall not be sold, but, together with those that shall thereafter be received at such offices as herein provided, shall be canceled under the direction of the Postmaster-General of the United States; those previously sold and uncanceled shall, if presented at such offices within six months after this Act takes effect, be received at their face value in exchange for postage stamps, postal cards, and stamped envelopes of the United States of the same aggregate face value and, so far as may be, of such denominations as desired.

Disposition of Hawaiian postage stamps.

SEC. 91. That the public property ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation, approved July seventh, eighteen hundred and ninety-eight, shall be and remain in the possession, use, and control of the government of the Territory of Hawaii, and shall be maintained, managed, and cared for by it, at its own expense, until otherwise provided for by Congress, or taken for the uses and purposes of the United States by direction of the President or of the governor of Hawaii. And all moneys in the Hawaiian treasury, and all the revenues and other property acquired by the Republic of Hawaii since said cession shall be and remain the property of the Territory of Hawaii.

Disposition of public property ceded to the United States. Vol. 30, p. 750.

SEC. 92. That the following officers shall receive the following annual salaries, to be paid by the United States: The governor, five thousand dollars; the secretary of the Territory, three thousand dollars; the chief justice of the supreme court of the Territory, five thousand five hundred dollars, and the associate justices of the supreme court, five thousand dollars each, and the judges of the circuit courts, three thousand dollars each. The salaries of the said chief justice and the associate justices of the supreme court, and the judges of the circuit courts as above provided shall be paid by the United States; the United States district judge, five thousand dollars; the United States marshal, two thousand five hundred dollars; the United States district attorney, three thousand dollars. And the governor shall receive annually, in addition to his salary, the sum of five hundred dollars for stationery, postage, and incidentals; also his traveling expenses while absent from the capital on official business, and the sum of two thousand dollars annually for his private secretary.

Salaries of governor, etc.

IMPORTS FROM HAWAII INTO THE UNITED STATES.

Imports from Hawaii into the United States.

SEC. 93. That imports from any of the Hawaiian Islands, into any State or any other Territory of the United States, of any dutiable articles not the growth, production, or manufacture of said islands, and imported into them from any foreign country after July seventh, eighteen hundred and ninety-eight, and before this Act takes effect, shall pay the same duties that are imposed on the same articles when imported into the United States from any foreign country.

INVESTIGATION OF FISHERIES.

Investigation of fisheries.

SEC. 94. That the Commissioner of Fish and Fisheries of the United States is empowered and required to examine into the entire subject of fisheries and the laws relating to the fishing rights in the Territory of Hawaii, and report to the President touching the same, and to recommend such changes in said laws as he shall see fit.

REPEAL OF LAWS CONFERRING EXCLUSIVE FISHING RIGHTS.

Repeal of laws conferring exclusive fishing rights.

SEC. 95. That all laws of the Republic of Hawaii which confer exclusive fishing rights upon any person or persons are hereby repealed, and all fisheries in the sea waters of the Territory of Hawaii not included in any fish pond or artificial inclosure shall be free to all citizens of the United States, subject, however, to vested rights; but no such vested right shall be valid after three years from the taking effect of this Act unless established as hereinafter provided.

PROCEEDINGS FOR OPENING FISHERIES TO CITIZENS.

Proceedings for opening fisheries to citizens.

SEC. 96. That any person who claims a private right to any such fishery shall, within two years after the taking effect of this Act, file his petition in a circuit court of the Territory of Hawaii, setting forth his claim to such fishing right, service of which petition shall be made upon the attorney-general, who shall conduct the case for the Territory, and such case shall be conducted as an ordinary action at law.

That if such fishing right be established, the attorney-general of the Territory of Hawaii may proceed, in such manner as may be provided by law for the condemnation of property for public use, to condemn such private right of fishing to the use of the citizens of the United States upon making just compensation, which compensation, when lawfully ascertained, shall be paid out of any money in the treasury of the Territory of Hawaii not otherwise appropriated.

Quarantine.

QUARANTINE.

Stations, regulations, etc.

SEC. 97. That quarantine stations shall be established at such places in the Territory of Hawaii as the Supervising Surgeon-General of the Marine-Hospital Service of the United States shall direct, and the quarantine regulations for said islands relating to the importation of diseases from other countries shall be under the control of the Government of the United States. The quarantine station and grounds at the harbor of Honolulu, together with all the public property belonging to that service, shall be transferred to the Marine-Hospital Service of the United States, and said quarantine grounds shall continue to be so used and employed until the station is changed to other grounds which may be selected by order of the Secretary of the Treasury.

Honolulu station.

The health laws of the government of Hawaii relating to the harbor of Honolulu and other harbors and inlets from the sea and to the internal control of the health of the islands shall remain in the jurisdiction of the government of the Territory of Hawaii, subject to the quarantine laws and regulations of the United States.

SEC. 98. That all vessels carrying Hawaiian registers on the twelfth day of August, eighteen hundred and ninety-eight, and which were owned bona fide by citizens of the United States, or the citizens of Hawaii, together with the following-named vessels claiming Hawaiian register, Star of France, Euterpe, Star of Russia, Falls of Clyde, and Wilscoff, shall be entitled to be registered as American vessels, with the benefits and privileges appertaining thereto, and the coasting trade between the islands aforesaid 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 coasting districts.

American register for certain vessels.

SEC. 99. That the portion of the public domain heretofore known as Crown land is hereby declared to have been, on the twelfth day of August, eighteen hundred and ninety-eight, and prior thereto, the property of the Hawaiian government, and to be free and clear from any trust of or concerning the same, and from all claim of any nature whatsoever, upon the rents, issues, and profits thereof. It shall be subject to alienation and other uses as may be provided by law.

Crown land free from trusts, etc.

SEC. 100. That for the purposes of naturalization under the laws of the United States residence in the Hawaiian Islands prior to the taking effect of this Act shall be deemed equivalent to residence in the United States and in the Territory of Hawaii, and the requirement of a previous declaration of intention to become a citizen of the United States and to renounce former allegiance shall not apply to persons who have resided in said islands at least five years prior to the taking effect of this Act; but all other provisions of the laws of the United States relating to naturalization shall, so far as applicable, apply to persons in the said islands.

Naturalization.

SEC. 101. That Chinese in the Hawaiian Islands when this Act takes effect may within one year thereafter obtain certificates of residence as required by "An Act to prohibit the coming of Chinese persons into the United States," approved May fifth, eighteen hundred and ninety-two, as amended by an Act approved November third, eighteen hundred and ninety-three, entitled "An Act to amend an Act entitled 'An Act to prohibit the coming of Chinese persons into the United States,' approved May fifth, eighteen hundred and ninety-two," and until the expiration of said year shall not be deemed to be unlawfully in the United States if found therein without such certificates: *Provided, however,* That no Chinese laborer, whether he shall hold such certificate or not, shall be allowed to enter any State, Territory, or District of the United States from the Hawaiian Islands.

Certificates of residence for Chinese.

Vol. 27, p. 25.

Vol. 28, p. 7.

Proviso.
Chinese laborers denied entrance into United States.

SEC. 102. That the laws of Hawaii relating to the establishment and conduct of any postal savings bank or institution are hereby abolished. And the Secretary of the Treasury, in the execution of the agreement of the United States as expressed in an Act entitled "Joint Resolution to provide for annexing the Hawaiian Islands to the United States," approved July seventh, eighteen hundred and ninety-eight, shall pay the amounts on deposit in the Hawaiian Postal Savings Bank to the persons entitled thereto, according to their respective rights, and he shall make all needful orders, rules, and regulations for paying such persons and for notifying such persons to present their demands for payment. So much money as is necessary to pay said demands is hereby appropriated out of any money in the Treasury not otherwise appropriated, to be available on and after the first day of July, nineteen hundred, when such payments shall begin, and none of said demands shall bear interest after said date, and no deposit shall be made in said bank after said date. Said demands of such persons shall be certified to by the chief executive of Hawaii as being genuine and due to the persons presenting the same, and his certificate shall be sealed with the official seal of the Territory, and countersigned by its secretary, and shall be approved by the Secretary of the Interior, who shall draw his

Hawaiian laws as to postal savings banks abolished.

Hawaiian Postal Savings Bank.
Payments to depositors authorized, etc.
Vol. 30, p. 750.

warrant for the amount due upon the Treasurer of the United States, and when the same are so paid no further liabilities shall exist in respect of the same against the governments of the United States or of Hawaii.

—surplus, etc., to be paid into United States Treasury.

SEC. 103. That any money of the Hawaiian Postal Savings Bank that shall remain unpaid to the persons entitled thereto on the first day of July, nineteen hundred and one, and any assets of said bank shall be turned over by the government of Hawaii to the Treasurer of the United States, and the Secretary of the Treasury shall cause an account to be stated, as of said date, between such government of Hawaii and the United States in respect to said Hawaiian Postal Savings Bank.

Effect.

SEC. 104. This Act shall take effect forty-five days from and after the date of the approval thereof, excepting only as to section fifty-two, relating to appropriations, which shall take effect upon such approval.

Ante, p. 149.

Approved, April 30, 1900.

April 30, 1900.

CHAP. 340.—An Act To authorize the construction of a bridge across Tallahatchie River, in Tallahatchie County, Mississippi.

Tallahatchie county, Miss., may bridge Tallahatchie River, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the board of supervisors of Tallahatchie County, in the State of Mississippi, be, and is hereby, authorized to construct and maintain a bridge and approaches thereto across the Tallahatchie River at or within one mile above or below Swan Lake, in the State of Mississippi. Said bridge shall be constructed to provide for the passage of wagons and vehicles of all kinds, animals, foot passengers, and for all road travel, for such reasonable rates of toll and under such reasonable rules and regulations as may be prescribed by said board of supervisors and approved by the Secretary of War.

Transit, toll, etc.

To be lawful structure and post route.

SEC. 2. That any bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which no charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes.

Telegraph, etc., companies.

Draw, etc.

SEC. 3. That the said bridge shall be constructed as a wagon bridge, and shall contain a drawspan giving a clear opening of a width to be determined by the Secretary of War, which drawspan shall be maintained over the main channel of the river at an accessible and navigable point; and said bridge other than the drawspan shall be at right angles to the current of the river at high water: *Provided*, That the said draw shall be opened promptly, upon reasonable signal, for the passage of boats and rafts; and said board of supervisors shall maintain, at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be erected or maintained under the authority of this Act which shall at any time unreasonably obstruct the free navigation of said river; and if any bridge erected under such authority shall, in the opinion of the Secretary of War, unreasonably obstruct navigation, he is hereby authorized to cause the entire removal thereof or such changes or alterations of said bridge to be made as will obviate such obstruction; and all such alterations shall be made and all such obstructions shall be removed at the expense of the owner or owners of said bridge; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, the case may be brought in the district court of the United States of the State of Mississippi, in whose

Provisos.—opening of.

Lights.

Obstructions to navigation.

—changes.

—litigation.

jurisdiction any portion of said obstruction or bridge may be located: *Provided further*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of the law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of same.

Existing law protecting navigation of rivers unchanged.

SEC. 4. That any bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of the said river as the Secretary of War shall prescribe; and to secure that object the said board of supervisors shall submit to the Secretary of War, for his examination and approval, a design and drawing of the bridge, and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the high and low water lines upon the banks of the river, the direction and strength of the currents at low and at high water, with the soundings accurately showing the bed of the stream, and the location of any other bridge or bridges, such maps to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as shall be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plans of said bridge during the progress of its construction, or after completion, such changes shall be subject to the approval of the Secretary of War.

Secretary of War to approve plans, etc.

SEC. 5. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date thereof: *Provided*, That Congress reserves the right to alter, amend, or repeal this Act whenever the public interests so require.

Commencement and completion.

Proviso.
Amendment.

Approved, April 30, 1900.

CHAP. 341.—An Act To authorize the Ohio Valley Electric Railway Company to construct a bridge over the Big Sandy River from Kenova, West Virginia, to Catlettsburg, Kentucky.

April 30, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That it shall be lawful for the Ohio Valley Electric Railway Company, a corporation organized under the laws of the State of West Virginia, to construct and maintain a bridge, and approaches thereto, over the Big Sandy River from a point in the town of Kenova, West Virginia, to a point in the town of Catlettsburg, Kentucky.

Ohio Valley Electric Railway may bridge Big Sandy River.

SEC. 2. That said bridge may be constructed to provide for the passage of railroad cars, wagons, and vehicles of all kinds, for the transit of animals, foot passengers, and all kinds of commerce, travel, or communication; and said corporation may charge and receive reasonable tolls therefor, subject to the approval of the Secretary of War, and to such changes as he may think proper from time to time.

Transit, toll, etc.

SEC. 3. That said bridge shall have its piers parallel to the current at high water due to a rise in the Big Sandy River; that all of its spans shall be through spans; that it shall have a clear channel way of at least one hundred and eighty-three feet, measured at the low-water level and perpendicular to the current at that stage; that said clear channel way shall be located over the main channel of the river; that none of the spans lying between the shore lines of the river at a bank-full stage shall have less than one hundred and eighty-three feet clear opening between piers; and that all such spans shall give a clear head-room of not less than sixty-nine and five-tenths feet, measured from low water to the lowest point of the superstructure, or of anything thereto attached.

Piers, spans, etc.

Secretary of War to approve plans, etc.

SEC. 4. That said Ohio Valley Electric Railway Company shall submit in triplicate to the Secretary of War, for his examination and approval, a design and drawings of the bridge, piers, approaches, and accessory works, and a map of the location, giving, for the space of at least one mile above and one mile below the proposed site, the topography of the banks of the river and the shore lines at high and low water, the direction and strength of the currents at low water and at high water, the location of all bridges, locks and dams, coal tipples, cribs, and all other structures projecting into the river at bank-full stage, in the vicinity, and such other information as the Secretary of War may require for a full and satisfactory understanding of the subject; and until such plan and location of the bridge and accessory works are approved by the Secretary of War the bridge shall not be commenced or built; and should any change be made in the plan of said bridge during the progress of construction, or after completion, such change shall be subject to the approval of the Secretary of War.

Aids to navigation.

SEC. 5. That said bridge herein authorized to be constructed shall be so kept and managed at all times as to afford proper means and ways for the passage of vessels, barges, or rafts, both by day and by night; and there shall be displayed on said bridge by the owners thereof, from sunset to sunrise, such lights or other signals as the Light-House Board may prescribe; and such indications of the stage of water and the headroom under the bridge as the Secretary of War may direct shall be displayed by the owners thereof; and such changes shall be made from time to time in the structure of said bridge as the Secretary of War may direct, at the expense of the said company, in order the more effectually to preserve the free navigation of said river.

Lights.

Changes.

To be lawful structure and post route.

SEC. 6. That said bridge shall be a lawful structure and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transportation over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation of said mails, troops, and munitions over the railroads and public highways leading to said bridge; and the United States shall have the right of way for postal-telegraph and telephone purposes over said bridge.

Right of railways to use.

SEC. 7. That all railway companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto, upon payment of a reasonable compensation for such use; and in case the parties interested shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall, upon the application of either party, be determined by the Secretary of War upon a hearing of the allegations and proofs of the parties.

Navigable channel during construction, etc.

SEC. 8. That during the original construction of said bridge, or in carrying out any authorized changes or repairs of said bridge, a navigable channel sufficient to accommodate the commerce of the river shall be preserved at all times at the site of said bridge, and the waterway of the river shall not be obstructed to a greater extent than is absolutely necessary, and such lights and buoys shall be kept on all cofferdams, piles, and other structures as may be necessary for the security of navigation; and that any temporary obstruction or closing of any channel in customary use shall not be commenced until after due notice to navigation; and all cofferdams, piles, and other structures used in the construction or repair of said bridge shall be removed within a reasonable time after the completion or repair of said bridge.

Commencement and completion.

SEC. 9. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date hereof.

SEC. 10. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

Approved, April 30, 1900.

CHAP. 342.—An Act To amend the charter of the East Washington Heights Traction Railroad Company.

April 30, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the charter of the East Washington Heights Traction Railroad Company, of the District of Columbia, be, and the same is hereby, amended so as to authorize and permit the said company to lay down its tracks and operate its cars from its present authorized terminus at the western approach to the Pennsylvania Avenue Bridge, as provided in section one of the Act of incorporation; thence north on Seventeenth street east to East Capitol street; thence west on East Capitol street to Fifteenth street east, connecting with the Metropolitan Railway; also from the intersection of Minnesota avenue and Harrison street thence westerly on Harrison street to Pierce street; thence southerly on Pierce street to Jackson street; thence westerly along Jackson street to Monroe street; also northward on Minnesota avenue as laid down on the highway-extension plans, to connect with the Columbia Railway at Benning, over a route and at a point acceptable to and approved by the Commissioners of the District of Columbia.

District of Columbia.
East Washington
Heights traction rail-
road.
Charter amended.
Route extended, etc.

Vol. 30, p. 478.

SEC. 2. That the time within which the East Washington Heights Traction Railroad Company is required to complete and put in operation its railway be, and the same is hereby, extended for the term of two years from the eighteenth day of June, nineteen hundred: *Provided, That if within two years from the date of the passage of this Act the Washington and Marlboro Railroad Company shall build its lines into and within the District of Columbia, then said company shall have the right to use such of the routes in this Act provided for as may coincide with the route provided for in the charter of the said Washington and Marlboro Railroad Company.*

Time for comple-
tion extended.

Proviso.
Use of coinciding
routes by Washington
and Marlboro Rail-
road.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act.

Amendment.

Approved, April 30, 1900.

CHAP. 343.—An Act Authorizing the establishment of a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay.

April 30, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to establish a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay, at a cost not exceeding thirty thousand dollars.

Delaware Bay.
Light, etc., station
established on new
breakwater, harbor of
refuge.

Approved, April 30, 1900.

CHAP. 344.—An Act To amend an Act authorizing the terms of the district court of the United States for the southern district of Mississippi to be held hereafter at Biloxi.

May 3, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of chapter three hundred and fifty-one of the United States Statutes at Large, entitled "An Act authorizing the terms of the district court of the United States for the southern district of Mississippi to be held here-

Mississippi southern
judicial district.
Terms of district
and circuit courts at
Biloxi.
Vol. 30, p. 977.

after at Biloxi." approved March second, eighteen hundred and ninety-nine, be amended as follows, to wit: After the words "district court" insert the words "and circuit court."

Effect.

SEC. 2. That this Act take effect from and after its passage.

Approved, May 3, 1900.

May 4, 1900.

CHAP. 345.—An Act Authorizing the Cape Nome Transportation, Bridge, and Development Company, a corporation organized and existing under the laws of the State of Washington and authorized to do business in the Territory of Alaska, to construct a traffic bridge across the Snake River, at Nome City, in the Territory of Alaska.

Cape Nome Transportation, Bridge, etc., Company may bridge Snake River, Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Cape Nome Transportation, Bridge, and Development Company, a corporation organized and existing under the laws of the State of Washington and authorized to do business in the Territory of Alaska, is hereby authorized and empowered to construct, operate, and maintain a general traffic bridge across the Snake River, to be located at such point within or near the corporate limits of the city of Nome, in said Territory of Alaska, as shall be approved by the Secretary of War: *Provided,* That said bridge shall be constructed as a drawbridge, and the draw shall be opened promptly, upon reasonable signal, for the passage of boats; and, whatever kind of bridge is constructed, the owners thereof shall maintain thereon, at their own expense, from sunset to sunrise, such lights or other signals as the Light-House Board shall prescribe; that such bridge shall be constructed so as to provide for the passage of vehicles and pedestrians, upon the payment of a reasonable compensation for such use.

Proviso.
Draw.

Lights.

Transit.

To be lawful structure and post route.

SEC. 2. That any bridge built under the provisions of this Act shall be a lawful structure, and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, troops, and munitions of war of the United States passing over said bridge than the rate per mile paid for the transportation over the public highways leading to said bridge; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies, and the United States shall have the right of way across said bridge and approaches for postal-telegraph purposes; and said bridge shall be so constructed and operated as not to interfere with the navigation of said river.

Telegraph, etc., companies.

Toll.

SEC. 3. That the said corporation shall have the right to charge and collect a reasonable rate of toll, to be approved by the Secretary of War, not exceeding ten cents for pedestrians, twenty-five cents for animals, and fifty cents for vehicles.

Secretary of War to approve plans.

SEC. 4. That the bridge authorized to be constructed under this Act shall be located and built under and subject to regulations for the security of the navigation of said river as the Secretary of War shall prescribe; and to secure that object the said corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the proposed bridge and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents, and the soundings, accurately showing the bed of the stream, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War no work upon the bridge shall be commenced; and should any change be made in the plan of said bridge during the progress of construction such change shall be subject to the approval of the Secretary of War; and

any changes in said bridge which the Secretary of War may at any time deem necessary and order in the interests of navigation shall be made by the owners thereof at their own expense.

SEC. 5. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of approval hereof.

SEC. 6. That Congress hereby expressly reserves the right to alter, amend, or repeal this Act.

Approved, May 4, 1900.

Commencement and completion.

Amendment.

CHAP. 346.—An Act To amend an Act entitled “An Act permitting the building of a dam across Rainy Lake River.”

May 4, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three of an Act entitled “An Act permitting the building of a dam across Rainy Lake River,” approved May fourth, eighteen hundred and ninety-eight, and granting to the Koochiching Company, its successors and assigns, the consent of Congress to construct a dam across the Rainy Lake River, be, and the same is hereby, amended so as to read as follows:

Time extended to the Koochiching Company to dam Rainy Lake River, Minn.
Vol. 30, p. 398.

“That this Act shall be null and void unless the dam herein authorized shall be commenced within three years and completed within five years after the fourth day of May, eighteen hundred and ninety-eight.”

Approved, May 4, 1900.

CHAP. 347.—An Act To authorize the New Orleans and Northwestern Railway Company, its successors and assigns, to build and maintain a bridge across Bayou Bartholomew in the State of Louisiana.

May 4, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the New Orleans and Northwestern Railway Company, a corporation created, organized, and existing under the laws of the States of Louisiana and Mississippi be, and is hereby, authorized to construct and maintain a railway bridge, and approaches thereto, over Bayou Bartholomew, in the State of Louisiana, at a point suitable, in the judgment of the Secretary of War, to the interests of navigation, near the north line of section twenty-five, township twenty-two north, range five east; said bridge shall be constructed for the passage of railway trains, and, at the option of the corporation by which it is built, may be used for the passage of wagons and vehicles of all kinds, for the transit of animals, and for foot passengers, for reasonable rates of toll, to be fixed by the said company and approved by the Secretary of War.

New Orleans and Northwestern Railway may bridge Bayou Bartholomew, La.

Transit.

Toll.

SEC. 2. That the said bridge, to be constructed under this Act, and subject to its limitations, shall be a lawful structure, and shall be recognized and known as a post road, and shall enjoy the rights and privileges of other post roads in the United States; that no higher charges shall be made for the transmission over the same of the mail, troops, and munitions of war of the United States or for through railway passengers or freight passing over said bridge than the rate per mile for their transmission over the roads leading to said bridge; and equal privileges in the use of said bridge shall be granted to all telegraph companies, and the United States shall have the right of way across said bridge for postal telegraph services; that the said bridge shall be constructed either as a drawbridge, or otherwise, so that a free and unobstructed passage may be secured to all water crafts navigating said river at the point aforesaid: *Provided*, That if the said bridge authorized to be constructed under this Act shall be con-

To be lawful structure and post route.

Telegraph companies.

Draw.

Provided.
—opening of.

Lights.

structed as a drawbridge, the draws shall be opened promptly upon reasonable signals for the passage of boats or vessels, and whatever kind of bridge is constructed the said corporation shall maintain thereon at its own expense, from sunset to sunrise, such lights or other signals as the Light-House Board shall prescribe.

Secretary of War to approve plans.

SEC. 3. That the bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe, and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, designs and drawings of the said bridge, and a map of the location of same, giving the topography of the banks of the river or bayou, the shore line at high and low water, and the direction and strength of the current at different stages, the location of any other bridge or bridges within one mile thereof, and such further information as may be required for a satisfactory understanding of the subject; and said bridge shall not be constructed until the plan and location is approved by the Secretary of War. All litigation which shall be had in regard to the said bridge shall be in the circuit court of the United States in whose jurisdiction the said bridge is located.

Litigation.

Amendment.

Changes.

Commencement and completion.

SEC. 4. That the right to alter, amend, or repeal this Act is hereby reserved; and any alterations or changes that may be required by the Secretary of War in the bridge constructed under this Act shall be made by the corporation owning or controlling the same at its own expense. Furthermore, if the construction of the said bridge shall not be commenced within one year and completed within three years after the passage of this Act all the privileges conferred hereby, and this Act, shall become null and void.

Approved, May 4, 1900.

May 4, 1900.

CHAP. 348.—An Act To authorize the Atlantic and Gulf Short Line Railroad Company to build, construct, and maintain railway bridges across the Ocmulgee and Oconee rivers within the boundary lines of Irwin, Wilcox, Telfair, and Montgomery counties, in the State of Georgia.

Atlantic and Gulf Short Line Railroad may bridge Ocmulgee and Oconee rivers, Ga.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Atlantic and Gulf Short Line Railroad Company, a corporation duly incorporated and existing under and by virtue of the laws of the State of Georgia, be, and it is hereby, authorized to construct, build, and maintain across the Ocmulgee River a railroad bridge for the passage of railroad engines and cars, at such point as may be selected by said company and approved by the Secretary of War, within Irwin, Wilcox, and Telfair counties, in the State of Georgia, the said Ocmulgee river being the dividing line between said counties of Irwin and Wilcox on the west and Telfair on the east side of said river.

Oconee River.

SEC. 2. That the said Atlantic and Gulf Short Line Railroad Company is hereby authorized to build, construct, and maintain a railroad bridge for the passage of railroad engines and cars across the Oconee River, in the county of Montgomery, State of Georgia, at such point as may be selected by said company and approved by the Secretary of War.

No obstruction to navigation.

Draws.
To be lawful structures and post routes.

Rights of railways to use.

SEC. 3. That said bridges are to be so constructed as not to obstruct the navigation of said rivers, and to be provided each with a suitable draw: *Provided*, That the bridges constructed under this Act and according to its limitations shall be lawful structures and shall be known and recognized as post routes, and the same are hereby declared to be post routes, and the United States shall have the right of way for a postal telegraph across said bridges: *Provided further*, That all rail-

road companies desiring the use of said bridges and approaches shall have and be entitled to equal rights and privileges relative to the passage of trains over the same upon payment of a reasonable compensation for such use; and in case the owner or owners of said bridges and the several railroad companies, or any of them, desiring such use shall fail to agree upon the sum or sums to be paid, or upon rules and conditions to which each shall conform in using said bridges and approaches, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties.

SEC. 4. That the bridges authorized to be constructed under this Act shall be located and built under and subject to such regulations for the security of the navigation of said rivers as the Secretary of War shall prescribe; and the said company or corporation shall submit to the Secretary of War, for his examination and approval, designs and drawings of the proposed bridges and maps of the locations, giving, for the space of one-fourth of a mile above and one-fourth of a mile below the proposed locations, the topography of the banks of the rivers, the shorelines at high and low water, the direction and strength of the currents, and the soundings, accurately showing the bed of the streams, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plans and locations of the bridges are approved by the Secretary of War no work upon the said bridges shall be commenced; and should any change be made in the plans of said bridges during the progress of construction or after completion such change shall be subject to the approval of the Secretary of War.

Secretary of War to approve plans.

SEC. 5. That Congress reserves the right to alter, amend, or repeal this Act at any time; and that if at any time the navigation of said rivers shall in any manner be obstructed or impaired by the said bridges the Secretary of War shall have authority, and it shall be his duty, to require the said railroad company to alter and change the said bridges, at its own expense, in such manner as may be proper to secure free and complete navigation without impediment.

Amendment. Alterations.

SEC. 6. That the draws provided for the bridges herein authorized to be constructed shall be opened promptly, upon reasonable signal, for the passing of boats or other craft; and the said company or corporation shall maintain at its own expense from sunset to sunrise, such lights or other signals on said bridges as the Light-House Board may prescribe; and if actual construction of the bridges herein authorized shall not be commenced within one year from the passage of this Act, and be completed within three years from same date, the rights and privileges hereby granted shall cease and be determined.

Draws.

Lights.

Commencement and completion.

Approved, May 4, 1900.

CHAP. 349.—An Act To amend an Act entitled "An Act to prevent forest fires on the public domain," approved February twenty-fourth, eighteen hundred and ninety-seven.

May 5, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act entitled "An Act to prevent forest fires on the public domain," approved February twenty-fourth, eighteen hundred and ninety-seven, be, and the same is hereby, amended so as to read as follows:

Public lands. Vol. 29, p. 594, amended.

"That any person who shall willfully or maliciously set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States having jurisdiction of the same shall be fined in a sum

Penalty for setting fire to timber, etc.

not more than five thousand dollars or be imprisoned for a term of not more than two years, or both.

-for failure to extinguish before leaving fire.

"SEC. 2. That any person who shall build a fire in or near any forest, timber, or other inflammable material upon the public domain shall, before leaving said fire, totally extinguish the same. Any person failing to do so shall be deemed guilty of a misdemeanor, and upon conviction thereof in any district court of the United States having jurisdiction of the same shall be fined in a sum not more than one thousand dollars or be imprisoned for a term of not more than one year, or both.

Disposition of fines collected.

"SEC. 3. That in all cases arising under this Act the fines collected shall be paid into the public-school fund of the county in which the lands where the offense was committed are situated."

Approved, May 5, 1900.

May 7, 1900.

CHAP. 384.—An Act For the appointment of an additional United States commissioner in the northern judicial district of the Indian Territory.

Indian Territory. Appointment of additional United States commissioner at Wewoka, authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the judge of the United States court in the Indian Territory presiding in the northern judicial district thereof is hereby authorized and empowered to appoint an additional United States commissioner within said district, who shall be permanently located at Wewoka, in the Seminole Nation, and to prescribe by metes and bounds the portion of the district for which such commissioner is appointed.

Approved, May 7, 1900.

May 9, 1900.

CHAP. 385.—An Act In amendment of sections two and three of an Act entitled "An Act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," approved June twenty-seventh, eighteen hundred and ninety.

Pensions. Vol. 26, p. 182, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections two and three of an Act entitled "An Act granting pensions to soldiers and sailors who are incapacitated for the performance of manual labor, and providing for pensions to widows, minor children, and dependent parents," be, and the same are hereby, amended so as to read as follows:

Invalid pensions to disabled soldiers and sailors.

"SEC. 2. That all persons who served ninety days or more in the military or naval service of the United States during the late war of the rebellion and who have been honorably discharged therefrom, and who are now or who may hereafter be suffering from any mental or physical disability or disabilities of a permanent character, not the result of their own vicious habits, which so incapacitates them from the performance of manual labor as to render them unable to earn a support, shall, upon making due proof of the fact, according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the list of invalid pensioners of the United States, and be entitled to receive a pension not exceeding twelve dollars per month and not less than six dollars per month, proportioned to the degree of inability to earn a support; and in determining such inability each and every infirmity shall be duly considered, and the aggregate of the disabilities shown be rated, and such pension shall commence from the date of the filing of the application in the Bureau of Pensions, after the passage of this Act, upon proof that the disability or disabilities then existed, and shall continue during the existence of the same: Provided, That persons who are now receiving pensions under exist-

-maximum, etc., pension.

Determination of inability to earn support. Commencement and continuance of pension.

Provisos.

ing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions, in such form as he may prescribe, showing themselves entitled thereto, receive the benefits of this Act; and nothing herein contained shall be so construed as to prevent any pensioner thereunder from prosecuting his claim and receiving his pension under any other general or special Act: *Provided, however,* That no person shall receive more than one pension for the same period: *And provided further,* That rank in the service shall not be considered in applications filed under this Act.

Pensioners under existing acts, etc., not barred.

One pension for same period. Service rank not considered.

“SEC. 3. That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late war of the rebellion, and who was honorably discharged has died, or shall hereafter die, leaving a widow without means of support other than her daily labor, and an actual net income not exceeding two hundred and fifty dollars per year, or minor children under the age of sixteen years, such widow shall, upon due proof of her husband’s death, without proving his death to be the result of his army service, be placed on the pension roll from the date of the application therefor under this Act, at the rate of eight dollars per month during her widowhood, and shall also be paid two dollars per month for each child of such officer or enlisted man under sixteen years of age; and in case of the death or remarriage of the widow, leaving a child or children of such officer or enlisted man under the age of sixteen years, such pension shall be paid such child or children until the age of sixteen: *Provided,* That in case a minor child is insane, idiotic, or otherwise physically or mentally helpless, the pension shall continue during the life of said child, or during the period of such disability; and this proviso shall apply to all pensions heretofore granted or hereafter to be granted under this or any former statute; and such pensions shall commence from the date of application therefor after the passage of this Act: *And provided further,* That said widow shall have married said soldier prior to the passage of the said Act of June twenty-seventh, eighteen hundred and ninety.”

Dependent widows and minor children.

Widow's pension.

—children.

Provisos.

—continuing pension to minor child during permanent disability; application to all pensions, etc.

Limit as to time of marriage.

Approved, May 9, 1900.

CHAP. 386.—An Act To amend the Act approved March third, eighteen hundred and ninety-nine, for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the Act approved March third, eighteen hundred and eighty-three, and commonly known as the Bowman Act, and for other purposes.

May 9, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the Act for the allowance of certain claims for stores and supplies reported by the Court of Claims under the provisions of the Act approved March third, eighteen hundred and eighty-three, and commonly known as the Bowman Act, and for other purposes, approved March third, eighteen hundred and ninety-nine, as authorizes and directs the Secretary of the Treasury to pay to the legal representatives of Jacob S. Engleman, deceased, late of Augusta County, Virginia, five hundred and ten dollars be repealed. And in lieu thereof there is appropriated to Jacob S. Engleman, administrator of John Engleman, deceased, late of Augusta County, Virginia, the sum of five hundred and ten dollars, and the same is directed to be paid him by the Secretary of the Treasury.

Jacob S. Engleman, administrator of John Engleman, deceased. Payment to. Vol. 30, p. 1188, amended.

Approved, May 9, 1900.

May 9, 1900.

CHAP. 387.—An Act Authorizing the Secretary of War to make regulations governing the running of loose logs, steamboats, and rafts on certain rivers and streams.

Navigation.
Exemption from prohibition against floating sack rafts in streams navigated by steamboats.
Vol. 30, p. 1152.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the prohibition contained in section fifteen of the river and harbor Act, approved March third, eighteen hundred and ninety-nine, against floating loose timber and logs, or sack rafts, so called, of timber and logs in streams or channels actually navigated by steamboats, shall not apply to any navigable river or waterway of the United States or any part thereof whereon the floating of loose timber and logs and sack rafts of timber and logs is the principal method of navigation. But such method of navigation on such river or waterway or part thereof shall be subject to the rules and regulations prescribed by the Secretary of War as hereinafter provided.

Secretary of War to make regulations for floating logs, rafts, etc.

SEC. 2. That the Secretary of War shall have power, and he is hereby authorized and directed, within the shortest practicable time after the passage hereof, to prescribe rules and regulations, which he may at any time modify, to govern and regulate the floating of loose timber and logs, and sack rafts, (so called) of timber and logs and other methods of navigation on the streams and waterways, or any thereof, of the character, as to navigation, in section one hereof described. The said rules and regulations shall be so framed as to equitably adjust conflicting interests between the different methods or forms of navigation; and the said rules and regulations shall be published at least once in such newspaper or newspapers of general circulation as in the opinion of the Secretary of War shall be best adapted to give notice of said rules and regulations to persons affected thereby and locally interested therein. And all modifications of said rules and regulations shall be similarly published. And such rules and regulations when so prescribed and published as to any such stream or waterway shall have the force of law, and any violation thereof shall be a misdemeanor, and every person convicted of such violation shall be punished by a fine of not exceeding two thousand five hundred dollars nor less than five hundred dollars, or by imprisonment (in case of a natural person) for not less than thirty days nor more than one year, or by both such fine and imprisonment, in the discretion of the court: *Provided,* That the proper action to enforce the provisions of this section may be commenced before any commissioner, judge, or court of the United States, and such commissioner, judge or court shall proceed in respect thereto as authorized by law in the case of crimes or misdemeanors committed against the United States.

—publication.

—force.

—penalty.

Proviso.
Procedure.

Amendment.

SEC. 3. That the right to alter, amend, or repeal this Act at any time is hereby reserved.

Pending actions unaffected.

SEC. 4. That this Act shall not, nor shall any rules or regulations prescribed thereunder, in any manner affect any civil action or actions heretofore commenced and now pending to recover damages claimed to have been sustained by reason of the violation of any of the terms of said section fifteen, as originally enacted, or in violation of any other law.

Approved, May 9, 1900.

May 10, 1900.

CHAP. 388.—An Act To authorize the construction of a bridge across the Back Bay, at Biloxi, Mississippi.

Biloxi, Miss., may bridge Back Bay, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the mayor and board of aldermen of the town of Biloxi, in the State of Mississippi, be, and hereby are, authorized to construct and maintain a bridge and

approaches thereto across the bay, commonly known as the Back Bay, at or near the town of Biloxi, Mississippi, between the said town of Biloxi, situated on the south side of said bay, to a point on the north side of said bay, said bridge to start at or near what is known as the old ferry point, on the south shore of said bay, running thence north twenty-two degrees east to the south side of the channel or to the marsh; thence north nineteen degrees east to mainland, or said location to be selected consistent with the interests of navigation. Said bridge shall be built to provide for the passage of wagons and vehicles of all kinds, and animals, and for all road travel, for such reasonable rates of toll and under such reasonable rules and regulations as may be prescribed by the said parties, or their successors and assigns, and to be approved from time to time by the Secretary of War.

Transit; toll.

SEC. 2. That said bridge shall not be commenced or built until the plans and specifications for its construction have been submitted to the Secretary of War for his approval, nor until he shall approve the plan and location of said bridge; and if any change be made in the plan or construction of said bridge at any time, such change shall be subject to the approval of the Secretary of War; and any change in the construction or any alteration of said bridge that may be directed at any time by Congress or the Secretary of War shall be made at the cost and expense of the owners thereof; that said bridge shall be constructed without interference with the security and convenience of navigation of said bay beyond what is necessary to carry out effectually the rights and privileges hereby granted, and in order to secure that object the said parties shall submit to the Secretary of War, for his examination and approval, a design of and drawings of said bridge and accessory works and a map of the proposed location, giving, for the space of three hundred yards above and below such proposed location, the topography of the banks of the bay, with shore lines and soundings and directions of currents at medium high-tide water, and such other information as may be required for a full understanding of the subject.

Secretary of War to approve plans, etc.

Changes.

No obstruction to navigation.

SEC. 3. That said bridge shall be built as a low bridge, and shall have one drawspan of such width of openings as may be prescribed by the Secretary of War, which drawspan shall be maintained over the main channel of said bay at an accessible and navigable point, and the piers of said bridge at said channel shall be parallel with, and the bridge itself at right angles to, the current of said channel. Said drawspan shall be opened promptly by said parties or their successors and assigns, upon reasonable signal, for the passage of boats and rafts: *Provided*, That the said parties, or their successors and assigns, shall, at their own expense, under the direction and supervision of the Secretary of War, when so required, do and perform such necessary work to maintain the channel within the drawspan of said bridge, and shall, at their own expense, maintain a depth of water through said span not less than now existing, as shown by the records of the War Department: *And provided further*, That said parties, or their successors and assigns, shall maintain, at their own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe.

Draw.

Provisos.
Maintenance of channel.

Lights.

SEC. 4. That any bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops and munitions of war of the United States than the rate per mile for the transportation over the public highways leading to the said bridge, and it shall enjoy the rights and privileges of other post roads in the United States.

To be lawful structure and post route.

SEC. 5. That Congress reserves the right to alter, amend, or repeal this Act, and the Secretary of War, whenever he shall deem it necessary,

Amendment.
Removal of obstructions, etc.

may cause the owners of said bridge to remove all material and substantial obstructions to the navigation of said bay by the construction of said bridge and its accessory works, or to prevent such obstructions; and the expense of altering said bridge and removing such obstructions shall be at the expense of the owners of the bridge.

Commencement and completions.

SEC. 6. That this Act shall be null and void if construction of said bridge shall not be commenced within one year and completed within three years from its approval.

Approved, May 10, 1900.

May 10, 1900.

CHAP. 389.—An Act Relating to the Twelfth and subsequent censuses, and giving the Director thereof additional power and authority in certain cases, and for other purposes.

Census. Appointment of superintendent of printing, etc., authorized. Vol. 30, p. 1014.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the power and authority conferred upon the Director of the Census by an Act entitled "An Act to provide for taking the Twelfth and subsequent censuses," approved March third, eighteen hundred and ninety-nine, said Director of the Census shall have power, and is hereby authorized, to appoint and employ, as the necessity therefor may arise, one superintendent of printing, at an annual salary of two thousand five hundred dollars, and to appoint and employ such number of skilled mechanics and other persons in the Census printing office as may be necessary to carry into effect the preliminary printing and binding provided for in said Act, at the same compensation as is paid for similar work in the Government Printing Office.

Chief clerk Census Office to act as superintendent of buildings, etc.

SEC. 2. That the chief clerk of the Census Office shall act as superintendent, and have general charge of all buildings occupied for the purpose of carrying on the work of the Census, and shall receive therefor the sum of three hundred dollars, in addition to his regular salary.

Salary of the Director.

SEC. 3. That the salary of the Director of the Census shall be seven thousand five hundred dollars per annum.

Additional compensation of supervisors.

SEC. 4. That in addition to the sum provided to be paid to supervisors of census in section eleven of an Act entitled "An Act to provide for taking the Twelfth and subsequent censuses," approved March third, eighteen hundred and ninety-nine, the Director of the Census is hereby authorized and directed to pay to each supervisor, as further compensation, a sum equal to two per centum of the amount paid to the enumerators for taking the census in said supervisor's district: *Provided,* That the amount of such additional or further compensation to be paid to each supervisor shall in no case be less than two hundred and fifty dollars.

Proviso.—minimum payment.

Approved, May 10, 1900.

May 10, 1900.

CHAP. 390.—An Act To provide for sittings of the circuit and district courts of South Carolina in the city of Florence, South Carolina.

South Carolina judicial district.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the times and places now fixed by law for the sitting of the circuit court of the United States for the district of South Carolina there shall be a session of the said circuit court in the city of Florence on the first Tuesday in March in each year hereafter.

Terms of court at Florence.

SEC. 2. That there shall be a regular term of the district court of the United States for the eastern district of the district of South Car-

olina in the city of Florence on the first Tuesday in March in each year hereafter: *Provided, however,* That suitable rooms and accommodations are furnished for the holding of said courts at Florence free of expense to the Government of the United States.

Proviso.
Court rooms.

Approved, May 10, 1900.

CHAP. 391.—An Act To amend the Revised Statutes of the United States relating to the northern district of New York, to divide the same into two districts, and provide for the terms of court to be held therein and the officers thereof and the disposition of pending causes.

May 12, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section five hundred and forty-one of the Revised Statutes be amended so as to read as follows:

New York northern judicial district. Division into two districts.

“The State of New York is divided into four districts, which shall be called the western, northern, eastern, and southern districts of New York. The western district includes the counties of Allegany, Cattaraugus, Chautauqua, Chemung, Erie, Genesee, Livingston, Monroe, Niagara, Ontario, Orleans, Schuyler, Seneca, Steuben, Wayne, Wyoming, and Yates, with the waters thereof. The northern district includes the counties of Albany, Broome, Cayuga, Chenango, Clinton, Cortland, Delaware, Essex, Franklin, Fulton, Hamilton, Herkimer, Jefferson, Lewis, Madison, Montgomery, Oneida, Onondaga, Oswego, Otsego, Rensselaer, Saint Lawrence, Saratoga, Schenectady, Schoharie, Tioga, Tompkins, Warren, and Washington, with the waters thereof. The eastern district includes the counties of Richmond, Kings, Queens, Nassau, and Suffolk, with the waters thereof. The southern district includes the residue of said State, with the waters thereof.”

R. S., sec. 541, p. 91, amended. Western district, of what composed.

SEC. 2. That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the western district of New York, who shall possess and exercise all the powers conferred by existing law upon the judges of the district courts of the United States, and who shall, as to all business and proceedings arising in said western district as hereby constituted or transferred thereto, succeed to and possess the same powers and perform the same duties within the said western district as are now possessed and performed by the district judge for the northern district of New York.

—district judge for.

SEC. 3. That that part of section five hundred and seventy-two of the Revised Statutes declaring the times, places, and provisions for holding terms of the district court in the northern district of New York be, and is hereby, repealed, and that said section be, and is hereby, amended by inserting in place of the part so repealed the following two paragraphs:

Terms of district court. R. S., sec. 572, p. 100, amended.

“In the northern district of New York, at Albany, on the second Tuesday of February; at Utica, on the first Tuesday of December; at Binghamton, on the second Tuesday of June; at Auburn, on the first Tuesday of October; at Syracuse, on the first Tuesday of April, and, in the discretion of the judge of the court, one term annually at such time and place within the counties of Saratoga, Onondaga, Saint Lawrence, Clinton, Jefferson, Oswego, and Franklin as he may from time to time appoint. Such appointment shall be made by notice of at least twenty days published in a newspaper published at the place where said court is to be held.

—in northern district.

“In the western district of New York, at the city of Elmira, on the second Tuesday of January; at the city of Buffalo, on the second Tuesdays of March and November; at the city of Rochester, on the second Tuesday of May; at the city of Jamestown, on the second Tuesday of July; at the city of Lockport, on the second Tuesday of October.”

—in western district.

Terms of circuit court.
R. S., sec. 658, p. 121, amended.

SEC. 4. That that part of section six hundred and fifty-eight of the Revised Statutes declaring the times, places, and provisions for holding terms of the circuit court in the northern district of New York be, and is hereby repealed, and that said section be, and is hereby, amended by inserting in place of the part so repealed the following two paragraphs:

—in northern district.

“In the northern district of New York, at Utica, on the first Tuesday of December; at Syracuse, on the first Tuesday of April; at Albany, on the second Tuesday of February.

—in western district.

“In the western district of New York, at Rochester, on the second Tuesday of May; at Canandaigua, on the second Tuesday in September; at Buffalo, on the second Tuesday of November.”

Sessions at Buffalo, etc.

SEC. 5. That regular sessions of the district court for the western district of New York, for the hearing of motions and for proceedings in bankruptcy and the trial of causes in admiralty, shall be held at the city of Buffalo at least two weeks in each month of the year except August unless the business is sooner disposed of. The times for holding the same, and such other special sessions as the court shall deem necessary, shall be fixed by rules of the court. All process in admiralty causes and proceedings in the western district of New York shall be made returnable at Buffalo.

Existing judicial officers to continue in office, etc.

SEC. 6. That the district judge of the northern district of New York in office at the time this Act takes effect shall continue to be the district judge for the northern district of New York as constituted by this Act. That the clerk of the circuit court for the northern district of New York in office at the time this Act takes effect shall continue to be clerk of the circuit court of the northern district as constituted by this Act until his successor shall be appointed and qualified, and said clerk of said circuit court or his successor shall likewise be clerk of the district court of that district until a clerk of said district court shall be appointed and qualified.

Clerk district, etc., court, western district.

SEC. 7. That the present clerk of the district court for the northern district of New York as heretofore constituted shall be the clerk of the district court of the western district of New York as hereby constituted until his successor is appointed and qualified. He shall also be the clerk of the circuit court in the said western district hereby constituted until a clerk of said circuit court is duly appointed and qualified.

Future crimes cognizable where committed.

SEC. 8. That all prosecutions for crimes or offenses hereafter committed in either of said districts shall be cognizable within the district in which committed.

Term of office of judicial officers, northern district.

SEC. 9. That all other officers who have been heretofore appointed for the northern district of New York as heretofore constituted who shall be in office at the time of the taking effect of this Act and who reside therein as hereby constituted shall continue in office as officers of the district of their residence until the expiration of their respective terms, or until their successors are appointed and qualified, and shall perform the same duties and receive the same salary and compensation as heretofore.

Nonresident officers, northern district.

All officers not residing in said northern district as hereby constituted shall cease to be officers of said northern district when their successors, respectively, for the northern district as hereby constituted are duly appointed and qualified. The office of marshal and district attorney in each of said districts, deputy marshals and assistant district attorneys, and all other officers authorized by law and made necessary by the creation of said western district and the provisions of this Act, and all vacancies created thereby in either of said districts, shall be filled in the manner provided by existing law. The salaries, pay, fees, and allowances of the judges, district attorneys, marshals, and other officers in said districts, until changed under the provisions of existing law, shall

Vacancies, etc., how filled.

Salaries, etc.

be the same, respectively, as now fixed for such officers in the northern district of New York.

SEC. 10. That all causes and proceedings of every name and nature, civil and criminal, now pending in the courts of the northern district of New York as now constituted, whereof the courts of the western district of New York as hereby constituted would have had jurisdiction if said district and the courts thereof had been constituted when said causes or proceedings were instituted, shall be, and are hereby, transferred to, and same shall be proceeded with in, the western district of New York, and jurisdiction thereof is hereby transferred to and vested in the courts of said western district, and the records and proceedings therein and relating to said proceedings and causes shall be certified and transferred thereto: *Provided*, That nothing herein contained shall be construed to impair or affect the jurisdiction of the district court of the northern district of New York as hereby constituted in any case, civil or criminal, pending therein as heretofore constituted at the time of the passage of this Act or returnable thereto and not transferred to said western district, but the same shall be proceeded in to final disposition as if this Act had not been passed: *And provided further*, That all motions and causes submitted, and all causes and proceedings, both civil and criminal, including proceedings in bankruptcy, now pending in said northern district of New York as heretofore constituted, in which the evidence has been taken in whole or in part before the district judge of the northern district of New York as heretofore constituted or taken in whole or in part and submitted to and passed upon by the said district judge, shall be retained, proceeded with, and disposed of in said northern district of New York as constituted by this Act: *And provided further*, That nothing in the preceding proviso contained shall be held to retain or keep in said northern district as constituted by this Act any criminal proceeding or prosecution for the reason that questions as to the validity of the indictment have been raised and disposed of by the judge of said district.

Pending cases transferred.

Provisos.
Pending cases in district court, northern district, untransferred, not affected.

—causes submitted etc., to be retained.

—exception.

Approved, May 12, 1900.

CHAP. 392.—An Act To authorize the establishment, at some point in North Carolina, of a station for the investigation of problems connected with marine fishery interests of the middle and south Atlantic coast.

May 12, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Fish and Fisheries be, and he is hereby, authorized, empowered, and directed to establish a station for the investigation of problems connected with the marine fishery interests of the middle and south Atlantic States at some point in North Carolina.

North Carolina. Marine fishery station established in.

SEC. 2. That for necessary surveys, erection of buildings and other structures, and for the proper equipment of said station, the sum of twelve thousand five hundred dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated.

Appropriation.

Approved, May 12, 1900.

CHAP. 393.—An Act Authorizing the Commissioner of Internal Revenue to redeem or make allowance for internal-revenue stamps.

May 12, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Internal Revenue, subject to regulations prescribed by the Secretary of the Treasury, may, upon receipt of satisfactory evidence of the facts,

Internal revenue. Redemption of spoiled, etc., stamps authorized.

—how made.

—return of spoiled stamps required, etc.

Provisos.
Documentary, etc., stamps.
Vol. 30, p. 451.

Limit of time for redemption.

Decision of Commissioner final.

Repeal.

make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal-revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the 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 excessive in amount, paid in error, or in any manner wrongfully collected. Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption 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 the same can not be returned; or, if so required by the said Commissioner, when the person presenting the same can not satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid: *Provided*, That documentary and proprietary stamps issued under the provisions of "An Act to provide ways and means for war expenditures, and for other purposes," approved June thirteenth, eighteen hundred and ninety-eight, may be redeemed only when presented in quantities of two dollars or more, face value: *Provided further*, That no claim for the redemption of or allowance for stamps shall be allowed unless presented within two years after the purchase of said stamps from the Government.

SEC. 2. That the finding of facts in and the decision of the Commissioner of Internal Revenue upon the merits of any claim presented under or authorized by this Act shall, in the absence of fraud or mistake in mathematical calculation, be final and not subject to revision by any accounting officer.

SEC. 3. That all laws and parts of laws in conflict with any of the provisions of this Act are hereby repealed.

Approved, May 12, 1900.

May 12, 1900.

CHAP. 394.—An Act To grant authority to change the name of the steamship Paris.

Steamship Paris.
Change of name authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed, upon application by the owners, to change the name of the steamship Paris, official number one hundred and fifty thousand six hundred and seventeen.

Approved, May 12, 1900.

May 14, 1900.

CHAP. 469.—An Act To authorize needed repairs of the graveled or macadamized road from the city of Newbern, North Carolina, to the national cemetery near said city.

Newbern, N. C.
Preamble.
Vol. 25, p. 215.

Whereas by an Act of Congress, chapter five hundred and one, United States Statutes at Large, Fiftieth Congress, the sum of twenty thousand dollars was appropriated for the construction of a graveled or macadamized road from the city of Newbern, North Carolina, to the national cemetery near said city; and

Whereas the said sum of money was expended by the United States in the construction of said road; and

Whereas the said road is in great need of repairs in order to keep up and preserve the same, and such repairs are absolutely necessary for the said purpose: Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of six thousand dollars be, and the same is hereby, appropriated, out of any moneys

Repair of road to national cemetery authorized.

in the Treasury not otherwise appropriated, for much-needed repairs and improvements of the graveled or macadamized road leading from the city of Newbern, North Carolina, to the national cemetery near said city, the said sum of money to be expended under the direction of the Secretary of War of the United States: *Provided*, That no more of the said appropriation shall be expended than is necessary to put said road in as good condition as when originally constructed for the United States.

Proviso.
Limit of expenditure.

Approved, May 14, 1900.

CHAP. 479.—An Act Providing for free homesteads on the public lands for actual and bona fide settlers, and reserving the public lands for that purpose.

May 17, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all settlers under the homestead laws of the United States upon the agricultural public lands, which have already been opened to settlement, acquired prior to the passage of this Act by treaty or agreement from the various Indian tribes, who have resided or shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the land so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry: *Provided*, That the right to commute any such entry and pay for said lands in the option of any such settler and in the time and at the prices now fixed by existing laws shall remain in full force and effect: *Provided, however*, That all sums of money so released which if not released would belong to any Indian tribe shall be paid to such Indian tribe by the United States, and that in the event that the proceeds of the annual sales of the public lands shall not be sufficient to meet the payments heretofore provided for agricultural colleges and experimental stations by an Act of Congress, approved August thirtieth, eighteen hundred and ninety, for the more complete endowment and support of the colleges for the benefit of agriculture and mechanic arts, established under the provisions of an Act of Congress, approved July second, eighteen hundred and sixty-two, such deficiency shall be paid by the United States: *And provided further*, That no lands shall be herein included on which the United States Government had made valuable improvements, or lands that have been sold at public auction by said Government.

Public lands.
Free homesteads for actual settlers, etc.

Provisos.
Right to commute continued.

Payments to Indian tribes.

Agricultural colleges, etc.

Vol. 26, p. 417.

Vol. 12, p. 508.

Certain lands not included.

Repeal.

SEC. 2. That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved, May 17, 1900.

CHAP. 481.—An Act To fix the terms of the district and circuit courts of the western judicial district in the State of Louisiana.

May 18, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be held semi-annually in the western judicial district in the State of Louisiana two stated sessions of the district and circuit courts at each of the following places, to wit: At Opelousas on the first Mondays of January and June; at Alexandria on the fourth Mondays of January and June; at Shreveport on the third Mondays of February and October; at Monroe on the first Mondays of April and October.

Louisiana western judicial district.
Terms of court fixed.

Approved, May 18, 1900.

May 18, 1900.

CHAP. 482.—An Act To provide for sittings of the circuit and district courts of the southern district of Florida in the city of Ocala, in said district.

Florida southern
judicial district.
Terms of court.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the times and places now fixed by law for the sitting of the circuit and district courts of the United States for the southern district of Florida there shall be a session of the said courts in the city of Ocala on the third Monday in January in each year hereafter: *Provided,* That the county in which said courts are to be held shall furnish suitable rooms and accommodations for the holding thereof, free of expense to the Government of the United States.

Proviso.
Court rooms.

Approved, May 18, 1900.

May 19, 1900.

CHAP. 484.—An Act To provide for the disposal of the Fort Buford abandoned military reservation, in the States of North Dakota and Montana.

Fort Buford abandoned military reservation, North Dakota and Montana.
Undisposed of public lands open to entry.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all public lands now remaining undisposed of within the abandoned military reservation in the States of North Dakota and Montana, formerly known as Fort Buford Military Reservation, and which are not otherwise occupied or used for any public purpose, are hereby made subject to disposal under the homestead, town-site, and desert-land laws: *Provided,* That actual occupants thereon upon the first day of January, nineteen hundred, if otherwise qualified, shall have the preference right to make one entry not exceeding one quarter section: *Provided further,* That any of such lands as are occupied for town-site purposes, and any of the lands that may be shown to be valuable for coal or minerals, such lands so occupied for town-site purposes or valuable for coal or minerals shall be disposed of as now provided for lands subject to entry and sale under the town-site, coal, or mineral-land laws, respectively: *Provided further,* That this Act shall not apply to any subdivision of land, which subdivision may include adjoining lands to the amount of one hundred and sixty acres, on which any buildings or improvements of the United States are situated, but such lands shall be appraised and sold as now provided by law.

Provisos.
Preference right to actual occupants.

Town site, coal, and mineral lands.

Land containing Government buildings, etc.

Approved, May 19, 1900.

May 19, 1900.

CHAP. 485.—An Act To establish light-house and fog signal in State of Washington.

Slip Point, Clallam Bay, Washington.
Light-house established at.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a light-house and fog signal be established and constructed at Slip Point, Clallam Bay, State of Washington; said light-house not to exceed the cost of twelve thousand five hundred dollars.

Approved, May 19, 1900.

May 21, 1900.

CHAP. 486.—An Act To authorize the purchase of certain lands in the district of Alaska.

Karluk Packing Company may purchase certain land in Alaska.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Karluk Packing Company, claiming under amended survey numbered twenty-four, in the district of Alaska, or its successor in interest, may purchase the

land embraced in said survey: *Provided*, That there shall be reserved to the United States for the use of the public as a highway a strip of land sixty feet in width, parallel with and as near as may be practicable to the shore line of Shellikoff Straits; and for the purpose of allowing access by the public to the waters of Shellikoff Straits, a strip of land fifty feet in width across said survey shall also be reserved, to be located, as near as practicable, between corners seventeen and thirty of said survey, extending from Shellikoff Straits to the Karluk River, and not to interfere with any existing improvements; and upon payment of the price of two dollars and fifty cents per acre for said land, and submission of proof that said land embraces improvements of the claimant and is needed in the prosecution of its business, patent shall issue as in other cases under section ten of the Act of Congress approved May fourteenth, eighteen hundred and ninety-eight, entitled "An Act extending the homestead laws and providing for right of way for railroads in the district of Alaska, and for other purposes;" but the limitation in said Act, that no entry shall extend along the water front for more than one hundred and sixty rods, shall not be held to apply to such entry of the Karluk Packing Company.

Proviso.
Reservation of highway.

Patent.

Vol. 30, p. 413.

Exemption, etc.

Approved, May 21, 1900.

CHAP. 487.—An Act To amend section three thousand and five of the Revised Statutes of the United States.

May 21, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section three thousand and five of the Revised Statutes of the United States be amended to read as follows:

Transportation in bond through the United States of merchandise for foreign countries.
R. S., sec. 3005, p. 579, amended.

"SEC. 3005. All merchandise arriving at any port of the United States destined for any foreign country 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 to examination and transportation as the Secretary of the Treasury may prescribe."

SEC. 2. That the joint resolution entitled "Joint resolution in reference to the Free Zone along the northern frontier of Mexico and adjacent to the United States," approved March first, eighteen hundred and ninety-five, be, and the same is hereby, repealed, and the full operation of section three thousand and five of the Revised Statutes as existing prior to the adoption of such joint resolution is hereby revived.

Mexican Free Zone.
Repeal.

Vol. 23, p. 973.

Approved, May 21, 1900.

CHAP. 489.—An Act To constitute Durham, North Carolina, a port of delivery in the customs collection district of Pamlico, and to extend the privileges of the seventh section of the Act of Congress approved June tenth, eighteen hundred and eighty, to said port.

May 22, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Durham, North Carolina, be, and is hereby, constituted a port of delivery in the customs collection district of Pamlico, and the privileges of the seventh section of the Act of Congress approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement, are hereby extended to said port of Durham.

Durham, N. C., made port of delivery.

Immediate transportation privileges.
Vol. 21, p. 174.

Approved, May 22, 1900.

May 23, 1900.

CHAP. 541.—An Act To amend section eight hundred and sixty-four of the Revised Statutes of the United States, in relation to taking depositions *de bene esse*.

Depositions *de bene esse*.
R. S., sec. 864, p. 164, amended.

Mode of taking.

—typewriting.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section eight hundred and sixty-four of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

“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 or typewriting by the officer taking the deposition, or by some person under his personal supervision, or by the deponent himself in the officer's presence, and by no other person, and shall, after it has been reduced to writing or typewriting, be subscribed by the deponent.”

Approved, May 23, 1900.

May 23, 1900.

CHAP. 542.—An Act To provide an American register for the steamer *Esther*, of New Orleans.

Steamer *Esther* granted American register.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built steamer *Phoenix*, of Norway, purchased and wholly owned by an American citizen, and repaired by him, to be registered as a vessel of the United States.

Approved, May 23, 1900.

May 24, 1900.

CHAP. 546.—An Act To amend section eight of the Act of Congress entitled “An Act to authorize the Fort Smith and Western Railroad Company to construct and operate a railway through the Choctaw and Creek nations, in the Indian Territory, and for other purposes.”

Right of way of Fort Smith and Western Railroad through Choctaw and Creek nations, Indian Territory.
Vol. 30, p. 1371, amended.
Maps of route to be filed.

Provides.
—of first 80-mile section.

—remaining sections.

Bridges authorized.

Changes, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section eight of the Act to authorize the Fort Smith and Western Railroad Company to construct and operate a railway through the Choctaw and Creek nations, in the Indian Territory, and for other purposes, be, and the same is hereby, amended to read as follows:

“SEC. 8. That said company shall cause maps, showing the route of its located lines through said nations, to be filed in the office of the Secretary of the Interior and also to be filed in the office of the principal chiefs of said nations; and after the filing of said maps no claim for a subsequent settlement and improvement upon the right of way shown by said maps shall be valid as against said company: *Provided*, That when a map or maps of the first eighty miles of said line from Fort Smith to a crossing of the Missouri, Kansas and Texas Railroad at or near South Canadian shall be filed in the office of the Secretary of the Interior, the same may be approved by the Secretary of the Interior to authorize the commencement of construction of said eighty-mile section: *Provided further*, That a map or maps showing (sections of at least twenty-five miles in length) of the remaining portion of said line in the Indian Territory shall be filed with and approved by the Secretary of the Interior before the construction of any such said remaining section shall be commenced; and said company shall have the right to build in the line of said railroad a bridge across the Poteau River and bridges across the two forks of the Canadian River crossed by said line, but the plan of construction of said bridges shall be first approved by the Secretary of War: *Provided further*, That said railway com-

pany can change its located line after the approval of its map by the Secretary of the Interior in such cases where the topography of the country, in the opinion of the president of the railway company, justifies such change; but such change of line shall not vary more than five miles in either direction from the location shown on the map so approved, and an additional map showing such change shall be filed with and approved by the Secretary of the Interior before the construction of that portion of the road shall be commenced, and thereupon shall have the same force and effect as if originally filed with and approved by him.

Approved, May 24, 1900.

CHAP. 549.—An Act To detach the county of Dyer from the eastern division of the western district of Tennessee and to attach the same to the western division of the western district of said State of Tennessee.

May 24, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of Dyer, in the State of Tennessee, be, and the same is hereby, detached from the eastern division of the western judicial district of the State of Tennessee and attached to the western division of the western judicial district of said State of Tennessee.

Tennessee western judicial district. Dyer county transferred from eastern to western division.

SEC. 2. That all process, civil and criminal, hereafter issued against persons residing in said county of Dyer shall be made returnable to the courts held at Memphis, in the State of Tennessee, and all suits and prosecutions now pending in the circuit or district courts of the United States against persons residing in the said county of Dyer at Jackson, in the State of Tennessee, shall be determined in said courts.

Process.

Pending suits.

SEC. 3. That this Act shall take effect thirty days after its passage.

Effect.

Approved, May 24, 1900.

CHAP. 550.—An Act To amend section five of an Act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion, approved August fourteenth, eighteen hundred and eighty-eight.

May 24, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter eight hundred and ninety, volume twenty-five, of the United States Statutes at Large, entitled "An Act to relieve certain appointed or enlisted men of the Navy and Marine Corps from the charge of desertion," approved August fourteenth, eighteen hundred and eighty-eight, be, and the same is hereby, revived and reenacted.

Navy and Marine Corps. Removal of charge of desertion from enlisted men. Chap. 890, vol. 25, p. 442, reenacted.

SEC. 2. That section five of the said Act be, and is hereby, so amended as to remove the limitation of time within which applications for relief may be received and acted upon under the provisions of said Act.

Limit of time for filing claims removed.

Approved, May 24, 1900.

CHAP. 552.—An Act Making appropriations for fortifications and other works of defense, for the armament thereof, for the procurement of heavy ordnance for trial and service, and for other purposes.

May 25, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sums of money herein provided for be, and the same are hereby, appropriated, out of

Fortifications appropriations.

any moneys in the Treasury not otherwise appropriated, to be available until expended, namely:

Fortifications.	FORTIFICATIONS AND OTHER WORKS OF DEFENSE.
Gun and mortar batteries.	For construction of gun and mortar batteries, two million dollars.
Pneumatic dynamite batteries.	For pneumatic dynamite batteries, one hundred and eighty thousand dollars.
Range, etc., finders.	For installation of range and position finders, one hundred and fifty thousand dollars.
Sites.	For the procurement of land, or right pertaining thereto, needed for the site, location, construction, or prosecution of works, for fortifications and coast defenses, two hundred thousand dollars.
Sullivans Island, S. C.	For the purchase of suitable building sites, and improvements and leases thereon, necessary to properly provide for the garrison at Sullivans Island, Charleston, South Carolina, one hundred and thirty-five thousand dollars, or so much thereof as may be necessary: <i>Provided</i> , That no part of this sum shall be expended until valid title to all the land, and improvements and leases thereon, necessary for this purpose shall have been acquired by the United States.
<i>Proviso.</i> —legal title.	
Repairs.	For the protection, preservation, and repair of fortifications for which there may be no special appropriation available, one hundred thousand dollars.
Plans.	For preparation of plans for fortifications, five thousand dollars.
Electric light, etc., plants.	For tools, electrical and engine supplies, for use of the troops for maintaining and operating electric light and power plants in gun and mortar batteries, twenty-five thousand dollars.
Sea walls, etc.	For construction of sea walls and embankments, fifty thousand dollars.
Fort Caswell, N. C.	For construction of a sea wall and for necessary filling in at the reservation at Fort Caswell, North Carolina, one hundred and fifty thousand dollars.
Mines, etc.	For the purchase of submarine mines and necessary appliances to operate them for closing the channels leading to our principal seaports, needful casemates, cable galleries, and so forth, to render it possible to operate submarine mines, and continuing torpedo experiments, fifty thousand dollars.

Armament.	ARMAMENT OF FORTIFICATIONS.
Army Gun Factory. Twelve-inch, etc., guns.	For finishing and assembling eight-inch, ten-inch, and twelve-inch guns at the Army Gun Factory, one hundred and fifty thousand dollars.
Steel.	For oil-tempered and annealed steel for eight-inch, ten-inch, and twelve-inch seacoast guns, five hundred and thirty thousand dollars: <i>Provided</i> , That no contract for oil-tempered and annealed steel for high-power coast-defense guns and mortars shall be made at a price exceeding twenty-two cents per pound: <i>Provided</i> , That in the discretion of the Secretary of War a portion of this money may be used for the purchase of material for steel-wire seacoast guns.
<i>Provisos.</i> Maximum price per pound.	
Steel-wire seacoast guns.	
Carriages.	For carriages for eight, ten, and twelve-inch seacoast guns, including one carriage for sixteen-inch type gun, four hundred and ninety-two thousand dollars.
Mortars.	For twelve-inch steel breech-loading mortars, three hundred thousand dollars.
—carriages.	For carriages for twelve-inch steel breech-loading mortars, one hundred and eighty-three thousand dollars.
Reserve supply powder, etc.	For powders, projectiles, and explosives for reserve supply for cannon, six hundred and twenty-four thousand dollars.
Rapid-fire guns.	For rapid-fire guns, including their mounts and ammunition, three hundred and fifty thousand dollars.

For eight, ten, and twelve-inch guns manufactured by contract under the provisions of the fortification Acts approved August eighteenth, eighteen hundred and ninety, and February twenty-fourth, eighteen hundred and ninety-one, three hundred and sixty-one thousand four hundred and eighty-eight dollars.

Contract guns.
Vol. 26, pp. 319, 770.

For test of one sixteen-inch type of breech-loading gun, sixty thousand dollars.

Sixteen-inch gun test.

For proof of eight-inch, ten-inch, and twelve-inch guns, thirty-three thousand dollars.

Proof of eight-inch, etc., guns.

For powder and projectiles for the proof of twelve-inch breech-loading seacoast mortars, four thousand dollars.

Ammunition for proof, twelve-inch mortars.

For armor plates and deck plates for testing armor and deck piercing projectiles, twenty-three thousand five hundred dollars.

Armor plates, etc.

For powders and projectiles for artillery instruction and practice, eighty-eight thousand dollars.

Ammunition for practice, etc.

For armament chests for siege and seacoast guns and mortars, nine thousand eight hundred dollars.

Armament chests.

For machine guns of caliber thirty, army model, including metallic carriages, with limbers and protective shields complete for same, fifty thousand dollars.

Machine guns.

For range finders for coast defense, thirty-five thousand dollars.

Coast defense range finders.
Equipments, etc.

For implements and equipments for service, and also for mounting, repairs, care and preservation of armament, including range finders, twenty-five thousand dollars.

To enable the Secretary of War, in his discretion, to purchase for the United States the patent of Gregory Gerdom for a gas check for breech-loading guns, fifty thousand dollars, or so much thereof as may be necessary: *Provided*, That before payment is made to said Gerdom for said patent he shall file with the Secretary of War a release of all claims against the United States for accrued royalties for the use of said patent or for any other claim in connection therewith.

Purchase of patent of Gregory Gerdom, etc.

Proviso.
—release of claims to be filed.

For steel field guns, one hundred and five thousand dollars.

Steel field guns.

For carriages for steel field guns, three hundred and ninety-eight thousand dollars.

—carriages.

For mountain guns, with their carriages and ammunition, seventy thousand dollars.

Mountain guns, etc.

For steel field mortars of three and six-tenths inch caliber, eight thousand dollars.

Steel field mortars.

For carriages and platforms for steel field mortars of three and six-tenths inch caliber, including implements and equipments, three thousand eight hundred dollars.

—carriages, etc.

For sights for cannon, twenty-five thousand dollars.

Sights for cannon.

For fuses and primers for cannon, nineteen thousand dollars.

Fuses and primers.

For inspecting instruments, gauges, and templates for the manufacture of cannon and projectiles, five thousand dollars.

Inspecting instruments.

For completing the equipment of field and siege batteries now in service, and for fully equipping four additional siege batteries according to the requirements of general orders of the War Department under date of February twenty-fourth, nineteen hundred, one hundred and fifteen thousand one hundred and forty dollars.

Equipping field and siege batteries.

PROVING GROUND, SANDY HOOK, NEW JERSEY.

Sandy Hook proving ground.

For current expenses and maintenance of the ordnance proving ground, Sandy Hook, New Jersey, including expenses incident to the transportation of men and material therefor, general repairs and alterations, and accessories incidental to testing and proving ordnance, including hire of assistants for the Ordnance Board, skilled mechanical labor, purchase of instruments and other supplies, building and repairing butts and targets, clearing and grading ranges, thirty-seven thousand dollars.

Maintenance.

- Expenses of officers. For the necessary expenses of officers while temporarily employed on ordnance duties at the proving ground and absent from their proper stations, at the rate of two dollars and fifty cents per diem while so employed, and the compensation of draftsmen while employed in the Army Ordnance Bureau on ordnance construction, eighteen thousand seven hundred dollars.
- Railroad sidings. For sidings on the Government reservation adjoining the Highland Beach Station of the Central Railroad of New Jersey, three thousand four hundred dollars.
- Repairs of tracks. For repairs of railroad tracks connecting the proving ground with the Central Railroad of New Jersey, three thousand dollars.

WATERVLIET ARSENAL, WEST TROY, NEW YORK.

- Watervliet Arsenal. For replacing portion of metal roof of main storehouse and shops, for general repairs on roof and cornice of gun shop, including interior gutters, and so forth, repairing metal roof of blacksmith shop, and inclosing wall and bridges, eighteen thousand eight hundred dollars.

Board of Ordnance and Fortification.

BOARD OF ORDNANCE AND FORTIFICATION.

- Purchases. To enable the board to make all needful and proper purchases, experiments, and tests to ascertain, with a view to their utilization by the Government, the most effective guns, small arms, cartridges, projectiles, fuses, explosives, torpedoes, armor plates, and other implements and engines of war, and to purchase or cause to be manufactured, under authority of the Secretary of War, such guns, carriages, armor plates, and other war material as may, in the judgment of the board, be necessary in the proper discharge of the duty devolved upon it by the Act approved September twenty-second, eighteen hundred and eighty-eight; to pay the salary of the civilian member of the Board of Ordnance and Fortification provided by the Act of February twenty-fourth, eighteen hundred and ninety-one, and for the necessary traveling expenses of said member when traveling on duty as contemplated in said Act; for the payment of the necessary expenses of the board, including a per diem allowance to each officer detailed to serve thereon, when employed on duty away from his permanent station, of two dollars and fifty cents a day; and for the test of experimental guns, carriages, and other devices procured in accordance with the recommendation of the Board of Ordnance and Fortification, one hundred thousand dollars: *Provided*, That before any money shall be expended in the construction or test of any gun, gun carriage, ammunition, or implements under the supervision of the said board, the board shall be satisfied, after due inquiry, that the Government of the United States has a lawful right to use the inventions involved in the construction of such gun, gun carriage, ammunition, or implements, or that the construction or test is made at the request of a person either having such lawful right or authorized to convey the same to the Government.
- Expenses. That all material purchased under the foregoing provisions of this Act shall be of American manufacture, except in cases when, in the judgment of the Secretary of War, it is to the manifest interest of the United States to make purchases in limited quantities abroad, which material shall be admitted free of duty.
- Proviso.*
Right to use inventions.
- Purchases to be of American manufacture.—exception.

Emery carriage.

EMERY CARRIAGE.

Increase of contract price authorized.

- To enable A. H. Emery to complete and erect the twelve-inch elevating carriage he is building for the Government, the Secretary of War is hereby authorized and directed to increase the contract price of said carriage and its foundations from one hundred and ten thousand dollars to one hundred and fifty thousand dollars; and

to enable the Secretary of War to make this increase in the price of this work and to make payment therefor, the sum of forty thousand dollars is hereby appropriated: *Provided*, That of the one hundred and fifty thousand dollars to be paid for the carriage and its foundations, ten thousand dollars shall be paid towards the construction of the foundations, of which sum one-half shall be paid to the said Emery as soon as needed by him to pay bills for materials used and labor performed in its construction and erection and the other half of this ten thousand dollars shall be paid to him when the foundations are erected ready for the carriage and all bills for the whole cost thereof entirely satisfied. Of the one hundred and forty thousand dollars balance of this money to be paid for the carriage and its foundations, advances shall be made as heretofore for material and finishing the same as provided in the contract, until such advances shall reach, for materials and finishing and erecting the same, not exceeding ninety per centum of this sum. Of the balance of the said one hundred and fifty thousand dollars, fourteen thousand shall be advanced to the said Emery, after the passage of this Act, as fast as it is needed to pay bills made and to be made in connection with the work of this contract. The ten thousand dollars authorized to be paid A. H. Emery on the supplemental contract provided for in the Fortification appropriation Act approved June sixth, eighteen hundred and ninety-six, shall be due and paid as soon as the carriage and loading apparatus provided for in said supplemental contract are completed according to contract and ready for erection. After the carriage herein provided for is completed and tested and all moneys due the said A. H. Emery thereon have been paid, the Government shall have the right to build any and all such other disappearing carriages as it may choose under any or all United States patents obtained at any time by the said Emery on his inventions embodied in this carriage. The royalty to be due and paid him or his legal representatives on all carriages built by or for the Government or carriages which they build, excepting the type carriage now under construction, embodying any of the said specified inventions, shall not exceed six per centum of the cost of the erected carriage in which such inventions are used; payment of the royalty on any such carriage to be due when such carriage is completed.

Proviso.
Amount available for foundations.

Advances for material, etc.

Payment on supplemental contract.

Vol. 29, p. 260.

Right of Government to build carriages

Royalty.

SEC. 2. The Secretary of War is hereby authorized and directed to make partial payments under the contracts now existing with the War Department for the purchase and erection of pneumatic dynamite guns, carriages, and so forth, and ammunition for same, the said payments to be proportioned to the amount of work done and material furnished to date under said contracts: *Provided*, That the contractors furnish a satisfactory bond, equal to the amount of all payments to be made, indemnifying the Government against loss in case the said dynamite guns, fittings, and so forth, shall not fulfill the contract requirements: *Provided further*, That the aggregate amount of partial payments made under the contract shall not exceed eighty per centum of the work done and material furnished to date of payment.

Pneumatic dynamite guns.
Partial payments for purchase, etc., authorized.

Provisos.
Contractors' bond.

Limit of payments.

Approved, May 25, 1900.

CHAP. 553.—An Act To enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes.

May 25, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the duties and powers of the Department of Agriculture are hereby enlarged so as to include the preservation, distribution, introduction, and restoration of game birds and other wild birds. The Secretary of Agriculture is hereby

Department of Agriculture.
Powers enlarged to include preservation, etc., of game birds, etc.

Purpose of act.	authorized to adopt such measures as may be necessary to carry out the purposes of this Act and to purchase such game birds and other wild birds as may be required therefor, subject, however, to the laws of the various States and Territories. The object and purpose of this Act is to aid in the restoration of such birds in those parts of the United States adapted thereto where the same have become scarce or extinct, and also to regulate the introduction of American or foreign birds or animals in localities where they have not heretofore existed.
Publication of information.	The Secretary of Agriculture shall from time to time collect and publish useful information as to the propagation, uses, and preservation of such birds.
Regulations.	And the Secretary of Agriculture shall make and publish all needful rules and regulations for carrying out the purposes of this Act, and shall expend for said purposes such sums as Congress may appropriate therefor.
Permits required to import wild animals and birds.	SEC. 2. That it shall be unlawful for any person or persons to import into the United States any foreign wild animal or bird except under special permit from the United States Department of Agriculture: <i>Provided</i> , That nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or the importation of certain cage birds, such as domesticated canaries, parrots, or such other species as the Secretary of Agriculture may designate.
<i>Proviso.</i> —exceptions.	The importation of the mongoose, the so-called “flying foxes” or fruit bats, the English sparrow, the starling, or such other birds or animals as the Secretary of Agriculture may from time to time declare injurious to the interest of agriculture or horticulture is hereby prohibited, and such species upon arrival at any of the ports of the United States shall be destroyed or returned at the expense of the owner. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section.
Importation of mongoose, English sparrow, etc., prohibited.	SEC. 3. That it shall be unlawful for any person or persons to deliver to any common carrier, or for any common carrier to transport from one State or Territory to another State or Territory, or from the District of Columbia or Alaska to any State or Territory, or from any State or Territory to the District of Columbia or Alaska, any foreign animals or birds the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed in violation of the laws of the State, Territory, or District in which the same were killed: <i>Provided</i> , That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are killed.
Transportation of prohibited animals forbidden.	SEC. 4. That all packages containing such dead animals, birds, or parts thereof, when shipped by interstate commerce, as provided in section one of this Act, shall be plainly and clearly marked, so that the name and address of the shipper and the nature of the contents may be readily ascertained on inspection of the outside of such packages. For each evasion or violation of this Act the shipper shall, upon conviction, pay a fine of not exceeding two hundred dollars; and the consignee knowingly receiving such articles so shipped and transported in violation of this Act shall, upon conviction, pay a fine of not exceeding two hundred dollars; and the carrier knowingly carrying or transporting the same shall, upon conviction, pay a fine of not exceeding two hundred dollars.
<i>Proviso.</i> —when lawfully killed during season, etc.	SEC. 5. That all dead bodies, or parts thereof, of any foreign game animals, or game or song birds, the importation of which is prohibited, or the dead bodies, or parts thereof, of any wild game animals, or game or song birds transported into any State or Territory, or remaining therein for use, consumption, sale, or storage therein, shall upon
Marking of packages.	
Penalty.	
Bodies of animals subject to laws of State into which transported.	

arrival in such State or Territory be subject to the operation and effect of the laws of such State or Territory enacted in the exercise of its police powers, to the same extent and in the same manner as though such animals or birds had been produced in such State or Territory, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. This Act shall not prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowl.

Bird plumage manufactured from feathers of barnyard fowl.

Approved, May 25, 1900.

CHAP. 554.—An Act To provide for the construction of a bridge by the Duluth, Pierre and Black Hills Railroad Company across the Missouri River at Pierre, South Dakota.

May 25, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Duluth, Pierre and Black Hills Railroad Company, a corporation duly organized under the general incorporation laws of the State of South Dakota, its successors and assigns, is hereby authorized to construct and maintain a bridge across the Missouri River at or near the city of Pierre, Hughes County, South Dakota, and also to lay on and over said bridge a railway track or tracks for the passage of railway trains; and said corporation may construct and maintain ways for wagons, carriages, and foot passengers, charging and receiving such reasonable tolls therefor as may be approved from time to time by the Secretary of War.

Duluth, Pierre and Black Hills Railroad may bridge Missouri River at Pierre, S. Dak.

Transit; tolls.

SEC. 2. That said bridge should be constructed and built without interference with the security and convenience of navigation of said river beyond what is necessary to carry into effect the rights and privileges hereby granted; and in order to secure that object the said corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the bridge, and a map of the location, giving, for the space of one mile above and one mile below the proposed location, the topography of the banks of the river, the shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until the said plan and location of the bridge are approved by the Secretary of War, the bridge shall not be built: *Provided*, That if the said bridge shall be made with unbroken and continuous spans it shall not be of less elevation in any case than fifty feet above extreme high-water mark as understood at the point of location to the lowest part of the superstructure of the bridge, nor shall the spans of said bridge be less than three hundred feet in length in the clear; and the piers of said bridge shall be parallel with the current of said river, and the bridge itself at right angles thereto, and the main span shall be over the main channel of the river and not less than three hundred feet in length in the clear: *And provided also*, That if any bridge built under this Act shall be constructed as a drawbridge the same shall be constructed as a pivot drawbridge, with a draw over the main channel of the river at an accessible and navigable point and with spans of not less than two hundred feet in length in the clear on each side of central or pivot pier of the draw, and the next adjoining span or spans to the draw shall not be less than three hundred feet, and the headroom under all river spans shall not be less than ten feet above local high-water mark, and the piers of said bridge shall be built with the current of said river and the bridge itself at right angles thereto: *Provided also*, That said draw shall be opened promptly upon the reasonable signal for the passing of boats; and said company or corporation shall maintain, at its own expense, from sunset

Not to obstruct navigation.

Secretary of War to approve plans.

Provisos.
Elevation, etc.

Draw.

—opening of.
Lights.

Maintenance of channel, etc. till sunrise such lights or other signals on said bridge as the Light-House Board shall prescribe: *Provided also*, That said company shall, at its own expense, build and maintain, under direction and supervision of the Secretary of War, such wing dams and booms or other works necessary to maintain the channel within the draw spans of said bridge, and shall, at their own expenses, maintain a depth of water through said draw spans not less than that now existing, as shown by the report of the War Department, at the point where said bridge may be located:

Rights of railroads to use. *Provided also*, That all railway companies desiring to use said bridge shall have and be entitled to equal rights and privileges in the passage of the same, and in the use of the machinery and fixtures thereof, and of all the approaches thereto, under and upon such terms and conditions as shall be prescribed by the Secretary of War, upon hearing the allegations and proofs of the parties, in case they shall not agree.

Notification of approval. SEC. 3. That the Secretary of War is hereby authorized and directed, upon receiving such plan and map and other information, and upon being satisfied that the bridge built upon such plan, with such accessory works, and at such locality, will conform to the prescribed conditions of this Act, to notify the company that he approves the same; and upon receiving such notification the said company may proceed to an erection of said bridge, conforming strictly to the approved plan and location; and should any change be made in the plan of the bridge or accessory works during the progress of the work thereon, such change shall be subject likewise to the approval of the Secretary of War; and if any bridge erected under said authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made and all such obstructions be removed at the expense of the said corporation; and in case of any litigation arising from any obstruction, or alleged obstruction, to the free navigation of said river, caused, or alleged to be caused, by said bridge, the case may be brought in any court of the United States of the State of South Dakota in which any portion of said bridge may be located: *Provided*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operation of the same: *Provided further*, That this bridge shall not be opened to traffic until all piling and other false work used in constructing the bridge shall have been wholly removed to the satisfaction of the Secretary of War.

Changes. SEC. 4. That the said bridge and accessory works, when built and constructed under this Act, and according to the terms and limitations thereof, shall be lawful structures, and said bridge shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over the railroads or public highways leading to such bridge; and said bridge shall enjoy the rights and privileges of other post routes of the United States, and Congress reserves the right at any time to regulate by appropriate legislation the charges for freight and passengers over said bridge.

Litigation. SEC. 5. That the United States shall have the right of way for such postal telegraph lines across said bridge as the Government may construct or control.

Provisos. Existing law unaffected. SEC. 6. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within two years and completed within four years from the date of approval thereof.

Removal of piling, etc. SEC. 7. That Congress reserves the right to alter, amend, or repeal this Act at any time.

To be lawful structure and post route. Approved, May 25, 1900.

Freight, etc., charges.

Government postal telegraph lines.

Commencement and completion.

Amendment.

CHAP. 555.—An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and one.

May 25, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury of the United States not otherwise appropriated, in full compensation for the fiscal year ending June thirtieth, nineteen hundred and one, for the purposes and objects hereinafter expressed, namely:

Agricultural Department appropriations.

DEPARTMENT OF AGRICULTURE.

OFFICE OF THE SECRETARY: For compensation of Secretary of Agriculture, eight thousand dollars; Assistant Secretary of Agriculture, four thousand five hundred dollars, chief clerk, who shall be superintendent of the Department buildings, two thousand five hundred dollars; private secretary to the Secretary of Agriculture, two thousand two hundred and fifty dollars; stenographer to the Secretary of Agriculture, one thousand four hundred dollars; private secretary to the Assistant Secretary of Agriculture, one thousand six hundred dollars; one appointment clerk, two thousand dollars; one chief of supply division, two thousand dollars; one telegraph and telephone operator, one thousand two hundred dollars; one clerk class four, one thousand eight hundred dollars; two clerks class three, three thousand two hundred dollars; two clerks class two, two thousand eight hundred dollars; seven clerks class one, eight thousand four hundred dollars; four clerks at one thousand dollars each, four thousand dollars; one clerk, at eight hundred and forty dollars; one engineer, who shall be captain of the watch, one thousand six hundred dollars; one fireman, who shall be steam fitter, nine hundred dollars; one assistant fireman, seven hundred and twenty dollars; one assistant fireman, six hundred dollars; nine night watchmen, at seven hundred and twenty dollars each, six thousand four hundred and eighty dollars; two day watchmen, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars; one mechanic, at one thousand one hundred dollars; six messengers, at eight hundred and forty dollars each, five thousand and forty dollars; two assistant messengers, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars; in all, sixty-five thousand eight hundred and ten dollars.

Pay of Secretary, Assistant, clerks, etc.

OFFICE OF THE SECRETARY: LABORERS AND CHARWOMEN.—One laborer, at seven hundred and twenty dollars; one laborer, at six hundred dollars; three charwomen, at four hundred and eighty dollars each, one thousand four hundred and forty dollars; five charwomen, at two hundred and forty dollars each, one thousand two hundred dollars; for extra laborers and emergency employment, one thousand dollars; in all, four thousand nine hundred and sixty dollars.

Laborers, etc.

DIVISION OF ACCOUNTS AND DISBURSEMENTS: Chief of division and disbursing clerk, two thousand five hundred dollars; one assistant chief of division, two thousand dollars; one cashier, one thousand eight hundred dollars; three clerks class three, four thousand eight hundred dollars; three clerks class two, four thousand two hundred dollars; three clerks class one (one of whom shall be a stenographer and typewriter), three thousand six hundred dollars; in all, eighteen thousand nine hundred dollars.

Salaries. Division of Accounts and Disbursements.

DIVISION OF PUBLICATIONS: One editor, who shall be chief of division, two thousand five hundred dollars; assistant chief of division, one thousand eight hundred dollars; one editorial clerk, one thousand six hundred dollars; two editorial clerks, at one thousand four hundred dollars each, two thousand eight hundred dollars; one clerk, at one thousand two hundred dollars; five clerks, at one thousand dollars each (one of whom shall be a stenographer), five thousand dollars.

Division of Publications.

Document section.

Document section: One assistant in charge, one thousand eight hundred dollars; one foreman, one thousand four hundred dollars; one clerk, one thousand dollars; one chief folder, one thousand dollars; one folder, eight hundred and forty dollars; four folders, at six hundred dollars each, two thousand four hundred dollars; two copyists, at eight hundred and forty dollars each, one thousand six hundred and eighty dollars; in all, twenty-five thousand and twenty dollars.

Division of Statistics.

DIVISION OF STATISTICS: One statistician, who shall be chief of division, three thousand dollars; one assistant statistician, who shall be assistant chief of division, two thousand two hundred dollars; one clerk class four, one thousand eight hundred dollars; three clerks class three, four thousand eight hundred dollars; five clerks class two, seven thousand dollars; five clerks class one, six thousand dollars; eight clerks, at one thousand dollars each, eight thousand dollars; four clerks, at eight hundred and forty dollars each, three thousand three hundred and sixty dollars; in all, thirty-six thousand one hundred and sixty dollars.

Division of Botany.

DIVISION OF BOTANY: One botanist, who shall be chief of division, two thousand five hundred dollars; assistant botanist, who shall be assistant chief of division, one thousand eight hundred dollars; assistant botanist, one thousand six hundred dollars; assistant botanist, one thousand four hundred dollars; one assistant botanist, one thousand two hundred dollars; two clerks, at one thousand dollars each, two thousand dollars; one clerk, nine hundred dollars; two clerks, at eight hundred and forty dollars each, one thousand six hundred and eighty dollars; in all, thirteen thousand and eighty dollars.

Division of Entomology.

DIVISION OF ENTOMOLOGY: One entomologist, who shall be chief of division, two thousand five hundred dollars; one assistant entomologist, who shall be assistant chief of division, one thousand eight hundred dollars; one assistant entomologist or clerk, one thousand six hundred dollars; one assistant entomologist or clerk, one thousand four hundred dollars; two assistant entomologists or clerks, at one thousand two hundred dollars each, two thousand four hundred dollars; one clerk, one thousand dollars; in all, ten thousand seven hundred dollars.

Division of Biological Survey.

DIVISION OF BIOLOGICAL SURVEY: One biologist, who shall be chief of division, two thousand five hundred dollars; one assistant biologist, who shall be assistant chief of division, one thousand eight hundred dollars; two assistant biologists, one thousand five hundred dollars each, three thousand dollars; one assistant biologist, one thousand four hundred dollars; one clerk class one, one thousand two hundred dollars; two clerks, at one thousand dollars each, two thousand dollars; one clerk, nine hundred dollars; in all, twelve thousand eight hundred dollars.

Division of Pomology.

DIVISION OF POMOLOGY: One pomologist, who shall be chief of division, two thousand five hundred dollars; one assistant pomologist, who shall be assistant chief of division, one thousand eight hundred dollars; one clerk class three, one thousand six hundred dollars; one clerk class one, one thousand two hundred dollars; one clerk, one thousand dollars; one clerk, eight hundred and forty dollars; in all, eight thousand nine hundred and forty dollars.

Division of Vegetable Physiology and Pathology.

DIVISION OF VEGETABLE PHYSIOLOGY AND PATHOLOGY: One pathologist, who shall be chief of division, two thousand five hundred dollars; assistant pathologist, who shall be assistant chief of division, one thousand eight hundred dollars; assistant pathologist, one thousand two hundred dollars; one clerk, one thousand dollars; in all, six thousand five hundred dollars.

Division of Chemistry.

DIVISION OF CHEMISTRY: One chemist, who shall be chief of division, two thousand five hundred dollars; one assistant chemist, who shall be assistant chief of division, one thousand eight hundred dollars; one assistant chemist, one thousand six hundred dollars; in all, five thousand nine hundred dollars.

clerk class one, one thousand two hundred dollars; in all, seven thousand one hundred dollars.

DIVISION OF SOILS: One chief, two thousand five hundred dollars; one assistant chief, one thousand eight hundred dollars; one assistant, one thousand dollars; one clerk, one thousand dollars; in all, six thousand three hundred dollars.

Division of Soils.

DIVISION OF AGROSTOLOGY: One agrostologist, who shall be chief of division, two thousand five hundred dollars; one assistant chief, one thousand eight hundred dollars; one assistant, one thousand five hundred dollars; one assistant, one thousand four hundred dollars; one histologist, nine hundred dollars; in all, eight thousand one hundred dollars.

Division of Agrostology.

DIVISION OF FORESTRY: One forester, who shall be chief of division, two thousand five hundred dollars; one superintendent of working plans, who shall be assistant chief of division, one thousand eight hundred dollars; one clerk class two, one thousand four hundred dollars; one clerk class one, one thousand two hundred dollars; one clerk, nine hundred dollars; one clerk, seven hundred and twenty dollars; in all, eight thousand five hundred and twenty dollars.

Division of Forestry.

EXPERIMENTAL GARDENS AND GROUNDS: One superintendent, two thousand five hundred dollars; one clerk class one, one thousand two hundred dollars; in all, three thousand seven hundred dollars.

Experimental Gardens and Grounds.

MUSEUM: One caretaker, one thousand dollars; for labor in cleaning and caring for building, one charwoman, at five hundred and forty dollars; three charwomen, at two hundred and forty dollars each, seven hundred and twenty dollars; in all, two thousand two hundred and sixty dollars.

Museum.

LIBRARY: One librarian, one thousand eight hundred dollars; one assistant librarian, one thousand four hundred dollars; one clerk (who shall be a translator), one thousand two hundred dollars; one cataloguer, one thousand two hundred dollars; one cataloguer, one thousand dollars; two clerks, eight hundred and forty dollars each, one thousand six hundred and eighty dollars; one messenger, seven hundred and twenty dollars; in all, nine thousand dollars.

Library.

SALARIES, BUREAU OF ANIMAL INDUSTRY: One Chief of Bureau, four thousand dollars; one assistant chief, two thousand five hundred dollars; one chief clerk of Bureau, two thousand dollars; one chief of inspection division, two thousand five hundred dollars; one assistant chief of inspection division, one thousand eight hundred dollars; one chief of dairy division, two thousand five hundred dollars; one assistant chief of dairy division, one thousand eight hundred dollars; one chief of pathological division, two thousand five hundred dollars; two assistants in pathological division, at one thousand two hundred dollars each, two thousand four hundred dollars; one assistant in pathological division, eight hundred and forty dollars; one chief of biochemic division, two thousand five hundred dollars; one assistant in biochemic division, one thousand six hundred dollars; one assistant in biochemic division, one thousand four hundred dollars; one assistant in biochemic division, one thousand two hundred dollars; one assistant in biochemic laboratory, seven hundred and twenty dollars; one chief of miscellaneous division, two thousand dollars; one zoologist, two thousand two hundred and fifty dollars; one veterinary inspector, one thousand eight hundred dollars; one veterinary inspector, one thousand six hundred dollars; two veterinary inspectors, at one thousand four hundred dollars each, two thousand eight hundred dollars; one superintendent of experiment station, one thousand eight hundred dollars; one assistant superintendent, one thousand dollars; one clerk class four, one thousand eight hundred dollars; one editorial clerk, one thousand eight hundred dollars; one clerk class three, one thousand six hundred dollars; three clerks class two, four thousand two hundred

Bureau of Animal Industry.

dollars; five clerks class one, six thousand dollars; seven clerks, at one thousand dollars each, seven thousand dollars; seven clerks, at eight hundred and forty dollars each, five thousand eight hundred and eighty dollars; two firemen, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars; four messengers, at seven hundred and twenty dollars each, two thousand eight hundred and eighty dollars; two skilled laborers, at six hundred and sixty dollars each, one thousand three hundred and twenty dollars; one illustrator, one thousand four hundred dollars; in all, seventy-eight thousand eight hundred and thirty dollars.

Total amount for salaries in Department of Agriculture, three hundred and twenty-five thousand six hundred and eighty dollars.

MISCELLANEOUS.

- Library, expenses.** **LIBRARY, DEPARTMENT OF AGRICULTURE:** Purchase of technical books of reference, technical papers, and technical periodicals necessary for the work of the Department, and for expenses incurred in completing imperfect series, and for library fixtures, shelving, library cards, and other material, five thousand dollars.
- Contingent expenses.** **CONTINGENT EXPENSES, DEPARTMENT OF AGRICULTURE:** For the purchase of stationery, blank books, necessary scientific and other publications, twine, paper, gum, dry goods, soap, brushes, brooms, mats, oils, paints, glass, lumber, hardware, ice, fuel, water and gas pipes, heating apparatus, furniture, carpets, matting; for lights, freight, express charges, advertising, telegraphing, washing towels, and necessary repairs and improvements to buildings and heating apparatus; for the employment of one carpenter, at one thousand dollars, and for the employment of one painter, at nine hundred dollars; the purchase, subsistence, and care of horses, for official purposes only; the purchase and repair of harness; the purchase and repair of vehicles, for official purposes only; payment of duties on imported articles, and the Department of Agriculture's proportionate share of the dispatch agent in New York, not to exceed four hundred dollars; actual traveling expenses while on business of the Department, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Department, including not to exceed two thousand five hundred dollars for postage, thirty-seven thousand dollars.
- Dispatch agent.** **ANIMAL QUARANTINE STATIONS:** To purchase, establish, and maintain quarantine stations, and to provide proper shelter and equipment for the care of neat cattle and domestic animals imported, at such ports as may be deemed necessary, fifty thousand dollars (to be immediately available).
- Animal quarantine stations.** **COLLECTING AGRICULTURAL STATISTICS:** Collecting domestic and foreign agricultural statistics, compiling, writing, and illustrating statistical matter for monthly, annual, and special reports; special investigations and compilations; subscription to, and purchase of, statistical and newspaper publications containing data for permanent comparative records; maps and charts; stationery supplies, blanks, blank books, circulars, paper, envelopes, postal cards, postage stamps, freight and express charges, and necessary traveling expenses: *Provided*, That the monthly crop report issued on the tenth day of each month shall embrace a statement of the condition of the crops, by States, in the United States, with such explanations, comparisons, and information as may be useful for illustrating the above matter, and that it shall be submitted to, and officially approved by, the Secretary of Agriculture before being issued or published: *Provided, also*, That fifteen thousand dollars of the amount hereby appropriated, or so much thereof as the Secretary of Agriculture may deem necessary, may be
- Investigations and expenses. Agricultural.**
- Provisos.**
- Monthly crop reports.**
- Extending demands of foreign markets.**

expended in continuing the investigations concerning the feasibility of extending the demands of foreign markets for the agricultural products of the United States, and to secure, as far as may be, a change in the methods of supplying farm products to foreign countries, one hundred and ten thousand dollars, of which sum not more than sixty thousand dollars shall be expended for salaries in the city of Washington, District of Columbia.

BOTANICAL INVESTIGATION AND EXPERIMENTS: Investigations relating to medicinal, fiber, and other economic or poisonous plants and seeds, the collection of plants, traveling expenses and express charges; the purchase of paper and all other necessary supplies, materials, and apparatus; for gas and electric current; for the employment of local and special agents, clerks, assistants, and other labor in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; subscriptions to, and purchase of, botanical publications for use in the division; and the preparation, illustration, and publication of reports; and the Secretary of Agriculture is hereby authorized to purchase samples of seeds in open market, test same, and when found not up to standard, he may, at his discretion, publish the results of these tests, together with the names of the seedsmen by whom the seeds were sold, thirty thousand dollars, of which sum two thousand dollars shall be immediately available, and of which amount a sum not exceeding one thousand dollars may be used for the rent and ordinary repairs of a building for office and laboratory purposes.

Botanical experiments, etc.

Purchasing sample seeds.

ENTOMOLOGICAL INVESTIGATIONS: Promotion of economic entomology; investigating the history and habits of insects injurious and beneficial to agriculture, horticulture, and arboriculture; ascertaining the best means of destroying those found to be injurious, including an investigation into the ravages of the codling moth with a view of ascertaining the best method of its extermination; investigations in apiculture; purchase of chemicals, insecticide apparatus, and other materials, supplies, and instruments required in conducting such experiments and investigations; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; freight and express charges, and necessary traveling expenses; preparing, illustrating, and publishing the results of the work of the division, twenty-two thousand five hundred dollars.

Entomological investigations.

VEGETABLE PATHOLOGICAL INVESTIGATIONS: Investigating the nature of diseases injurious to fruits, fruit trees, grain, cotton, vegetables, and other useful plants; experiments in the treatment of the same; the employment of local and special agents, clerks, assistants, and other labor in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for gas and electric current, purchase of chemicals and apparatus required in the field and laboratory; necessary traveling expenses; the preparation of reports and illustrations; the rent of a building, not to exceed six hundred and sixty dollars per annum; and for other expenses connected with the practical work of the investigation, twenty-eight thousand dollars, of which sum two thousand dollars, or so much thereof as may be necessary, may be used for the erection, heating, and equipment of a plant house upon the Department grounds, for conducting investigations and experiments on the diseases of plants and methods of preventing them: *Provided*, That two thousand dollars of this sum, or so much thereof as may be necessary, may be used by the Secretary of Agriculture for the employment of student scientific aids, at an annual salary of four hundred and eighty dollars each.

Vegetable pathological investigations.

Proviso. Student scientific aids.

Biological investi-
gations.

BIOLOGICAL INVESTIGATIONS: For biological investigations, including the geographic distribution and migrations of animals, birds, and plants; for the promotion of economic ornithology and mammalogy; for an investigation of the food habits of North American birds and mammals in relation to agriculture, horticulture, and forestry; for the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for freight and express charges; for preparation and publication of reports, and for illustrations, field work, and traveling and other expenses in the practical work of the division, seventeen thousand five hundred dollars.

Pomological inves-
tigations.

POMOLOGICAL INVESTIGATIONS: Investigating, collecting, and disseminating information relating to the fruit industry; the collection and distribution of seeds, shrubs, trees, and specimens; and for collecting and modeling fruits, vegetables, and other plants; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for traveling and other necessary expenses, nine thousand five hundred dollars.

Laboratory.

LABORATORY, DEPARTMENT OF AGRICULTURE: Chemical apparatus, chemicals, laboratory fixtures, and supplies, repairs to engine and apparatus; gas and electric current, purchase of supplies and necessary expenses in conducting special investigations, including necessary traveling and other expenses, labor and expert work in such investigations, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments, four thousand dollars; for rent of laboratory building, two thousand five hundred dollars; for the employment of additional assistant chemists, when necessary, and for employment of not to exceed four laborers in division of chemistry when necessary, seven thousand dollars;

Soil characteristics.

To enable the Secretary of Agriculture to continue the investigation relative to the various typical soils of the United States to determine their chemical characteristics and especially the nature of the nitrifying organisms contained therein;

Foods, drugs, and
liquors adulterations.

To investigate the adulteration of foods, drugs, and liquors, when deemed by the Secretary of Agriculture advisable; and the Secretary of Agriculture, whenever he has reason to believe that articles are being imported from foreign countries which are dangerous to the health of the people of the United States, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis; and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose mentioned, giving notice to the owner or consignee of such articles, who may be present and have the right to introduce testimony; and the Secretary of the Treasury shall refuse delivery to the consignee of any such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be dangerous to health;

Opening packages
of suspected imports.

To enable the Secretary of Agriculture to investigate the cause of the deterioration in the gluten content of wheat on the Pacific coast and in other parts of the country, and to study the methods for increasing the content of valuable food constituents in wheat and other cereals;

—notice to owner.

—delivery refused of
deleterious goods, etc.

Investigation food
constituents of cereals.

—of proposed food
preservatives.

To enable the Secretary of Agriculture to investigate the character of proposed food preservatives and coloring matters; to determine their relation to digestion and to health, and to establish the principles which should guide their use;

—of foreign tests of
American food prod-
ucts, etc.

To enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food prod-

ucts in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned; and for all necessary expenses connected with such inspection and studies of methods of analysis in said foreign countries; for the preparation of reports, the purchase of apparatus, chemicals, samples, and supplies required in conducting such investigations; the employment of local and special agents, clerks, assistants, and other labor required in conducting such experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for freight and express charges, and for traveling and other necessary expenses, fifteen thousand dollars; in all, for the division of chemistry, twenty-eight thousand five hundred dollars, two thousand dollars of which shall be immediately available.

FORESTRY INVESTIGATIONS: To enable the Secretary of Agriculture to experiment and to make and continue investigations and report on the subjects of forestry, forest fires, and lumbering; to advise the owners of woodlands as to the proper care of the same; to seek, through investigations and the planting of native and foreign species, suitable trees for the treeless regions; to collect and distribute valuable economic forest tree seeds and plants; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments, in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; for the purchase of all necessary supplies and apparatus, for freight and express charges, and traveling expenses, eighty thousand dollars, of which sum not to exceed five thousand dollars may, in the discretion of the Secretary of Agriculture, be used to investigate the forest conditions in the southern Appalachian mountain region of western North Carolina and adjacent States.

Forestry investigations.

EXPERIMENTAL GARDENS AND GROUNDS, DEPARTMENT OF AGRICULTURE: Cultivation and care of experimental gardens and grounds, including the keep of the lawns, trees, roadways, and walks; management and maintenance of the conservatories, greenhouses, and plant and fruit propagating houses; employment of foremen, gardeners, laborers, carpenters, painters, plumbers, and other mechanics; machinery, tools, wagons, carts, horses, harness, plows, lawn mowers, sprinklers, hose, watering cans, tubs, pots, and other implements required in cultivation; lumber, hardware, glass, paints, tin, stone, gravel, and other material required for repairs; fertilizers, insecticide apparatus, and chemicals; blacksmithing, horseshoeing, and repairs to implements and machinery; seeds, plants, and bulbs for propagating purposes; labels, potting and packing materials, feed for horses, freight and express charges, repairing roadways and walks, and for electric lighting, twenty thousand dollars.

Experimental gardens and grounds.

SOIL INVESTIGATIONS: Investigation of the relation of soils to climate and organic life; for the investigation of the texture and composition of soils in the field and laboratory; for the investigation of the cause and prevention of the rise of alkali in the soils of the irrigated districts; the investigation of the relation of soils to drainage and seepage waters, and of methods for the prevention of the accumulation of and injury from seepage waters in irrigated districts; to map the tobacco soils of the United States; to investigate the soils and conditions of growth in Cuba, Sumatra, and other competing countries; to investigate the methods of curing, with particular reference to fermentation; to originate, through selection and breeding, improved varieties of the principal tobacco districts of the United States, and to secure, as far as may be, a change in the methods of supplying tobacco to foreign countries; the location of the stations, and the rent of a building, not to exceed six hundred and sixty dollars per annum, for office and

Soil investigations.

laboratory purposes; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere, and in collating, digesting, reporting, and illustrating the results of such experiments; the preparation of drawings and illustrations; for materials, tools, instruments, apparatus, gas and electric current, supplies, and for traveling expenses, freight and express charges, twenty-five thousand dollars, of which sum ten thousand dollars, or so much thereof as may be necessary, may be expended by the Secretary of Agriculture for the purpose of demonstrating the practical value of underdrainage and other methods of reclaiming alkali lands.

Division of Agro-
tology.

GRASS AND FORAGE-PLANT INVESTIGATION AND ANIMAL FOODS, DIVISION OF AGROSTOLOGY: To enable the Secretary of Agriculture to conduct investigations of grasses, forage plants, and animal foods; to employ local and special agents and assistants; to collect and purchase seeds, roots, and specimens of valuable economic grasses and forage plants for investigation, experimental cultivation, and distribution, and for experiments and reports upon the best methods of extirpating Johnson and other noxious and destructive grasses; to purchase tools, materials, apparatus, and supplies; to pay freight, express charges, and traveling expenses, and labor required in conducting experiments; to prepare drawings and illustrations for circulars, reports, and bulletins; and the agricultural experiment stations are hereby authorized and directed to cooperate with the Secretary of Agriculture in establishing and maintaining experimental grass stations, for determining the best methods of caring for and improving meadows and grazing lands, the use of different grasses and forage plants, and their adaptability to various soils and climates, the best native and foreign species for reclaiming overstocked ranges and pastures, for renovating worn-out lands, for binding drifting sands and washed lands, and for turfing lawns and pleasure grounds, and for solving the various forage problems presented in the several sections of our country, seventeen thousand dollars: *Provided*, That six thousand dollars of the amount hereby appropriated be used to purchase and collect seeds, roots, and specimens of valuable and economic grasses and forage plants, to be distributed to the various experiment stations in the several States and Territories, to be by them used, under the direction of the Secretary of Agriculture, to ascertain their adaptability to the various soils and climates of the United States: *And provided further*, That not more than six thousand dollars of the amount hereby appropriated shall be expended for salaries in the city of Washington, District of Columbia.

Provisions.
Specimen seeds,
grasses, etc.

Limit of salaries,
District of Columbia.

Agricultural Exper-
iment Stations.
Vol. 24, p. 440.

Vol. 12, p. 503.

Forms.

Vol. 24, p. 441.

Alaska.

Annual statement.

AGRICULTURAL EXPERIMENT STATIONS: To carry into effect the provisions of an Act approved March second, eighteen hundred and eighty-seven, entitled "An Act to establish agricultural experiment stations in connection with the colleges established in the several States under the provisions of an Act approved July second, eighteen hundred and sixty-two, and of the Acts supplementary thereto," and to enforce the execution thereof, seven hundred and eighty thousand dollars: thirty-three thousand dollars of which sum shall be payable upon the order of the Secretary of Agriculture, to enable him to carry out the provisions of section three of said Act of March second, eighteen hundred and eighty-seven, and twelve thousand dollars of which sum may be expended by the Secretary of Agriculture to investigate and report to Congress upon the agricultural resources and capabilities of Alaska; and to establish and maintain agricultural experiment stations in said Territory, including the erection of buildings and all other expenses essential to the maintenance of such stations, of which sum five thousand dollars shall be immediately available; and the Secretary of Agriculture shall prescribe the form of the annual financial statement required by section three of said Act of March second, eighteen

hundred and eighty-seven; shall ascertain whether the expenditures under the appropriation hereby made are in accordance with the provisions of the said Act, and shall make report thereon to Congress; and the Secretary of Agriculture is hereby authorized to employ such assistants, clerks, and other persons as he may deem necessary, in the city of Washington and elsewhere, and to incur such other expenses for office fixtures and supplies, stationery, traveling, freight, and express charges, illustration of the Experiment Station Record, bulletins and reports, as he may find essential in carrying out the objects of the above Acts, and the sums apportioned to the several States shall be paid quarterly in advance.

Experiment Station Record, etc.

And the Secretary of Agriculture is hereby authorized to furnish to such institutions or individuals as may care to buy them, copies of the card index of agricultural literature prepared by the Office of Experiment Stations, and charge for the same a price covering the additional expense involved in the preparation of these copies, and he is hereby authorized to apply the moneys received toward the expense of the preparation of the index.

Index of agricultural literature.

And the Secretary of Agriculture is hereby authorized to expend ten thousand dollars of which sum to establish and maintain an agricultural station in the Hawaiian Islands, including the erection of buildings, the printing (in the Hawaiian Islands), illustration, and distribution of reports and bulletins, and all other expenses essential to the maintenance of said station, which sum shall be immediately available.

Hawaiian Islands station.

And the Secretary of Agriculture is hereby authorized to expend five thousand dollars of which sum to investigate and report to Congress on the agricultural resources and capabilities of Porto Rico with special reference to the selection of locations for agricultural experiment stations, and the determination of the character and extent of agricultural experiments immediately demanded by the condition of agriculture in that island, and to prepare, print, publish, and distribute in Porto Rico circulars of inquiry and bulletins of information in the English and Spanish languages, which sum shall be immediately available; in all, seven hundred and eighty thousand dollars.

Investigation of resources of Porto Rico, etc.

THE ARLINGTON EXPERIMENTAL FARM: To enable the Secretary of Agriculture to commence the necessary improvements to establish and maintain a general experimental farm and agricultural station on the Arlington estate, in the State of Virginia, in accordance with the provisions of the Act of Congress approved April eighteenth, nineteen hundred, entitled "An Act to set apart a portion of the Arlington estate for experimental agricultural purposes, and to place said portion under the jurisdiction of the Secretary of Agriculture and his successors in office," the sum of ten thousand dollars, of which two thousand dollars shall be immediately available.

Arlington experimental farm. Expenses.

Ante, p. 134.

NUTRITION INVESTIGATIONS: To enable the Secretary of Agriculture to investigate and report upon the nutritive value of the various articles and commodities used for human food, with special suggestions of full, wholesome, and edible rations less wasteful and more economical than those in common use, seventeen thousand five hundred dollars; and the agricultural experiment stations are hereby authorized to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories, and as may be mutually agreed upon; and the Secretary of Agriculture is hereby authorized to require said stations to report to him the results of any such investigations which they may carry out, whether in cooperation with said Secretary of Agriculture or otherwise.

Nutrition investigations.

IRRIGATION INVESTIGATIONS: To enable the Secretary of Agriculture to investigate and report upon the laws and institutions relating to irrigation and upon the use of irrigation waters, with especial sugges-

Irrigation investigations.

tions of better methods for the utilization of irrigation waters in agriculture than those in common use, and for the preparation, printing, and illustration of reports and bulletins on irrigation; and the agricultural experiment stations are hereby authorized and directed to cooperate with the Secretary of Agriculture in carrying out said investigations in such manner and to such extent as may be warranted by a due regard to the varying conditions and needs of the respective States and Territories as may be mutually agreed upon; fifty thousand dollars.

Road-making in-
quiries.

PUBLIC ROAD INQUIRIES: To enable the Secretary of Agriculture to make inquiries in regard to the system of road management throughout the United States; to make investigations in regard to the best methods of road making, and the best kind of road-making materials in the several States; the employment of local and special agents, clerks, assistants, and other labor required in conducting experiments in the city of Washington and elsewhere and in collating, digesting, reporting, and illustrating the results of such experiments; for labor, traveling, and other necessary expenses, and for preparing and publishing bulletins and reports on this subject for distribution, and to enable him to assist the agricultural colleges and experiment stations in disseminating information on this subject, fourteen thousand dollars.

Division of Publica-
tions.

PUBLICATIONS, DEPARTMENT OF AGRICULTURE: For the preparation, printing, illustration, publication, indexing, and distribution of documents, bulletins, and reports, one hundred and five thousand dollars; of which sum fifty-seven thousand five hundred dollars shall be available for the preparation and printing of farmers' bulletins, which shall be adapted to the interest of the people of the different sections of the country, an equal proportion of four-fifths of which shall be delivered to, or sent out under the addressed franks furnished by, Senators, Representatives, and Delegates in Congress, as each Senator, Representative or Delegate shall direct: *Provided*, That the Secretary of Agriculture shall notify Senators and Representatives of the title and character of each such bulletin, and also of any other publication of the Department of Agriculture not sent to the folding rooms of the Senate and House, with the total number to which each Senator, Representative, and Delegate may be entitled for distribution; and on the face of the envelope inclosing said bulletins shall be printed the title of each bulletin contained therein: *Provided further*, That all such bulletins included in the quotas of Senators, Representatives, or Delegates not called for on or before the thirtieth day of June in each fiscal year shall revert to the Secretary of Agriculture, and be available to him, either for miscellaneous distribution or in making up Congressional quotas for the next fiscal year; for the pay of artists, draftsmen, and engravers, and of proof readers and indexers when necessary; for the purchase of manuscript for publication, and of tools, instruments, and artists' materials; for printing proofs, charts, and maps; for drawings, engravings, photographs, paintings, lithographs, other illustrations, and electrotypes, and for traveling expenses when necessary; for labor, paper, envelopes, gum, twine, and other necessary materials; for the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere, forty-seven thousand five hundred dollars; in all, one hundred and five thousand dollars.

Farmers' bulletins.

Provisos.
Notice to Senators,
etc., of Department
publications.

Disposition of publi-
cations uncalled for.

Division of seeds.
Purchase, distribu-
tion, etc.

PURCHASE AND DISTRIBUTION OF VALUABLE SEEDS: For the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants: the employment of local and special agents, clerks, assistants, and other labor required, in the city of Washington and elsewhere; transportation, paper, twine, gum, printing, postal cards, and all necessary material and repairs for putting up and distributing the same, and to be distributed in localities adapted to their culture, one hundred and seventy thousand dollars, of which amount

not more than twenty-eight thousand dollars shall be expended for labor in the city of Washington, District of Columbia, and not less than ninety thousand dollars shall be allotted for Congressional distribution.

And the Secretary of Agriculture is hereby directed to expend the said sum, as nearly as practicable, in the purchase and distribution of such valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, the best he can obtain at public or private sale, and such as shall be suitable for the respective localities to which the same are to be apportioned, and in which same are to be distributed as hereinafter stated, and such seed so purchased shall include a variety of vegetable and flower seeds, suitable for planting and culture in the various sections of the United States. An equal proportion of two-thirds of all seeds, bulbs, trees, shrubs, vines, cuttings, and plants shall, upon their request, after due notification by the Secretary of Agriculture that the allotment to their respective districts is ready for distribution, be supplied to Senators, Representatives, and Delegates in Congress for distribution among their constituents, or mailed by the Department upon the receipt of their addressed franks; and the person receiving such seeds shall be requested to inform the Department of the results of the experiments therewith: *Provided*, That all seeds, bulbs, plants, and cuttings herein allotted to Senators, Representatives, and Delegates in Congress for distribution remaining uncalled for on the first of April shall be distributed by the Secretary of Agriculture, giving preference to those persons whose names and addresses have been furnished by Senators and Representatives in Congress, and who have not before, during the same season, been supplied by the Department: *And provided also*, That the Secretary shall report, as provided in this Act, the place, quantity, and price of seeds purchased, and the date of purchase; but nothing in this paragraph shall be construed to prevent the Secretary of Agriculture from sending seeds to those who apply for the same. And the amount herein appropriated shall not be diverted or used for any other purpose but for the purchase, propagation, and distribution of valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants: *Provided, however*, That upon each envelope or wrapper containing packages of seeds the contents thereof shall be plainly indicated, and the Secretary shall not distribute to any Senator, Representative, or Delegate seeds entirely unfit for the climate and locality he represents, but shall distribute the same so that each member may have seeds of equal value, as near as may be, and the best adapted to the locality he represents: *Provided also*, That the seeds allotted to Senators and Representatives for distribution in the districts embraced within the twenty-fifth and thirty-second parallels of latitude shall be ready for delivery on the tenth day of January, or at the earliest practicable time thereafter: *Provided further*, That twenty thousand dollars of the sum thus appropriated, or so much thereof as the Secretary of Agriculture shall direct, may be used to collect, purchase, test, propagate, and distribute rare and valuable seeds, bulbs, trees, shrubs, vines, cuttings, and plants, from foreign countries for experiments with reference to their introduction into this country; and the seeds, bulbs, trees, shrubs, vines, cuttings, and plants thus collected, purchased, tested, and propagated shall not be included in general distribution, but shall be used for experimental tests, to be carried on with the cooperation of the agricultural experiment stations.

INVESTIGATING PRODUCTION OF DOMESTIC SUGAR: For all expenses necessary to enable the Secretary of Agriculture to continue inquiry and ascertain the progress made in the production of domestic sugar from beets and sorghum, including the area of available lands adapted thereto by irrigation or otherwise, and to investigate all other matters concerning the same, seven thousand dollars.

Seeds adapted to locality, etc.

Congressional allotment.

Provisos.
—uncalled for; disposition.

Report of purchases.

No diversion of appropriations.

Indication of contents of wrappers.
Seeds adapted to locality.

Early delivery to southern section.

Purchase of foreign seeds, etc., for experimental tests.

Beet, etc., sugar production.

Tea culture.

TEA CULTURE: For all expenses necessary to enable the Secretary of Agriculture to investigate and report on the cost of making tea and the best method of cultivating and preparing the same for market, so as to demonstrate whether it is practicable to introduce its culture in the Southern States as a profitable industry, five thousand dollars, of which amount two thousand five hundred dollars shall be immediately available.

Bureau of Animal Industry.
Vol. 23, p. 31.

Vol. 26, p. 414.

Vol. 26, p. 1089.

Inspection of cattle.

Provisos.
Live horses.

Waiver of certificate with beef, etc.

Preventing diseases among animals.

Purchase, etc., of diseased animals.

Bethesda, Md., station.

Foreign markets for farm products, etc.

Laboratory.

Leaves of absence outside employees.

SALARIES AND EXPENSES, BUREAU OF ANIMAL INDUSTRY: For carrying out the provisions of an Act of May twenty-ninth, eighteen hundred and eighty-four, establishing the Bureau of Animal Industry, and the Act of August thirtieth, eighteen hundred and ninety, providing for an inspection of meats and animals, and also the provisions of the Act of March third, eighteen hundred and ninety-one, providing for the inspection of live cattle, hogs, and the carcasses and products thereof which are the subjects of interstate and foreign commerce, and for other purposes: *Provided*, That live horses and the products and carcasses thereof be entitled to the same inspection as other animals, carcasses, and products thereof herein named: *Provided further*, That the Secretary of Agriculture may in his discretion waive the requirement of a certificate with beef and other products, which are exported to countries that do not require such inspection, one million dollars; and the Secretary of Agriculture is hereby authorized to use any part of this sum he may deem necessary or expedient, in such manner as he may think best, in the collection of information concerning live stock, dairy, and other animal products, and to prevent the spread of pleuropneumonia, blackleg, tuberculosis, sheep scab, glanders or farcy, hog cholera, and other diseases of animals, and for this purpose to employ as many persons as he may deem necessary, and to expend any part of this sum in the purchase and destruction of diseased or exposed animals and the quarantine of the same whenever in his judgment it is essential to prevent the spread of pleuropneumonia, tuberculosis, or other diseases of animals from one State to another, for improving and maintaining the Bureau Experiment Station, at Bethesda, Maryland; for printing and publishing such reports relating to animal industry as he may direct; and the Secretary of Agriculture may use so much of this sum as he deems necessary for promoting the extension and development of foreign markets for dairy and other farm products of the United States, and for suitable transportation of the same; and such products may be bought in open market and disposed of at the discretion of the Secretary of Agriculture, and he is authorized to apply the moneys received from the sales of such products toward the continuation and repetition of such experimental exports; and the Secretary is hereby authorized to rent a suitable building in the District of Columbia, at an annual rental not exceeding one thousand eight hundred dollars, to be used as a laboratory for said Bureau of Animal Industry, and the employees of the Bureau of Animal Industry outside of the city of Washington may hereafter, in the discretion of the Secretary of Agriculture, be granted leaves of absence not to exceed fifteen days in any one year.

Total miscellaneous, Department of Agriculture.

Weather Bureau.

WEATHER BUREAU.

Pay of chief, professors, clerks, etc.

SALARIES OF THE WEATHER BUREAU: Office of Chief of Weather Bureau: One Chief of Bureau, five thousand dollars; two professors of meteorology, at three thousand dollars each, for service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, six thousand dollars; three professors of meteorology, at two thousand five hundred dollars each, for service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, seven thousand

five hundred dollars; three forecast officials, at two thousand dollars each, for service in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, six thousand dollars; one chief clerk, two thousand two hundred and fifty dollars; three chiefs of divisions, at two thousand dollars each, six thousand dollars; three clerks of class four, five thousand four hundred dollars; one chief of Division of Supplies, one thousand eight hundred dollars; five clerks of class three, eight thousand dollars; seventeen clerks of class two, twenty-three thousand eight hundred dollars; twenty-five clerks of class one, thirty thousand dollars; fourteen clerks, at one thousand dollars each, fourteen thousand dollars; one telegraph operator, in the city of Washington or elsewhere, as the exigencies of the Bureau may demand, one thousand dollars; five clerks, at nine hundred dollars each, four thousand five hundred dollars; four copyists or typewriters, at eight hundred and forty dollars each, three thousand three hundred and sixty dollars; two copyists or typewriters, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars; one chief mechanic, one thousand four hundred dollars; one captain of the watch, one thousand dollars; one engineer, one thousand dollars; one battery man, eight hundred and forty dollars; four skilled artisans, at eight hundred and forty dollars each, three thousand three hundred and sixty dollars; two skilled mechanics, at one thousand dollars each, two thousand dollars; three messengers, at seven hundred and twenty dollars each, two thousand one hundred and sixty dollars; two firemen, at seven hundred and twenty dollars each, one thousand four hundred and forty dollars; three watchmen, at seven hundred and twenty dollars each, two thousand one hundred and sixty dollars; one carpenter, eight hundred and forty dollars; five laborers, at six hundred and sixty dollars each, three thousand three hundred dollars; eight messengers or laborers, at six hundred dollars each, four thousand eight hundred dollars; five messengers or laborers, at four hundred and fifty dollars each, two thousand two hundred and fifty dollars; three charwomen, at two hundred and forty dollars each, seven hundred and twenty dollars; in all, one hundred and fifty-three thousand three hundred and twenty dollars.

FUEL, LIGHTS, AND REPAIRS, WEATHER BUREAU: For fuel, lights, repairs, pay of firemen, watchmen, messengers, and other labor, and other expenses for the care and preservation of the public buildings and grounds of the Weather Bureau, nine thousand dollars.

Fuel, lights, and repairs.

CONTINGENT EXPENSES, WEATHER BUREAU: For stationery, blank books, necessary scientific and other publications; furniture, and repairs to same; freight, express charges; subsistence, care, and purchase of horses, for official purposes only; repairs of harness; advertising, dry goods, twine, mats, oils, paints, glass, lumber, hardware, ice, washing towels, and other miscellaneous supplies and expenses not otherwise provided for and necessary for the practical and efficient work of the Weather Bureau, eight thousand dollars.

Contingent expenses.

GENERAL EXPENSES, WEATHER BUREAU: General expenses of the Weather Bureau, under the direction of the Secretary of Agriculture, for the benefit of agriculture, commerce, navigation, and other interests, as provided by law, namely:

General expenses.

Salary of one inspector, not to exceed two thousand dollars. Thirty local forecast officials, section directors, observers, operators, repair men, messengers, boy messengers, laborers, and other necessary employees, outside of the city of Washington, who, without additional expense to the Government, may hereafter, in the discretion of the Secretary of Agriculture, be granted such leaves of absence as are now authorized to employees in the office of the Chief of the Weather Bureau, not to exceed thirty days in any one year, three hundred and eighty-eight thousand five hundred dollars.

—inspectors, observers, etc.

Itemized expenses.

All other expenses, itemized as follows: Maps, bulletins, stationery, and scientific and other publications for stations; and the maintenance of a printing office in the District of Columbia for printing the necessary circulars, weather maps, bulletins, and monthly weather reviews (including the hire of printers, lithographers, and other necessary working force); for traveling expenses; for freight and express charges; for instruments and shelters therefor; for telegraphing or telephoning reports and messages, the rates to be fixed by the Secretary of Agriculture, by agreement with the companies performing the services; for rents and other incidental expenses of offices maintained as stations of observation; for maintenance and repair of seacoast telegraph lines; for river observations and reports; for storm and other signals; for cotton-region observations and reports; for corn and wheat observations and reports; for aerial observations and reports; for supplies for climate and crop services, and for investigations on climatology, including assistance and all necessary expenses, four hundred and thirty-nine thousand five hundred dollars.

West Indies stations.

For maintaining the Weather Bureau stations already established by the Secretary of Agriculture, or to be established by the Secretary of Agriculture, in the West Indies or on adjacent coasts, and for establishing and equipping meteorological stations in the Hawaiian Islands; for taking daily observations of meteorological phenomena; for collecting reports thereof by cable and otherwise; for disseminating information based thereon of the approach of tropical hurricanes and other storms, and for collecting and publishing such climatological data as may be of public benefit, including salaries of one professor of meteorology, at not exceeding three thousand dollars; one forecast official, at not exceeding two thousand dollars; section directors, observers, and other necessary employees (all for duty at the places named in this Act or at such points in the United States as the exigencies of the weather service may require); rents of offices; stationery, furniture, and instrumental supplies; traveling expenses; freight and express charges; cablegrams and telegrams, and all other necessary expenses, sixty thousand dollars.

Hawaiian Islands.

Destruction of old telegrams authorized.

That hereafter all telegrams pertaining to the business of the Weather Bureau may be destroyed after they are three years old, and the accounts based thereon have been settled by the Treasury Department; and the present accumulation of these old telegrams may be destroyed.

Settlement of accounts for disbursements from former appropriations, etc.

The accounting officers are hereby directed to settle all accounts for disbursements from former appropriations for the Department of Agriculture on account of salaries and services according to the terms and conditions of this Act, except that no increase of compensation herein provided shall be allowed for the current and prior fiscal years.

Approved, May 25, 1900.

May 25, 1900.

CHAP. 556.—An Act Providing for the transfer to Post Thirty-nine, Grand Army of the Republic, at Lawrence, Massachusetts, of certain guns now in possession of Battery C, Massachusetts Volunteer Militia.

Transfer to Post 39, G. A. R., Lawrence, Mass., of certain guns authorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War is hereby authorized, under such conditions as he may see fit, to transfer to Post Thirty-nine, Grand Army of the Republic, at Lawrence, Massachusetts, four three-inch muzzle-loading field guns with carriages and limbers, now in possession of Battery C, Massachusetts Volunteer Militia.

Approved, May 25, 1900.

CHAP. 586.—An Act Making appropriation for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred and one.

May 26, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Army for the year ending June thirtieth, nineteen hundred and one:

Army appropriations.

COMMANDING GENERAL'S OFFICE.

To defray the contingent expenses of the Commanding General's Office, in his discretion, one thousand seven hundred and fifty dollars.

Commanding General's Office.

CONTINGENCIES OF THE ARMY: For all contingent expenses of the Army not provided for by other estimates, and embracing all branches of the military service, to be expended under the immediate orders of the Secretary of War, two hundred thousand dollars.

Contingent expenses.

ADJUTANT-GENERAL'S DEPARTMENT.

For contingent expenses at the headquarters of the several military departments including the staff corps serving thereat, except the department judge-advocates, being for the purchase of the necessary articles of office, toilet, and desk furniture, binding, maps, books of reference, professional newspapers and periodicals, and police utensils, six thousand dollars, to be allotted by the Secretary of War, and to be expended in the discretion of the several military department commanders.

Adjutant-General's Department.

For contingent expenses of the military-information division, Adjutant-General's Office, including the purchase of law books, books of reference, periodicals and newspapers, and of the military attachés at the United States embassies and legations abroad, to be expended under the direction of the Secretary of War, six thousand six hundred and forty dollars.

Military-information division.

UNITED STATES SERVICE SCHOOLS: To provide means for the theoretical and practical instruction at the artillery school at Fort Monroe, Virginia; the infantry and cavalry school at Fort Leavenworth, Kansas, and the cavalry and light-artillery school at Fort Riley, Kansas, by the purchase of text-books, books of reference, scientific and professional papers, and for all other absolutely necessary expenses, to be allotted in such proportions as may, in the opinion of the Secretary of War, be for the best interest of the military service, eight thousand five hundred dollars.

United States service schools.

INSPECTOR-GENERAL'S DEPARTMENT.

CONTINGENCIES, INSPECTOR-GENERAL'S DEPARTMENT: For contingent expenses of the Inspector-General's Department at the offices of the several department inspectors-general, being for the purchase of the necessary articles of office, toilet, and desk furniture, binding, maps, books of reference, and police utensils, one thousand dollars.

Inspector-General's Department.

OFFICE OF THE CHIEF SIGNAL OFFICER.

SIGNAL SERVICE OF THE ARMY: For expenses of the Signal Service of the Army, as follows: Purchase, equipment, and repair of field electric telegraphs, signal equipments and stores, binocular glasses, telescopes, heliostats, and other necessary instruments, including necessary meteorological instruments for use on target ranges; war balloons; telephone apparatus (exclusive of exchange service) and maintenance of the same; electrical installations and maintenance at military posts; maintenance and repair of military telegraph lines and cables, including salaries of civilian employees, supplies, and general repairs,

Signal Service.

and other expenses connected with the duty of collecting and transmitting information for the Army, by telegraph or otherwise, ninety-seven thousand dollars.

Military telegraph and cable lines, Alaska.

Provisos.
—public business.

—foreign cables, etc., excluded.

For the purpose of connecting headquarters, Department of Alaska, at Saint Michael, by military telegraph and cable lines with other military stations in Alaska, four hundred and fifty thousand five hundred and fifty dollars: *Provided*, That commercial business may be done over these military lines under such conditions as may be deemed, by the Secretary of War, equitable and in the public interests, all receipts from such commercial business shall be accounted for and paid into the Treasury of the United States, and that the sum hereby appropriated shall be immediately available: *Provided further*, That no telegraph or cable lines owned or operated or controlled by persons not citizens of the United States, or by any foreign corporation or government, shall be established in or permitted to enter Alaska.

Pay.

PAY OF OFFICERS OF THE LINE.

Line.

For pay of officers of the line, five million seven hundred thousand dollars.

Longevity.

For pay of officers for length of service, to be paid with their current monthly pay, one million one hundred and twenty-nine thousand three hundred dollars.

PAY OF ENLISTED MEN.

Enlisted men.

For pay of enlisted men of all grades, including recruits, fifteen million one hundred and forty-five thousand eight hundred and forty-six dollars.

Longevity.

For additional pay for length of service, eight hundred and seventy-five thousand dollars.

Allotments of pay, enlisted men.
Vol. 30, p. 981.

That all allotments of pay of enlisted men of the United States Army, under section sixteen of Act of Congress approved March second, eighteen hundred and ninety-nine, that have been or shall be paid to the designated allottees after the expiration of one month subsequent to the month in which said allotments accrued shall pass to the credit of the disbursing officer who has made or shall make such payment: *Provided*, That said disbursing officer shall, before making payment of said allotments, use, or shall have used, due diligence in obtaining and making use of all information that may have been received in the War Department relative to the grantors of the allotments: *And provided further*, That if an erroneous payment is made because of the failure of an officer responsible for such report to report, in the manner prescribed by the Secretary of War, the death of a grantor or any fact which renders the allotment not payable, then the amount of such erroneous payment shall be collected by the Paymaster-General from the officer who fails to make such report, if such collection is practicable.

Credit to disbursing officers.

Provisos.
—officer to use due diligence, etc.

—where officer is responsible.

ENGINEER BATTALION.

Engineer battalion.

One hundred and fifty thousand and twenty-four dollars.

Longevity.

Additional for length of service, thirty thousand and four dollars and eighty cents.

ORDNANCE DEPARTMENT.

Ordnance Department.

One hundred and seventy-one thousand one hundred and twenty dollars.

Longevity.

Additional pay for length of service, thirty-four thousand two hundred and twenty-four dollars.

NONCOMMISSIONED STAFF (UNATTACHED TO REGIMENTS).

One hundred and fourteen thousand two hundred and forty dollars. Noncommissioned staff.
 Additional pay for length of service, twenty-two thousand eight hundred and forty-eight dollars.

SIGNAL CORPS.

Two hundred and twenty-one thousand four hundred dollars. Signal Corps.
 Additional pay for length of service, twenty-two thousand one hundred and forty dollars.

HOSPITAL CORPS.

Nine hundred and seventy thousand eight hundred dollars. Hospital Corps.
 Additional pay for length of service, forty-eight thousand five hundred and forty dollars.

PAY TO CLERKS AND MESSENGERS AT DEPARTMENT HEADQUARTERS AND AT HEADQUARTERS OF THE ARMY.

Three clerks, at one thousand eight hundred dollars each per annum, five thousand four hundred dollars; Clerks and messengers at headquarters.
 Six clerks, at one thousand six hundred dollars each per annum, nine thousand six hundred dollars;
 Twenty-one clerks, at one thousand four hundred dollars each per annum, twenty-nine thousand four hundred dollars;
 Sixty clerks, at one thousand two hundred dollars each per annum, seventy-two thousand dollars;
 One hundred clerks, at one thousand dollars each per annum, one hundred thousand dollars;
 Sixty-eight messengers, at seven hundred and twenty dollars each per annum, forty-eight thousand nine hundred and sixty dollars;
 In all, two hundred and sixty-five thousand three hundred and sixty dollars.
 And said clerks and messengers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve.

FOR PAY OF THE GENERAL STAFF.

General staff.

ADJUTANT-GENERAL'S DEPARTMENT: For pay of officers in the Adjutant-General's Department, seventy-seven thousand five hundred dollars. Adjutant-General's Department.

For additional pay to such officers for length of service, to be paid with their current monthly pay, sixteen thousand and fifty dollars. Longevity.
 In all, ninety-three thousand five hundred and fifty dollars.

INSPECTOR-GENERAL'S DEPARTMENT: For pay of officers in the Inspector-General's Department, fifty-six thousand five hundred dollars. Inspector-General's Department.

For additional pay to such officers for length of service, to be paid with their current monthly pay, nine thousand seven hundred and fifty dollars. Longevity.

In all, sixty-six thousand two hundred and fifty dollars.

THE CORPS OF ENGINEERS: For pay of officers in the Corps of Engineers, two hundred and seventy-eight thousand four hundred dollars. Corps of Engineers.

For additional pay to such officers for length of service, to be paid with their current monthly pay, eighty-three thousand five hundred and twenty dollars. Longevity.

In all, three hundred and sixty-one thousand nine hundred and twenty dollars.

Ordnance Department.

ORDNANCE DEPARTMENT: For pay of officers in the Ordnance Department, one hundred and fifty-three thousand four hundred dollars.

For additional pay to such officers for length of service, to be paid with their current monthly pay, forty-six thousand and twenty dollars.

In all, one hundred and ninety-nine thousand four hundred and twenty dollars.

Quartermaster's Department.

QUARTERMASTER'S DEPARTMENT: For pay of officers in the Quartermaster's Department, two hundred and ninety-five thousand dollars.

For additional pay to such officers for length of service, to be paid with their current monthly pay, forty-two thousand dollars.

In all, three hundred and thirty-seven thousand dollars.

Subsistence Department.

SUBSISTENCE DEPARTMENT: For pay of officers in the Subsistence Department, one hundred and twenty-six thousand five hundred dollars.

For additional pay to such officers for length of service, to be paid with their current monthly pay, twenty-six thousand two hundred and fifty dollars.

In all, one hundred and fifty-two thousand seven hundred and fifty dollars.

Medical Department.

MEDICAL DEPARTMENT: For pay of officers in the Medical Department, four hundred and ninety-six thousand five hundred dollars.

For additional pay to such officers for length of service, to be paid with their current monthly pay, one hundred and twenty-three thousand four hundred and fifty dollars.

In all, six hundred and nineteen thousand nine hundred and fifty dollars.

Pay Department.

PAY DEPARTMENT: For pay of officers in the Pay Department, one hundred and forty-six thousand five hundred dollars.

For additional pay to such officers for length of service, to be paid with their current monthly pay, twenty-one thousand four hundred and fifty dollars.

In all, one hundred and sixty-seven thousand nine hundred and fifty dollars.

Judge-Advocate-General's Department.

JUDGE-ADVOCATE-GENERAL'S DEPARTMENT: For pay of officers in the Judge-Advocate-General's Department, forty-one thousand five hundred dollars.

For additional pay to such officers for length of service, to be paid with their current monthly pay, eight thousand seven hundred dollars.

In all, fifty thousand two hundred dollars.

Signal Corps.

SIGNAL CORPS: For pay of the officers of the Signal Corps, eighty-three thousand six hundred dollars.

For additional pay to such officers for length of service, to be paid with their current monthly pay, eighteen thousand three hundred and ten dollars: *Provided*, That hereafter the regimental sergeant-majors and regimental quartermaster-sergeants of artillery and infantry shall have the same pay and allowances as the regimental sergeant-majors and regimental quartermaster-sergeants of cavalry.

In all, one hundred and one thousand nine hundred and ten dollars.

Record and Pension Office.

RECORD AND PENSION OFFICE: For pay of officers of the Record and Pension Office, eight thousand dollars.

Retired list.

RETIRED OFFICERS.

Officers.

For pay of officers on the retired list and for officers who may be placed thereon during the current year, one million two hundred and seventy-three thousand dollars.

Longevity.

For additional pay to such officers for length of service, to be paid with their current monthly pay, three hundred and ninety-one thousand dollars.

In all, one million six hundred and sixty-four thousand dollars.

RETIRED ENLISTED MEN.

For pay of the enlisted men of the Army on the retired list, six hundred thousand dollars: *Provided*, That hereafter, in computing length of service for retirement, credit shall be given the soldier for double the time of his actual service in Porto Rico, Cuba, or in the Philippine Islands.

Enlisted men.

Proviso.
Credit for service in Porto Rico, etc.

MISCELLANEOUS.

For pay of not exceeding one hundred hospital matrons, twelve thousand dollars.

Hospital matrons.

For reimbursement of the traveling expenses, per diem, meals, lodgings, and sleeping-car fares of two hundred and eighteen contract nurses, whose names were forwarded by the Quartermaster-General to the Auditor for the War Department for adjudication and settlement on or about February twenty-seventh, eighteen hundred and ninety-nine, four thousand two hundred and one dollars.

Contract nurses.

For hire of clerks, purchase of stationery, furniture, and for contingent expenses incident to the establishment of the Army War College, having for its object the direction and coordination of the instruction in the various service schools, extension of the opportunities for investigation and study in the Army and militia of the United States, and the collection and dissemination of military information, twenty thousand dollars.

Army War College expenses.

For pay of ten senior veterinary surgeons, fifteen thousand dollars.

Senior veterinary surgeons.

For pay of ten junior veterinary surgeons, nine thousand dollars:

Junior.

Provided, That junior veterinary surgeons shall be allowed and paid monthly the sum of three dollars and seventy-one cents during the entire period of their service in lieu of the clothing allowance of a sergeant-major.

Proviso.
—allowance to.

For pay of ninety paymasters' clerks, one hundred and thirty-three thousand dollars: *Provided*, That hereafter the pay of Army paymasters' clerks who have served as such over fifteen years shall be one thousand eight hundred dollars per annum; the pay of Army paymasters' clerks who have served as such over ten years shall be one thousand six hundred dollars each per annum; the pay of Army paymasters' clerks who have served as such over five years shall be one thousand five hundred dollars each per annum; the pay of other Army paymasters' clerks shall be one thousand four hundred dollars each per annum.

Paymasters' clerks.

Proviso.
—pay of.

For pay of paymasters' messengers, ten thousand dollars.

Paymasters' messengers.

For traveling expenses of paymasters' clerks and expert accountant of the Inspector-General's Department, thirty-five thousand dollars.

Travel expenses paymasters' clerks, etc.

In all, two hundred and seven thousand dollars.

For expenses of courts-martial, courts of inquiry, and compensation of reporters and witnesses attending the same, twenty-five thousand dollars.

Courts-martial, etc., expenses.

For additional pay to officer in charge of public buildings and grounds at Washington, District of Columbia, one thousand dollars.

Additional pay, officer in charge of public buildings, D. C.

For commutation of quarters to commissioned officers on duty, without troops, at stations where there are no public quarters, five hundred thousand dollars.

Commutation of quarters, etc.

For travel allowance to enlisted men on discharge, four million eight hundred thousand dollars.

Travel allowance enlisted men on discharge.

For clothing not drawn due to enlisted men on discharge, one million dollars.

Undrawn clothing

For interest on deposits of enlisted men, including soldiers' deposits to be repaid, two million two hundred and seventy-five thousand dollars.

Interest on deposits enlisted men.

Military information, clerk.

For pay of a clerk attendant on the collection and classification of military information, one thousand five hundred dollars.

Expert accountant.

For pay of expert accountant for the Inspector-General's Department, two thousand five hundred dollars.

Mileage to officers.
Providos.
—limit.

For mileage to officers and contract surgeons, when authorized by law, five hundred thousand dollars: *Provided*, That officers so traveling shall be paid seven cents per mile and no more; distances to be computed and mileage to be paid over the shortest usually traveled routes, with deduction as hereinafter provided; and payment and settlement of mileage accounts of officers shall be made according to distances computed over routes established and by mileage tables prepared by the Paymaster-General of the Army under the direction of the Secretary of War; and all payments made by paymasters on account of mileage previous to the passage of this Act shall be settled in accordance with distance tables officially promulgated and in use at

Transportation requests.

date of payment: *Provided further*, That officers who so desire may, upon application to the Quartermaster's Department, be furnished with transportation requests, exclusive of sleeping and parlor car accommodations, for the entire journey under their orders; and the transportation so furnished shall be a charge against the officer's mileage account, to be deducted at the rate of three cents per mile by the paymaster paying the account, the amount so deducted to be turned over to an authorized officer of the Quartermaster's Department for the credit of the appropriation for transportation of the Army and its supplies: *And provided further*, That when the established route of travel shall, in whole or in part, be over the line of any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any of the bond-aided Pacific railroads, or over the railroad of any railroad company which by law or agreement is entitled to receive only fifty per centum of the compensation earned by such company for transportation services rendered the United States, officers traveling as herein provided for shall, for the travel over such roads, be furnished with transportation requests, exclusive of sleeping and parlor car accommodations, by the Quartermaster's Department:

Travel on bond-aided, etc., railroads, etc.

Fifty per centum railroads.

And provided further, That when transportation is furnished by the Quartermaster's Department, or when the established route of travel is over any of the railroads above specified, there shall be deducted from the officer's mileage account by the paymaster paying the same three cents per mile for the distance for which transportation has been or should have been furnished: *And provided further*, That actual expenses only shall be paid to officers for sea travel when traveling, as herein provided for, to, from, or between our island possessions: *Provided also*, That hereafter when an officer shall be discharged from the service, except by way of punishment for an offense, he shall receive for travel allowances 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, four cents per mile; and an enlisted man when discharged from the service, except by way of punishment for an offense, shall receive four cents per mile from the place of his discharge to the place of his enlistment, enrollment, or original muster into the service: *Provided further*, That for sea travel on discharge, to, from, or between our island possessions, actual expenses only shall be paid to officers and transportation and subsistence only shall be furnished to enlisted men.

Deduction.

Actual expenses to island possessions.

Travel allowance on discharge.

Sea travel on discharge to island possessions, etc.

Civilian physicians.

For traveling expenses and commutation of quarters for civilian physicians employed by the Surgeon-General, one thousand five hundred dollars.

Contract surgeons.

For contract surgeons, not exceeding four hundred and eighty in all, seven hundred and twenty thousand dollars: *Provided*, That the Secretary of War is empowered to appoint as many hospital stewards as in

Provido.
Hospital stewards.

his judgment the service may require, not to exceed an additional one hundred, but no more than one hospital steward shall be stationed at one post or station without special authority from the Secretary of War.

For additional twenty per centum increase on pay of enlisted men, four million five hundred and twenty-four thousand seven hundred and fifteen dollars: *Provided*, That hereafter the pay proper of all officers and enlisted men serving in Porto Rico, Cuba, the Philippine Islands, Hawaii, and in the Territory of Alaska, shall be increased ten per centum for officers and twenty per centum for enlisted men over and above the rates of pay proper as fixed by law in time of peace: *Provided further*, That enlisted men receiving or entitled to the twenty per centum increased pay herein authorized shall not be entitled to or receive any additional increased compensation for what is known as extra or special duty.

Twenty per cent increase, enlisted men.

Provisos.
Increase for service in Porto Rico, etc.

No extra-duty pay.

For additional pay for increased rank when in command by competent authority, fifty thousand dollars: *Provided*, That no part of this sum shall be used for pay of officers assigned to higher command than their rank in the Army, unless such service shall be continuous for a period of not less than three months.

Additional pay, increased rank.
Proviso.
—continuous service.

All the money hereinbefore appropriated, except the appropriation for mileage to officers when authorized by law, shall be disbursed and accounted for by the Pay Department as pay of the Army, Regular and Volunteer, and for that purpose shall constitute one fund.

Accounting.

SUBSISTENCE DEPARTMENT.

Subsistence Department.

SUBSISTENCE OF THE ARMY: Purchase of subsistence supplies: For issue, as rations to troops, civil employees when entitled thereto, hospital matrons and nurses, general prisoners of war (including Indians held by the Army as prisoners, but for whose subsistence appropriation is not otherwise made); for sales to officers and enlisted men of the Army; for authorized issues of candles; of toilet articles, barbers' laundry, and tailors' materials, for use of general prisoners confined at military posts without pay or allowances, and recruits at recruiting stations; of matches for lighting public fires and lights at posts and stations and in the field; of flour used for paste in target practice; of salt and vinegar for public animals; of issues to Indians employed with the Army, without pay, as guides and scouts. For payments: For meals for recruiting parties and recruits; for hot coffee, canned beef, and baked beans for troops traveling, when it is impracticable to cook their rations; for scales, weights, measures, utensils, tools, stationery, blank books and forms, printing, advertising, commercial newspapers, use of telephones, office furniture; for temporary buildings, cellars, and other means of protecting subsistence supplies (when not provided by the Quartermaster's Department); for commissary chests, complete, and for renewal of their outfits; for field desks of commissaries; for extra pay to enlisted men employed on extra duty in the Subsistence Department for periods of not less than ten days, at rates fixed by law; for compensation of civilians employed in the Subsistence Department, and for other necessary expenses incident to the purchase, care, preservation, issue, sale, and accounting for subsistence supplies for the Army. For the payment of the regulation allowances for commutation in lieu of rations: To enlisted men on furlough, to ordnance sergeants on duty at ungarrisoned posts, to enlisted men stationed at places where rations in kind can not be economically issued to enlisted men traveling on detached duty when it is impracticable to carry rations of any kind, to enlisted men selected to contest for places or prizes in department and army rifle competitions while traveling to and from places of contest; to be expended under the direction of the Secretary of War, nine million five hundred thousand dollars.

Supplies.
Purchases.

Payments.

Extra-duty pay.

Civilian employees.

Commutation of rations.

Amount.

Transport service. Expenses.	Subsistence of the masters, officers, crews, and employees of the vessels of the army transport service, two hundred and nineteen thousand four hundred and ninety-two dollars and seventy-five cents.
Increased cost of rations, enlisted men in hospitals.	Difference between the cost of the ration at twenty-five cents per day and the amount of forty cents per day to be expended by commissaries on request of medical officers for special diet to enlisted patients in hospital who are too sick to be subsisted on the army ration, six hundred and fifty-seven thousand dollars.
Convalescents.	Difference between the cost of the ration at twenty-five cents and the cost of rations differing in whole or in part from the ordinary ration, to be issued to enlisted men in camp during periods of recovery from low conditions of health consequent upon service in unhealthy regions or in debilitating climates, to be expended only under special authority of the Secretary of War, one hundred and eighty thousand dollars.
Amount.	Total for the Subsistence Department, ten million five hundred and fifty-six thousand four hundred and ninety-two dollars and seventy-five cents, to be disbursed and accounted for as "Subsistence of the Army," and for that purpose it shall constitute one fund.

QUARTERMASTER'S DEPARTMENT.

Quartermaster's Department. Regular supplies.	REGULAR SUPPLIES: Regular supplies of the Quartermaster's Department, including their care and protection, consisting of stoves and heating apparatus required for heating offices, hospitals, barracks, and quarters, and recruiting stations; also ranges and stoves, and appliances for cooking and serving food, and repair and maintenance of such heating and cooking appliances; of fuel and lights for enlisted men, including recruits, guards, hospitals, storehouses, and offices, and for sale to officers; and including also fuel and engine supplies required in the operation of modern batteries at established posts; for post bakeries; for the necessary furniture, text-books, paper, and equipment for the post schools and libraries; for the tableware and mess furniture for kitchens and mess halls, each and all for the enlisted men, including recruits; of forage in kind for the horses, mules, and oxen of the Quartermaster's Department at the several posts and stations and with the armies in the field, and for the horses of the several regiments of cavalry, the batteries of artillery, and such companies of infantry and scouts as may be mounted, and for the authorized number of officers' horses, including bedding for the animals; of straw for soldiers' bedding, and of stationery, including blank books for the Quartermaster's Department, certificates for discharged soldiers, blank forms for the Pay and Quartermaster's Departments, and for printing department orders and reports, eight million two hundred and sixty-four thousand dollars.
Forage, etc.	
Amount.	
Incidental expenses.	INCIDENTAL EXPENSES: Postage; cost of telegrams on official business received and sent by officers of the Army; extra pay to soldiers employed on extra duty, under the direction of the Quartermaster's Department, in the erection of barracks, quarters, and storehouses, in the construction of roads, and other constant labor for periods of not less than ten days, and as clerks for post quartermasters at military posts, and for prison overseers at posts designated by the War Department for the confinement of general prisoners; for expenses of expresses to and from frontier posts and armies in the field, of escorts to paymasters and other disbursing officers and to trains where military escorts can not be furnished; expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of non-commissioned officers and soldiers; and that in all cases where they would have been lawful claims against the Government reimbursement

may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed what is now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men of what is now allowed in their cases may be paid out of the proper funds appropriated by this Act, and that the disbursing officers shall be credited with such reimbursement heretofore made; authorized office furniture; hire of laborers in the Quartermaster's Department, including the hire of interpreters, spies, or guides for the Army; compensation of clerks and other employees to the officers of the Quartermaster's Department, and incidental expenses of recruiting; for the apprehension, securing, and delivering of deserters and the expenses incident to their pursuit, and no greater sum than fifty dollars for each deserter shall, in the discretion of the Secretary of War, be paid to any civil officer or citizen for such services and expenses; for a donation of five dollars to each dishonorably discharged prisoner upon his release from confinement under court-martial sentence involving dishonorable discharge; for the following expenditures required for the several regiments of cavalry, the batteries of light artillery, and such companies of infantry and scouts as may be mounted, the authorized number of officers' horses, and for the trains, to wit: hire of veterinary surgeons, purchase of medicines for horses and mules, picket ropes, blacksmiths' tools and materials, horseshoes and blacksmiths' tools for the cavalry service, and for the shoeing of horses and mules, and such additional expenditures as are necessary and authorized by law in the movements and operations of the Army and at military posts, and not expressly assigned to any other department, two million four hundred thousand dollars. To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of civilian employees of the Army, who have died, or may hereafter die, while in the employ of the War Department in Cuba, Puerto Rico, Hawaii, and the Philippines, including the remains of any honorably discharged soldiers who are entitled under the terms of their discharge to return transportation on Government transport and who die while on said transport, the sum of one hundred thousand dollars, which is hereby appropriated and made immediately available for the above purpose as long as may be required.

Amount.
Transporting remains of civilian employees, etc., from Cuba, etc.

HORSES FOR CAVALRY AND ARTILLERY: For the purchase of horses for the cavalry and artillery, and for the Indian scouts, and for such infantry and members of the Hospital Corps in field campaigns as may be required to be mounted, and the expenses incident thereto, seven hundred and fifty thousand dollars.

Purchase of horses.

BARRACKS AND QUARTERS: For barracks and quarters for troops, storehouses for the safe-keeping of military stores, for offices, recruiting stations, and for the hire of buildings and grounds for summer cantonments, and for temporary buildings at frontier stations, for the construction of temporary buildings and stables, and for repairing public buildings at established posts, including the extra-duty pay of enlisted men employed on the same, three million dollars: *Provided*, That no part of the moneys so appropriated shall be paid for commutation of fuel or for quarters to officers or enlisted men.

Barracks and quarters.

Proviso.
Not available for commutation of fuel, etc.

TRANSPORTATION OF THE ARMY AND ITS SUPPLIES: Transportation of the Army, including baggage of the troops when moving either by land or water, and including also the transportation of recruits and recruiting parties heretofore paid from the appropriation for "Expenses for recruiting;" of supplies to the militia furnished by the War Department; of the necessary agents and employees; of clothing, camp and garrison equipage, and other quartermaster's stores, from army depots or places of purchase or delivery to the several posts and army depots, and from those depots to the troops in the field; of horse

Transportation.

equipments and subsistence stores from the places of purchase, and from the places of delivery under contract to such places as the circumstances of the service may require them to be sent; of ordnance, ordnance stores, and small arms from the foundries and armories to the arsenals, fortifications, frontier posts, and army depots; freights, wharfage, tolls, and ferriages; the purchase and hire of draft and pack animals and harness, and the purchase and repair of wagons, carts, and drays, and of ships and other vessels and boats required for the transportation of troops and supplies and for garrison purposes; for drayage and cartage at the several posts; hire of teamsters and other employees; extra-duty pay of enlisted men driving teams, repairing means of transportation, and employed as trainmasters, and in opening roads and building wharves; transportation of funds of the Army; the expenses of sailing public transports on the various rivers, the Gulf of Mexico, and the Atlantic and Pacific oceans; for procuring water, and introducing the same to buildings, at such posts as from their situation require it to be brought from a distance, and for the disposal of sewage and drainage, and for constructing roads and wharves; for the payment of army transportations lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant acts), but in no case shall more than fifty per centum of full amount of service be paid: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That in expending the money appropriated by this Act, a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public land to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose restricting the charge for such Government transportation, having claims against the United States for transportation of troops and munitions of war and military supplies and property over such aided railroads, shall be paid out of the moneys appropriated by the foregoing provision only on the basis of such rate for the transportation of such troops and munitions of war and military supplies and property as the Secretary of War shall deem just and reasonable under the foregoing provision, such rate not to exceed fifty per centum of the compensation for such Government transportation as shall at the time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service, thirty million dollars: *Provided*, That one hundred thousand dollars of this sum may be used in Alaska, and shall be immediately available, for the construction of military roads and bridges in Alaska.

Payment to land-grant railroads.

—maximum.

Provisos.
Compensation; how computed.

Fifty per cent to railroads not bond aided.

Amount.

Military roads and bridges, Alaska.

Clothing, camp and garrison equipage.

Amount.

CLOTHING, AND CAMP AND GARRISON EQUIPAGE: For cloth, woolens, materials, and for the manufacture of clothing for the Army, for issue and for sale at cost price according to the Army Regulations; for altering and fitting clothing and washing and cleaning, when necessary; for equipage, and for expenses of packing and handling, and similar necessities; for a suit of citizen's outer clothing, to cost not exceeding ten dollars, to be issued upon release from confinement to each prisoner who has been confined under a court-martial sentence involving dishonorable discharge, for indemnity to officers and men of the Army for clothing and bedding, and so forth, destroyed by order of medical officers of the Army for sanitary reasons, eight million five hundred

thousand dollars: *Provided*, That on application of the governor of any State or Territory the Secretary of War is authorized to replace the quartermaster supplies which the volunteers from said State or Territory carried into the service of the United States Army during the recent war with Spain, and which have been retained by the United States, exclusive of such supplies as have been allowed for in the office of the Auditor for the War Department and such award accepted by a State.

Proviso.
Replacing quartermaster supplies of State troops.

CONSTRUCTION AND REPAIR OF HOSPITALS: For construction and repair of hospitals at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, and including, also, all expenditures for construction and repairs required at the Army and Navy Hospital at Hot Springs, Arkansas, except quarters for the officers, two hundred and fifty thousand dollars: *Provided*, That for the purpose of improving and repairing the Army and Navy General Hospital at Hot Springs, Arkansas, and for the reconstructing and refitting the interior of the bath house, for the construction of a boiler house and the purchase of boilers, for establishing ice and electric plants, and for the construction of a reservoir with a capacity of one hundred and fifty thousand gallons, the sum of fifty-five thousand dollars, or so much thereof as may be necessary, of the foregoing may be used, said sum to be expended under the direction of the Secretary of War.

Hospitals.

Hot Springs, Ark.

Proviso.
—amount available for.

QUARTERS FOR HOSPITAL STEWARDS: For construction of quarters for hospital stewards at military posts already established and occupied, including the extra-duty pay of enlisted men employed on the same, twenty thousand dollars.

Quarters for hospital stewards.

SHOOTING GALLERIES AND RANGES: For shelter, shooting galleries, ranges for small-arms target practice, repairs, and expenses incident thereto, ten thousand dollars.

Shooting ranges, etc.

MEDICAL DEPARTMENT.

Medical Department.

MEDICAL AND HOSPITAL DEPARTMENT: For the purchase of medical and hospital supplies and all other necessary miscellaneous expenses for the Medical Department of the Army, two million dollars.

Supplies, etc.

ARMY MEDICAL MUSEUM AND LIBRARY: For Army Medical Museum, preservation of specimens, and the preparation and purchase of new specimens, five thousand dollars.

Museum.

For the library of the Surgeon-General's Office, including the purchase of necessary books of reference and periodicals, ten thousand dollars; and the disbursing officer of the Medical Department, at Washington, District of Columbia, shall be credited with all payments from the appropriations for the library for the years ending June thirtieth, eighteen hundred and ninety-eight, June thirtieth, eighteen hundred and ninety-nine, and June thirtieth, nineteen hundred, heretofore or to be hereafter made by him for such publications upon accounts approved by the Surgeon-General.

Library.

Credit to disbursing officer, etc.

ENGINEER DEPARTMENT.

Engineer Department.

ENGINEER DEPOT AT WILLETS POINT, NEW YORK: For incidental expenses of the depot, including fuel, lights, chemicals, stationery, hardware, extra-duty pay to soldiers necessarily employed for periods not less than ten days as artificers on work in addition to and not strictly in the line of their military duties, such as carpenters, blacksmiths, draftsmen, printers, lithographers, photographers, engine drivers, teamsters, wheelwrights, masons, machinists, painters, overseers, laborers, repairs of, and for materials to repair, public buildings, machinery, and unforeseen expenses, five thousand dollars.

Incidental expenses

Materials.

For the purchase of material for use of United States Engineer School and for instruction of engineer troops at Fort Totten, Willets Point, in their special duties as sappers and miners; for land and submarine mines, pontoniers, torpedo drill, and signaling, one thousand five hundred dollars.

Instruments.

For purchase and repair of instruments, to be issued to officers of the Corps of Engineers and to officers detailed and on duty as acting engineer officers, for use on public works and surveys, three thousand dollars.

Library.

For purchase and binding of professional works of recent date treating of military and civil engineering and kindred scientific subjects, for library of the United States Engineering School, five hundred dollars.

Tools, etc.

For pontoon trains, intrenching tools, instruments, and drawing materials, twenty-five thousand dollars.

Surveyors, etc.

For services of surveyors, draftsmen, photographers, clerks to engineer officers on the staff of division, corps, and department commanders, twenty-five thousand dollars.

Amount.

Total for Engineer Department, sixty thousand dollars.

Ordnance Department.

ORDNANCE DEPARTMENT.

Current expenses.

ORDNANCE SERVICE: For current expenses of the ordnance service required to defray the current expenses at the arsenals; of receiving stores and issuing arms and other ordnance supplies; of police and office duties; of rents, tolls, fuel, and light; of stationery and office furniture; of tools and instruments for use; incidental expenses of the ordnance service and those attending practical trials and tests of ordnance, small arms, and other ordnance supplies, including payment for mechanical labor in the office of the Chief of Ordnance, three hundred thousand dollars.

Ammunition for small arms.

ORDNANCE, ORDNANCE STORES, AND SUPPLIES: For manufacture or purchase of metallic ammunition for small arms and ammunition for reloading cartridges, including the cost of targets and material for target practice, ammunition for burials at the National Home for Disabled Volunteer Soldiers and its several Branches, including National Soldiers' Home in Washington, District of Columbia, and at Soldiers and Sailors' State Homes, and marksmen's medals and insignia for all arms of the service, seven hundred and fifty thousand dollars: *Provided,* That hereafter the Chief of Ordnance is authorized to issue such obsolete or condemned ordnance, gun carriages, and ordnance stores as may be needed for ornamental purposes to the Homes for Disabled Volunteer Soldiers, the Homes to pay for transportation out of any appropriation for current expenses.

Proviso.

Issue of obsolete ordnance to Volunteer Soldiers' Homes.

Repairing and preserving stores, etc.

For repairing and preserving ordnance and ordnance stores in the hands of troops and for issue at the arsenals and depots, seventy-five thousand dollars.

Purchases for requisitions.

For purchase and manufacture of ordnance stores to fill requisitions of troops, five hundred thousand dollars.

Equipments.

For infantry, cavalry, and artillery equipments, including horse equipments for cavalry and artillery, seven hundred and fifty thousand dollars.

Preserving, etc., ordnance.

For overhauling, cleaning, and preserving new ordnance and ordnance stores on hand at the arsenals and depots, fifty thousand dollars.

Morning and evening gun.

For firing the morning and evening gun at military posts prescribed by General Orders, Numbered Seventy, Headquarters of the Army, dated July twenty-third, eighteen hundred and sixty-seven, and at National Home for Disabled Volunteer Soldiers and its several Branches, including National Soldiers' Home in Washington, District of Columbia, and at Soldiers and Sailors' State Homes, including material for cartridges, bags, and so forth, twenty-five thousand dollars.

For targets for artillery practice and implements for mechanical maneuvers, ten thousand dollars.

Artillery targets

Manufacture, repairing, procuring, and issuing arms at the national armories, one million one hundred thousand dollars: *Provided*, That on application of the governor of any State or Territory the Secretary of War is authorized to replace the ordnance and ordnance stores which the volunteers from said State or Territory carried into the service of the United States Army during the recent war with Spain, and which have been retained by the United States.

Manufacturing arms, etc.
Proviso.
Replacing ordnance, etc., to States used by volunteers in Spanish war.

Hereafter 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 order of a member of the Board of Managers, namely: All honorably discharged officers, soldiers, and sailors who served in the regular or volunteer forces of the United States in any war in which the country has been engaged, who are disabled by disease, wounds, or otherwise, and who have no adequate means of support, and by reason of such disability are incapable of earning their living.

Volunteer Soldiers' Home.

Who may be admitted.

That the Act approved January twelfth, eighteen hundred and ninety-nine, granting "extra pay to officers and enlisted men of the United States Volunteers," shall extend to all volunteer officers of the general staff who have not received waiting orders pay prior to discharge, at the rate of one month to those who did not serve beyond the limits of the United States and two months to those who served beyond the limits of the United States; and officers and enlisted men of volunteer organizations, who have served honestly and faithfully in the Volunteer Army of the United States during the war with Spain and have been honorably discharged without furlough, or by reason of their services being no longer required, or at any time by reason of wounds received, or disability contracted in the service and in the line of duty, and who have not received the extra pay granted in said Act or in subsequent Acts of Congress supplemental thereto: And this Act shall be deemed to apply to officers of volunteers who resigned and enlisted men of volunteers who were discharged upon their own applications subsequent to the issue of orders for the muster out of their organizations and prior to the dates of muster out.

Extent of act granting extra pay on muster out in lieu of furlough.
Vol. 30, p. 734.

Approved, May 26, 1900.

CHAP. 587.—An Act Regulating permits for private conduits in the District of Columbia.

May 26, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized to grant permission to lay conduits for the transmission of electric power and pipes for the transmission of steam in alleys in the District of Columbia, under the following conditions, namely:

District of Columbia. Commissioners may authorize laying of conduits, etc., in alleys.

The conduits or pipes shall be laid entirely within a square or block, and shall not cross or enter any avenue, street, or highway.

Conditions.

The conduits and pipes shall be located as directed by said Commissioners and be laid under their inspection; and the cost of such inspection, together with the cost of replacing all improved pavements disturbed in connection with said work, shall be paid in advance by the party desiring to lay said conduits or steam pipes.

The conduits or pipes shall be used only to connect the premises owned and operated by the permittee, and no power or steam shall be supplied therefrom for any other purpose than the use of the permittee.

The permittee shall not rent the conduit or pipe or any portion thereof.

Penalty.

SEC. 2. That on violation of any of the above provisions or restrictions, the said Commissioners shall require the permittee, after thirty days' notice, to abandon the use of said conduits or pipes and remove them from the alley or alleys in which they are located, and if said permittee shall neglect or refuse to remove said conduits or pipes and place the surface of the alley in good condition within sixty days after the date of said notice, the said permittee shall be deemed guilty of a misdemeanor, and shall be liable to a fine of ten dollars for each and every day that said conduits or pipes are allowed to remain in the alley, or the said alley shall remain out of repair, which fine shall be recovered in the police court of said District, in the name of said District, as other fines and penalties are now recovered in said court.

Amendment.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act.

Approved, May 26, 1900.

May 26, 1900.

CHAP. 588.—An Act To amend an Act regulating the inspection of flour in the District of Columbia, approved December twenty-first, eighteen hundred and ninety-eight.

District of Columbia.
Inspection of flour.
Vol. 30, p. 766,
amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section six of the Act entitled "An Act regulating the inspection of flour in the District of Columbia," approved December twenty-first, eighteen hundred and ninety-eight, be amended by striking out the last clause of said section and inserting in lieu thereof the following:

Penalty for selling
unbranded, etc., flour.

"And no barrel, half barrel, or sack of flour not examined and branded by the inspector as aforesaid shall be sold within the District under fine of one dollar for each and every barrel, half barrel, or sack, to be collected as other fines and penalties are collected."

Approved, May 26, 1900.

May 26, 1900.

CHAP. 589.—An Act To provide for officers in the customs district of Hawaii.

Hawaii.
Customs officers au-
thorized.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be in the customs district of Hawaii one collector, who shall reside at Honolulu, and who shall receive a salary of four thousand dollars per annum, and such deputy collectors and other customs officers as the Secretary of the Treasury shall deem necessary.

Approved, May 26, 1900.

May 26, 1900.

CHAP. 590.—An Act To detach the county of Concho from the western judicial district of Texas and attach the same to the northern judicial district of Texas, and for other purposes.

Texas judicial dis-
trict.
Concho County
transferred from
western to northern
district.
Pending cases.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of Concho, in the State of Texas, is hereby detached from the western and attached to the northern judicial district of the State of Texas.

SEC. 2. That all offenses heretofore committed in said county of Concho of which the district court of said western judicial district has jurisdiction and upon which proceedings have been taken shall be tried and prosecuted in said western judicial district. Civil suits and proceedings now pending in the circuit or district courts in said State shall not be affected by this Act.

SEC. 3. That hereafter all process issued against defendants residing in said county of Concho shall be returned to San Angelo, Texas. All offenses committed in said county in which proceedings have not been begun shall be prosecuted in said northern district.

Process.

SEC. 4. That all laws and parts of laws so far as in conflict herewith are hereby repealed.

Repeal.

Approved, May 26, 1900.

CHAP. 591.—An Act To provide for the holding of a term of the circuit and district courts of the United States at Superior, Wisconsin.

May 26, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a term of the circuit and district courts of the United States for the western district of Wisconsin shall be held annually at the city of Superior, beginning on the third Tuesday in June.

Wisconsin western judicial district.
Terms of court at Superior.

SEC. 2. The clerk of the United States circuit and district courts at Madison, Wisconsin, shall be the clerk of the United States circuit and district courts, at Superior, Wisconsin, and he shall appoint a deputy clerk of said courts to reside at Superior, Wisconsin, with the usual powers of a deputy clerk in such cases, whose compensation shall be such proportion of the fees accruing from business done in the said courts at Superior as shall be fixed by the judge of said western district.

Clerk of court at Superior.

Deputy clerk.

SEC. 3. The Attorney-General is hereby authorized to rent such room or rooms in said city as may be necessary or convenient for holding the terms of said court by the provisions hereof authorized.

Court rooms.

Approved, May 26, 1900.

CHAP. 594.—An Act To detach certain counties from the United States judicial district of northern California and to annex such counties to the United States judicial district of southern California; to divide said southern district of California into two divisions and to provide for the holding of terms of court at the city of Fresno and city of Los Angeles.

May 29, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all that portion of the State of California now comprised in the counties of Inyo, Mariposa, and Merced is hereby detached from the United States judicial district of northern California, known as the northern district of California, and annexed to and made a part of the United States judicial district of southern California, known as the southern district of California.

California judicial district.
Certain counties transferred from northern to southern district.

SEC. 2. That the United States judicial district of southern California, known as the southern district of California, as enlarged and constituted by this Act, is hereby divided into two divisions, to be known as the northern and southern divisions, to wit, that all that portion of said judicial district of southern California, known as the southern district of California, comprised of the counties of Inyo, Mariposa, Tulare, Merced, Madera, Fresno, Kings, and Kern shall constitute and be known as the northern division of the southern district of California, and that portion of said judicial district of southern California composed of the counties of Los Angeles, Orange, Riverside, San Bernardino, San Diego, San Luis Obispo, Santa Barbara, and Ventura, being all the residue of said district not included in the northern division, shall constitute and be known as the southern division of the southern district of California.

Two divisions of southern district.

SEC. 3. That after the thirtieth day of June, nineteen hundred, terms of the circuit and district courts of the United States for the said southern district of California shall be held in each of said divisions,

Terms of court.

at the places in said divisions, and at the times, to wit, in and for the northern division, at the city of Fresno, twice in each year, namely, on the first Monday in May, to be known as the May terms of said courts, and on the second Monday in November, to be known as the November terms of said courts; in and for the southern division, at the city of Los Angeles, twice in each year, namely, on the second Monday in January, to be known as the January terms of said courts, and on the second Monday in July, to be known as the July terms of said courts.

Where suits may be brought.

SEC. 4. That all suits not of a local nature in said circuit and district courts against a single defendant, inhabitant of said 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.

Process, etc.

SEC. 5. That all civil process issued against persons resident in the northern division of said southern district of California, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Fresno; all prosecutions for offenses committed in said northern division shall be tried in the appropriate court of jurisdiction at said city of Fresno; that all civil process issued against persons resident in the southern division of the said southern district of California, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Los Angeles; and all prosecutions for offenses committed in said southern division shall be tried in the appropriate court of jurisdiction at said city of Los Angeles: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage and approval of this Act shall be in any way affected by the provision thereof: *Provided further*, That all offenses committed in that portion of the northern district of California hereby detached therefrom and prior to the passage of this Act shall be prosecuted, tried, and determined in the same manner and with the same effect to all intents and purposes as if this Act had not been passed: *Provided, however*, That the judge of said circuit court and of such district court may, upon motion by either party to any suit now pending in said circuit or district court of the southern district of California, and commenced prior to the passage of this Act, transfer any such cause for hearing to the northern division of said southern district of California, to be tried at said city of Fresno, as though originally commenced in said northern division of said district.

Provisos.
Pending suits, etc., unaffected.

-in detached counties.

-transfer of.

Jurors.
Process.

SEC. 6. That all grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process subject to the provisions hereinbefore contained, issued in either of said divisions, may be served and executed in either or both of the divisions.

Removal.

SEC. 7. That in all cases of removal of suits from the courts of the State of California to the courts of the United States in the southern district of California such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts held in said division of said judicial district.

Court building.
Fresno.

SEC. 8. That each of said courts held at Fresno shall be held in a building to be provided for that purpose by the county or municipal authorities and without expense to the United States.

Clerk's office at Los Angeles.

Deputy at Fresno.

SEC. 9. That except when court is in session, and a judge present, the clerk's office of the said courts may be at Los Angeles, where all records for said courts may be kept, and all duties performed; but should, in the judgment of the district judge and the clerk, the business of said courts hereafter warrant the employment of a deputy

clerk at Fresno, California, a deputy clerk may be appointed to reside and keep his office at Fresno.

SEC. 10. That this Act shall be in force from and after the thirtieth day of June, anno Domini nineteen hundred, and all Acts and parts of Acts so far as inconsistent herewith are hereby repealed.

Effect.
Repeal.

Approved, May 29, 1900.

CHAP. 595.—An Act To change the characteristic of Cape Cod light, Massachusetts.

May 29, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to change the characteristic of Cape Cod light, situated at North Truro, Massachusetts, from a fixed white to a flashing white light, at a cost not exceeding fifteen thousand dollars.

Cape Cod light,
Mass., characteristic
changed.

Approved, May 29, 1900.

CHAP. 598.—An Act Making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

May 31, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of paying the current and contingent expenses of the Indian Department and in full compensation for all offices the salaries for which are specially provided for herein, for the service of the fiscal year ending June thirtieth, nineteen hundred one, and fulfilling treaty stipulations for the various Indian tribes, namely:

Indian Department
appropriations.

CURRENT AND CONTINGENT EXPENSES.

For pay of fifty-three agents of Indian affairs at the following-named agencies, at the rates respectively indicated, namely:

Pay of agents at
agencies.

At the Blackfeet Agency, Montana, one thousand eight hundred dollars;

At the Cherokee School, North Carolina: Additional compensation to superintendent of said school for performing the duties heretofore required of the agent at the Cherokee Agency, two hundred dollars;

At the Cheyenne and Arapahoe Agency, Oklahoma Territory, one thousand eight hundred dollars;

At the Cheyenne River Agency, South Dakota, one thousand seven hundred dollars;

At the Colorado River Agency, Arizona, one thousand five hundred dollars;

At the Colville Agency, Washington, one thousand five hundred dollars;

At the Crow Creek Agency, South Dakota, one thousand six hundred dollars;

At the Crow Agency, Montana, one thousand eight hundred dollars;

At the Devils Lake Agency, North Dakota, one thousand two hundred dollars;

At the Flathead Agency, Montana, one thousand five hundred dollars;

At the Fort Apache Agency, Arizona, one thousand five hundred dollars;

Pay of agents at
agencies—Continued.

- At the Fort Belknap Agency, Montana, one thousand five hundred dollars;
- At the Fort Berthold Agency, North Dakota, one thousand five hundred dollars;
- At the Fort Hall Agency, Idaho, one thousand five hundred dollars;
- At the Fort Peck Agency, Montana, one thousand eight hundred dollars;
- At the Green Bay Agency, Wisconsin, one thousand eight hundred dollars;
- At the Kiowa Agency, Oklahoma Territory, one thousand eight hundred dollars;
- At the Klamath Agency, Oregon, one thousand two hundred dollars;
- At the La Pointe Agency, Wisconsin, one thousand eight hundred dollars;
- At the Leech Lake Agency, Minnesota, one thousand eight hundred dollars;
- At the Lemhi Agency, Idaho, one thousand two hundred dollars;
- At the Lower Brule Agency, South Dakota, one thousand four hundred dollars;
- At the Mission Tule River Agency, California, one thousand six hundred dollars;
- At the Navajo Agency, New Mexico, one thousand eight hundred dollars;
- At the Neah Bay Agency, Washington, one thousand two hundred dollars;
- At the Nez Perces Agency, Idaho, one thousand six hundred dollars;
- At the Nevada Agency, Nevada, one thousand five hundred dollars;
- At the New York Agency, New York, one thousand dollars;
- At the Omaha and Winnebago Agency, Nebraska, one thousand six hundred dollars;
- At the Osage Agency, Oklahoma Territory, one thousand six hundred dollars;
- At the Pima Agency, Arizona, one thousand eight hundred dollars;
- At the Pine Ridge Agency, South Dakota, one thousand eight hundred dollars;
- At the Pottawatomie and Great Nemaha Agency, Kansas, one thousand two hundred dollars;
- At the Ponca, Pawnee, Otoe, and Oakland Agency, Oklahoma Territory, one thousand five hundred dollars;
- At the Jicarilla Agency, New Mexico, one thousand five hundred dollars;
- At the Quapaw Agency, Indian Territory, one thousand four hundred dollars;
- At the Rosebud Agency, South Dakota, one thousand eight hundred dollars;
- At the Sac and Fox Agency, Iowa, one thousand dollars;
- At the Sac and Fox Agency, Oklahoma Territory, one thousand two hundred dollars;
- At the San Carlos Agency, Arizona, one thousand eight hundred dollars;
- At the Santee Agency, Nebraska, one thousand five hundred dollars;
- At the Shoshone Agency, Wyoming, one thousand five hundred dollars;
- At the Siletz Agency, Oregon, one thousand two hundred dollars;
- At the Sisseton Agency, South Dakota, one thousand five hundred dollars;
- At the Southern Ute Agency, at Navajo Springs, Colorado, one thousand four hundred dollars;
- At the Standing Rock Agency, North Dakota, one thousand eight hundred dollars;

At the Tongue River Agency, Montana, one thousand five hundred dollars; Pay of agents at agencies—Continued.

At the Tulalip Agency, Washington, one thousand two hundred dollars;

At the Uintah and Ouray Agency, Utah (consolidated), one thousand eight hundred dollars;

At the Umatilla Agency, Oregon, one thousand two hundred dollars;

At the Union Agency, Indian Territory, two thousand five hundred dollars; for additional payment for the last three quarters of the fiscal year ending June thirtieth, nineteen hundred, seven hundred and fifty dollars, to be immediately available;

At the White Earth Agency, Minnesota, one thousand eight hundred dollars;

At the Yakima Agency, Washington, one thousand six hundred dollars;

At the Yankton Agency, South Dakota, one thousand six hundred dollars; in all, eighty-three thousand one hundred and fifty dollars:

Provided, That the foregoing appropriations shall not take effect nor become available in any case for or during the time in which any officer of the Army of the United States shall be engaged in the performance of the duties of Indian agent at any of the agencies above named.

Provided further, That the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency upon the superintendent of the Indian training school located at such agency whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents. Superintendent of training school may act as agent.

For payment of necessary interpreters, to be distributed in the discretion of the Secretary of the Interior, eight thousand dollars; but no person employed by the United States and paid for any other service shall be paid for interpreting. Interpreters.

For pay of eight Indian inspectors, one of whom shall be an engineer competent in the location, construction, and maintenance of irrigation works, at two thousand five hundred dollars per annum each, twenty thousand dollars. Inspectors.

For traveling expenses of eight Indian inspectors, at three dollars —traveling expenses.

per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law, and for incidental expenses of inspection and investigation, including telegraphing and expenses of going to and going from the seat of Government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days, twelve thousand eight hundred dollars: *Provided*, That the accounting officers of the Treasury are hereby authorized to allow per diem pay to the inspector who was located in the Indian Territory under orders and directions of the Secretary of the Interior during the fiscal years eighteen hundred and ninety-nine and nineteen hundred.

Proviso.
Allowance inspector Indian Territory, 1889, etc.

For pay of one superintendent of Indian schools, three thousand dollars. Superintendent of schools.

For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, one thousand five hundred dollars: *Provided*, That he shall be allowed three dollars per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare, in lieu of all other expenses now allowed by law: *And provided further*, That he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior. —traveling expenses.

Proviso.
—per diem allowance in field.

—other duties.

- Agency buildings. For buildings and repairs of buildings at agencies and for water supply at agencies, forty-five thousand dollars.
- Contingent expenses. For contingencies of the Indian Service, including traveling and incidental expenses of Indian agents and of their offices, and of the Commissioner of Indian Affairs; also traveling and incidental expenses of five special agents, at three dollars per day when actually employed on duty in the field, exclusive of transportation and sleeping-car fare, in lieu of all other expenses now authorized by law; and expenses of going to and going from the seat of Government, and while remaining there under orders and direction of the Secretary of the Interior, for a period not to exceed twenty days; for pay of employees not otherwise provided for, and for pay of the five special agents, at two thousand dollars per annum each, forty thousand dollars.
- Special agents.
- Practical farmers. To enable the Secretary of the Interior to employ practical farmers and practical stockmen in addition to the agency farmers now employed, at wages not exceeding sixty-five dollars each per month, to superintend and direct farming and stock raising among such Indians as are making effort for self-support, sixty-five thousand dollars.
- Indian police. For services of officers, at fifteen dollars per month each, and privates, at ten dollars per month each, of Indian police, to be employed in maintaining order and prohibiting illegal traffic in liquor on the several Indian reservations and within the Territory of Alaska, in the discretion of the Secretary of the Interior, for the purchase of equipments, and for the purchase of rations for policemen at nonration agencies, one hundred and thirty-five thousand dollars.
- Judges of Indian courts. For compensation of judges of Indian courts, twelve thousand five hundred and forty dollars.
- Matrons to teach housekeeping. To enable the Secretary of the Interior to employ suitable persons as matrons to teach Indian girls in housekeeping and other household duties, at a rate not to exceed sixty dollars per month, and for furnishing necessary equipments, fifteen thousand dollars.
- Vaccination. For pure vaccine matter and vaccination of Indians, five thousand dollars.
- Supplies, telegraphing, etc. To pay the expense of purchasing goods and supplies for the Indian Service, and pay of necessary employees; advertising, at rates not exceeding regular commercial rates; inspection, and all other expenses connected therewith, including telegraphing, fifty thousand dollars.
- Transportation. For necessary expenses of transportation of such goods, provisions, and other articles for the various tribes of Indians provided for by this Act, including pay and expenses of transportation agents and rent of warehouses, three hundred and twenty-five thousand dollars.
- Citizen commission. For expenses of the commission of citizens, serving without compensation, appointed by the President under the provisions of the Act of April tenth, eighteen hundred and sixty-nine, four thousand dollars, of which sum an amount not to exceed three hundred dollars may be paid for the rent of an office for said commission; and the sums heretofore paid from annual appropriations for the expenses of the said commission for office rent, authorized by vote of the commission, are hereby legalized, and these payments, together with the payments for rent of an office in the current fiscal year shall be allowed by the accounting officer of the Treasury Department.
- office rent. The accounting officers of the Treasury Department are hereby authorized and directed to allow, in the accounts of Charles D. Rakestraw, supervisor of Indian schools, for the fourth quarter of the fiscal year eighteen hundred and ninety-seven, and for the first, second, and third quarters of the fiscal year eighteen hundred and ninety-eight, the sum of one hundred and eight dollars expended by him for sleeping-car fares while traveling under orders.
- Charles D. Rakestraw, allowance in accounts of.

FULFILLING TREATY STIPULATIONS WITH, AND SUPPORT OF, INDIAN TRIBES.

Fulfilling treaties.

CHICKASAWS.

Chickasaws.

For permanent annuity, in goods, three thousand dollars.

CHIPPEWAS OF THE MISSISSIPPI.

Chippewas of the Mississippi.

For eighth of ten installments of annuity, last series to be paid to Chief Hole in the Day or his heirs, per third article of treaty of August second, eighteen hundred and forty-seven, and fifth article of treaty of March nineteenth, eighteen hundred and sixty-seven, one thousand dollars;

Vol. 9, p. 904.
Vol. 16, p. 720.

For support of a school or schools upon said reservation, in accordance with third article of treaty of March nineteenth, eighteen hundred and sixty-seven, if directed by the President, four thousand dollars.

CHOCTAWS.

Choctaws.

For permanent annuity, per second article of treaty of November sixteenth, eighteen hundred and five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three thousand dollars;

Vol. 7, p. 99.
Vol. 11, p. 614.

For permanent annuity for support of light horsemen, per thirteenth article of treaty of October eighteenth, eighteen hundred and twenty, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

Vol. 7, p. 213.
Vol. 11, p. 614.

For permanent annuity for support of blacksmith, per sixth article of treaty of October eighteenth, eighteen hundred and twenty, ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, six hundred dollars;

Vol. 7, pp. 212, 236.
Vol. 7, p. 36.

For permanent annuity for education, per second and thirteenth articles of last two treaties named above, six thousand dollars;

Vol. 11, p. 614.

For permanent annuity for iron and steel, per ninth article of treaty of January twentieth, eighteen hundred and twenty-five, and thirteenth article of treaty of June twenty-second, eighteen hundred and fifty-five, three hundred and twenty dollars;

Vol. 7, p. 236.
Vol. 11, p. 614.

For interest on three hundred and ninety thousand two hundred and fifty-seven dollars and ninety-two cents, at five per centum per annum, for education, support of the government, and other beneficial purposes, under the direction of the general council of the Choctaws, in conformity with the provisions contained in the ninth and thirteenth articles of treaty of January twentieth, eighteen hundred and twenty-five, and treaty of June twenty-second, eighteen hundred and fifty-five, nineteen thousand five hundred and twelve dollars and eighty-nine cents; in all, thirty thousand and thirty-two dollars and eighty-nine cents.

Interest.

Vol. 7, p. 236.

Vol. 11, p. 614.

To carry out the provisions of section twenty-nine of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, under the title "orphan lands," two thousand six hundred and ninety-six dollars and forty cents, the said sum to be placed to the credit of the Choctaw orphan fund in the Treasury of the United States, and to draw interest at five per centum per annum, this amount being the value of two thousand one hundred and fifty-seven and twelve one-hundredths acres of land, being the unsold Choctaw orphan lands in the State of Mississippi, which lands, under the provisions of said section twenty-nine, were taken by the United States at one dollar and twenty-five cents per acre.

Credit Choctaw orphan fund for unsold orphan lands, Mississippi.
Vol. 30, p. 513.

Chippewas of Minnesota, reimbursable.

CHIPPEWAS OF MINNESOTA, REIMBURSABLE.

Advance interest.
Vol. 25, p. 645.

Advance interest to the Chippewa Indians in Minnesota, as required by section seven of "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, to be expended under the direction of the Secretary of the Interior, in the manner required by said Act (reimbursable), ninety thousand dollars.

Expenses of civilization.
Vol. 25, p. 642.

To enable the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, to carry out an Act entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, namely, the purchase of material and employment of labor for the erection of houses for Indians; for the purchase of agricultural implements, stock, and seeds, breaking and fencing land; for payment of expenses of delegations of Chippewa Indians to visit the White Earth Reservation; for the erection and maintenance of day and industrial schools; for subsistence and for pay of employees; for pay of commissioner and his expenses, and for removal of Indians and for their allotments, to be reimbursed to the United States out of the proceeds of sale of their lands, one hundred thousand dollars.

Cœur d'Alenes.

CŒUR D'ALENES.

Vol. 26, p. 1028.

For ninth of fifteen installments of eight thousand dollars each, to be expended under the direction of the Secretary of the Interior, under the sixth article of agreement of March twenty-sixth, eighteen hundred and eighty-seven, ratified by Act of March third, eighteen hundred and ninety-one, eight thousand dollars;

For pay of blacksmith, carpenter, and physician, and purchase of medicines, as per the eleventh article of said agreement, three thousand five hundred dollars; in all, eleven thousand five hundred dollars.

Creeks.

CREEKS.

Permanent annuities.
Vol. 7, p. 36.
Vol. 11, p. 700.

For permanent annuity, in money, per fourth article of treaty of August seventh, seventeen hundred and ninety, and fifth article of treaty of August seventh, eighteen hundred and fifty-six, one thousand five hundred dollars;

Vol. 7, p. 69.
Vol. 11, p. 700.

For permanent annuity, in money, per second article of treaty of June sixteenth, eighteen hundred and two, and fifth article of treaty of August seventh, eighteen hundred and fifty-six, three thousand dollars;

Vol. 7, p. 287.
Vol. 11, p. 700.

For permanent annuity, in money, per fourth article of treaty of January twenty-fourth, eighteen hundred and twenty-six, and fifth article of treaty of August seventh, eighteen hundred and fifty-six, twenty thousand dollars;

Vol. 7, p. 287.
Vol. 11, p. 700.

For permanent annuity for blacksmith and assistant, and for shops and tools, per eighth article of treaty of January twenty-fourth, eighteen hundred and twenty-six, and fifth article of treaty of August seventh, eighteen hundred and fifty-six, eight hundred and forty dollars;

For permanent annuity for iron and steel for shop, per same articles and treaties, two hundred and seventy dollars;

For permanent annuity for the pay of a wheelwright, per same articles of same treaties, six hundred dollars;

Interest.
Vol. 11, p. 700.

For five per centum interest on two hundred thousand dollars, for purposes of education, per sixth article of treaty of August seventh, eighteen hundred and fifty-six, ten thousand dollars;

For interest on two hundred and seventy-five thousand one hundred and sixty-eight dollars, at the rate of five per centum per annum, to be

expended under the direction of the Secretary of the Interior, under provisions of third article of treaty of June fourteenth, eighteen hundred and sixty-six, thirteen thousand seven hundred and fifty-eight dollars and forty cents; in all, forty-nine thousand nine hundred and sixty-eight dollars and forty cents.

Vol. 14, p. 787.

CROWS.

Crows.

For the nineteenth of twenty-five installments, as provided in agreement with the Crows, dated June twelfth, eighteen hundred and eighty, to be used by the Secretary of the Interior in such a manner as the President may direct, thirty thousand dollars;

Vol. 22, p. 43.

To furnish such articles of food as from time to time the condition and necessities of the Indians may require, fifteen thousand dollars; but no part of this fund shall be available except by the direct order of the Secretary of the Interior; in all, forty-five thousand dollars.

Vol. 15, p. 652.

FORT HALL INDIANS.

Fort Hall Indians.

For twelfth of twenty installments, as provided in agreement with said Indians, approved February twenty-third, eighteen hundred and eighty-nine, to be used by the Secretary of the Interior for the benefit of the Indians in such manner as the President may direct, six thousand dollars.

Vol. 25, p. 688.

INDIANS AT BLACKFEET AGENCY.

Indians at Blackfeet Agency.

For third of nine installments, to be disposed of as provided in article two of the agreement with the Indians of the Blackfeet Reservation, ratified by Act approved June tenth, eighteen hundred and ninety-six, one hundred and fifty thousand dollars.

Vol. 29, p. 354.

INDIANS AT FORT BERTHOLD AGENCY.

Indians at Fort Berthold Agency.

For last of ten installments of eighty thousand dollars each, to be expended under the direction of the Secretary of the Interior, as per second article of agreement ratified by Act approved March third, eighteen hundred and ninety-one, eighty thousand dollars.

Vol. 26, p. 1083.

IOWAS.

Iowas.

For interest in lieu of investment on fifty-seven thousand five hundred dollars, balance of one hundred and fifty-seven thousand five hundred dollars, to July first, eighteen hundred and ninety-eight, at five per centum per annum, for education or other beneficial purposes, under the direction of the President, per ninth article of treaty of May seventeenth, eighteen hundred and fifty-four, two thousand eight hundred and seventy-five dollars.

Interest.

Vol. 10, p. 1071.

IOWAS IN OKLAHOMA.

Iowas in Oklahoma

For last of five installments, second series, to be paid per capita, under the seventh article of agreement ratified by Act approved February thirteenth, eighteen hundred and ninety-one, three thousand dollars. And to enable the Secretary of the Interior to anticipate five installments, third series, same agreement, twelve thousand dollars; in all, fifteen thousand dollars.

Vol. 26, p. 753.

KANSAS.

Kansas.

For interest in lieu of investment on one hundred and thirty-five thousand dollars, being the amount due the Kansas tribe of Indians, per second article of treaty of January fourteenth, eighteen hundred and forty-six, six thousand seven hundred and fifty dollars.

Interest.

Vol. 9, p. 842.

Kickapoos in Kansas.

KICKAPOOS IN KANSAS.

Interest.

For interest on sixty-six thousand five hundred and fifty-four dollars and forty-three cents, at five per centum per annum, for educational and other beneficial purposes, per treaty of May eighteenth, eighteen hundred and fifty-four, three thousand three hundred and twenty-seven dollars and seventy-two cents.

Vol. 10, p. 1079.

Molels.

MOLELS.

Schools.

For pay of teachers and for manual-labor schools, and for all necessary materials therefor, and for the subsistence of the pupils, per second article of treaty of December twenty-first, eighteen hundred and fifty-five, three thousand dollars.

Vol. 12, p. 981.

Northern Cheyennes and Arapahoes.

NORTHERN CHEYENNES AND ARAPAHOES.

Subsistence, etc.
Vol. 19, p. 256.

For subsistence and civilization, as per agreement with the Sioux Indians, approved February twenty-eighth, eighteen hundred and seventy-seven, including subsistence and civilization of Northern Cheyennes removed from Pine Ridge Agency to Tongue River, Montana, ninety thousand dollars;

For pay of physician, two teachers, two carpenters, one miller, two farmers, a blacksmith, and engineer, per seventh article of the treaty of May tenth, eighteen hundred and sixty-eight, nine thousand dollars; in all, ninety-nine thousand dollars.

Osages.

OSAGES.

Interest.

For interest on sixty-nine thousand one hundred and twenty dollars, at five per centum per annum, being value of fifty-four sections of land set apart by treaty of June second, eighteen hundred and twenty-five, for educational purposes, per Senate resolution of January ninth, eighteen hundred and thirty-eight, three thousand four hundred and fifty-six dollars.

Vol. 7, p. 242.

Pawnees.

PAWNEES.

Annuity.
Vol. 11, p. 729.

For perpetual annuity, at least one-half of which is to be paid in goods and such articles as may be deemed necessary for them, per second article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, thirty thousand dollars;

For support of two manual-labor schools, per third article of same treaty, ten thousand dollars;

For pay of two farmers, two blacksmiths and two apprentices, one miller and apprentice, two teachers, one shoemaker, and one carpenter, five thousand four hundred dollars;

For pay of physician and purchase of medicines, one thousand two hundred dollars;

For purchase of iron and steel and other necessaries for the shops, as per fourth article of treaty of September twenty-fourth, eighteen hundred and fifty-seven, five hundred dollars; in all, forty-seven thousand one hundred dollars.

Vol. 11, p. 730.

Pottawatomies.

POTTAWATOMIES.

Annuities.
Vol. 7, p. 51.

For permanent annuity, in silver, per fourth article of treaty of August third, seventeen hundred and ninety-five, three hundred and fifty-seven dollars and eighty cents;

For permanent annuity, in silver, per third article of treaty of September thirtieth, eighteen hundred and nine, one hundred and seventy-eight dollars and ninety cents;

Vol. 7, p. 114.

Vol. 7, p. 185.

For permanent annuity, in silver, per third article of treaty of

October second, eighteen hundred and eighteen, eight hundred and ninety-four dollars and fifty cents;

For permanent annuity, in money, per second article of treaty of September twentieth, eighteen hundred and twenty-eight, seven hundred and fifteen dollars and sixty cents;

Vol. 7, p. 314.

For permanent annuity, in specie, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, and second article of treaty of September twentieth, eighteen hundred and twenty-eight, five thousand seven hundred and twenty-four dollars and seventy-seven cents;

Vol. 7, pp. 320, 317.

For permanent provision for payment of money in lieu of tobacco, iron, and steel, per second article of treaty of September twentieth, eighteen hundred and twenty-eight, and tenth article of treaties of June fifth and seventeenth, eighteen hundred and forty-six, one hundred and seven dollars and thirty-four cents;

Vol. 7, p. 318.
Vol. 9, p. 855.

For permanent provision for three blacksmiths and assistants, and for iron and steel for shops, per third article of treaty of October sixteenth, eighteen hundred and twenty-six; second article of treaty of September twentieth, eighteen hundred and twenty-eight, and second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine, one thousand and eight dollars and ninety-nine cents;

Vol. 7, pp. 296, 318, 321.

For permanent provision for fifty barrels of salt, per second article of treaty of July twenty-ninth, eighteen hundred and twenty-nine fifty dollars;

Vol. 7, p. 320.

For interest on two hundred and thirty thousand and sixty-four dollars and twenty cents, at five per centum, in conformity with provisions of article seventh of treaties of June fifth and seventeenth, eighteen hundred and forty-six, eleven thousand five hundred and three dollars and twenty-one cents; in all, twenty thousand five hundred and forty-one dollars and eleven cents: *Provided*, That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age, disability, or inability, any allottee of Indian lands can not personally, and with benefit to himself, occupy or improve his allotment or any part thereof, the same may be leased upon such terms, regulations, and conditions as shall be prescribed by the Secretary for a term not exceeding five years, for farming purposes only.

Interest.
Vol. 9, p. 854.

Proviso.
Leases of lands of disabled allottee authorized.

QUAPAWS.

Quapaws.

For education, per third article of treaty of May thirteenth, eighteen hundred and thirty-three, one thousand dollars; for blacksmith and assistants, and tools, iron, and steel for blacksmith shop, per same article and treaty, five hundred dollars; in all, one thousand five hundred dollars, if directed by the President. That hereafter all chattel mortgages executed in the Quapaw Agency in the northern district of the Indian Territory shall be recorded in the town of Miami by the clerk of the said northern district of the Indian Territory, or his duly appointed deputy, in a book or books kept for the purpose: *Provided*, That hereafter the clerks of the district courts in the Indian Territory shall account for and pay into the Treasury of the United States, all fees collected in excess of one thousand dollars per year. All settlements to be made in accordance with such rules and regulations as the Attorney-General may prescribe: *Provided*, That the one thousand dollars of this amount, or so much thereof as may be necessary, shall be expended, under the direction of the Secretary of the Interior, for the support and maintenance of three or more public schools on the Quapaw Reservation, at such places as may be provided by the Quapaw Nation: *And provided*, That the present industrial school on said reservation shall be consolidated with the Seneca Industrial School at Wyandotte, in the Quapaw Agency: *And provided*, That the building and furniture now used for school purposes at the present Industrial

Vol. 7, p. 425.

Recording chattel mortgages.

Provisos.

Clerks of district courts, Indian Territory, to return fees in excess of \$1,000.

—amount to be expended for reservation schools.

Consolidation of certain schools.

—disposition of building, etc.

Quapaw School, except such as may be required for the consolidated school at Wyandotte, shall be turned over to the Quapaw Nation by the Secretary of the Interior for the use of schools on the Quapaw Reservation: *And provided*, That such of said buildings as may not be required for a public school, where they now stand, may be removed by said nation to suitable places on said reservation, and five hundred dollars of the amount hereby appropriated shall be turned over to the Quapaw Nation to pay for the removal and repairing of said buildings.

Sacs and Foxes of
the Mississippi.

SACS AND FOXES OF THE MISSISSIPPI.

Annuity.
Vol. 7, p. 85.

For permanent annuity, in goods or otherwise, per third article of treaty of November third, eighteen hundred and four, one thousand dollars; for interest on two hundred thousand dollars, at five per centum, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, ten thousand dollars; for interest on eight hundred thousand dollars, at five per centum, per second article of treaty of October eleventh, eighteen hundred and forty-two, forty thousand dollars: *Provided*, That the sum of one thousand five hundred dollars of this amount shall be used for the pay of a physician and for purchase of medicine; in all, fifty-one thousand dollars: *Provided further*, That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to said Sac and Fox Indians in Oklahoma the sum of fifty thousand dollars, to be immediately available, out of the amount of money now to the credit of said Indians in the United States Treasury.

Interest.
Vol. 7, p. 541.

Provisos.
Physician.

Payment to Indians
in Oklahoma.

Sacs and Foxes of
the Missouri.

SACS AND FOXES OF THE MISSOURI.

Interest.
Vol. 7, p. 541.

For interest on one hundred and fifty-seven thousand four hundred dollars, at five per centum, under the direction of the President, per second article of treaty of October twenty-first, eighteen hundred and thirty-seven, seven thousand eight hundred and seventy dollars;

School.
Vol. 12, p. 1173.

For support of a school, per fifth article of treaty of March sixth, eighteen hundred and sixty-one, two hundred dollars; in all, eight thousand and seventy dollars.

Seminoles.

SEMINOLES.

Interest.
Vol. 11, p. 702.

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity, per eighth article of treaty of August seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars;

For five per centum interest on two hundred and fifty thousand dollars, to be paid as annuity (they having joined their brethren West), per eighth article of treaty of August seventh, eighteen hundred and fifty-six, twelve thousand five hundred dollars;

Vol. 14, p. 757.

For interest on fifty thousand dollars, at the rate of five per centum per annum, to be paid annually for the support of schools, as per third article of treaty of March twenty-first, eighteen hundred and sixty-six, two thousand five hundred dollars;

For interest on twenty thousand dollars, at the rate of five per centum per annum, to be paid annually for the support of the Seminole government, as per same article, same treaty, one thousand dollars; in all, twenty-eight thousand five hundred dollars.

Senecas.

SENECAS.

Annuities.
Vol. 7, p. 161.

For permanent annuity, in specie, per fourth article of treaty of September twenty-ninth, eighteen hundred and seventeen, five hundred dollars:

For permanent annuity, in specie, per fourth article of treaty of September seventeenth, eighteen hundred and eighteen, five hundred dollars; Vol. 7, p. 179.

For permanent annuity for blacksmith and miller, per fourth article of treaty of February twenty-eighth, eighteen hundred and thirty-one, to be annually paid to them as a national fund, to be expended by them for such articles and wants and improvements in agriculture as their chiefs (with the consent of their agent) may designate, as stipulated in the seventh article of treaty of February twenty-third, eighteen hundred and sixty-seven, one thousand six hundred and sixty dollars; Vol. 15, p. 515.

For permanent annuity, in specie, per fourth article of treaty of September seventeenth, eighteen hundred and eighteen, and fifth article of treaty of February twenty-third, eighteen hundred and sixty-seven, five hundred dollars; Vol. 7, p. 179.
Vol. 15, p. 515.

For blacksmith and assistants, shops and tools, iron and steel, per fourth article of treaty of July twentieth, eighteen hundred and thirty-one, and fifth article of treaty of February twenty-third, eighteen hundred and sixty-seven, five hundred and thirty dollars; in all, three thousand six hundred and ninety dollars. Vol. 7, p. 352.
Vol. 15, p. 515.

SENECAS OF NEW YORK.

Senecas of New York.

For permanent annuity, in lieu of interest on stock, per Act of February nineteenth, eighteen hundred and thirty-one, six thousand dollars; Annuity.
Vol. 4, p. 442.

For interest, in lieu of investment, on seventy-five thousand dollars, at five per centum, per Act of June twenty-seventh, eighteen hundred and forty-six, three thousand seven hundred and fifty dollars; Interest.
Vol. 9, p. 35.

For interest, at five per centum, on forty-three thousand and fifty dollars, transferred from the Ontario Bank to the United States Treasury, per Act of June twenty-seventh, eighteen hundred and forty-six, two thousand one hundred and fifty-two dollars and fifty cents; in all, eleven thousand nine hundred and two dollars and fifty cents.

EASTERN SHAWNEES.

Eastern Shawnees.

For permanent annuity, in specie, per fourth article of treaty of September seventeenth, eighteen hundred and eighteen, and fifth article of treaty of February twenty-third, eighteen hundred and sixty-seven, five hundred dollars; Annuity.
Vol. 7, p. 179.
Vol. 15, p. 515.

For blacksmith and assistant, shops and tools, iron and steel, per fourth article of treaty of July twentieth, eighteen hundred and thirty-one, and fifth article of treaty of February twenty-third, eighteen hundred and sixty-seven, five hundred and thirty dollars; in all, one thousand and thirty dollars. Vol. 7, p. 352.
Vol. 15, p. 515.

SHOSHONES AND ARAPAHOES.

Shoshones and Arapahoes.

For third of five installments, to be expended as provided in article three of the agreement with the Shoshones and Arapahoes in Wyoming, ratified by Act of June seventh, eighteen hundred and ninety-seven, ten thousand dollars. Vol. 30, p. 94.

SHOSHONES AND BANNOCKS.

Shoshones and Bannocks.

SHOSHONES: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July third, eighteen hundred and sixty-eight, five thousand dollars; Shoshones.
Supplies.
Vol. 15, p. 676.

For pay of second blacksmith, and such iron and steel and other materials as may be required, as per eighth article of same treaty, one thousand dollars;

Bannocks.
Supplies.
Vol. 15, p. 676.

BANNOCKS: For pay of physician, teacher, carpenter, miller, engineer, farmer, and blacksmith, as per tenth article of treaty of July third, eighteen hundred and sixty-eight, five thousand dollars; in all, eleven thousand dollars.

Six Nations of New
York.

SIX NATIONS OF NEW YORK.

Annuity.
Vol. 7, p. 46.

For permanent annuity, in clothing and other useful articles, per sixth article of treaty of November eleventh, seventeen hundred and ninety-four, four thousand five hundred dollars.

Sioux of different
tribes.

SIoux OF DIFFERENT TRIBES, INCLUDING SANTEE SIOUX OF NEBRASKA.

Teachers, etc.
Vol. 15, p. 638.

For pay of five teachers, one physician, one carpenter, one miller, one engineer, two farmers, and one blacksmith, per thirteenth article of same treaty, ten thousand four hundred dollars;

Employees.

For pay of additional employees at the several agencies for the Sioux in Nebraska and in North Dakota and South Dakota, eighty-five thousand dollars;

Subsistence.
Vol. 19, p. 254.

For subsistence of the Sioux, and for purposes of their civilization, as per agreement ratified by Act of Congress approved February twenty-eighth, eighteen hundred and seventy-seven, nine hundred thousand dollars: *Provided*, That this sum shall include transportation of supplies from the termination of railroad or steamboat transportation; and in this service Indians shall be employed when practicable: *And provided further*, That the number of rations issued shall not exceed the number of Indians on each reservation, and any excess in the number of rations issued shall be disallowed in the settlement of the agent's account;

Provisos.
Transportation.

Limit of rations.

Blacksmith, etc.

For pay of second blacksmith, and furnishing iron, steel, and other material, per eighth article of same treaty, one thousand six hundred dollars;

Schools.
Vol. 15, p. 637.

For support and maintenance of day and industrial schools, including purchase, erection, and repairs of school buildings, in accordance with article seven of the treaty of April twenty-ninth, eighteen hundred and sixty-eight, which article is continued in force for twenty years by section seventeen of the Act of March second, eighteen hundred and eighty-nine, two hundred and twenty-five thousand dollars; in all, one million two hundred and twenty-two thousand dollars.

Vol. 25, p. 894.

Sioux, Yankton
tribe.

SIoux, YANKTON TRIBE.

Vol. 11, p. 744.

For twelfth of twenty installments (last series), to be paid to them or expended for their benefit, per fourth article of treaty of April nineteenth, eighteen hundred and fifty-eight, fifteen thousand dollars;

Vol. 19, p. 287.

For subsistence and civilization of Yankton Sioux, heretofore provided for in appropriations under "Fulfilling treaty with Sioux of different tribes," and so forth, thirty-five thousand dollars; in all, fifty thousand dollars.

Sisseton and Wahpe-
ton Indians.

SISSETON AND WAHPETON INDIANS.

Vol. 26, p. 1037.

For last of thirteen installments of eighteen thousand four hundred dollars each, to be paid per capita, as per third article of agreement with the Sisseton and Wahpeton Indians dated September twelfth, eighteen hundred and eighty-nine, ratified by Act of March third, eighteen hundred and ninety-one, eighteen thousand four hundred dollars.

Spokanes.

SPOKANES.

Removal to Cœur
d'Alene Reservation.

For ninth of ten installments, to be expended under the direction of the Secretary of the Interior in the removal of the Spokane Indians

to the Cœur d'Alene Reservation, in erecting suitable houses, in assisting them in breaking lands, in furnishing them with cattle, seeds, agricultural implements, saw and grist mills, thrashing machines, mowers, clothing, and provisions; in taking care of the old, sick, and infirm; in affording educational facilities, and in any other manner tending to their civilization and self-support, as per article five of agreement with said Indians dated March eighteenth, eighteen hundred and eighty-seven, ratified by Act of Congress approved July thirteenth, eighteen hundred and ninety-two, five thousand dollars;

Vol. 27, p. 139.

For pay of a blacksmith and carpenter to do necessary work and to instruct the said Indians in those trades, one thousand dollars each, per sixth article of said agreement, two thousand dollars;

For eighth of ten installments of one hundred dollars each to Chiefs Louis and Enoch, as per article nine of said agreement, two hundred dollars; in all, seven thousand two hundred dollars.

Chiefs Louis and Enoch.

CONFEDERATED BANDS OF UTES.

Confederated bands of Utes.

For pay of two carpenters, two millers, two farmers, and two blacksmiths, as per tenth article of treaty of October seventh, eighteen hundred and sixty-three, and fifteenth article of treaty of March second, eighteen hundred and sixty-eight, six thousand seven hundred and twenty dollars;

Carpenters, etc.

Vol. 13, p. 675.

Vol. 15, p. 622.

For pay of two teachers, as per same article of same treaty, one thousand eight hundred dollars;

Vol. 15, p. 621.

For purchase of iron and steel and the necessary tools for blacksmith shop, per ninth article of same treaty, two hundred and twenty dollars;

For annual amount for the purchase of beef, mutton, wheat, flour, beans, and potatoes, or other necessary articles of food, as per twelfth article of same treaty, thirty thousand dollars;

Food.

Vol. 15, p. 622.

For pay of employees at the several Ute agencies, fifteen thousand dollars; in all, fifty-three thousand seven hundred and forty dollars.

Employees.

WINNEBAGOES.

Winnebagoes.

For interest on eight hundred and four thousand nine hundred and nine dollars and seventeen cents, at five per centum per annum, per fourth article of treaty of November first, eighteen hundred and thirty-seven, and joint resolution of July seventeenth, eighteen hundred and sixty-two, forty thousand two hundred and forty-five dollars and forty-five cents; and the Secretary of the Interior is hereby directed to expend said interest for the support, education, and civilization of said Indians;

Interest.

Vol. 7, p. 545.

Vol. 12, p. 623.

For interest on seventy-eight thousand three hundred and forty dollars and forty-one cents, at five per centum per annum, to be expended under the direction of the Secretary of the Interior for the erection of houses, improvement of their allotments of land, purchase of stock, agricultural implements, seeds, and other beneficial objects, three thousand nine hundred and seventeen dollars and two cents; in all, forty-four thousand one hundred and sixty-two dollars and forty-seven cents.

Vol. 16, p. 355.

ALSEA AND SILETZ INDIANS.

Alsea and Siletz Indians.

The Secretary of the Interior is hereby authorized and directed, on the passage of this Act, to pay to such Alsea and other Indians on the Siletz Reservation, in Oregon, parties to an agreement made October thirty-first, eighteen hundred and ninety-two, ratified by the Act of Congress approved August fifteenth, eighteen hundred and ninety-four (Twenty-eighth Statutes, page three hundred and twenty-three), as shall be found to be competent and capable of managing and taking care of their own affairs their pro rata shares of the permanent fund

Payment to.

Vol. 23, p. 323.

of one hundred thousand dollars, appropriated by the said Act of August fifteenth, eighteen hundred and ninety-four, and now to their credit in the Treasury of the United States: *Provided*, That such of said Indians as receive their pro rata share of said fund, under this provision, shall not hereafter participate in the payment of interest or principal on that portion of the fund that shall remain.

Proviso.
Payees not to pay interest, etc., on remainder of fund.

Miscellaneous supports.

MISCELLANEOUS SUPPORTS.

Apaches, Kiowas, Comanches, Wichitas, etc.

For subsistence and civilization of the Apaches, Kiowas, Comanches, Wichitas, and affiliated bands who have been collected in the reservations set apart for their use and occupation, fifty thousand dollars.

Arapahoes and Cheyennes.

For subsistence and civilization of the Arapahoes and Cheyennes who have been collected on the reservations set apart for their use and occupation, eighty thousand dollars.

Chippewas of Lake Superior, Wis.

For support and civilization of the Chippewas of Lake Superior, Wisconsin, to be expended for agricultural and educational purposes; pay of employees, including pay of physician, at one thousand two hundred dollars; purchase of goods and provisions, and for such other purposes as may be deemed for the best interests of said Indians, seven thousand dollars.

Turtle Mountain Band of Chippewas, North Dakota.

For support and civilization of Turtle Mountain Band of Chippewas, North Dakota, including seeds, thirteen thousand dollars.

Confederated bands middle Oregon.

For support and civilization of the confederated tribes and bands in middle Oregon, and for pay of employees, five thousand dollars.

Digger Indians, California.

For support and civilization of Digger Indians of California, and for locating them on lands purchased for them, two thousand five hundred dollars.

D'Wamish, etc., Indians, Washington.

For support and civilization of the D'Wamish and other allied tribes in Washington, including pay of employees, five thousand dollars.

Carlos's Band of Flatheads, Montana.

For support and civilization of Carlos's Band of Flatheads, Montana, including pay of employees, eight thousand dollars.

Flatheads, etc., Montana.

For support and civilization of the Flatheads and other confederated tribes, Montana, including pay of employees, eight thousand dollars.

Hualpais, Arizona.

To enable the Secretary of the Interior to purchase subsistence and other necessities for the support of the Hualpais in Arizona, five thousand dollars.

Apaches, etc., Arizona and New Mexico.

For support and civilization of the Apache and other Indians in Arizona and New Mexico who have been or may be collected on reservations in Arizona and New Mexico, two hundred and twenty-five thousand dollars.

Shoshones and Bannocks, Fort Hall Reservation, Idaho.

For support, civilization, and instruction of the Shoshones and Bannocks and other Indians of the Fort Hall Reservation in Idaho, including pay of employees, thirty-five thousand dollars.

Fort Peck Reservation, Mont.

For support and education and civilization of the Indians of the Fort Peck Reservation in Montana, including pay of employees, seventy-five thousand dollars.

Shoshones, etc., Lemhi Agency, Idaho.

For support, civilization, and instruction of the Shoshones, Bannocks, Sheepeaters, and other Indians of the Lemhi Agency, Idaho, including pay of employees, thirteen thousand dollars.

Klamaths, etc., Klamath Agency, Oreg.

For support, civilization, and instruction of the Klamaths, Modocs, and other Indians of the Klamath Agency, Oregon, including pay of employees, five thousand dollars.

Kansas Indians, Oklahoma Territory.

For support and civilization of the Kansas Indians, Oklahoma Territory, including agricultural assistance and pay of employees, two thousand five hundred dollars.

Kickapoo Indians, Oklahoma Territory.

For support and civilization of the Kickapoo Indians in Oklahoma Territory, five thousand dollars.

Kicking Kickapoos, Oklahoma Territory.

For the purchase of teams, farming implements, seeds, and other necessary articles for the Mexican Kickapoo Indians, known as the

“Kicking Kickapoos,” in Oklahoma Territory, in the discretion of the Secretary of the Interior, three thousand dollars.

For support and civilization of the Makahs, Washington, including pay of employees, three thousand dollars. Makahs, Washington.

For support and civilization of Indians at the Mission Agency, California, including pay of employees, one thousand five hundred dollars. Mission Agency Indians, California.

For support and civilization of the Modoc Indians now residing within the Indian Territory, one thousand dollars. Modoc Indians, Indian Territory.

For support and civilization of Joseph’s Band of Nez Perce Indians, four thousand dollars. Joseph’s Band of Nez Percés.

For support and civilization of Nez Perce Indians in Idaho, including pay of physician, three thousand dollars. Nez Percés, Idaho.

For support and civilization of the Ponca Indians, including pay of employees, fifteen thousand dollars. Poncas.

For support and civilization of the Qui-nai-elts and Quilleh-utes, Washington, including pay of employees, one thousand dollars. Qui-nai-elts and Quilleh-utes.

For support and civilization of Shoshone Indians in Wyoming, twenty-five thousand dollars. Shoshones, Wyoming.

For support and civilization of Shoshone Indians in Nevada, including pay of employees, ten thousand dollars. Shoshones, Nevada.

For purchase of teams, farming implements, seeds, and other necessary articles for the Big Jim’s Band of Absentee Shawnee Indians in Oklahoma Territory, in the discretion of the Secretary of the Interior, five thousand dollars. Big Jim’s Band, Absentee Shawnees, Oklahoma Territory.

For support and civilization of Sioux of Devils Lake, North Dakota, including pay of employees, and for the purchase of seeds, provisions, horses, horse feed, harness, and farm machinery, twenty thousand dollars, the same to be immediately available. Sioux, of Devils Lake, N. Dak.

For support and civilization of Tonkawa Indians, Oklahoma Territory, and for seeds and agricultural implements, one thousand dollars. Tonkawas, Oklahoma Territory.

For support and civilization of the Walla Walla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, five thousand dollars. Walla Walla, Cayuse, and Umatillas, Oregon.

For support and civilization of the Yakimas, and other Indians at said agency, including pay of employees, five thousand dollars. Yakimas.

GENERAL INCIDENTAL EXPENSES OF THE INDIAN SERVICE.

Incidental expenses.

ARIZONA: For general incidental expenses of the Indian Service in Arizona, including traveling expenses of agents, one thousand five hundred dollars. Arizona.

CALIFORNIA: For general incidental expenses of the Indian Service in California, including traveling expenses of agents, and support and civilization of Indians at the Round Valley, Hoopa Valley, and Tule River agencies, seven thousand dollars; and pay of employees at same agencies, eight thousand dollars; in all, fifteen thousand dollars. California.

COLORADO: For general incidental expenses of the Indian Service in Colorado, including traveling expenses of agents, one thousand dollars. Colorado.

IDAHO: For general incidental expenses of the Indian Service in Idaho, including traveling expenses of agents, one thousand dollars. Idaho.

INDIAN TERRITORY: For two additional clerks at the Union Agency, two thousand dollars; for general incidental expenses of the Indian Service in the Indian Territory, including incidental expenses of the Indian inspector’s office and for pay of employees, thirteen thousand two hundred and eighty dollars; in all, fifteen thousand two hundred and eighty dollars. Indian Territory.

MONTANA: For general incidental expenses of the Indian Service in Montana, including traveling expenses of agents and pay of employees, eight thousand five hundred dollars. Montana.

NEVADA: For general incidental expenses of the Indian Service in Nevada. Nevada.

Nevada, including traveling expenses of agents, and support and civilization of Indians located on the Piute, Walker River, and Pyramid Lake reservations, and Piutes on the Western Shoshone Reservation, ten thousand dollars; and pay of employees, including physician for Walker River Reservation, at nine hundred dollars per annum, same agency, four thousand nine hundred dollars; in all, fourteen thousand nine hundred dollars.

New Mexico. **NEW MEXICO:** For general incidental expenses of the Indian Service in New Mexico, including traveling expenses of agents, one thousand five hundred dollars.

North Dakota. **NORTH DAKOTA:** For general incidental expenses of the Indian Service in North Dakota, including traveling expenses of agents at three agencies, one thousand five hundred dollars.

Oregon. **OREGON:** For general incidental expenses of the Indian Service in Oregon, including traveling expenses of agents, and support and civilization of Indians of Grand Ronde and Siletz agencies, six thousand dollars; and pay of employees at the same agencies, four thousand dollars; in all, ten thousand dollars.

South Dakota. **SOUTH DAKOTA:** For general incidental expenses of the Indian Service in South Dakota, including traveling expenses of agents at seven agencies, three thousand five hundred dollars.

Utah. **UTAH:** For general incidental expenses of the Indian Service in Utah, including traveling expenses of agents, one thousand dollars.

Washington. **WASHINGTON:** For general incidental expenses of the Indian Service in Washington, including traveling expenses of agents at seven agencies, and support and civilization of Indians at Colville and Puyallup agencies, and for pay of employees, seventeen thousand dollars.

Wyoming. **WYOMING:** For general incidental expenses of the Indian Service in Wyoming, including traveling expenses of agents, one thousand dollars.

Miscellaneous.

MISCELLANEOUS.

Commission to Five
Civilized Tribes.
Vol. 27, p. 645.
Vol. 28, p. 939.

Provisos.
Number of commis-
sioners.
Special disbursing
agent, clerk, etc.

Amount.
Use of appropria-
tion.

Continuance of au-
thority.
Enrollment as mem-
bers of tribe.

Provisos.
Right of Mississippi
Choctaws, enrolled to
settle in Choctaw-
Chickasaw Country.

For salaries of four commissioners, appointed under Acts of Congress approved March third, eighteen hundred and ninety-three, and March second, eighteen hundred and ninety-five, to negotiate with the Five Civilized Tribes in the Indian Territory, twenty thousand dollars: *Provided*, That the number of said commissioners is hereby fixed at four. For expenses of commissioners and necessary expenses of employees, and three dollars per diem for expenses of a clerk detailed as special disbursing agent by Interior Department, while on duty with the commission, shall be paid therefrom; for clerical help, including secretary of the commission and interpreters, five hundred thousand dollars, to be immediately available; for contingent expenses of the commission, four thousand dollars; in all, five hundred and twenty-four thousand dollars: *Provided further*, That this appropriation may be used by said commission in the prosecution of all work to be done by or under its direction as required by statute.

That said commission shall continue to exercise all authority heretofore conferred on it by law. But it shall not receive, consider, or make any record of any application of any person for enrollment as a member of any tribe in Indian Territory who has not been a recognized citizen thereof, and duly and lawfully enrolled or admitted as such, and its refusal of such applications shall be final when approved by the Secretary of the Interior: *Provided*, That any Mississippi Choctaw duly identified as such by the United States Commission to the Five Civilized Tribes shall have the right, at any time prior to the approval of the final rolls of the Choctaws and Chickasaws by the Secretary of the Interior, to make settlement within the Choctaw-Chickasaw country, and on proof of the fact of bona fide settlement may be enrolled by the said United States Commission and by the Secretary

of the Interior as Choctaws entitled to allotment: *Provided further*, That all contracts or agreements looking to the sale or incumbrance in any way of the lands to be allotted to said Mississippi Choctaws, shall be null and void.

Contracts for sale, etc., of Mississippi-Choctaw allotments void.

To pay all expenses incident to the survey, platting, and appraisal of town sites in the Choctaw, Chickasaw, Creek, and Cherokee nations, Indian Territory, as required by sections fifteen and twenty-nine of an Act entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," approved June twenty-eighth, eighteen hundred and ninety-eight, for the balance of the current year and for the year ending June thirtieth, nineteen hundred and one, the same to be immediately available, sixty-seven thousand dollars, or so much as may be necessary: *Provided*, That the Secretary of the Interior is hereby authorized, under rules and regulations to be prescribed by him, to survey, lay out, and plat into town lots, streets, alleys, and parks, the sites of such towns and villages in the Choctaw, Chickasaw, Creek, and Cherokee nations, as may at that time have a population of two hundred or more, in such manner as will best subserve the then present needs and the reasonable prospective growth of such towns. The work of surveying, laying out, and platting such town sites shall be done by competent surveyors, who shall prepare five copies of the plat of each town site which, when the survey is approved by the Secretary of the Interior, shall be filed as follows: One in the office of the Commissioner of Indian Affairs, one with the principal chief of the nation, one with the clerk of the court within the territorial jurisdiction of which the town is located, one with the Commission to the Five Civilized Tribes, and one with the town authorities, if there be such. Where in his judgment the best interests of the public service require, the Secretary of the Interior may secure the surveying, laying out, and platting of town sites in any of said nations by contract.

Surveys, etc., town sites, Choctaw, Chickasaw, Creek, and Cherokee nations.

Vol. 30, pp. 500, 505.

Proviso.—plats, etc., into town lots, etc.

—surveyors.

—filing plats.

—contract work.

Hereafter the work of the respective town-site commissions provided for in the agreement with the Choctaw and Chickasaw tribes ratified in section twenty-nine of the Act of June twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory, and for other purposes," shall begin as to any town site immediately upon the approval of the survey by the Secretary of the Interior and not before.

Work of commissions to begin on approval of survey. Vol. 30, p. 505.

The Secretary of the Interior may in his discretion appoint a town-site commission consisting of three members for each of the Creek and Cherokee nations, at least one of whom shall be a citizen of the tribe and shall be appointed upon the nomination of the principal chief of the tribe. Each commission, under the supervision of the Secretary of the Interior, shall appraise and sell for the benefit of the tribe the town lots in the nation for which it is appointed, acting in conformity with the provisions of any then existing Act of Congress or agreement with the tribe approved by Congress. The agreement of any two members of the commission as to the true value of any lot shall constitute a determination thereof, subject to the approval of the Secretary of the Interior, and if no two members are able to agree the matter shall be determined by such Secretary.

Creek and Cherokee town-site commissions.

Where in his judgment the public interests will be thereby subserved, the Secretary of the Interior may appoint in the Choctaw, Chickasaw, Creek, or Cherokee Nation a separate town-site commission for any town, in which event as to that town such local commission may exercise the same authority and perform the same duties which would otherwise devolve upon the commission for that Nation. Every such local commission shall be appointed in the manner provided in the Act approved June twenty-eighth, eighteen hundred and ninety-eight, entitled "An Act for the protection of the people of the Indian Territory."

Choctaw, Chickasaw, Creek, and Cherokee Nations.

Separate town-site commissions for towns.

Vol. 30, p. 500.

Surveys by towns.

The Secretary of the Interior, where in his judgment the public interests will be thereby subserved, may permit the authorities of any town in any of said nations, at the expense of the town, to survey, lay out, and plat the site thereof, subject to his supervision and approval, as in other instances.

Appraisal and sale of lots.

As soon as the plat of any town site is approved, the proper commission shall, with all reasonable dispatch and within a limited time, to be prescribed by the Secretary of the Interior, proceed to make the appraisal of the lots and improvements, if any, thereon, and after the approval thereof by the Secretary of the Interior, shall, under the supervision of such Secretary, proceed to the disposition and sale of the lots in conformity with any then existing Act of Congress or agreement with the tribe approved by Congress, and if the proper commission shall not complete such appraisal and sale within the time limited by the Secretary of the Interior, they shall receive no pay for such additional time as may be taken by them, unless the Secretary of the Interior for good cause shown shall expressly direct otherwise.

Removal of commissioners, etc.

The Secretary of the Interior may, for good cause, remove any member of any townsite commission, tribal or local, in any of said nations, and may fill the vacancy thereby made or any vacancy otherwise occurring in like manner as the place was originally filled.

Establishment of corporate and townsite limits.

It shall not be required that the townsite limits established in the course of the platting and disposing of town lots and the corporate limits of the town, if incorporated, shall be identical or coextensive, but such townsite limits and corporate limits shall be so established as to best subserve the then present needs and the reasonable prospective growth of the town, as the same shall appear at the times when such limits are respectively established: *Provided further*, That the exterior limits of all townsites shall be designated and fixed at the earliest practicable time under rules and regulations prescribed by the Secretary of the Interior.

Proviso.
—regulations.

Reservation from allotment at railroad stations, etc.

Upon the recommendation of the Commission to the Five Civilized Tribes the Secretary of the Interior is hereby authorized at any time before allotment to set aside and reserve from allotment any lands in the Choctaw, Chickasaw, Creek, or Cherokee nations, not exceeding one hundred and sixty acres in any one tract, at such stations as are or shall be established in conformity with law on the line of any railroad which shall be constructed or be in process of construction in or through either of said nations prior to the allotment of the lands therein, and this irrespective of the population of such townsite at the time. Such townsites shall be surveyed, laid out, and platted, and the lands therein disposed of for the benefit of the tribe in the manner herein prescribed for other townsites: *Provided further*, That whenever any tract of land shall be set aside as herein provided which is occupied by a member of the tribe, such occupant shall be fully compensated for his improvements thereon under such rules and regulations as may be prescribed by the Secretary of the Interior.

Proviso.
—compensation for occupants' improvements.

Existing surveys, etc., unaffected.

Nothing herein contained shall have the effect of avoiding any work heretofore done in pursuance of the said Act of June twenty-eighth, eighteen hundred and ninety-eight, in the way of surveying, laying out, or platting of town sites, appraising or disposing of town lots in any of said nations, but the same, if not heretofore carried to a state of completion, may be completed according to the provisions hereof.

Mill, Pima Agency, Ariz.

For operating and repairing the flour mill at Pima Agency, Arizona, one thousand five hundred dollars.

Pima Indians.

For temporary support of the Pima Indians, at Pima Agency, Arizona, thirty thousand dollars, or so much thereof as may be necessary, to be expended under direction of the Secretary of the Interior; in all, thirty-one thousand five hundred dollars.

For operating one portable steam sawmill on the Nez Percé Indian Reservation, Idaho, and for necessary repairs to the same, one thousand five hundred dollars.

Nez Percé Reservation, Idaho.

For pay of physician, New York Agency, six hundred dollars.

New York Agency.

For the purpose of carrying out the provisions of the Act of June seventh, eighteen hundred and ninety-seven, "that the Secretary of the Interior shall, within one year after the passage of this Act, establish and thereafter maintain, at the city of Omaha, in the State of Nebraska, a warehouse for Indian supplies, from which distributions shall be made to such Indian tribes of the West and Northwest as the Secretary of the Interior may direct," ten thousand dollars.

Warehouse, Omaha, Nebr., appropriation for. Vol. 30, p. 75.

To enable the President to cause, under the provisions of the Act of February eighth, eighteen hundred and eighty-seven, entitled "An Act to provide for the allotment of lands in severalty to Indians," such Indian reservations as in his judgment are advantageous for agricultural and grazing purposes to be surveyed or resurveyed, for the purposes of said Act, and to complete the allotment of the same, including the necessary clerical work incident thereto in the field and in the Office of Indian Affairs, and delivery of trust patents, so far as allotments shall have been selected under said Act, thirty thousand dollars.

Surveying and allotting lands in severalty. Vol. 24, p. 388.

For construction of ditches and reservoirs, purchase and use of irrigating tools and appliances, and purchase of water rights on Indian reservations, in the discretion of the Secretary of the Interior and subject to his control, fifty thousand dollars: *Provided*, That the Secretary of the Interior may employ superintendents of irrigation, who shall be skilled irrigation engineers, not to exceed two, as in his judgment may be necessary to secure the construction of ditches and other irrigation works in a substantial and workmanlike manner; and also one clerk in the Office of Indian Affairs, at a salary of one thousand dollars per annum.

Works of irrigation.

Proviso. Employment of superintendents authorized.

Clerk.

For survey and subdivision of Indian reservations and of lands to be allotted to Indians, and to make allotments in severalty, to be expended by the Commissioner of Indian Affairs, under the direction of the Secretary of the Interior, twenty thousand dollars.

Surveys and allotments.

For compensation of the commissioner authorized by the Indian appropriation Act approved June seventh, eighteen hundred and ninety-seven, to superintend the sale of land, and so forth, of the Puyallup Indian Reservation, Washington, who shall continue the work as therein provided, two thousand dollars.

Puyallup Reservation, Wash. Compensation of Commissioner to sell lands. Vol. 30, p. 87.

For continuing the work of transferring the Indian deprecation claims from the Office of Indian Affairs to the Court of Claims and making a record of the same, and for the proper care and custody of the papers and records relating thereto, under the provisions of the Act approved March third, eighteen hundred and ninety-one (Twenty-sixth Statutes at Large, page eight hundred and fifty-one), four thousand six hundred dollars.

Indian deprecation claims. Transfer to Court of Claims.

Vol. 26, p. 851.

For the survey of lands in the Pine Ridge, Rosebud, and Standing Rock Indian reservations, in South Dakota, and for examination in the field of the surveys, the sum of twenty-two thousand dollars, to be immediately available and for clerical work and stationery in the office of surveyor-general, required on surveys within the Cheyenne River, Pine Ridge, Rosebud, and Standing Rock Indian reservations, in South Dakota, the sum of three thousand two hundred dollars. In all, the sum of twenty-five thousand two hundred dollars, reimbursable under the provisions of the Act of March second, eighteen hundred and ninety-nine.

Expenses of surveys, etc., Pine Ridge, Rosebud, and Standing Rock Reservations, S. Dak. Cheyenne River Reservation.

Vol. 25, p. 888.

For the equipment and maintenance of the asylum for insane Indians at Canton, South Dakota, for incidental and other expenses necessary for its proper conduct and management, including pay of employees,

Canton, S. Dak., insane asylum.

and for necessary expense of transporting insane Indians to and from said asylum, twelve thousand dollars.

Increase of appropriation.

Vol. 30, p. 941.

—limit of cost.

Lucius A. Wright.
Credit in accounts of.

For increasing the amount heretofore appropriated for the erection of said asylum for insane Indians at Canton, South Dakota, the sum of fifteen thousand dollars, the said sum being in addition to the amount appropriated for that purpose by the Act entitled "An Act making appropriations for the current and contingent expenses of the Indian department, and for fulfilling treaty stipulations with the various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes," approved March first, eighteen hundred and ninety-nine, and the limit of cost for said asylum is fixed at the amount heretofore and herein appropriated, namely, sixty thousand dollars.

The accounting officers of the Treasury Department are hereby authorized and directed to pass to the credit of Lucius A. Wright, United States Indian agent of the Mission-Tule River (consolidated) Agency, California, on his quarterly accounts for the first quarter of the fiscal year eighteen hundred and ninety-nine, the sum of five hundred dollars collected by him for grazing privileges on the Indian Reservations under his charge, and distributed by him directly to the Indians, under the authority of the Secretary of the Interior of May twentieth, eighteen hundred and ninety-eight, and for which proper vouchers have been presented.

Payment to Kaskaskia, Peoria, Piankeshaw and Wea Indians.

Vol. 15, p. 519.

Proviso.
—deduction.

For this amount to enable the Secretary of the Interior to carry out the terms of the twenty-fourth article of the treaty of February twenty-third, eighteen hundred and sixty-seven, with the confederated tribes of Kaskaskia, Peoria, Piankeshaw, and Wea Indians, twenty-five thousand five hundred and four dollars and ninety-six cents, as itemized and set forth in Senate Report Numbered Five hundred and eighty-two, Forty-fourth Congress, second session, at page three thereof, to be immediately available, and to be in full of all demands of said Indians under and by virtue of said treaty, said sum to be paid per capita to said Indians by the Secretary of the Interior, or expended for their benefit in such manner and for such objects and purposes as he may direct: *Provided*, That before any payment shall be made to said Indians under this Act the sum of one thousand one hundred and eighty-one dollars and sixty-nine cents shall be deducted and paid to T. F. Richardville, or his legal representatives, on account of money loaned to said Indians.

Seminole Indians.
Payment of balance of awards.

Vol. 14, p. 756.

Proviso.
—payment to heirs of deceased Seminoles.

That the Secretary of the Treasury be, and he is hereby, authorized to pay the balance of awards made to the loyal Seminole Indians under the direction of the Secretary of the Interior, with interest thereon, as per articles three and four of the treaty of March twenty-first, eighteen hundred and sixty-six, and paragraph fourteen of the agreement of December sixteenth, eighteen hundred and ninety-seven, such payment to be in full settlement and satisfaction of all claims under said articles and paragraph; and the sum of one hundred and eighty-six thousand dollars is hereby appropriated for the purpose: *Provided*, That if any of the said loyal Seminoles whose names are on the lists of awards as made up in pursuance of said treaty of eighteen hundred and sixty-six shall have died, then the amount due such deceased persons, respectively, shall be paid to their legal heirs, and the acceptance of the sum hereby appropriated shall be in full settlement of said awards.

Chickasaw Nation.

Payment to beneficiaries of incompetent fund.
Vol. 30, p. 505.

That the Secretary of the Interior be, and he is hereby, authorized and directed to pay out and distribute in the following manner the sum of two hundred and sixteen thousand six hundred and seventy-nine dollars and forty-eight cents, which amount was appropriated by the Act of June twenty-eighth, eighteen hundred and ninety-eight, and credited to the "incompetent fund" of the Chickasaw Indian Nation on the books of the United States Treasury, namely: First.

there shall be paid to such survivors of the original beneficiaries of said fund and to such heirs of deceased beneficiaries as shall, within six months from the passage of this Act, satisfactorily establish their identity in such manner as the Secretary of the Interior may prescribe and also the amount of such fund to which they are severally entitled, their respective shares; and second, so much of said fund as is not paid out upon claims satisfactorily established as aforesaid shall be distributed per capita among the members of said Chickasaw Nation, and all claims of beneficiaries and their respective heirs for participation in said incompetent fund not presented within the period aforesaid shall be, and the same are hereby, barred.

For payment to the Flambeau Lumber Company twelve thousand and thirty-nine dollars and thirty-five cents, the same being balance due said company for improvements made on the Lac du Flambeau Reservation for school and reservation purposes under a proper authority of the Secretary of the Interior, to be paid for out of timber to be cut on school and swamp lands within said reservation, which timber was not cut on account of suit instituted by the State of Wisconsin against the lumber company, after the improvements authorized had been made, stopping the same.

Flambeau Lumber Company.
Payment to.

For making necessary repairs of the Big Wind River bridge, on the Shoshone Agency, Wyoming, seven hundred and fifty dollars, or so much thereof as may be necessary, to be expended under the direction of the Secretary of the Interior; the same to be immediately available.

Repairs Big Wind River bridge, Shoshone Agency, Wyo.

For purchase and construction of one portable sawmill for the Klamath Agency, Oregon, three thousand dollars.

Klamath Agency, Oreg., sawmill.

That the settlers who purchased with the condition annexed of actual settlement on all ceded Indian reservations be, and they are hereby, granted an extension to July first, nineteen hundred and one, in which to make payments as now provided by law.

Additional time for payment to settlers, etc.

Fifty thousand dollars, or so much thereof as may be necessary, to be immediately available, in payment of liabilities already incurred and for amount necessary to be expended in suppressing the spread of smallpox in the Indian Territory among those residents of said Territory not members of any Indian tribe or nation therein, all accounts to be first carefully examined and approved by the Secretary of the Interior as just and reasonable.

Suppression of smallpox.

To enable the United States Indian agent of the Pima Agency, Arizona, to pay the expenses incurred by the farmer in charge of the San Xavier Reservation in employing two attorneys to defend four Papago Indians tried on the charge of violating United States Statute fifty-two hundred and eighty-six, the sum of two hundred dollars.

Counsel for Papago Indians.
Reimbursement for services of.

To enable the Secretary of the Interior to pay for certain lands and improvements, as recommended by United States Indian Inspector James McLaughlin in his three reports to the Secretary of the Interior dated, respectively, November fourteenth, eighteen hundred and ninety-eight, and February third and sixteenth, nineteen hundred, upon investigations made under the provisions of section ten of the Indian appropriation Act approved July first, eighteen hundred and ninety-eight (Thirtieth Statutes, pages five hundred and ninety-six and five hundred and ninety-seven), one hundred and seventy-one thousand six hundred and fifteen dollars and forty-four cents.

Northern Cheyenne Reservation, Mont.
Payment for lands, etc.

Vol. 30, p. 596.

For the erection of additional buildings, fencing, means of locomotion, and other purposes necessary to complete the establishment of Leech Lake Agency, Minnesota, five thousand dollars, to be immediately available.

Leech Lake Agency, Minn.
Expenses of establishing.

For printing and binding in two volumes not exceeding two thousand copies of the digest of decisions relating to Indian Affairs, authorized by Indian appropriation Acts of June tenth, eighteen hundred and ninety-six, and June seventh, eighteen hundred and ninety-

Digest of Indian decisions.

Vol. 30, p. 87.

Vol. 29, p. 341.

seven, five thousand dollars, or so much thereof as may be necessary: *Provided*, That the Secretary of the Interior is authorized to donate thirty copies to Kenneth S. Murchuson, the compiler of said digest, for complimentary distribution by him.

Proviso.
— copies to compiler.

Support of schools.

SUPPORT OF SCHOOLS.

Day and industrial.

For support of Indian day and industrial schools, and for other educational purposes not hereinafter provided for, one million two hundred thousand dollars;

For construction, purchase, lease, and repair of school buildings and for sewerage, water supply, and lighting plants, and purchase of school sites, two hundred and forty thousand dollars, forty thousand dollars of which shall be immediately available; in all, one million four hundred and forty thousand dollars.

Support of pupils.
Albuquerque, N.
Mex.

For support and education of three hundred Indian pupils at Albuquerque, New Mexico, fifty thousand one hundred dollars; for pay of superintendent of said school, one thousand seven hundred dollars; for general repairs and improvements, one thousand seven hundred dollars; in all, fifty-three thousand five hundred dollars.

Chamberlain, S.
Dak.

For the support and education of one hundred Indian pupils at Chamberlain, South Dakota, sixteen thousand seven hundred dollars; for pay of superintendent of said school, one thousand two hundred dollars; for general repairs and improvements, two thousand dollars; for erection of shops, two thousand dollars; for a lighting plant, one thousand two hundred dollars; for construction and extension of sewer, three thousand dollars; in all, twenty-six thousand one hundred dollars.

Cherokee, N. C.

For support of one hundred and fifty pupils at the training school at Cherokee, North Carolina, twenty-five thousand and fifty dollars; for pay of superintendent of said school, one thousand three hundred dollars; for general repairs and minor improvements, one thousand five hundred dollars; in all, twenty-seven thousand eight hundred and fifty dollars.

Carlisle, Pa.

For support of Indian industrial school at Carlisle, Pennsylvania, for transportation of pupils to and from said school, for purchase of additional land, subject to the approval of the Secretary of the Interior, and for general repairs and improvements, one hundred and forty-nine thousand dollars; for additional to the salary of any military officer of Carlisle Indian School while acting as superintendent of said school, one thousand dollars; in all, one hundred and fifty thousand dollars.

Carson City, Nev.

For support and education of two hundred Indian pupils at the Indian school at Carson City, Nevada, thirty-three thousand four hundred dollars; for pay of superintendent at said school, one thousand five hundred dollars; for general repairs and improvements, three thousand dollars; for erection of shops, three thousand dollars; in all, forty thousand nine hundred dollars.

Chilocco, Okla.

For support of four hundred Indian pupils at the Indian school at Chilocco, Oklahoma Territory, sixty-six thousand eight hundred dollars; for pay of superintendent at said school, one thousand eight hundred dollars; for electric-light system for school, five thousand dollars; for general repairs and improvements, three thousand dollars; for erection of warehouse, four thousand dollars; for cold-storage plant, three thousand dollars; for erection of a tank, three thousand dollars; in all, eighty-six thousand six hundred dollars.

Flandreau, S. Dak.

For support and education of three hundred and fifty Indian pupils at Flandreau, South Dakota, fifty-eight thousand four hundred and fifty dollars; for general repairs and improvements, two thousand dollars; for pay of superintendent of said school, one thousand eight

hundred dollars; water rent, one thousand five hundred dollars; for permanent water supply, six thousand dollars; in all, sixty-nine thousand seven hundred and fifty dollars.

For support and education of one hundred and fifty Indian pupils at the Indian school, Fort Mojave, Arizona, twenty-five thousand and fifty dollars; for pay of superintendent of said school, one thousand five hundred dollars; for general repairs and improvements, two thousand dollars; for a lighting plant, three thousand five hundred dollars; in all, thirty-two thousand and fifty dollars.

Fort Mojave, Ariz.

For support and education of two hundred and fifty Indian pupils at Indian school, Fort Totten, North Dakota, forty-one thousand seven hundred and fifty dollars; for pay of superintendent at said school, one thousand six hundred dollars; for sewerage system, two thousand five hundred dollars; for general repairs and improvements, five thousand dollars; for steam-heating system, ten thousand dollars, to be immediately available, this to be in addition to the sum of five thousand dollars heretofore appropriated for this purpose, which sum is hereby reappropriated; for a lighting plant, one thousand two hundred dollars, this being in addition to the sum of one thousand eight hundred dollars heretofore appropriated for this purpose, which sum is hereby reappropriated; in all, sixty-two thousand and fifty dollars.

Fort Totten, N. Dak.

For support and education of three hundred Indian pupils at the Indian school, Genoa, Nebraska, fifty thousand one hundred dollars; for general repairs and improvements, two thousand five hundred dollars; for pay of superintendent of said school, one thousand seven hundred dollars; for construction and completion of new school building, twenty-five thousand dollars; for construction and completion of new hospital building, five thousand dollars; for construction of barn, one thousand five hundred dollars; in all, eighty-five thousand eight hundred dollars.

Genoa, Nebr.

For the support and education of one hundred and twenty-five pupils at the Indian school at Hayward, Wisconsin, twenty thousand eight hundred and seventy-five dollars; pay of superintendent, one thousand three hundred dollars; general repairs and improvements, one thousand five hundred dollars; for increasing the amount heretofore appropriated for the erection of a new school building at Hayward, Wisconsin, the sum of fifteen thousand dollars, the said sum being in addition to the amount appropriated for that purpose by the Act approved March first, eighteen hundred and ninety-nine; and the limit of cost for said school building is fixed at the amount heretofore and herein appropriated, namely, seventy-five thousand dollars, the same to be immediately available; in all, thirty-eight thousand six hundred and seventy-five dollars.

Hayward, Wis.

Vol. 30, p. 945.

For support and education of one hundred and seventy-five Indian pupils at the Indian school at Grand Junction, Colorado, twenty-nine thousand two hundred and twenty-five dollars; for pay of superintendent at said school, one thousand five hundred dollars; for general repairs and improvements, three thousand dollars; for dormitory building, twenty thousand dollars; for the purchase of not exceeding ten acres of land for the purpose of sewerage deposits, six hundred dollars, to be immediately available; in all, fifty-four thousand three hundred and twenty-five dollars.

Grand Junction, Colo.

For support and education of one hundred and twenty Indian pupils at the school at Hampton, Virginia, twenty thousand and forty dollars.

Hampton, Va.

For support and education of sixty Indian pupils at the Indian school, Kickapoo Reservation, Kansas, ten thousand and twenty dollars; for pay of superintendent, eight hundred and forty dollars; general repairs and improvements, five hundred dollars; for erection of a laundry, one thousand dollars; for erection of a warehouse, one thousand dollars; to install a proper system of waterworks and to be made

Kickapoo Reservation, Kans.

immediately available, five thousand dollars; in all, eighteen thousand three hundred and sixty dollars.

Haskell Institute,
Lawrence, Kans.

For support and education of six hundred Indian pupils at the Indian school, Haskell Institute, Lawrence, Kansas, and for general repairs and improvements, one hundred thousand two hundred dollars; for pay of superintendent at said school, two thousand dollars; for extending steam plant, ten thousand dollars, to be immediately available; for increasing the amount heretofore appropriated for the erection of a new school building at Haskell Institute, Lawrence, Kansas, the sum of ten thousand dollars; the said sum being in addition to the amount appropriated for that purpose by the Act approved March first, eighteen hundred and ninety-nine, and the limit of cost of said school building is fixed at the amount heretofore and herein appropriated, namely, twenty-five thousand dollars, the same to be immediately available; in all, one hundred and twenty-two thousand two hundred dollars.

Vol. 30, p. 943.

Mount Pleasant,
Mich.

For support and education of three hundred Indian pupils at the Indian school, Mount Pleasant, Michigan, fifty thousand one hundred dollars; for pay of superintendent of said school, one thousand seven hundred dollars; for general repairs and improvements, one thousand five hundred dollars; for erecting girls' dormitory, twenty thousand dollars, to be immediately available; in all, seventy-three thousand three hundred dollars.

Perris, Cal.

For support and education of one hundred and fifty Indian pupils at the Indian school at Perris, California, twenty-five thousand and fifty dollars; for pay of superintendent of said school, one thousand five hundred dollars; for general repairs and improvements, one thousand dollars; in all, twenty-seven thousand five hundred and fifty dollars.

Riverside, Cal.
Establishment of
school.
Proriso.
Site.

For the establishment, in the discretion of the Secretary of the Interior, of an Indian school at or near Riverside, California: *Provided*, That a suitable site can be obtained there for a reasonable sum, to be selected by the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, for the purchase of land, the erection of buildings, and for other purposes necessary to establish a complete school plant upon the new site, seventy-five thousand dollars.

Phoenix, Ariz.

For support and education of six hundred Indian pupils at the Indian school at Phoenix, Arizona, and for general repairs and improvements, one hundred thousand two hundred dollars; for pay of superintendent at said school, two thousand dollars; for the erection of an auditorium, seven thousand five hundred dollars; in all, one hundred and nine thousand seven hundred dollars.

Truxton Canon, Ariz.

For support and education of one hundred and twenty-five pupils at the Indian school at Truxton Canon, Arizona, twenty thousand eight hundred and seventy-five dollars; pay of superintendent, one thousand three hundred dollars; general improvements, one thousand five hundred dollars; in all, twenty-three thousand six hundred and seventy-five dollars.

Pierre, S. Dak.

For support and education of one hundred and fifty Indian pupils at Indian industrial school at Pierre, South Dakota, twenty-five thousand and fifty dollars; for pay of superintendent of said school, one thousand five hundred dollars; for general repairs and improvements, two thousand dollars; in all, twenty-eight thousand five hundred and fifty dollars.

Pipestone, Minn.

For support and education of one hundred and fifty Indian pupils at the Indian school, Pipestone, Minnesota, twenty-five thousand and fifty dollars; for pay of superintendent at said school, one thousand five hundred dollars; for general repairs and improvements, one thousand dollars; in all, twenty-seven thousand five hundred and fifty dollars.

Morris Minn.

For the support and education of one hundred and fifty Indian pupils at the Indian school at Morris, Minnesota, twenty-five thousand and fifty dollars; for pay of superintendent, one thousand five hundred

dollars; for general repairs and improvements, one thousand five hundred dollars; for the purchase, in the discretion of the Secretary of the Interior, of a farm of one hundred and sixty acres, six thousand four hundred dollars, or so much thereof as may be necessary, to be immediately available; in all, thirty-four thousand four hundred and fifty dollars.

For support and education of one hundred Indian pupils, Rapid City, South Dakota, sixteen thousand seven hundred dollars; for pay of superintendent, one thousand two hundred dollars; for general repairs and improvements, five hundred dollars; for water for fire protection, five hundred dollars; in all, eighteen thousand nine hundred dollars.

Rapid City, S. Dak.

For support and education of five hundred pupils at the Indian school, Salem, Oregon, eighty-three thousand five hundred dollars; for pay of superintendent at said school, one thousand eight hundred dollars; for erection of an industrial building, six thousand dollars; for the erection and completion of a brick dormitory, twenty thousand dollars; for general repairs and improvements, three thousand dollars; for purchase of twelve and twenty-seven one-hundredths acres of land at one hundred dollars per acre, one thousand two hundred and twenty-seven dollars; in all, one hundred and fifteen thousand five hundred and twenty-seven dollars.

Salem, Oreg.

For the support and education of seventy-five Indian pupils, Sac and Fox Reservation, Iowa, twelve thousand five hundred and twenty-five dollars; for pay of superintendent, one thousand dollars; for general repairs and improvements, four hundred dollars; in all, fourteen thousand and twenty-five dollars: *Provided*, That the Secretary of the Interior is directed to pay to Push-e-ten-neke-que, head chief of the Sac and Fox of the Mississippi Indians located in the State of Iowa, five hundred dollars per annum during the remainder of his natural life, beginning with and including the fiscal year nineteen hundred, in accordance with the terms of article four of the treaty proclaimed March twenty-third, eighteen hundred and forty-three.

Sac and Fox Reservation, Iowa.

Provido.
Push-e-ten-neke-que
Annuity.

For support and education of three hundred Indian pupils at the Indian school at Santa Fe, New Mexico, fifty thousand one hundred dollars; for pay of superintendent at said school, one thousand seven hundred dollars; for water supply and sewerage, two thousand dollars; for general repairs and improvements, three thousand dollars; for extension to school building, six thousand six hundred dollars; for addition to warehouse, two thousand dollars; for a lighting system, four thousand five hundred dollars; in all, sixty-nine thousand nine hundred dollars.

Santa Fe, N. Mex.

For support and education of one hundred and seventy-five Indian pupils at the Indian school, Shoshone Reservation, Wyoming, twenty-nine thousand two hundred and twenty-five dollars; for pay of superintendent at said school, one thousand four hundred dollars; for general repairs and improvements, one thousand five hundred dollars; for erection of hospital, two thousand five hundred dollars; for sewer and water system, one thousand one hundred dollars; in all, thirty-five thousand seven hundred and twenty-five dollars.

Shoshone Reservation, Wyo.

For the support and education of one hundred and seventy-five Indian pupils at the Indian school, Tomah, Wisconsin, twenty-nine thousand two hundred and twenty-five dollars; for pay of superintendent at said school, one thousand five hundred dollars; for general repairs and improvements, three thousand dollars; for equipment of girls' dormitory, dining hall, kitchen, and hospital, to be immediately available, one thousand five hundred dollars; for construction of suitable quarters for superintendent, to be immediately available, three thousand five hundred dollars; in all, thirty-eight thousand seven hundred and twenty-five dollars.

Tomah, Wis.

School, southern Utah.

For support and education of fifty pupils at the Indian school in southern Utah, eight thousand three hundred and fifty dollars; salary of superintendent, eight hundred and forty dollars; improvements, five hundred dollars; in all, nine thousand six hundred and ninety dollars.

Transportation of pupils.

For collection and transportation of pupils to and from Indian schools, and also for the transportation of Indian pupils from all the Indian schools and placing of them, with the consent of their parents, under the care and control of such suitable white families as may in all respects be qualified to give such pupils moral, industrial, and educational training, under arrangements in which their proper care, support, and education shall be in exchange for their labor, forty thousand dollars.

Expenditures under direction of Commissioner, etc.

That all expenditure of money appropriated for school purposes in this Act shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior: *Provided*, That not more than one hundred and sixty-seven dollars shall be expended for the annual support and education of any one pupil in any school herein specifically appropriated for, except when, by reason of epidemic, accident, or other similar cause, the attendance is so reduced that a larger expenditure is absolutely necessary for the efficient operation of the school affected, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure, such expenditure to continue only so long as the said necessity therefor shall exist: *Provided further*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That this provision shall apply to the fiscal years eighteen hundred and ninety-nine and nineteen hundred.

Provisos.
Limit per capita expenditure.

—increase.

—not to exceed total for school, etc.

Supplies, purchase after advertisement.

SEC. 2. That no purchase of supplies for which appropriations are herein made, exceeding in the aggregate five hundred dollars in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding three thousand dollars at any one purchase: *Provided*, That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided: *Provided further*, That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior: *Provided further*, That the Secretary of the Interior may, when practicable, arrange for the manufacture, by Indians at reservation or industrial schools, of shoes, clothing, leather, harness, and wagons, and such other articles as the Secretary of the Interior may deem advisable, and the sum of ten thousand dollars is hereby appropriated to enable the Secretary of the Interior to carry this provision into effect: *Provided further*, That the Indians to whom lands have been allotted on the Yakima Reservation in the State of Washington shall be permitted to lease unimproved allotted lands, for agricultural purposes, for any term not exceeding ten years upon such terms and conditions as may be prescribed by the Secretary of the Interior.

—exception, exigency.

Provisos.
Works of irrigation.

Purchases from Indians.

Manufactures by Indians.

Yakima Reservation, Wash.
Leases authorized.

Division of surplus for subsistence.

SEC. 3. That the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said

appropriations herein made for the purchase of subsistence for the several Indian tribes, to an amount not exceeding twenty-five thousand dollars in the aggregate, to supply any subsistence deficiency that may occur: *Provided*, That any diversions which shall be made under authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion: *Provided further*, That the Secretary of the Interior, under direction of the President, may use any sums appropriated in this Act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of his action under this provision: *Provided further*, That funds appropriated to fulfill treaty obligations shall not be used.

Provisos.
—report.

Purchase of stock cattle.

Treaty funds not available.

Transfer of funds for employees.

Diversions.

Proviso.
Crow Reservation, Mont.
Use of annuity money of Indians for irrigation.

SEC. 4. That when not required for the purpose for which appropriated, the funds herein provided for the pay of specified employees at any agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations herein or heretofore made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision: *Provided*, That with the consent of the Crow Indians in Montana, to be obtained in the usual way, the Secretary of the Interior, in his discretion, may use the annuity money due or to become due said Indians to complete the irrigation system heretofore commenced on said Crow Indian Reservation.

Rejection of bids.

SEC. 5. That whenever, after advertising for bids for supplies in accordance with sections three and four of this Act, those received for any article contain conditions detrimental to the interest of the Government, they may be rejected, and the articles specified in such bids purchased in open market, at prices not to exceed those of the lowest bidder, and not to exceed the market price of the same, until such time as satisfactory bids can be obtained, for which immediate advertisement shall be made: *Provided*, That so much of the appropriations herein made as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the year ending June thirtieth, nineteen hundred and one, shall be immediately available, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to July first, nineteen hundred.

—purchases in open market.

Proviso.
Appropriations immediately available.

Distribution of supplies to Indians.

SEC. 6. That the Commissioner of Indian Affairs shall report annually to Congress, specifically showing the number of employees at each agency, industrial, and boarding school, which are supported in whole or in part out of the appropriations in this Act, giving name, when employed, in what capacity employed, male or female, whether white or Indian, amount of compensation paid, and out of what item or fund of the appropriation paid, and whether, in the opinion of such Commissioner, any of such employees are unnecessary.

Annual report of employees.

SEC. 7. That the proviso to the Act approved August fifteenth, eighteen hundred and ninety-four, permitting the sale of allotted lands by members of the Citizen Band of Pottawatomie Indians and of the Absentee Shawnee Indians of Oklahoma is hereby extended so as to permit the adult heirs of a deceased allottee to sell and convey the lands inherited from such decedent; and if there be both adult and minor owners of such inherited lands, then such minors may join in a

Citizen Band of Pottawatomie Indians and Absentee Shawnee Indians of Oklahoma.

Adult heirs of deceased allottee may sell inherited lands, etc.

Vol. 28, p. 295.

sale thereof by a guardian, duly appointed by the proper court, upon an order of such court made upon petition filed by such guardian, all conveyances made under this provision to be subject to the approval of the Secretary of the Interior; and any Citizen Pottawatomie or Absentee Shawnee not residing upon his allotment, but being an actual resident of another State or Territory, may in like manner sell and convey all the land allotted to him.

Further extension of act.
Vol. 17, p. 159.

That such proviso of the Act approved August fifteenth, eighteen hundred and ninety-four, as herein enlarged, is hereby extended to those members of the Citizen Band of Pottawatomie Indians and the Absentee Shawnee Indians who were given allotments under the Act approved the twenty-third day of May, eighteen hundred and seventy-two, and to their heirs; and any purchasers of Indian blood of lands sold under the provisions of the Act last named, or their heirs, who may own other allotted lands under any Act of Congress, may sell all the lands so owned by them in excess of eighty acres, the restrictions against sales by allottees under the Act last named to others than the United States or persons of Indian blood being hereby removed; and all such conveyances shall hereafter be subject to the approval of the Secretary of the Interior.

Purchasers may sell, etc.

Act extended to heirs of allottees of Peoria and Miami Indians.
Vol. 30, p. 72.

That the provisions hereof as to the sale of inherited lands by heirs of deceased allottees of the Citizen Band of Pottawatomie Indians and Absentee Shawnee Indians are hereby extended and made applicable to the heirs of allottees of the Peoria and Miami Indians, who were authorized by the Act approved June seventh, eighteen hundred and ninety-seven, to sell a portion of their lands, and all sales and conveyances of lands of deceased allottees by their heirs, which have been duly made and executed by such heirs and duly approved by the Secretary of the Interior, are hereby ratified and confirmed.

Approved, May 31, 1900.

May 31, 1900.

CHAP. 599.—An Act To regulate the grades of Twentieth street, and for other purposes.

District of Columbia.
Regulation of grades vicinity of Twentieth street and Woodley road.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in order to regulate the grades of the streets in the vicinity of Twentieth street and Woodley road, the Commissioners of the District of Columbia be, and they are hereby, authorized to abandon Hampton place and shift the location of Buckingham place, in T. E. Waggaman's subdivision of Pretty Prospect, Widow's Mite, and Kalorama, and to change the location of the street line at the southwest corner of Woodley road and Connecticut avenue extended, so as to make said corner round instead of angular, as at present: *Provided,* That the land within the lines of Hampton place which it is proposed to abandon and the land within the proposed circular corner of Woodley road and Connecticut avenue extended shall revert to the original owner or his assignees, and that the land within the lines of the new location of Buckingham place and the land outside the said circular corner of Woodley road and Connecticut avenue extended shall be dedicated to the District of Columbia.

Proviso.
Reversion, etc.

Permanent system of highways.
Acceptance of dedication of streets authorized.

SEC. 2. That in order to facilitate the extension of streets and encourage the donation of land in accordance with the plans for the permanent system of highways, the Commissioners of the District of Columbia be, and they are hereby, authorized, whenever in their judgment it may seem proper, to accept the dedication of streets shown on said plans, and record same, under the following conditions, namely: Streets which are shown as ninety feet in width on said plans

Conditions.

may be accepted with a width of not less than sixty feet: *Provided*, That the parties dedicating same agree to establish building restriction lines to agree with the street lines as shown on said plans; and streets shown on said plans as one hundred and twenty feet or more in width may be accepted with a width of not less than ninety feet: *Provided*, That the parties dedicating same agree to establish building restriction lines to agree with the street lines as shown on said plans: *And provided further*, That the space between the street lines, as established under the terms hereof, and the building restriction lines shall be considered as private property set aside and to be used for parking purposes: *But provided further*, That the parties so dedicating shall agree that said parking shall be subject to the regulations of said Commissioners in regard to height of parking and the projection of buildings beyond the building line, and that the District of Columbia shall have a right of way through said parking for sewers and water mains free of cost, and to lay thereon sidewalks, if, in the judgment of said Commissioners, the space between street lines is not sufficient to admit the construction of such sidewalks within said lines.

Provisos.
Building restriction lines.

Space between street and building restriction lines set aside for parking.

Commissioners to control parking, etc.

Approved, May 31, 1900.

CHAP. 600.—An Act To facilitate the entry of steamships engaged in the coasting trade between Porto Rico and the Territory of Hawaii and the United States.

May 31, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the provisions of the Act of June fifth, eighteen hundred and ninety-four, entitled "An Act to facilitate the entry of steamships," are hereby extended to steamships engaged in trading between ports of Porto Rico and the Territory of Hawaii and those of the United States.

Entry of steamships in coasting trade between Porto Rico, Hawaii, and the United States, etc.
Vol. 23, p. 85.

Approved, May 31, 1900.

CHAP. 601.—An Act To create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein.

June 1, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the counties of Lucas, Clarke, Union, Adair, Adams, Fremont, Page, Taylor, Ringgold, Decatur, Wayne, and Appanoose shall constitute the southern division of the southern judicial district of Iowa; and a term of a circuit and district court for said district shall be held in said division hereby created at Creston, in Union County, on the third Monday of May and the fourth Monday of September of each year.

Iowa southern judicial district.
Southern division created.

Terms of court at Creston.

SEC. 2. That all civil suits which shall hereafter be brought against a defendant or defendants who reside in said southern division of said district shall be brought in said southern division; but if there are two or more defendants residing in different divisions of said district, such suit may be brought in either division of said district in which any defendant or defendants reside; and all mesne and final process subject to the provisions of this Act issued in either of the divisions of the southern district of Iowa may be served and executed in either or all of the divisions.

Where suits to be brought.

Process.

SEC. 3. That all crimes and offenses against the laws of the United States committed within the counties comprising the southern division of said district shall be prosecuted, tried, and determined at the terms of the circuit and district courts herein provided for: *Provided, however*, That all prosecutions begun and pending at the taking effect of this Act shall be proceeded with and finally determined as if this Act had not passed.

Crimes, etc., where prosecuted.

Proviso.
—pending.

Deputy clerk, etc.

SEC. 4. That the clerk of the circuit and district courts for said southern district and the marshal of said district shall each appoint a deputy, who shall reside and maintain an office at Creston, in Union County: *Provided*, That the appointment of such deputy shall be approved by the court for which they shall be respectively appointed, and they may be removed by such court at pleasure; and the clerk and marshal shall be responsible for the official acts and neglects of all their deputies.

Proviso.
Approval of ap-
pointment, etc.

Jurors.

SEC. 5. That all the grand jurors and all jurors for the trial of civil and criminal causes in the division hereby created shall be selected from citizens residing in the division created by this Act.

Approved, June 1, 1900.

June 2, 1900.

CHAP. 610.—An Act To ratify an agreement between the Commission to the Five Civilized Tribes and the Seminole tribe of Indians.

Seminole Indians.
Agreement with, as
to rolls of citizens, etc.
Preamble.

Whereas an agreement was made by Henry L. Dawes, Tams Bixby, Archibald S. McKennon, and Thomas B. Needles, the commission of the United States to the Five Civilized Tribes, and John F. Brown and K. N. Kinkehee, commissioners on the part of the Seminole tribe of Indians, on the seventh day of October, eighteen hundred and ninety-nine, as follows:

Commissioners.

“This agreement by and between the Government of the United States of the first part, entered into in its behalf by the Commission to the Five Civilized Tribes, Henry L. Dawes, Tams Bixby, Archibald S. McKennon, and Thomas B. Needles, duly appointed and authorized thereunto, and the Seminole tribe of Indians, in Indian Territory, of the second part, entered into in behalf of said tribe by John F. Brown and K. N. Kinkehee, commissioners duly appointed and authorized thereunto, witnesseth:

Who may be en-
rolled.
Vol. 30, p. 502.

“First. That the Commission to the Five Civilized Tribes, in making the rolls of Seminole citizens, pursuant to the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight, shall place on said rolls the names of all children born to Seminole citizens up to and including the thirty-first day of December, eighteen hundred and ninety-nine, and the names of all Seminole citizens then living; and the rolls so made, when approved by the Secretary of the Interior, as provided by said Act of Congress, shall constitute the final rolls of Seminole citizens, upon which the allotment of lands and distribution of money and other property belonging to the Seminole Indians shall be made, and to no other persons.

Rolls to be final.

Laws of descent.

“Second. If any member of the Seminole tribe of Indians shall die after the thirty-first day of December, eighteen hundred and ninety-nine, the lands, money, and other property to which he would be entitled if living, shall descend to his heirs who are Seminole citizens, according to the laws of descent and distribution of the State of Arkansas, and be allotted and distributed to them accordingly: *Pro-vided*, That in all cases where such property would descend to the parents under said laws the same shall first go to the mother instead of the father, and then to the brothers and sisters, and their heirs, instead of the father.

Proviso.
—to parents, etc.

“Third. This agreement to be ratified by the general council of the Seminole Nation and by the Congress of the United States.

“In witness whereof the said commissioners hereunto affix their

names, at Muskogee, Indian Territory, this seventh day of October, eighteen hundred and ninety-nine.

“HENRY L. DAWES,
 “TAMS BIXBY,
 “ARCHIBALD S. MCKENNON,
 “THOMAS B. NEEDLES,
 “Commission to the Five Civilized Tribes.
 “JOHN F. BROWN,
 “K. N. KINKEHEE,
 “Seminole Commissioners.”

Signatures.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the same be, and is hereby, ratified and confirmed, and all laws and parts of laws inconsistent therewith are hereby repealed.

Ratification.

Repeal.

Approved, June 2, 1900.

CHAP. 611.—An Act To amend the charter of the Capital Traction Company of the District of Columbia.

June 2, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Capital Traction Company be, and the same is hereby, authorized and required, within six months from the passage of this Act, to lay down an underground electric railway, with the necessary switches and turn-outs in the city of Washington, in the District of Columbia, through and along the following streets and avenues, namely: Beginning at the main tracks at the intersection of Pennsylvania avenue and Eighth street southeast, and thence easterly along said Pennsylvania avenue with double tracks to Fifteenth street east; thence by a single-track loop on Pennsylvania avenue, the circle, K, and Fifteenth streets, bounding square numbered one thousand and seventy-eight, and connecting with the double tracks at Pennsylvania avenue and Fifteenth street east; all work to be done in accordance with plans acceptable to and approved by the Commissioners of the District of Columbia.

District of Columbia.
 Capital Traction Company.

Additional route authorized.

SEC. 2. That the said Capital Traction Company of the District of Columbia shall have, over and respecting the route hereinbefore provided for, the same rights, powers, and privileges as it now has, or hereafter may have, by law over and respecting its other routes, and be subject in respect thereto to all the other provisions of its charter and law.

Rights, etc.

SEC. 3. That Congress reserves the right to alter, amend, or repeal this Act.

Amendment.

Approved, June 2, 1900.

CHAP. 612.—An Act To amend an Act entitled “An Act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes,” approved July eighth, eighteen hundred and ninety-eight.

June 2, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled “An Act to authorize the reassessment of water-main taxes in the District of Columbia, and for other purposes,” approved July eighth, eighteen hundred and ninety-eight, be, and the same is hereby, amended by

District of Columbia.
 Collection of water main taxes.
 Vol. 30, p. 721.

—when tax assessed.

—notice.

—how payable.

—interest on overdue payments.

Proviso.
—abatement for payment in full.

Cost of publishing notice.

Reimbursements for water mains laid in public streets, etc.

Brightwood avenue; cancellation of unpaid taxes, etc.

Repeal.

June 2, 1900.

Postal service appropriations.
Vol. 5, p. 80.

Postmaster-General.

Advertising.
Miscellaneous.

striking out the following words at the end of section two thereof: "That said water-main tax, or assessment, or reassessment shall be due, payable, and collectible on each lot or parcel of land or premises on and after the date on which the connection is made from the water main to the said lot or parcel of land or premises," and inserting in lieu thereof the following: "That hereafter, whenever a water main or mains shall be laid in the District of Columbia, the water-main assessment or tax authorized by law shall be assessed within thirty days after such water main or mains shall have been laid and the owner or owners affected by this assessment or tax shall be notified that the same has been assessed by a notice inserted daily, Sundays excepted, for two weeks in two newspapers published in the District of Columbia, and such assessment or tax shall be payable in four equal installments, the first of which shall be payable without interest within thirty days of the date of the last publication of said notice, the second within one year, the third within two years, and the fourth within three years from the date of the last publication of said notice, and interest at the rate of ten per centum per annum shall be charged on all amounts which shall remain unpaid at the expiration of thirty days from the date of the last publication of said notice: *Provided*, That if the assessment or tax is paid in full at any time within thirty days after the last publication of said notice an abatement of six per centum shall be allowed on the entire amount of said assessment. The cost of publication of the notice herein provided for shall be added to the amount of said assessment and collected in the same manner that said assessment is collected."

SEC. 2. That in all cases where a water main has heretofore been or may hereafter be laid in a public street or way, and in order to secure the laying of such main the cost or a part thereof has been paid to the District of Columbia prior to the laying of said main by any person or corporation, there shall be repaid from time to time to such person or corporation, out of the collections from the assessment for such main, all of the amounts so paid over and above the assessment chargeable against the land owned or controlled by said person or corporation.

SEC. 3. That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to cancel the assessment of water-main taxes unpaid on Brightwood avenue for the laying of the water main about July twentieth, eighteen hundred and ninety-five, from Fort Reno reservoir to and on Brightwood avenue from the Military road to Aspen street, where the water has not been introduced from said main on adjoining property since said water main was laid; and they are authorized and directed to reassess the tax for laying said main on Brightwood avenue according to existing law.

SEC. 4. That all laws or parts of laws inconsistent with this Act are hereby repealed.

Approved, June 2, 1900.

CHAP. 613.—An Act Making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, nineteen hundred and one.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated for the service of the Post-Office Department, in conformity with the Act of July second, eighteen hundred and thirty-six, as follows:

OFFICE OF THE POSTMASTER-GENERAL.

For advertising, seven thousand dollars.
For miscellaneous items in the office of the Postmaster-General, one thousand dollars.

For postal service in the newly acquired territory in Porto Rico, the Hawaiian Islands, and the Philippine Islands, or territory held by military occupation, and for additional transportation to and from said territory, also including postal service for all military camps or stations, to be used in the discretion of the Postmaster-General, two hundred thousand dollars: *Provided*, That the sum of twenty thousand dollars be and the same is hereby appropriated, out of this appropriation, to maintain the postal service in Porto Rico during the months of May and June, in the year nineteen hundred, to be immediately available.

For service in newly acquired territory, etc.

Provido.

Porto Rico.

Postal laws and regulations; printing revised edition.

—sale of.

For printing and binding a revised edition of the postal laws and regulations, such edition to be prepared under the direction of the Postmaster-General and printed at the Government Printing Office; and the Postmaster-General may authorize the sale of copies of such edition not needed for the use of the Department to individuals at the cost thereof, and ten per centum added, the proceeds of such sales to be deposited in the Treasury as part of the postal revenues, thirty thousand dollars, or so much thereof as may be necessary, to be immediately available.

OFFICE OF THE FIRST ASSISTANT POSTMASTER-GENERAL.

First Assistant Postmaster-General.

Postmasters.

For compensation to postmasters, eighteen million dollars. Any portion thereof saved by the consolidation of post-offices under existing law shall be transferred to the appropriation for compensation to clerks in post-offices and made available for the payment of the salaries of superintendents and clerks at stations established in lieu of the post-offices thus discontinued.

Diversion for clerks, etc.; consolidated offices.

SALARY AND ALLOWANCE DIVISION: For compensation to assistant postmasters at first and second class post-offices: One at three thousand five hundred dollars, sixteen at three thousand dollars each, one at two thousand five hundred dollars, three at two thousand dollars each, eight at one thousand nine hundred dollars each, fifteen at one thousand eight hundred dollars each, thirty at one thousand seven hundred dollars each, sixty at one thousand six hundred dollars each, eighty at one thousand five hundred dollars each, forty-six at one thousand four hundred dollars each, one hundred and twenty-four at one thousand three hundred dollars each, two hundred and thirty-five at one thousand two hundred dollars each, two hundred and nineteen at one thousand one hundred dollars each, and two hundred and thirty at one thousand dollars each; in all, for assistant postmasters, one million three hundred and forty-seven thousand seven hundred dollars.

Salary and allowance division. Assistant postmasters.

For compensation to clerks in post-offices:

Clerks.

Five hundred and fifty clerks in charge of stations and substations, at one hundred dollars each, fifty-five thousand dollars;

—at \$100 each.

One hundred and seventy-five clerks in charge of stations and substations, at two hundred dollars each, thirty-five thousand dollars;

—at \$200.

Ninety-six clerks in charge of stations and substations, janitors, messengers, porters, watchmen, and stampers, at three hundred dollars each, twenty-eight thousand eight hundred dollars;

—at \$300.

Sixty-seven clerks in charge of stations and substations, janitors, messengers, porters, watchmen, stampers, carpenters, firemen, laborers, pressmen, waste-paper examiners, mail messengers, and general utility clerks, at four hundred dollars each, twenty-six thousand eight hundred dollars;

—at \$400.

One thousand five hundred and ninety-eight clerks in charge of stations and substations, janitors, messengers, porters, watchmen, stampers, carpenters, firemen, laborers, pressmen, waste-paper examiners, mail messengers, and general utility clerks, at five hundred dollars each, seven hundred and ninety-nine thousand dollars;

—at \$500.

Two thousand six hundred and sixty clerks in charge of stations and substations, janitors, messengers, porters, watchmen, stampers,

—at \$600.

carpenters, firemen, laborers, pressmen, waste-paper examiners, mail messengers, general utility clerks, assorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, time-keepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, and stamp clerks, at six hundred dollars each, one million five hundred and ninety-six thousand dollars;

—at \$700.

Eight hundred and forty-seven clerks in charge of stations and substations, janitors, messengers, porters, watchmen, stampers, carpenters, firemen, laborers, pressmen, waste-paper examiners, mail messengers, general-utility clerks, assorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, and stamp clerks, at seven hundred dollars each, five hundred and ninety-two thousand nine hundred dollars;

—at \$800.

Three thousand nine hundred and two clerks in charge of stations and substations, stampers, mail messengers, general-utility clerks, assorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks and assistant superintendents, money-order division, at eight hundred dollars each, three million one hundred and twenty-one thousand six hundred dollars;

—at \$900.

One thousand four hundred and sixty-nine clerks in charge of stations and substations, general-utility clerks, assorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks, assistant superintendents money-order division, printers, and foremen of crews, at nine hundred dollars each, one million three hundred and twenty-two thousand one hundred dollars;

—at \$1,000.

One thousand four hundred and thirty-two assorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks, assistant superintendents money-order division, printers, foremen of crews, assistant superintendents of registry, superintendents money-order division, superintendents of registry, and superintendents of stations, at one thousand dollars each, one million four hundred and thirty-two thousand dollars;

—at \$1,100

Five hundred and thirty assorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks, assistant superintendents money-order division, printers, foremen of crews, assistant superintendents of registry, superintendents money-order division, superintendents of registry and superintendents of stations, at one thousand one hundred dollars each, five hundred and eighty-three thousand dollars;

Six hundred and ninety-two assorters, general-delivery clerks, inquiry clerks, paper distributors, raters of third and fourth class matter, record clerks, separators, special-delivery clerks, stock clerks, supply clerks, timekeepers, weighers of second-class matter, directory clerks, dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks, assistant superintendents money-order division, printers, foremen of crews, assistant superintendents of registry, superintendents money-order division, superintendents of registry, superintendents of stations, assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, bookkeepers, draftsman New York, finance clerks and secretaries and stenographers, at one thousand two hundred dollars each, eight hundred and thirty thousand four hundred dollars;

—at \$1,200.

One hundred and seventy-eight dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks, assistant superintendents money-order division, foremen of crews, assistant superintendents of registry, superintendents money-order division, superintendents of registry, superintendents of stations, assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, bookkeepers, finance clerks, secretaries and stenographers, superintendents of delivery, and superintendents of mails, at one thousand three hundred dollars each, two hundred and thirty-one thousand four hundred dollars;

—at \$1,300.

One hundred and forty-seven dispatchers, letter distributors, mailing clerks, money-order clerks, nixie clerks, registry clerks, stamp clerks, assistant superintendents money-order division, foremen of crews, assistant superintendents of registry, superintendents money-order division, superintendents of registry, superintendents of stations, assistant cashiers, assistant superintendents of delivery, assistant superintendents of mails, bookkeepers, finance clerks, secretaries and stenographers, superintendents of delivery, and superintendents of mails, at one thousand four hundred dollars each, two hundred and five thousand eight hundred dollars;

—at \$1,400.

Fifty-eight stamp clerks, assistant superintendents money-order division, assistant superintendents of registry, superintendents money-order division, superintendents of registry, superintendents of stations, bookkeepers, finance clerks, secretaries and stenographers, superintendents of delivery, and superintendents of mails, at one thousand five hundred dollars each, eighty-seven thousand dollars;

—at \$1,500.

Ninety-one stamp clerks, assistant superintendents money-order division, superintendents money-order division, superintendents of registry, superintendents of stations, bookkeepers, finance clerks, secretaries and stenographers, superintendents of delivery, and superintendents of mails, at one thousand six hundred dollars each, one hundred and forty-five thousand six hundred dollars;

—at \$1,600.

One hundred and eighteen stamp clerks, assistant superintendents money-order division, superintendents money-order division, superintendents of registry, superintendents of stations, bookkeepers, finance clerks, superintendents of delivery, and superintendents of mails, at one thousand seven hundred dollars each, two hundred thousand six hundred dollars;

—at \$1,700.

Fifty-two assistant superintendents money-order division, assistant superintendents of registry, superintendents money-order division, superintendents of registry, superintendents of stations, bookkeepers, superintendents of delivery, superintendents of mails, and cashiers, at one thousand eight hundred dollars each, ninety-three thousand six hundred dollars;

—at \$1,800.

One superintendent of delivery, one superintendent money-order division, and one superintendent of station, at one thousand nine hundred dollars each, five thousand seven hundred dollars;

—superintendents, etc., at \$1,900.

—at \$2,000.

Forty-nine superintendents money-order division, superintendents of registry, superintendents of stations, superintendents of delivery, superintendents of mails, and cashiers, at two thousand dollars each, ninety-eight thousand dollars;

—at \$2,100.

Six superintendents money-order division, superintendents of registry, superintendents of delivery, and superintendents of mails, at two thousand one hundred dollars each, twelve thousand six hundred dollars;

—at \$2,200.

Twenty-seven superintendents money-order division, superintendents of registry, superintendents of stations, superintendents of delivery, superintendents of mails, and cashiers, at two thousand two hundred dollars each, fifty-nine thousand four hundred dollars;

—at \$2,400.

Twenty assistant superintendents money-order division, assistant superintendents of registry, superintendents money-order division, superintendents of registry, superintendents of delivery, superintendents of mails, and cashiers, at two thousand four hundred dollars each, forty-eight thousand dollars;

—at \$2,500.

Seven superintendents of stations, superintendents of delivery, and superintendents of mails, at two thousand five hundred dollars each, seventeen thousand five hundred dollars;

—at \$2,600.

Thirteen superintendents of delivery, superintendents of mails, and cashiers, at two thousand six hundred dollars each, thirty-three thousand eight hundred dollars;

—at \$2,700.

Nine superintendents of delivery and superintendents of mails, at two thousand seven hundred dollars each, twenty-four thousand three hundred dollars;

Auditor, New York.

One auditor, New York, three thousand dollars;

—Chicago.

One auditor, Chicago, three thousand dollars;

Superintendents, etc., at \$3,200.

One superintendent money-order division, one superintendent of registry, one superintendent of mails, and one superintendent of delivery, at three thousand two hundred dollars each, twelve thousand eight hundred dollars;

Substitutes for clerks on vacation.

For compensation to substitutes for clerks of first and second class post-offices on vacation, one hundred and twenty-five thousand dollars;

Separating mails.

For separating mails at third and fourth class post-offices, nine hundred thousand dollars;

Temporary clerk hire.

For temporary clerk hire, one hundred thousand dollars;

Amount.

In all, for clerk hire in post-offices, twelve million eight hundred and twenty-nine thousand seven hundred dollars: *Provided*, That the Postmaster-General may, in the disbursement of this appropriation, allow postmasters at first-class offices to employ temporary clerks at the rate of twenty-five cents an hour during the rush or busy hours of the day.

Proviso.

Temporary clerks during busy hours.

Rent, light, and fuel.

For rent, light, and fuel for first, second, and third class post-offices, one million nine hundred and fifty thousand dollars: *Provided*, That there shall not be allowed for the use of any third-class post-office for rent a sum in excess of four hundred dollars, nor more than sixty dollars for fuel and light in any one year: *And provided further*, That the Postmaster-General may, in the disbursement of this appropriation, apply a part thereof to the purpose of leasing premises for the use of post-offices of the first, second, and third classes at a reasonable annual rental, to be paid quarterly for a term not exceeding ten years.

Provisos.

—limit, rent, third-class office.

—leases.

Miscellaneous.

For necessary miscellaneous and incidental items directly connected with first and second class post-offices, including furniture, cleaning, and all other matters not specifically provided for in other appropriations, two hundred and twenty-five thousand dollars: *Provided*, That the Postmaster-General, in his discretion, under such regulations as he shall prescribe, may authorize any of the postmasters of said offices

Proviso.

Expenditures without written consent.

to expend the funds he may allow them for such purposes without the written consent of the Postmaster-General.

For advertising and purchase of newspapers containing official advertisements contracted for under this appropriation at first and second class post-offices, twenty-two thousand five hundred dollars.

Advertising.

For rental or purchase of canceling machines and motors, and power therefor, one hundred and fifty thousand dollars: *Provided*, That five per centum of the foregoing appropriations for the salary and allowance division of the First Assistant Postmaster-General's bureau may be available interchangeably for expenditures on the objects named, but no one item of the appropriations shall thereby be increased more than five per centum.

Canceling machines.
Proviso.
Interchangeable expenditures.

FREE-DELIVERY SERVICE: For pay of letter carriers in offices already established, and for substitute letter carriers, and for temporary carriers at summer resorts, holiday, election, and emergency service, fourteen million seven hundred and eighty-seven thousand and six hundred dollars.

Free delivery.
Letter carriers.

For pay of letter carriers in new offices entitled to free-delivery service under existing law, sixty thousand dollars: *Provided*, That letter carriers may be required to work as nearly as practicable only eight hours on each working day, but not in any event exceeding forty-eight hours during the six working days of each week; and such number of hours on Sunday, not exceeding eight, as may be required by the needs of the service; and if a legal holiday shall occur on any working day, the service performed on said day, if less than eight hours, shall be counted as eight hours without regard to the time actually employed.

—in new offices.
Proviso.
—to work eight hours a day, etc.

For horse-hire allowance, four hundred and seventy-five thousand dollars.

Horse hire.

For car fare and bicycle allowance, two hundred and thirty thousand dollars.

Car fare and bicycles.

For incidental expenses, including letter boxes, package boxes, posts, furniture, satchels, straps, marine service at Detroit, Michigan, fifteen mechanics, to be employed exclusively in erecting and painting letter boxes in cities containing post-offices of the first-class, where they are most needed, and expenses of assistant superintendents of free-delivery service, two hundred thousand dollars; in all, fifteen million seven hundred and fifty-two thousand six hundred dollars: *Provided*, That ten per centum of the foregoing amounts for free-delivery service may be available interchangeably for expenditure on the objects named, but no one item of appropriation shall thereby be increased more than ten per centum.

Incidentals.

Proviso.
Interchangeable expenditures.

For experimental rural free delivery, including pay of carriers, horse-hire allowance, supplies, and mechanical appliances, one million seven hundred and fifty thousand dollars.

Rural free delivery.

SUPPLY DIVISION: For stationery for postal service, fifty-five thousand dollars.

Supply division.
Stationery.

For wrapping twine, one hundred thousand dollars.

Twine.

For wrapping paper, thirty thousand dollars.

Wrapping paper.

For letter balances, scales, and test weights, and repairs to same, ten thousand dollars.

Scales, etc.

For postmarking and rating stamps, and repairs to same, and ink and pads for stamping and canceling purposes, thirty thousand dollars.

Canceling, etc., stamps.

For packing boxes, sawdust, paste, and hardware, one thousand dollars.

Packing boxes.

For printing facing slips and cutting same, card slide labels, blanks, and books of an urgent nature for the postal service, twenty thousand dollars.

Printing.

Blanks, blank books, printed matter, metal advertising signs, twine,

Books, etc.

carbon paper, and articles pertaining to its use in the issue and payment of money orders, one hundred and twenty-five thousand dollars.

Money-order service. Rubber and metal stamps for the money-order service, six thousand dollars.

Stamps. Copying presses and typewriting machines (money-order service), five thousand dollars.

—copying presses. Exchange on drafts, stationery, and necessary miscellaneous incidental expenses of the money-order service, thirteen thousand dollars.

—stationery, etc.

Second Assistant Postmaster-General.

OFFICE OF THE SECOND ASSISTANT POSTMASTER-GENERAL.

Inland mail transportation. For inland mail transportation, namely: Inland transportation by star routes, including temporary service to newly established offices, five million two hundred and forty thousand dollars: *Provided*, That out of this appropriation the Postmaster-General is authorized to provide difficult or emergency mail service in Alaska, including the establishment and equipment of relay stations, in such manner as he may think advisable, without advertising therefor.

Star routes. *Provido*.

Alaska service. For inland transportation by steamboat routes, five hundred and forty-five thousand dollars.

Steamboat routes. For mail-messenger service, nine hundred and fifty thousand dollars.

Messenger service. For transportation of mail by pneumatic tube or other similar devices, by purchase or otherwise, two hundred and twenty-five thousand dollars: *Provided*, That no part of this appropriation shall be used in extending such pneumatic service beyond the service for which contracts already are entered into, and no additional contracts shall be made unless hereafter authorized by law.

Pneumatic tubes. *Provido*.

—no extension of service. For the investigation by the Postmaster-General of the cost of construction, operation, and utility of all systems of pneumatic tubes for the transmission of mail, including full details and maps, and any estimates and proposals as to cost of construction, as well as the cost of stations and their operation, and all facts bearing upon the use of said tubes in connection with the mail service, to enable Congress to determine whether the service should be owned, leased, extended, or discontinued by the Government, also the cost at which the Government may acquire existing plants or necessary patents, ten thousand dollars.

—investigation of cost, utility, etc., authorized. For regulation, screen, or other wagon service, seven hundred and fifty thousand dollars.

Wagon, etc., service. For mail bags, cord fasteners, label cases, and for labor and material necessary for repairing equipment, two hundred and seventy-five thousand dollars.

Bags, catchers, etc. For mail locks and keys, chains, tools, and machinery, and for labor and material necessary for repairing same, of which sum not exceeding two hundred dollars may be used to provide badges for railway post-office clerks, forty-three thousand dollars.

Locks, keys, etc. For rent of building for a mail-bag repair shop and lock-repair shop, and for fuel, gas, watchmen and charwomen, oil and repair of machinery for said shops, eight thousand five hundred dollars.

Repair shop. For inland transportation by railroad routes, of which a sum not exceeding forty thousand dollars may be employed to pay freight on postal cards, stamped envelopes, and stamped paper, and other supplies from the manufactories to the post-offices and depots of distribution, thirty-three million eight hundred and seventy thousand dollars.

Railroad routes. For railway post-office car service, four million five hundred and sixty-one thousand dollars.

Post-office cars. **RAILWAY MAIL SERVICE:** One General Superintendent, at three thousand five hundred dollars; one Assistant General Superintendent, at three thousand dollars; one chief clerk, office of General Superintendent, two thousand dollars; eleven division superintendents, at two thousand five hundred dollars each; eleven assistant division superin-

Railway Mail Service. Superintendents, clerks, etc.

tendents, at one thousand eight hundred dollars each; twenty-one assistant superintendents, at one thousand six hundred dollars each; eighty-five chief clerks, in charge of lines, at one thousand six hundred dollars each; twelve hundred and twenty-seven clerks, class five, at one thousand four hundred dollars each; one thousand six hundred and thirty-two clerks of class four, at one thousand two hundred dollars each; three thousand six hundred and five clerks, class three, at one thousand dollars each; one thousand nine hundred and eighty-seven clerks, class two, at not exceeding nine hundred dollars each; five hundred and twenty-five clerks, class one, at not exceeding eight hundred dollars each.

For substitutes for clerks on vacation, fifty thousand dollars: *Provided*, That the Postmaster-General may allow railway postal clerks whose duties require them to work six days or more per week, fifty-two weeks per year, an annual vacation of fifteen days, with pay.

Substitutes for clerks on vacation.
Proviso.
Vacation allowed.

For acting clerks in place of clerks injured while on duty, twenty-five thousand dollars.

Clerks acting for injured clerks.

For actual and necessary expenses of General Superintendent, assistant general superintendent, chief clerk office general superintendent, division superintendents, assistant division superintendents, chief clerks, and railway-postal clerks, while actually traveling on business of the Department and away from their several designated headquarters, forty thousand dollars.

Traveling expenses.

For per diem allowance of assistant superintendents, thirty-four thousand dollars: *Provided*, That assistant superintendents may receive a per diem allowance in lieu of actual and necessary traveling expenses at the rate of four dollars per day while actually traveling on business of the Department away from their several designated headquarters.

Per diem, assistant superintendents.
Proviso.
—in lieu of traveling expenses.

In all, for railway mail service, nine million eight hundred and sixty-three thousand nine hundred dollars.

Amount.

For inland transportation of mail by electric and cable cars, three hundred and fifty thousand dollars: *Provided*, That the rate of compensation to be paid per mile shall not exceed the rate now paid to companies performing said service.

Electric and cable car service.
Proviso.
—limit rate per mile.

For necessary and special facilities on trunk lines from New York and Washington to Atlanta and New Orleans, one hundred and seventy-one thousand two hundred and thirty-eight dollars and seventy-five cents: *Provided*, That no part of the appropriation made by this paragraph shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Special facilities.

For continuing necessary and special facilities on trunk lines from Kansas City, Missouri, to Newton, Kansas, twenty-five thousand dollars, or so much thereof as may be necessary: *Provided*, That no part of this appropriation shall be expended unless the Postmaster-General shall deem such expenditure necessary in order to promote the interest of the postal service.

Proviso.
—consent of Postmaster-General.

For miscellaneous items, including railway guides, city directories, and other books and periodicals necessary in connection with mail transportation, one thousand dollars.

Miscellaneous.

For transportation of foreign mails, two million two hundred and forty-eight thousand dollars, including additional compensation to the Oceanic Steamship Company for transporting the mails by its steamers sailing from San Francisco to New Zealand and New South Wales by way of Honolulu, all mails made up in the United States destined for the Hawaiian Islands, the Australian colonies, New Caledonia, and the islands in the Pacific Ocean, eighty thousand dollars: *Provided*, That the sum paid the said Oceanic Steamship Company shall not exceed two dollars per mile, as authorized by Act of March third, eighteen hundred and ninety-one, entitled "An Act to provide for ocean mail

Foreign mails.
Oceanic Steamship Company.

Provisos.
—limit per mile.
Vol. 26, p. 832.
Clerks on steamers.

Transfers at New York.

San Francisco.

Balances due for foreign countries.

service between the United States and foreign ports, and to promote commerce:" *And provided further*, That hereafter the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding fifty-five thousand dollars, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union; and not exceeding forty thousand dollars for transferring the foreign mail from incoming steamships in New York Bay to the several steamship and railway piers, and between the steamship piers in New York City and Jersey City and the post-office and railroad stations, and for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers.

For balances due foreign countries, one hundred and forty-five thousand dollars.

Third Assistant Postmaster-General.

OFFICE OF THE THIRD ASSISTANT POSTMASTER-GENERAL.

Stamps.
Provisos.
Special delivery revenues available for expenditures at first-class post-offices.

For manufacture of adhesive postage and special-delivery stamps, two hundred and twenty-three thousand dollars: *Provided*, That out of the revenue arising from special-delivery business the Postmaster-General may allow expenditures by postmasters at first-class post-offices, under regulations to be established by him, for car fare for special-delivery messengers in emergent cases where immediate delivery in the usual way is impracticable, not to exceed in the aggregate, for all offices, ten thousand dollars a year: *And provided further*, That at first and second class post-offices the Postmaster-General may establish rules under which special delivery may be effected by any salaried clerk or employee thereof, and the lawful special-delivery fees allowed therefor, the same as is now done at third-class offices, in cases where such delivery can not be made by regular messengers.

—fees from, available for any employee at first and second class offices; rules.

Distribution of stamps.

For pay of agent and assistants to distribute stamps, and expenses of agency, twelve thousand dollars.

Stamped envelopes.

For manufacture of stamped envelopes and newspaper wrappers, six hundred and three thousand dollars.

—distribution.

For pay of agent and assistants to distribute stamped envelopes and newspaper wrappers, and expenses of agency, seventeen thousand eight hundred dollars.

Postal cards.

For manufacture of postal cards, one hundred and fifty-eight thousand dollars.

—distribution.

For pay of agent and assistants to distribute postal cards, and expenses of agency, seven thousand eight hundred dollars.

Envelopes.

For registered-package, tag, official, and dead-letter envelopes, one hundred and one thousand dollars.

Ship, etc., letters.

For ship, steamboat, and way letters, one thousand dollars.

Indemnity for loss of registered matter.
Vol. 29, p. 599.

For payment of limited indemnity for the loss of pieces of first-class registered matter, as provided for in the Act of Congress approved February twenty-seventh, eighteen hundred and ninety-seven, entitled "An Act to amend the postal laws providing limited indemnity for loss of registered mail matter," six thousand dollars.

Miscellaneous.

For miscellaneous items, five hundred dollars.

Fourth Assistant Postmaster-General.

OFFICE OF THE FOURTH ASSISTANT POSTMASTER-GENERAL.

Mail depre-dations.

For mail depre-dations and post-office inspectors, including salaries of fifteen inspectors in charge of divisions at two thousand five hundred dollars per annum without per diem, and fifteen inspectors at two thousand two hundred and fifty dollars per annum without per diem, and fifteen inspectors at two thousand dollars per annum without per

diem, and for salaries of post-office inspectors and clerks; and for per diem allowance of inspectors in the field while actually traveling on business for the Department, five hundred and fifty thousand dollars: *Provided*, That the Postmaster-General may, in his discretion, allow post-office inspectors per diem while temporarily located at any place on duty away from home, or their designated domicile, for a period not exceeding twenty consecutive days at any one place, and may make rules and regulations governing the foregoing provisions relating to per diem: *And provided further*, That, of the amount herein appropriated, not to exceed two thousand dollars may be expended, in the discretion of the Postmaster-General, for the purpose of securing information concerning violations of the postal laws, and for services and information looking toward the apprehension of criminals.

Provisos.
Per diem to inspectors.

Securing evidence, etc.

Rewards.

For payment of rewards for the detection, arrest, and conviction of post-office burglars, robbers, and highway mail robbers, twenty-five thousand dollars.

Miscellaneous.

For miscellaneous items, one thousand dollars.

Appropriations unavailable for incapacitated employees.

SEC. 2. That the appropriations herein made for the officers, clerks, and persons employed in the postal service shall not be available for the compensation of any persons permanently incapacitated for performing such service. The establishment of a civil pension roll or an honorable service roll, or the exemption of any of the officers, clerks, and persons in the postal service from the existing laws respecting employment in such service, is hereby prohibited.

Civil pension roll, etc., forbidden.

SEC. 3. That if the revenues of the Post-Office Department shall be insufficient to meet the appropriations made by this Act, a sum equal to such deficiency of the revenues of said Department is hereby appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to supply said deficiencies in the revenues for the Post-Office Department for the year ending June thirtieth, nineteen hundred and one.

Appropriation for deficiencies in revenues.

SEC. 4. That the commission to investigate the question whether or not excessive prices are paid to the railroad companies for the transportation of the mails and as compensation for postal-car service, and all sources of revenue and all expenditures of the postal service, and rates of postage upon all postal matter, authorized by section five of the Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, approved June thirteenth, eighteen hundred and ninety-eight, and by section four of the Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, nineteen hundred, approved March first, eighteen hundred and ninety-nine, be, and it is hereby, continued with all the powers and duties given by said Acts, and with directions to report to Congress on or before January first, nineteen hundred and one, and that the unexpended balance of the sums appropriated is hereby reappropriated and made available for the expenses of said commission: *Provided, however*, That one thousand copies of all testimony hitherto taken by said commission shall be at once printed, and that one thousand copies of all testimony hereafter taken shall also be printed from time to time for the use of Congress, of which eight hundred copies shall be for the use of the House of Representatives, and two hundred copies for the use of the Senate; and the necessary amount therefor is hereby appropriated.

Congressional committee to investigate, etc., continued.

Vol. 80, pp. 445, 966.

Report.
Reappropriation of unexpended balance.

Proviso.
Copies of testimony ordered printed.

Approved, June 2, 1900.

June 2, 1900.

CHAP. 614.—An Act To amend section forty-four hundred and fourteen, title fifty-two, Revised Statutes of the United States.

Toledo, Ohio.
Board of local inspectors of steam vessels authorized at R. S., sec. 4414, p. 855 amended.
Vol. 28, pp. 699, 843.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section forty-four hundred and fourteen, title fifty-two, of the Revised Statutes of the United States, as amended by the Acts of Congress approved March first and second, eighteen hundred and ninety-five, be amended by inserting therein the words "Toledo, Ohio." after the words "Mobile, Alabama."

Approved, June 2, 1900.

June 2, 1900.

CHAP. 615.—An Act Requiring the disbursing clerk of the Census Office to file an additional bond, and for other purposes.

Census Office.
Disbursing clerk,
additional bond required of.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Director of the Census be, and he hereby is, authorized and directed to require the disbursing clerk of the Census Office to give bond to the Secretary of the Treasury, in addition to that now required by law, in the penal sum of two hundred and fifty thousand dollars, which bond shall conform to the requirements of an Act entitled "An Act to provide for taking the Twelfth and subsequent censuses," approved March third, eighteen hundred and ninety-nine, in relation to the bond to be filed by the disbursing clerk of the Census Office: *Provided,* That the Director of the Census may dispense with such additional bond after June thirtieth, nineteen hundred and one.

Vol. 30, p. 1014.

SEC. 2. That the salary of the disbursing clerk of the Census Office is hereby increased for the year ending June thirtieth, nineteen hundred and one, in the sum of five hundred dollars, so that for the year commencing July first, nineteen hundred, and ending June thirtieth, nineteen hundred and one, the salary of said officer shall be three thousand dollars.

Proviso.
—limit continuance of.

—salary increased.

SEC. 3. That, in the absence of the Director and Assistant Director, the chief clerk shall serve as Acting Director.

When chief clerk to be Acting Director.

Approved, June 2, 1900.

June 4, 1900.

CHAP. 619.—An Act Authorizing the construction of a bridge across the Red River of the North.

Cooper Pontoon Bridge Company may bridge Red River of the North.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Cooper Pontoon Bridge Company, of Walsh County, State of North Dakota, a corporation organized under the laws of the State of North Dakota, be, and is hereby, authorized to construct and maintain a pontoon bridge and approaches thereto across the Red River of the North between the State of Minnesota and the State of North Dakota, extending from a point on said river where the section line running east and west between sections eight and seventeen, township one hundred and fifty-seven north, of range fifty west, in Marshall County, State of Minnesota, intersects said river, to a point opposite in the State of North Dakota. Said bridge shall be constructed so as to provide for the passage of wagons and vehicles of all kinds, animals, and foot passengers, and for road travel, for such reasonable rates of toll and under such rules and regulations as may be prescribed by said corporation and approved from time to time by the Secretary of War.

Location.

Toll.

To be lawful structure and post route.

SEC. 2. That any bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the

transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for transportation over railroads or public highways leading to the said bridge; and it shall enjoy the rights and privileges of other post roads in the United States, and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes. And equal rights as to constructing and maintaining their lines over said bridge shall be granted to all telephone and telegraph companies desiring to use the same.

Telegraph, etc., companies.

SEC. 3. That said bridge shall be constructed as a pontoon drawspan bridge, and shall contain a pontoon drawspan of such dimensions as the Secretary of War shall prescribe, which said drawspan shall be maintained on the main channel of the river at an accessible and navigable point; and the piers shall be parallel with, and the bridge itself at right angles to, the current of the river: *Provided*, That said draw shall be opened promptly, upon reasonable signal, for the passage of boats and rafts; and said corporation shall maintain at its own expense, from sunset to sunrise, such lights or other signals on said bridge as the Light-House Board shall prescribe. No bridge shall be constructed or maintained under the authority of this Act which shall at any time substantially or materially obstruct the free navigation of said river; and if any bridge erected under said authority shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction, and all such alterations shall be made and all such obstructions be removed at the expense of the said corporation; and in case of any litigation arising from any obstruction or alleged obstruction to the free navigation of said river, caused or alleged to be caused by said bridge, suit may be brought in any circuit court of the United States for the circuit in which said bridge or any part thereof is located to remove or remedy the same: *Provided further*, That nothing in this Act shall be construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt this bridge from the operations of the same.

Draw.

Proviso.
—opening of.

Lights.

Bridge not to obstruct navigation.

Litigation.

Existing law unaffected.

SEC. 4. That any bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said corporation shall submit to the Secretary of War, for his examination and approval, a design and drawings of the said bridge and a map of the location, giving, for the space of one-half mile above and one-half mile below the proposed location, the high and low water lines upon the banks of the river, the direction and strength of the current at all stages, with the soundings, accurately showing the bed of the stream, and the location of any other bridge or bridges, such map to be sufficiently in detail to enable the Secretary of War to judge of the proper location of said bridge, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject; and until such plan and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of said bridge, during the progress of construction or after completion, such change shall be subject to the approval of the Secretary of War.

Secretary of War to approve plans, etc.

—changes.

SEC. 5. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Amendment.

SEC. 6. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of the approval of this Act.

Commencement and completion.

June 4, 1900.

CHAP. 620.—An Act Permitting building a dam across New River.F. H. Fries et al.
may dam New River,
Va.Provisos.
—changes.

Passage of fish.

Litigation.

Commencement
and completion.

Amendment.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the consent of Congress is hereby granted to F. H. Fries and W. C. Ruffin, of the State of North Carolina, their successors and assigns, to erect, construct, and maintain across New River, in Grayson County, Virginia, at any point within two miles of the mouth of Stevens Creek, a dam and all other works necessarily incident thereto for water-power purposes: *Provided,* That the said F. H. Fries and W. C. Ruffin, their successors and assigns, shall make, at their own expense, such change and modification of the said dam as the Secretary of War may from time to time direct in the interests of the navigation of said river: *Provided further,* That ladders suitable for the passage of fish over the said dam shall be constructed and maintained by the said parties, their successors and assigns, as may from time to time be required by the United States Fish Commissioner: *Provided further,* That in case any litigation arises from the obstruction of the channel by the said dam, or works appurtenant thereto, that the same may be tried in the courts of the United States having proper jurisdiction.

SEC. 2. That this Act shall become null and void unless the dam herein authorized shall be commenced within two years and completed within five years of the date hereof.

SEC. 3. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 4, 1900.

June 4, 1900.

CHAP. 621.—An Act Authorizing and requiring certain extensions to be made to the lines of the Capital Traction Company and of the Anacostia and Potomac River Railroad Company of the District of Columbia.District of Columbia.
Capital Traction
Company.
Extension of lines
authorized.

Route.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Capital Traction Company of the District of Columbia be, and it hereby is, authorized and required to construct the necessary tracks and to make the necessary connections for the purpose of operating its cars by the underground electric system and to operate the same over and along the following route, namely: Beginning at the intersection of First and C streets northwest, east on C street to Delaware avenue, and thence by a loop around square six hundred and eighty-six (bounded by Delaware avenue, B, First, and C streets northeast). Also, beginning at the intersection of Pennsylvania avenue and Seventeenth street northwest; south on Seventeenth street by double tracks to G street northwest; west on G street by single track to Twenty-fifth street; north on Twenty-fifth street by single track to Pennsylvania avenue. Also, beginning with the tracks at the corner of Seventeenth and G streets northwest; south on Seventeenth street by single track to F street northwest; west on F street by single track to Twenty-sixth street northwest; north on Twenty-sixth street by single track to Pennsylvania avenue: *Provided,* That for the purpose of furnishing a loop, for use when necessary, a single track may be extended along G street northwest from Twenty-fifth to Twenty-sixth streets, connecting with the single tracks in Twenty-fifth and Twenty-sixth streets northwest.

Proviso.
G street loop.Anacostia and Potomac
River Railroad.
Extension of lines
authorized.

SEC. 2. That the Anacostia and Potomac River Railroad Company be, and it is hereby, authorized and required, within one year from the date of the approval of this Act, to extend the lines of its underground electric railroad from the intersection of First street east and E street south, north along First street to B street south; thence west along B street, connecting with its existing tracks between Second and Third streets west.

SEC. 3. That where the route provided for in this Act coincides with the routes of existing street railways one set of tracks shall be used in common, upon terms mutually agreed upon, or, in case of disagreement, upon terms determined by the supreme court of the District of Columbia, which is authorized and directed to give hearing to the interested parties and to fix the terms of joint trackage.

Joint trackage.

SEC. 4. That the extensions herein authorized shall be completed and cars operated over the same within one year from the date of the passage of this Act. The double tracks of the Capital Traction Company now in the south side of C street northwest, between First street and New Jersey avenue, shall also be removed within said time, and the space so vacated restored to proper condition in a manner satisfactory to the Commissioners of the District of Columbia.

Completion of construction, etc.

SEC. 5. That the extensions herein authorized shall be constructed in accordance with plans satisfactory to the Commissioners of the District of Columbia and approved by them.

Approval of plans.

SEC. 6. That the said Capital Traction Company and the Anacostia and Potomac River Railroad Company shall have, over and respecting the routes herein provided for, the same rights, powers, and privileges they respectively have or hereafter may have by law, over and respecting their other routes, and be subject in respect thereto to all the other provisions of their charters and of law.

Rights, etc.

SEC. 7. That Congress reserves the right to alter, amend, or repeal this Act.

Amendment.

Approved, June 4, 1900.

CHAP. 622.—An Act Authorizing the Secretary of the Interior to set aside certain described lands in San Juan County, Colorado, as a legal subdivision or lot, and authorizing the mayor of Silverton to enter said land for cemetery purposes.

June 4, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to set aside the following-described land as a legal subdivision or lot, namely: Beginning at corner numbered one, a post which is also the corner post of the fence of old cemetery, and marked "Cor. No. 1, Cemetery," whence United States locating monument "Silverton" bears north seventy-nine degrees twenty-four minutes west two thousand nine hundred and eighteen and nine-tenths feet, Bear Mountain bears south sixty-nine degrees fifty-seven minutes west, Sultan Mountain bears south fifty-one degrees fifty-six minutes west, Galena Mountain bears north seventy-nine degrees twenty-four minutes east; thence north fifty-seven degrees six minutes east five hundred and sixty-two feet to corner post of old cemetery, one thousand and ninety-one and three-tenths feet to corner numbered two, a post six inches in diameter, four and one-half feet long, scribed "2 X" and marked "Cemetery," and set in ground with mound of stones; thence north eighteen degrees forty minutes west five hundred and sixty-three and seven-tenths feet to corner numbered three, a post six inches in diameter, four and one-half feet long, scribed "3 X" and marked "Cemetery," and set in ground with mound of stones; whence a cross "X" and "B. T. 3 X," scribed on a small pine tree six inches in diameter, bears south forty-seven degrees fifty-nine minutes east eleven and five-tenths feet, Galena Mountain bears north eighty-two degrees seven minutes east, and Sultan Mountain bears south fifty-one degrees three minutes west; thence south seventy-two degrees thirteen minutes west six hundred and eighty-three feet to corner numbered four, a corner post of the fence of old cemetery, marked "Cor. No. 4, Cemetery;" thence south seventy-four degrees west five hundred and eighty-nine and eight-tenths feet to corner num-

Subdivision of land near Silverton, San Juan County, Colo., for cemetery authorized. Boundaries.

bered five, a corner post of the fence of old cemetery, marked "Cor. No. 5, Cemetery;" thence south eight degrees four minutes east three hundred and seventy-six and one-tenth feet to corner numbered six, a corner post of the fence of old cemetery, marked "Cor. No. 6, Cemetery;" thence south forty-eight degrees thirteen minutes east five hundred and seventy-five feet to corner numbered one, the place of beginning. Magnetic variation fourteen degrees and two minutes east. All courses deflected from a true meridian, the above-described tract of land containing twenty and eight hundred and forty-one one-thousandths acres, all in San Juan County, Colorado, and near the town of Silverton in said county.

Payment, etc.

SEC. 2. That the mayor of the town of Silverton, Colorado, is hereby authorized to enter the above-described land at the proper land office, for cemetery purposes, subject to any legal, valid, and existing claims, by paying to the receiver of the proper land office one dollar and twenty-five cents per acre therefor, and all legal fees.

Approved, June 4, 1900.

June 4, 1900.

CHAP. 623.—An Act To establish Calais, in the State of Maine, as a subport of entry, and to extend the privileges of the Act approved June tenth, eighteen hundred and eighty, to the ports of Eastport and Calais, in the State of Maine.

Calais, Me., made subport of entry.

Vol. 21, p. 174

Immediate transportation privileges.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Calais, Maine, be, and is hereby, established as a subport of entry in the customs collection district of Passamaquoddy, Maine, and that the privileges of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisal, be, and are hereby, extended to said port and to the port of Eastport, in said district.

Approved, June 4, 1900.

June 5, 1900.

CHAP. 714.—An Act To extend the privilege of immediate transportation of dutiable goods to the port of Astoria, Oregon.

Astoria, Oreg. Privilege of immediate transportation of dutiable goods extended to.

Vol. 21, p. 174.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the privilege of immediate transportation of dutiable goods, in accordance with the provisions of an Act entitled "An Act to amend the statutes in relation to the immediate transportation of dutiable goods, and for other purposes," approved June tenth, eighteen hundred and eighty, and the amendments thereto, be, and the same is hereby, extended to the port of Astoria, Oregon.

Approved, June 5, 1900.

June 5, 1900.

CHAP. 715.—An Act To amend sections eight, nine, and fifteen of the Act entitled "An Act revising and amending the various Acts establishing and relating to the Reform School in the District of Columbia," approved May third, eighteen hundred and seventy-six.

District of Columbia. Reform School. Vol. 19, pp. 50, etc., amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That sections eight, nine, and fifteen of the Act entitled "An Act revising and amending the various Acts establishing and relating to the Reform School of the District of Columbia," approved May third, eighteen hundred and seventy-six, be, and they are hereby, amended as follows:

Amend section eight so that it shall read as follows:

“SEC. 8. That whenever any boy under the age of seventeen years shall be brought before any court of the District of Columbia, or any judge of such court, and shall be convicted of any crime or misdemeanor punishable by fine or imprisonment, other than imprisonment for life, such court or judge, in lieu of sentencing him to imprisonment in the county jail or fining him, may commit him to the Reform School, to remain until he shall arrive at the age of twenty-one years, unless sooner discharged by the board of trustees. And the judges of the criminal and police courts of the District of Columbia shall have power to commit to the Reform School, first, any boy under seventeen years of age who may be liable to punishment by imprisonment under any existing law of the District of Columbia, or any law that may be enacted and in force in said District; second, any boy under seventeen years of age, with the consent of his parent or guardian, against whom any charge of committing any crime or misdemeanor shall have been made, the punishment of which, on conviction, would be confinement in jail or prison; third, any boy under seventeen years of age who is destitute of a suitable home and adequate means of obtaining an honest living, or who is in danger of being brought up, or is brought up, to lead an idle or vicious life; fourth, any boy under seventeen years of age who is incorrigible, or habitually disregards the commands of his father or mother, or guardian, who leads a vagrant life, or resorts to immoral places or practices, or neglects or refuses to perform labor suitable to his years and condition, or to attend school. And the president of the board of trustees may also commit to the Reform School such boys as are mentioned in the foregoing third and fourth classes upon application or complaint, in writing, of a parent, or guardian, or relative having charge of such boy, and upon such testimony in regard to the facts stated as shall be satisfactory to him; and for taking testimony in such cases, he is hereby empowered to administer oaths.”

Commitment of boys under 17.

—by whom made.

—in what cases.

Commitment by president of board of trustees.

Amend section nine so that it shall read as follows:

“SEC. 9. That every boy sent to the Reform School shall remain until he is twenty-one years of age, unless sooner discharged or bound as an apprentice.”

Period of detention.

Amend section fifteen so that it shall read as follows:

“SEC. 15. That the board of trustees may make such by-laws, rules, and regulations for their own government and that of the institution, its officers, employees, and inmates, the employment, discipline, instruction, education, removal, and absolute, temporary, or conditional release of all boys committed to the school, as they may deem necessary and proper, and as are not contrary to the Constitution and to the laws of the District of Columbia.”

By-laws.

Approved, June 5, 1900.

CHAP. 716.—An Act For the relief of the Colorado Cooperative Colony; to permit second homesteads in certain cases, and for other purposes.

June 5, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the time for making final proof and payment for all lands located under the desert-land laws of the United States by members of the Colorado Cooperative Colony, namely: Number four hundred and ninety-four, George Douglass, section four, township forty-six north, range fifteen west; number four hundred and thirty-eight, Erskine Easton, section five, township forty-six north, range fifteen west; number four hundred and twenty-one, Ruth R. Miller, section five, township forty-six north, range fifteen west; number four hundred and sixty-six, Evelyn Winter, section five, township forty-six north, range fifteen west; number

Colorado Cooperative Colony.

Time extended to members of, for payment, etc., for lands located under desert-land laws, etc.

Colorado Coopera-
tive Colony—Con-
tinued.

four hundred and sixty-nine, Charles A. Hastings, section five, township forty-six north, range fifteen west; number four hundred and eleven, Julia A. Howard, section six, township forty-six north, range fifteen west; number four hundred and twenty-two, Thomas M. Campbell, section six, township forty-six north, range fifteen west; number four hundred and thirty-nine, Edward L. Kittell, section six, township forty-six north, range fifteen west; number four hundred and sixty-seven, Robert L. Veach, section six, township forty-six north, range fifteen west; number four hundred and sixty-eight, Presly B. Veach, section six, township forty-six north, range fifteen west; number four hundred and sixty, Fred. C. Tawney, section six, township forty-six north, range fifteen west; number four hundred and twenty-three, Charles C. Goodrich, section six, township forty-six north, range fifteen west; number four hundred and thirty-seven, Melville J. Goodrich, section six, township forty-six north, range fifteen west; number four hundred and two, Olaf S. Petterson, section seven, township forty-six north, range fifteen west; number four hundred and three, Robert W. Crane, section seven, township forty-six north, range fifteen west; number four hundred and forty-five, Cornelius C. Langford, section seven, township forty-six north, range fifteen west; number four hundred and one, Hugh L. Shellabarger, section seven, township forty-six north, range fifteen west; number four hundred and thirteen, Cora G. Wartner, section seven, township forty-six north, range fifteen west; number four hundred and thirty-six, Nancy L. Bowen, section seven, township forty-six north, range fifteen west; number three hundred and ninety-five, George Slotte, section eight, township forty-six north, range fifteen west; number four hundred and forty-eight, Cassius N. Gile, section eight, township forty-six north, range fifteen west; number three hundred and sixty-one, Ludelbert A. Lewis, section eight, township forty-six north, range fifteen west; number four hundred and eighty-seven, Clara L. Gile, section nine, township forty-six north, range fifteen west; number two hundred and twenty-eight, Edward L. Gallatin, section nine, township forty-six north, range fifteen west; number four hundred and eighty-four, Waldo Linnell, section nine, township forty-six north, range fifteen west; number four hundred and eighty-three, John H. Iverson, section nine, township forty-six north, range fifteen west; number three hundred and forty-eight, Reuben S. Riehl, section twelve, township forty-six north, range sixteen west; number four hundred and seventy-five, Frank C. Gibbs, section twelve, township forty-six north, range sixteen west; number three hundred and ninety-nine, George C. Wright, section twelve, township forty-six north, range sixteen west; number three hundred and thirty-nine, Charles Reed, section twenty-four, township forty-six north, range sixteen west; number three hundred and eighty-five, John F. Skees, section fourteen, township forty-seven north, range sixteen west; number four hundred and twenty-six, Emory C. Brooks, section fourteen, township forty-seven north, range sixteen west; number four hundred and fifty-one, Elmer C. Brooks, section fourteen, township forty-seven north, range sixteen west; number four hundred and sixty-four, James Cooper, section fifteen, township forty-seven north, range sixteen west; number three hundred and ninety-six, Frank E. Furry, section twenty-two, township forty-seven north, range sixteen west; number four hundred and twenty-nine, William B. Benny, section twenty-three, township forty-seven north, range sixteen west; number four hundred and thirty-five, William C. McGuire, section twenty-three, township forty-seven north, range sixteen west; number four hundred and thirty, John Doing, section twenty-three, township forty-seven north, range sixteen west; number four hundred and thirty-one, Arlie C. Coon, section twenty-three, township forty-seven north, range sixteen west; number four hundred and six, Fred

H. Brown, section twenty-four, township forty-seven north, range sixteen west; number three hundred and ninety-one, Uri H. Walker, section twenty-four, township forty-seven north, range sixteen west; number two hundred and forty, Georgena R. Smith, section twenty-five, township forty-seven north, range sixteen west; number four hundred and sixteen, Albert C. Snyder, section twenty-five, township forty-seven north, range sixteen west; number three hundred and fifty-two, Claus J. Jensen, section twenty-five, township forty-seven north, range sixteen west; number four hundred and eighty-two, M. B. Leap, section twenty-seven, township forty-seven north, range sixteen west; number four hundred and eighty-five, Gustav D. Hanman, section twenty-seven, township forty-seven north, range sixteen west; number three hundred and forty-eight, Chester C. Dunn, section thirty-five, township forty-seven north, range sixteen west; number two hundred and seventy-six, Hattie H. Chrisman, section thirty-five, township forty-seven north, range sixteen west; number four hundred and seventy-nine, Ligel M. Preston, section thirty-five, township forty-seven north, range sixteen west; number four hundred and five, Bertha Tarkoff, section thirty-six, township forty-seven north, range sixteen west; number four hundred and four, Friend D. Minor, section thirty-six, township forty-seven north, range sixteen west; number two hundred and seventy-eight, Hattie E. Wright, section thirty-six, township forty-seven north, range sixteen west; number two hundred and twenty-nine, Ada R. McElroy, section ten, township forty-six north, range fifteen west; number four hundred and seventy-one, Leroy M. Veach, section fifteen, township forty-six north, range fifteen west; number three hundred and fifty-four, Isaac Tarkoff, section sixteen, township forty-six north, range fifteen west; number four hundred and seventy-two, Handy R. Babcock, section sixteen, township forty-six north, range fifteen west; number four hundred and ten, Benj. L. Smith, section sixteen, township forty-six north, range fifteen west; number three hundred and ninety-seven, Samuel England, section sixteen, township forty-six north, range fifteen west; number three hundred and thirteen, Rockwood H. Blake, section thirty, township forty-six north, range fifteen west; number three hundred and forty-seven, John H. Dunmike, section thirty-six, township forty-six north, range fifteen west; number three hundred and forty-four, Clarence A. Wood, section thirty-six, township forty-six north, range fifteen west; number four hundred, May Schenck, section thirty, township forty-seven north, range fifteen west; number four hundred and forty-four, Ralph E. Chatfield, section thirty-one, township forty-seven north, range fifteen west; number four hundred and forty-one, Lida M. Brown, section thirty-one, township forty-seven north, range fifteen west; number two hundred and thirty, Hezekiah Epperson, section one, township forty-six north, range sixteen west; number four hundred and seven, William Liebenberg, section one, township forty-six north, range sixteen west; number three hundred and seventy-five, Julia W. Barnes, section one, township forty-six north, range sixteen west; number four hundred and eighty-one, Samuel M. Kerns, section one, township forty-six north, range sixteen west; number four hundred and thirty-two, Harry J. Langdon, section two, township forty-six north, range sixteen west; number four hundred and thirty-three, John O'Leary, section two, township forty-six north, range sixteen west; number three hundred and fifty-three, James Mahaffy, section four, township forty-six north, range sixteen west, all in Montrose County, Colorado, land district, shall be extended for a period of three years.

SEC. 2. That any person who has heretofore made entry under the homestead laws and commuted same under provisions of section twenty-three hundred and one of the Revised Statutes of the United States and the amendments thereto shall be entitled to the benefits of the

Colorado Cooperative Colony—Continued.

Additional entry to homesteaders commencing first entry, etc. R. S., sec. 2361, p. 421.

homestead laws, as though such former entry had not been made, except that commutation under the provisions of section twenty-three hundred and one of the Revised Statutes shall not be allowed of an entry made under this section of this Act.

SEC. 3. That any person who prior to the passage of this Act, has made entry under the homestead laws, but from any cause has lost or forfeited the same shall be entitled to the benefits of the homestead laws as though such former entry had not been made: *Provided, That* persons who purchased land under and in accordance with the terms of an Act entitled "An Act to provide for the sale of lands patented to certain members of the Flathead band of Indians in the Territory of Montana, and for other purposes," approved March second, eighteen hundred and eighty-nine, shall not be held to have impaired or exhausted their homestead rights by or on account of any such purchase.

Approved, June 5, 1900.

—for forfeiture.

Proviso.
Purchasers of Flathead Indian lands, Montana, included.
Vol. 25, p. 371.

June 5, 1900.

CHAP. 717.—An Act Relating to the allowance of exceptions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section nine hundred and fifty-three of the Revised Statutes be so amended as to read as follows:

"SEC. 953. That 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 at the trial of the cause, without any seal of the court or judge annexed thereto. And in case the judge before whom the cause has heretofore been or may hereafter be tried is, by reason of death, sickness, or other disability, unable to hear and pass upon the motion for a new trial and allow and sign said bill of exceptions, then the judge who succeeds such trial judge, or any other judge of the court in which the cause was tried, holding such court thereafter, if the evidence in such cause has been or is taken in stenographic notes, or if the said judge is satisfied by any other means that he can pass upon such motion and allow a true bill of exceptions, shall pass upon said motion and allow and sign such bill of exceptions; and his ruling upon such motion and allowance and signing of such bill of exceptions shall be as valid as if such ruling and allowance and signing of such bill of exceptions had been made by the judge before whom such cause was tried; but in case said judge is satisfied that owing to the fact that he did not preside at the trial, or for any other cause, that he can not fairly pass upon said motion, and allow and sign said bill of exceptions, then he may in his discretion grant a new trial to the party moving therefor."

SEC. 2. That this Act shall apply to all causes now pending, and to all causes pending for hearing upon motion for new trials, and to all causes pending for the allowance of a bill of exceptions.

Approved, June 5, 1900.

United States courts.
Bills of exceptions.
R. S., sec. 953, p. 130,
amended.

What is sufficient authentication.

Inability of trial judge to sign.

—other judges may sign, etc.

Pending cases included.

June 5, 1900.

CHAP. 718.—An Act Relating to certain railway corporations owning or operating street railways in the District of Columbia.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Anacostia and Potomac River Railroad Company, the Brightwood Railway Company of the District of Columbia, the Capital Railway Company, the City and Suburban Railway Company, the Columbia Railway Company, the

District of Columbia.
Certain street railways may contract mutually for the use of their respective roads.

Georgetown and Tennallytown Railway Company, the Metropolitan Railroad Company of the District of Columbia, and the Washington and Great Falls Electric Railway Company may, under the authority of this Act, and the Washington and Rockville Railway Company, the Washington, Woodside and Forest Glen Railway and Power Company, and the Washington and Glen Echo Railroad Company may also, if not inconsistent with the laws of Maryland, from time to time, by their respective boards of directors, enter into contracts with each other, or with any of the others, for the use of their respective roads or routes, or any part thereof. No such contract shall take effect until the same shall have been approved by the written consent of the owners of record of at least three-fourths of the capital stock of each corporation, or by the vote of the owners of three-fourths of such capital stock represented at a special meeting called and held as prescribed by law: *Provided*, That in case any corporation enters into any such contract it is hereby authorized to change its corporate name to any other corporate name not then lawfully used by any existing corporation incorporated or organized in the said District. Such change may be made by a certificate signed and acknowledged by a majority of the directors of such corporation and filed with the recorder of deeds for the District of Columbia.

Stockholders to approve contract.

Proviso.
Change of corporate name.

SEC. 2. That the Washington and Great Falls Electric Railway Company may acquire and hold stock in any street railway corporation specifically named above with which it is authorized by the terms of this Act to enter into a contract for the use of its road or route, and may provide for payment for the same by issuing additional amounts of its own capital stock in such classes and with such preferences as it may determine, or by issuing its bonds, secured by mortgage or deed of trust upon its right of way, property, and franchises, or other obligations, or by issuing both such stock and bonds or other obligations to an amount not exceeding the amounts of the actual consideration paid or payable for the stock so acquired, and may also issue further amounts of its stock or bonds or other obligations not exceeding the amounts of the actual consideration paid, or to be paid, for any equipment or extensions of any such road or route or for electric power therefor: *Provided*, That the capital stock of said company shall at no time exceed fifteen million dollars. Whenever the said Washington and Great Falls Electric Railway Company shall have acquired a majority of all the stock issued by any such corporation, it shall have power to guarantee the bonds or other obligations of such corporation and to purchase such bonds or other obligations. The Washington and Great Falls Electric Railway Company may also agree with any corporation specifically named above with which it is authorized by this Act to enter into a contract for the use of its road or route for the purchase of the estate, property, rights, and franchises of such other corporation, and for payment for the same in cash or in the stock or bonds or other obligations of said Washington and Great Falls Electric Railway Company, to be issued in the manner and subject to the limitation hereinbefore provided; and each such corporation is hereby empowered, with the consent in writing of the owners of three-fourths of its capital stock, to enter into such contract of purchase and sale through its board of directors.

Washington and Great Falls Electric Railway may acquire stock in companies named.
—may issue bonds, etc., in payment.

Proviso.
Limit capital stock. May guarantee bonds of acquired company.

—may purchase, etc.

Upon the execution of such contract of purchase and the payment or delivery of the consideration therein agreed upon the estate, property, rights, and franchises of the corporation selling the same shall vest in and be held and enjoyed by the Washington and Great Falls Electric Railway Company as fully and entirely, without change or diminution, as the same were before held and enjoyed by the company selling the same, and shall be managed and controlled by the board of directors of the said Washington and Great Falls Electric Railway Company in its

Control of purchased property.

corporate name or in such other name as it shall adopt by the filing of a certificate as hereinbefore authorized: *Provided*, That the existing liabilities of the selling corporation and the rights of its creditors shall not be affected thereby: *And provided further*, That no action or proceeding to which any corporation whose estate, property, rights, and franchises shall be acquired as herein provided is a party shall abate in consequence thereof, but the same may be continued in the name of the party by or against which the same was begun, unless the court shall order the said Washington and Great Falls Electric Railway Company to be substituted in its place.

The approval of stockholders herein provided for may be given by the consent in writing of the owners of record of three-fourths of the capital stock of each company, or by the vote of the owners of three-fourths of the capital stock of each company, represented at a special meeting called and held as prescribed by the by-laws of the respective companies or by law. Whenever a certificate shall be filed with the recorder of deeds for the District of Columbia, signed and acknowledged by a majority of the board of directors of each of the corporations to be affected thereby, showing that a contract of purchase and sale has been made and approved as herein provided, such certificate shall be presumptive evidence of the facts therein set forth. Upon the filing of such certificate a notice shall be mailed to each stockholder of record in such corporations, setting forth the time when and place where such certificate was filed, and if within thirty days after the mailing of such notice any stockholder of any of the companies affected thereby shall give notice in writing to the said Washington and Great Falls Electric Railway Company that he dissents from such contract, it shall be the duty of the said company, within sixty days after the filing of such certificate, to institute a proceeding for the appraisement of the shares of such dissenting stockholder. If any stockholder shall omit to give such notice of dissent, he shall be deemed to have assented to such contract. Said proceeding for appraisement may be begun by filing with the supreme court of the said District a petition praying for the appointment of three persons to appraise the value of such stock. The court shall thereupon appoint three such appraisers and designate the time and place of their first meeting. The court may fill any vacancy in the board of appraisers occurring by refusal or neglect to serve or otherwise. The appraisers shall meet at the time and place designated, and after being sworn honestly and faithfully to discharge their duties, shall appraise such stock at its full value, without regard to any appreciation or depreciation thereof in consequence of such contract of purchase and sale; and said award, when confirmed by the court, shall be final and conclusive on all parties. The charges and expenses of the appraisers shall be paid by the said Washington and Great Falls Electric Railway Company. If the person entitled to receive the amount of the award shall refuse to accept the same, or if for any reason it shall not be possible to make payment of the amount of the award to such person entitled to receive the same, without unreasonable delay, the court may direct the same to be deposited in court. When the said company shall have paid or deposited in court the amount fixed by the appraisers as the value of the shares of the dissenting stockholder, such stockholder shall cease to have any interest in said appraised stock or in the property or franchises represented thereby, and the said Washington and Great Falls Electric Railway Company shall receive back from the corporation whose estate, rights, property, and franchises it has acquired, that portion of the consideration for such sale, or of the proceeds thereof, which otherwise would have been distributed to such dissenting stockholder. If such payment or deposit is not made within thirty days from the confirmation of the appraisal, the amount of the award, with interest from the date of con-

Proviso.
Existing liabilities unaffected.
Pending actions not to abate.

Stockholders approval to contract of sale; how given.

Filing certificate of sale, etc.

Dissent of stockholder to contract of sale.

—appraisal of his shares.

—procedure.

—appraisers.

—refusal to accept award, etc.

—failure of company to pay award, etc.

firmation, shall be a judgment against the said Washington and Great Falls Electric Railway Company, and may be entered, docketed, and collected as other judgments in said court are by law collectible. If the said company shall omit to institute the proceeding hereinbefore required, within the time hereby limited, the stockholder giving such notice may institute such proceeding by a proper petition on his own behalf or, at the election of such stockholder, the estate, rights, property, and franchises of the selling corporation shall revert in such corporation, and the consideration received therefor shall be repaid to the said Washington and Great Falls Electric Railway Company.

—or to institute proceedings.

All obligations imposed by law upon the Washington and Great Falls Electric Railway Company in respect to the time and mode of constructing its railway, or the motive power to be employed, or the speed or frequency at which cars are to be run, or in respect to any other matter affecting the interests of the United States, or of the general public, or the people of the said District, except as such obligations are expressly modified or repealed by this Act, shall continue to be applicable to the road or route now belonging to said corporation, and shall be confined thereto: *Provided*, That the Washington and Great Falls Electric Railway Company, on the purchase of the property or franchises of any or all of said railroad companies as in this bill authorized, shall be empowered to charge over the said route or routes thus acquired the rates of fare now authorized by law to be charged thereon by the respective companies owning or operating the same, and no more: *And provided further*, That the right or privilege granted by section one of the Act approved July twenty-ninth, eighteen hundred and ninety-two, entitled "An Act to incorporate the Washington and Great Falls Electric Railway Company," by which said company is authorized to charge a fare of ten cents per passenger for transportation over the line of railway authorized and described by said Act, be, and the same hereby is, amended so as to limit the rate of fare on said line of railway to five cents per passenger, and said Washington and Great Falls Electric Railway Company is hereby required to sell tickets at the rate of six for twenty-five cents, each good for the transportation of one passenger over the whole or any part of its said line of railway authorized and described by said Act within the District of Columbia.

Existing obligations of company continued.

Provisos.
Rate of fare.

Vol. 27, p. 326.

—six tickets for 25 cents.

All obligations imposed by law upon any corporation whose road or route is acquired in accordance with the provisions of this Act, except as the same may be expressly modified or repealed by this Act, shall continue to be applicable to such acquired road or route and shall be confined thereto, and such road or route shall be acquired subject to such obligations and with all the rights and powers possessed by the selling corporation.

Existing obligations of acquired road continued.

SEC. 3. That the Washington and Great Falls Electric Railway Company may acquire and hold shares of the capital stock or other securities of any company supplying or under contract to supply electric power in the operation of its railway to it or to any of the corporations whose shares of stock or whose property and franchises it is authorized to acquire under this Act; and as a part of any contract for the supply of said power the said Washington and Great Falls Electric Railway Company may exchange its stock and securities for the stock and securities of any such electric power company, and may guarantee the securities of any such power company, but in no event shall said railway corporation be authorized to receive a transfer of the property or franchises of such electric power company.

Company may acquire stock of electric power companies, etc.

SEC. 4. That the Washington and Great Falls Electric Railway Company is hereby authorized from time to time to make such changes in the number of its directors as its by-laws may provide, and also to limit and regulate in its by laws the times and conditions of the exam-

Changes in number of directors.

Examination of books by stockholders.

Proviso.
—stock and transfer books.

ination of its books and records by stockholders: *Provided*, That the stock and transfer books shall at all times, during business hours, be open to the inspection of stockholders.

Repeal.

SEC. 5. That all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Amendment.

SEC. 6. That Congress reserves the power to alter, amend, or repeal this Act.

Approved, June 5, 1900.

June 6, 1900.

CHAP. 779.—An Act To amend an Act granting to the Muscle Shoals Power Company right to erect and construct canal and power stations at Muscle Shoals, Alabama.

Muscle Shoals Power Company canal and power stations.
Vol. 30, p. 1351.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section two of an Act entitled "An Act granting to the Muscle Shoals Power Company right to erect and construct canal and power stations at Muscle Shoals, Alabama," approved March third, eighteen hundred and eighty-nine, be, and the same is hereby, amended so as to read as follows:

Time extended to complete work.

"SEC. 2. That unless the work herein authorized be commenced within two years, and completed within four years from the date hereof, the privileges hereby granted shall cease and be determined."

Approved, June 6, 1900.

June 6, 1900.

CHAP. 780.—An Act To create a commission to make settlement and adjustment with the Sioux City and Pacific Railroad Company of its indebtedness to the Government of the United States.

Sioux City and Pacific Railroad.
Commission to adjust indebtedness of to Government created.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury, the Secretary of the Interior, and the Attorney-General of the United States are hereby authorized and empowered to make settlement and adjustment of the Sioux City and Pacific Railroad Company's indebtedness to the Government of the United States; and to that end may receive and determine upon any proposition or propositions from said Sioux City and Pacific Railroad Company or from any other person or persons, corporation or corporations, and may sell or assign the mortgage given by said company to the United States and do any and all things proper and necessary to effect such settlement and adjustment and secure to the United States the largest sum possible in the payment of said indebtedness up to the full amount thereof: *Provided*, That they deem the same for the best interests of the Government; and when such settlement is approved by the President it shall become operative, and the Attorney-General shall make the necessary acquittances to said railroad company.

—powers.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 781.—An Act Establishing terms of the United States circuit court at Newbern and Elizabeth City, North Carolina.

North Carolina eastern judicial district.
Terms of court at Newbern and Elizabeth City.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That terms of the circuit court of the United States for the eastern judicial district of North Carolina shall be held at Newbern and Elizabeth City, in said district, at the times now fixed by law for holding the terms of the district court of the United States at said places, Newbern and Elizabeth City.

Effect.

SEC. 2. That this Act shall take effect and be in force from and after its passage.

Approved, June 6, 1900.

CHAP. 782.—An Act To authorize the construction of a railroad bridge across the Mississippi River at Saint Paul, Minnesota.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the South Saint Paul Belt Railroad Company, a corporation duly organized and incorporated under the laws of the State of Minnesota, its successors and assigns, be, and is hereby, authorized to construct and maintain a bridge for the passage of railroad traffic, and also, at the option of the said railroad company, for the passage of vehicles of all kinds, animals, and foot passengers, across the Mississippi River at a point suitable to the interests of navigation, and between the crossing of the south line of section four of township twenty-eight, range twenty-two, and the crossing of the north and south center line of section five of the same township, and within the incorporated limits of the city of Saint Paul, Minnesota; that the location and plan of construction of said bridge shall be subject to the approval of the Secretary of War, and until decided by him to be such as will not materially affect the interests of navigation the said bridge shall not be built. And there shall be submitted to the Secretary of War, for his examination and approval, a plan of the proposed bridge and a map of the location thereof, giving, for a distance of a mile above and below the proposed location, the topography of the banks of the river, the shore line at high and low water, the direction of the current, and soundings accurately showing the bed of stream, and the location of any other bridge or bridges; and should any change be made in the plan of the said bridge during the progress of construction, such change shall be subject to the approval of the Secretary of War; and the said bridge shall at all times be so kept and maintained, and provided with protection piers and sheer booms, so as to offer reasonable and proper means for the passage of vessels and other floating craft through or under said structure; and for the safety of vessels passing at night there shall be displayed on said bridge, from the hours of sunset to sunrise, such lights as may be prescribed by the Light-House Board; and the said structure shall be changed, at the cost and expense of the owners thereof, from time to time, as the Secretary of War may direct, and as may be necessary to preserve the free and convenient navigation of said river. That said bridge shall not interfere with the free navigation of said river beyond what is necessary in order to carry into effect the rights and privileges hereby granted; and in case of any litigation arising from any obstruction, or alleged obstruction, to the said free navigation of said river, the cause may be tried before the circuit court of the United States in and for the district in which the said bridge is located: *Provided,* That nothing herein contained shall be construed as repealing or modifying any of the provisions of law now existing in reference to the protection of the navigation of rivers, or as exempting this bridge from the operations of the same.

South St. Paul Belt Railroad may bridge Mississippi River.

Location.

Secretary of War to approve plans.

Aids to navigation.

Lights.

Changes.

Not to obstruct navigation.

Litigation.

Proviso.
Existing provisions of law unchanged, etc.

Draw.

SEC. 2. That said bridge shall be constructed either as a high-level bridge without a drawspan, or a low-level bridge with a drawspan, as the said railroad company may elect. If constructed as a high-level bridge, the main span over the navigable channel of the river shall be of such length as will give a clear width of waterway at low-water level of not less than three hundred and fifty feet, and a clear headroom under the full length of said span of not less than fifty-five feet above extreme high-water level; if constructed as a low-level bridge, there shall be a drawspan with openings under each arm thereof, giving such clear widths of waterway, not less than one hundred and eighty feet each, as in the opinion of the Secretary of War are required by the interests of navigation; the remaining spans, if either of a high or low level bridge, shall each give a clear width of waterway not less than one hundred and fifty feet at the low-water level of the river, and a clear headroom not less than ten feet above extreme high-water mark.

Toll.

SEC. 3. That said South Saint Paul Railroad Company shall have the right to charge and collect a reasonable rate of toll for the passage across said bridge of all railroad and other vehicles, animals, and foot passengers, subject to approval of Secretary of War: *Provided*, That all railroad companies desiring the use of said bridge shall have and be entitled to equal rights and privileges relative to the passage of trains or cars over the same and over the approaches thereto upon the payment of a reasonable compensation for such use; and in case the owner or owners of such bridge and the several companies, or any one of them, desiring such use shall fail to agree upon the sum or sums to be paid, and upon the rules and conditions to which each shall conform in using said bridge, all matters at issue between them shall be decided by the Secretary of War upon a hearing of the allegations and proofs of the parties; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies.

Proviso.
Rights of railroads
to use.

Commencement
and completion.

SEC. 4. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years of the date of approval thereof.

To be lawful struc-
ture and post route.

SEC. 5. That the bridge built under this Act and subject to its limitations shall be a lawful structure, and shall be known and recognized as a post route upon which also no higher charge shall be made for the transportation over the same of the mail, the troops and munitions of war of the United States than the rates per mile paid for transportation over railroads or public highways leading to the said bridge, and it shall enjoy the rights and privileges of other post roads in the United States.

Amendment.

SEC. 6. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 783.—An Act To authorize the Alexandria and Pineville Bridge Company to build and maintain a traffic bridge across Red River at the town of Alexandria, in the parish of Rapides, State of Louisiana.

Alexandria and
Pineville Bridge Com-
pany may bridge Red
River at Alexandria,
La.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Alexandria and Pineville Bridge Company, a corporation duly incorporated and existing under and by virtue of the laws of the State of Louisiana, be, and is hereby, authorized to construct and maintain a traffic bridge across Red River at a point suitable to the interest of navigation, within the corporate limits of the town of Alexandria, in the parish of Rapides, State of Louisiana. Said bridge shall be constructed to provide for the passage of vehicles, street-railway cars, foot passengers, stock, and such other traffic as may be desired, at such legal rates of toll as may be fixed by said company, and approved by the Secretary of War.

Transit.

Toll.

To be lawful struc-
ture and post route.

SEC. 2. That said bridge built under this Act, and subject to its limitations, shall be a lawful structure, and shall be recognized and known as a post route, upon which also no higher charge shall be made for the transmission over the same of the mails, the troops, and munitions of war of the United States than the rate paid for the transmission over the public highways leading to the said bridge, and shall enjoy the rights and privileges of other post roads in the United States; and equal privileges in the use of said bridge shall be granted to all telegraph and telephone companies; and the United States shall have the right of way across said bridge and its approaches for postal-telegraph purposes: *Provided*, That the bridge herein authorized to be constructed shall be so kept and managed by the company owning or operating it as to afford proper ways and means for the passage through or under it of vessels, barges, or rafts at all times, both by

Telegraph, etc.,
companies.

Proviso.
Aids to navigation.

day and by night; and if said bridge be constructed as a drawbridge, the draw shall be opened promptly upon reasonable signal for the passage of boats; and upon whatever kind of bridge is built there shall be displayed from sunset to sunrise, at the expense of said company, such lights and signals as the Light-House Board shall prescribe.

SEC. 3. That if said bridge, erected and maintained under the authority of this Act, shall at any time substantially or materially obstruct the free navigation of said river, or shall, in the opinion of the Secretary of War, obstruct such navigation, he is hereby authorized to cause such change or alteration of said bridge to be made as will effectually obviate such obstruction; and such alteration shall be made and all such obstructions be removed at the expense of the owners or operators of said bridge; and in case of any litigation arising from the obstruction or alleged obstruction to the free navigation of said river, the case may be brought in the district court of the United States for the western district of Louisiana: *Provided*, That nothing in this Act shall be so construed as to repeal or modify any of the provisions of law now existing in reference to the protection of the navigation of rivers, or to exempt said bridge from the operation of same.

SEC. 4. That the bridge authorized to be constructed under this Act shall be built and located under and subject to such regulations for the security of navigation of said river as the Secretary of War shall prescribe; and to secure that object the said company or corporation shall submit to the Secretary of War, for his examination and approval, a design and drawing of said bridge, and a map of the location, prepared with reference to known datum plane upon prescribed scales furnished by the engineer officer having supervision of said river, and giving, for the space of two miles above and two miles below the proposed location of the bridge, the topography of the banks of the river, with shore lines at high and low water, the direction and strength of the currents at all stages, and the soundings accurately showing the bed of the stream, the location of any other bridge or bridges, and shall furnish such other information as may be required for a full and satisfactory understanding of the subject. And until said plans and location of the bridge are approved by the Secretary of War the bridge shall not be built; and should any change be made in the plan of the said bridge during the process of construction, or after completion, such change shall be subject to the approval of the Secretary of War.

SEC. 5. That this Act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from the date of the approval hereof.

SEC. 6. That the right to alter, amend, or repeal this Act is hereby expressly reserved.

Approved, June 6, 1900.

Draw

Lights.

Changes.

Litigation.

Proviso.
Existing law unaffected.

Secretary of War to approve plans.

Commencement and completion.

Amendment.

June 6, 1900.

CHAP. 784.—An Act To incorporate the American National Red Cross, and for other purposes.

Whereas on the twenty-second of August, eighteen hundred and sixty-four, at Geneva, Switzerland, plenipotentiaries respectively representing Italy, Baden, Belgium, Denmark, Spain, Portugal, France, Prussia, Saxony, and Wurtemberg, and the Federal Council of Switzerland agreed upon ten articles of a treaty or convention for the purpose of mitigating the evils inseparable from war; of suppressing the needless severity and ameliorating the condition of soldiers wounded on the field of battle; and particularly providing, among other things, in effect, that persons employed in hospitals, and in affording relief to the sick and wounded, and supplies for this purpose, shall be deemed neutral

American National Red Cross incorporated.
Preamble.

and entitled to protection; and that a distinctive and uniform flag shall be adopted for hospitals and ambulances, and convoys of sick and wounded, and an arm badge for individuals neutralized; and

Whereas said treaty has been ratified by all of said nations, and by others subsequently, to the number of forty-three or more, including the United States of America; and

Whereas a permanent organization is an agency needed in every nation to carry out the purposes of said treaty, and especially to secure supplies and to execute the humane objects contemplated by said treaty, with the power to adopt and use the distinctive flag and arm badge specified by said treaty in article seven, on which shall be the sign of the Red Cross, for the purpose of cooperating with the "Comité International de Secours aux Militaires Blessés" (International Committee of Relief for the Wounded in War); and

Whereas, in accordance with the requirements and customs of said international body, such an association, adopting and using said insignia, was formed in the city of Washington, District of Columbia, in July, eighteen hundred and eighty-one, known as "The American National Association of the Red Cross," and reincorporated April seventeenth, eighteen hundred and ninety-three, under the laws of the District of Columbia; and

Whereas it is believed that the importance of the work demands a reincorporation by the Congress of the United States: Now, therefore,

Incorporators.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Clara Barton, George Kennan, Julian B. Hubbell, of the District of Columbia; Stephen E. Barton, of New York; William R. Day, of Ohio; Brainard H. Warner, Ellen Spencer Mussey, Alvey A. Adee, of the District of Columbia; Joseph Sheldon, of Connecticut; Charles F. Fairchild, William Letchwerth, of New York City; Hilary A. Herbert, of Alabama; Joseph Gardner, Enola Lee Gardner, of Bedford, Indiana; John W. Noble, of Saint Louis, Missouri; Richard Olney, of Boston, Massachusetts; Alexander W. Terrell, of Austin, Texas; Leslie M. Shaw, Benjamin Tillinghast, of Iowa; Abraham C. Kaufman, of Charleston, South Carolina; J. B. Vinet, of New Orleans, Louisiana; George Gray, of Delaware; Redfield Proctor, of Vermont; George F. Hoar, of Massachusetts; Charles A. Russell, of Connecticut; Robert W. Miers, of Indiana; George C. Boldt, William T. Wardwell, of New York; Daniel Hastings, J. Wilkes O'Neill, of Pennsylvania; Thomas F. Walsh, of Colorado; John G. Lemmon, of California; Charles C. Glover, Walter S. Woodward, Elizabeth Kibbey, Mabel T. Boardman, Walter Wyman, Sumner I. Kimball, of the District of Columbia; Edward Lowe, of Michigan; Harriette L. Reed, of Boston, Massachusetts; William H. Sears, of Lawrence, Kansas; John K. Elwell, of Vinland, Kansas; E. R. Ridgely, of Pittsburg, Kansas; James Tanner, John Hitz, S. W. Briggs, Corry Curry, Lizzie W. Calver, Mary A. Logan, Mary L. Barton, S. B. Hege, and Helena H. Mitchell, of Washington, District of Columbia; Emma L. Nichols, of Chillicothe, Ohio; Lenora Halsted, of Saint Louis, Missouri; P. V. DeGraw, of Philadelphia, Pennsylvania; Walter P. Phillips, of Bridgeport, Connecticut, and their associates and successors, are hereby created a body corporate and politic in the District of Columbia.

Name of corporation.

SEC. 2. That the name of this corporation shall be "The American National Red Cross," and by that name it shall have perpetual succession, with the power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to have and to hold such real and personal estate as shall be convenient and necessary to carry out the purposes of this corporation hereinafter set forth, such real estate to be limited to such quantity as may be necessary for official use or office buildings; to adopt a seal and the same to alter and destroy

Powers.

at pleasure; and to have the right to have and to use, in carrying out its purposes hereinafter designated, as an emblem and badge, a Greek red cross on a white ground, as the same has been described in the treaty of Geneva, August twenty-second, eighteen hundred and sixty-four, and adopted by the several nations acceding thereto; to ordain and establish by-laws and regulations not inconsistent with the laws of the United States of America, or any State thereof, and generally to do all such acts and things as may be necessary to carry into effect the provisions of this Act and promote the purposes of said organization; and the corporation hereby created is designated as the organization which is authorized to act in matters of relief under said treaty. In accordance with article seven, of the treaty, the delivery of the brassard allowed for individuals neutralized in time of war shall be left to military authority.

SEC. 3. That the purposes of this corporation are and shall be—

Purposes.

First. To furnish volunteer aid to the sick and wounded of armies in time of war, in accordance with the spirit and conditions of the conference of Geneva of October, eighteen hundred and sixty-three, and also of the treaty of the Red Cross, or the treaty of Geneva of August twenty-second, eighteen hundred and sixty-four, to which the United States of America gave its adhesion on March first, eighteen hundred and eighty-two.

Second. And for said purposes to perform all the duties devolved upon a national society by each nation which has acceded to said treaty.

Third. To succeed to all the rights and property which have been hitherto held and to all the duties which have heretofore been performed by the American National Red Cross as a corporation duly organized and existing under the laws of the United States relating to the District of Columbia, which organization is hereby dissolved.

Fourth. To act in matters of voluntary relief and in accordance with the military and naval authorities as a medium of communication between the people of the United States of America and their armies, and to act in such matters between similar national societies of other governments through the "Comité International de Secours" and the Government and the people and the armies of the United States of America.

Fifth. And to continue and carry on a system of national and international relief in time of peace and apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities.

Sixth. And to devise and carry on measures for preventing the same, and generally to promote measures of humanity and the welfare of mankind.

SEC. 4. That from and after the passage of this Act it shall be unlawful for any person within the jurisdiction of the United States to falsely and fraudulently hold himself out as, or represent or pretend himself to be a member of or an agent for the American National Red Cross for the purpose of soliciting, collecting, or receiving money or material; or for any person to wear or display the sign of the red cross, or any insignia colored in imitation thereof, for the fraudulent purpose of inducing the belief that he is a member of or an agent for the American National Red Cross. If any person violates the provisions of this section he shall be guilty of a misdemeanor, and shall be liable to a fine of not less than one nor more than five hundred dollars, or imprisonment for a term not exceeding one year, or both, for each and every offense. The fine so collected shall be paid to the American National Red Cross. The appointment of the chief medical officer shall not be made without the approval in writing of the Secretary of War.

Use of insignia, etc., forbidden.

Penalty.

SEC. 5. That the said American National Red Cross shall, on the

Reports.

first day of January of each year, make and transmit to Congress a full, complete, and itemized report of all receipts and expenditures of whatever kind, and of its proceedings during the preceding year, and shall also give such information concerning its transactions and affairs as the Secretary of State may from time to time require, and, in respect of all business and proceedings in which it may be concerned in connection with the War and Navy Departments of the Government, shall make reports to the Secretary of War and to the Secretary of the Navy, respectively.

Amendment.

SEC. 6. That Congress shall have the right to repeal, alter, or amend this Act at any time.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 785. An Act Making appropriations to supply deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred, and for prior years, and for other purposes.

Deficiencies appropriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, to supply deficiencies in the appropriations for the fiscal year nineteen hundred, and for prior years, and for other objects hereinafter stated, namely:

Department of State.

DEPARTMENT OF STATE.

Contingent expenses.

For contingent expenses, namely: To pay accounts set forth on page two of House Document Numbered Six hundred and forty-two of the present session, being for the fiscal year eighteen hundred and ninety-nine, two hundred and twenty-one dollars and fifty-four cents.

Foreign intercourse.

FOREIGN INTERCOURSE.

Foreign missions.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, foreign missions," for the fiscal year eighteen hundred and ninety-nine, twenty-five thousand and fifty-three dollars and twenty-one cents.

Loss by exchange.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, foreign missions," for the fiscal year eighteen hundred and ninety-eight, thirty-four thousand nine hundred and sixty-eight dollars and ten cents.

Consulates.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Loss by exchange, diplomatic service," for the fiscal year eighteen hundred and ninety-nine, two hundred and sixty-one dollars and ninety-eight cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, United States consulates," for the fiscal year eighteen hundred and ninety-nine, twenty-four thousand four hundred and ninety-seven dollars and twenty-one cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, United States consulates," for the fiscal year eighteen hundred and ninety-eight, five thousand one hundred and nineteen dollars and seventy-one cents.

Brooklyn Citizen.

For contingent expenses, United States consulates: To pay the Brooklyn Citizen for advertising death notice, being for the fiscal year eighteen hundred and ninety-seven, two dollars and sixty cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Inspection of embassies, legations, and consulates," for the fiscal year eighteen hundred and ninety-nine; seventy-six dollars and thirty-four cents.

Inspection of embassies, etc.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Publication of diplomatic, consular, and commercial reports," for the fiscal year eighteen hundred and ninety-nine, one hundred and thirty dollars and ninety-nine cents.

Reports.

To pay Edward Bedloe, late consul at Canton, China, the amount of salary still unpaid from December eighth, eighteen hundred and ninety-eight, to January fifteenth, nineteen hundred, at the rate of three thousand five hundred dollars per annum, three thousand and ninety-seven dollars and forty-one cents.

Edward Bedloe. Payment to.

To enable the Secretary of State to carry into effect the Act approved August third, eighteen hundred and ninety-four, entitled "An Act for the disposal of the accretions of the Virginus indemnity fund," two thousand two hundred and eighty-eight dollars and three cents.

Virginus indemnity fund. Vol. 28, p. 223.

TREASURY DEPARTMENT.

Treasury Department.

CONTINGENT EXPENSES.

Contingent expenses

For newspapers, law books, city directories, and other books of reference relating to the business of the Department, one hundred dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Treasury Department: Newspapers and books," for the fiscal year nineteen hundred, fifty-one dollars and thirty-five cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Treasury Department: Freight, telegrams, and so forth," for the fiscal years as follows:

For the fiscal year nineteen hundred, one thousand four hundred and thirty-two dollars and eighty-two cents.

For the fiscal year eighteen hundred and ninety-nine, three thousand and fifty-two dollars and eighteen cents.

For the fiscal year eighteen hundred and ninety-eight, five hundred and thirty-six dollars and sixty-five cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Treasury Department: File holders and cases," for the fiscal year nineteen hundred, three thousand one hundred and fifty-two dollars and seventy-eight cents.

For purchase of file holders and file cases, five thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, Treasury Department: Furniture," and so forth, for the fiscal year nineteen hundred, one thousand three hundred and seventy-one dollars and eighty cents.

For washing and hemming towels, for the purchase of awnings and fixtures, window shades and fixtures, alcohol, benzine, turpentine, varnish, baskets, belting, bellows, bowls, brooms, buckets, brushes, canvas, crash, cloth, chamois skins, cotton waste, door and window fasteners, dusters, flower garden, street, and engine hose, lace leather, lye, nails, oils, plants, picks, pitchers, powders, stencil plates, hand stamps, and repairs of same, stamp ink, spittoons, soap, matches, match safes, sponges, tacks, traps, thermometers, tools, towels, towel racks, tumblers, wire, zinc, and for blacksmithing, repairs of machinery, removal of rubbish, sharpening tools, advertising for proposals

and for sales at public auction in Washington, District of Columbia, of condemned property belonging to the Treasury Department, payment of auctioneer fees, and purchase of other absolutely necessary articles, five hundred dollars.

Numbering, etc., machines. To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Numbering, adding, and other machines, Treasury Department," for the fiscal year nineteen hundred, twenty-two dollars and twenty cents.

Recoinage of silver coins. RECOINAGE OF SILVER COINS: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Recoinage of silver coins" for the fiscal year eighteen hundred and ninety-nine, two hundred and seventy-five thousand four hundred and fifty-six dollars and twenty-eight cents.

Public buildings. Heating apparatus. HEATING APPARATUS FOR PUBLIC BUILDINGS: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Heating apparatus for public buildings" for the fiscal years as follows:

For the fiscal year eighteen hundred and ninety-nine, six hundred and forty-nine dollars and forty-one cents.

For the fiscal year eighteen hundred and ninety-eight, six hundred and fifty-three dollars and thirty-five cents.

Vaults, safes, and locks. VAULTS, SAFES, AND LOCKS FOR PUBLIC BUILDINGS: For vaults, safes, and locks, and repairs to the same, for all public buildings under control of the Treasury Department, exclusive of personal services, except for work done by contract, two thousand five hundred dollars.

To supply a deficiency in the appropriation for "Vaults, safes, and locks for public buildings" for the fiscal year eighteen hundred and ninety-nine, one hundred and eighty-two dollars and fifty-five cents.

Furniture and repairs. FURNITURE AND REPAIRS OF SAME FOR PUBLIC BUILDINGS: For furniture and repairs of same, and carpets for all public buildings, marine hospitals included, under the control of the Treasury Department, and for furniture, carpets, chandeliers and gas fixtures for new buildings, exclusive of personal services, except for work done by contract, twenty-five thousand dollars. And all furniture now owned by the United States in other buildings shall be used, as far as practicable, whether it corresponds with the present regulation plan for furniture or not.

Collecting customs revenue. COLLECTING THE REVENUE FROM CUSTOMS: To defray the expenses of collecting the revenue from customs, being additional to the permanent appropriation for this purpose, for the fiscal year nineteen hundred, two hundred thousand dollars.

Local appraisers' meetings. EXPENSES OF LOCAL APPRAISERS' MEETINGS: For defraying the necessary expenses of local appraisers at annual meetings for the purpose of securing uniformity in the appraisement of dutiable goods at different ports of entry, five hundred dollars.

Compensation in lieu of moieties. COMPENSATION IN LIEU OF MOIETIES: To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Compensation in lieu of moieties," for the fiscal year eighteen hundred and ninety-nine, three thousand eight hundred and fifty-seven dollars and seventy-two cents.

Chinese exclusion. ENFORCEMENT OF THE CHINESE EXCLUSION ACT: To prevent unlawful entry of Chinese into the United States, by the appointment of suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for enforcing the provisions of the Act approved May fifth, eighteen hundred and ninety-two, entitled "An Act to prohibit the coming of Chinese persons into the United States," twenty thousand dollars.

QUARANTINE SERVICE: For the maintenance and ordinary expenses, including pay of officers and employees of quarantine stations at Delaware Breakwater, Reedy Island, Cape Charles and supplemental station, Cape Fear, Savannah, South Atlantic, Brunswick, Gulf, Tortugas, San Diego, San Francisco, Columbia River, Port Townsend, and in Porto Rico and Hawaii, thirty-five thousand dollars.

Quarantine service.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Quarantine service," for the fiscal years as follows:

For the fiscal year eighteen hundred and ninety-nine, one hundred and four dollars and seventy-eight cents;

For the fiscal year eighteen hundred and ninety-eight, one hundred and eight dollars and eighteen cents.

REFUND TO THOMAS ELLIS: To refund to the collector of customs for the district of Puget Sound, for payment by him to Thomas Ellis, of Penticton, British Columbia, as fully set forth on page five, House Document Numbered Six hundred and forty-two, of the present session, two thousand and five dollars and fifty cents.

Refunds.
—to Thomas Ellis

REFUND TO JOHN HAMILTON: To refund to the collector of customs at Buffalo, New York, for payment by him to John Hamilton, as fully set forth on page five, House Document Numbered Six hundred and forty-two, of the present session, eight hundred and seventy-nine dollars and forty cents.

—to John Hamilton.

REFUND OF FINE, STEAMER RAPID TRANSIT: To refund to Captain H. J. Gillespie that portion of a fine of one hundred dollars imposed in the case of the steamer Rapid Transit by the deputy collector of customs at Mary Island, Alaska, on or about June tenth, eighteen hundred and ninety-nine, for alleged violation of the Act of February fifteenth, eighteen hundred and ninety-three, since remitted by the Secretary of the Treasury, the original sum having been covered into the Treasury prior to the said remission, ninety dollars.

—steamer Rapid Transit.

REFUND TO JOHN W. BERO: To refund to John W. Bero, deputy collector of customs, port of Plattsburg, New York, the amount of certain public moneys forwarded by him August first, eighteen hundred and ninety-nine, by registered mail from Hogsburg, New York, to Plattsburg, New York, which money was taken from the safe in the post-office at Rouse Point, New York, on the occasion of a burglary committed therein on the night of August second, eighteen hundred and ninety-nine, the sum so stolen having been made good to the United States by said John W. Bero, twenty-three dollars and sixty cents.

—John W. Bero.

REFUND OF FINE, STEAMER PALATIA: To refund to the collector of customs at New York, New York, for payment by him to the person or persons entitled to receive the same, the sum of fifty dollars, being the amount of a fine imposed in the case of Scheine Gluckmann, a passenger on the Hamburg-American steamer Palatia on or about January fourteenth, nineteen hundred, since remitted by the Secretary of the Treasury, the original amount having been covered into the Treasury prior to said remission.

—steamer Palatia.

REIMBURSEMENT OF C. N. JORDAN: To reimburse C. N. Jordan, assistant treasurer of the United States, for certain losses of money value in his office, he having made the same good to the Treasury, and the said losses having occurred through no fault or negligence on his part, two thousand six hundred and forty-four dollars and seventy-five cents.

Reimbursement of
C. N. Jordan.

PAYMENT TO CAPTAIN B. TELLEFSEN: To enable the Secretary of the Treasury to pay Captain B. Tellefsen, master of the Norwegian steamer Albert, for expenses incurred by him in consequence of a violation of article thirteen of the treaty of commerce and navigation of the year eighteen hundred and twenty-seven, between the United States of America and the Kingdom of Sweden and Norway by an officer of the

Capt. B. Tellefsen.
Payment to.

city of Boston, Massachusetts, on the eighteenth day of July, eighteen hundred and ninety-two, nine hundred and ninety-eight dollars and ninety-six cents.

Owners of schooner
J. R. Carroll.

PAYMENT TO OWNERS OF SCHOONER J. R. CARROLL: For payment to the owner or owners of the schooner J. R. Carroll as compensation for damages sustained by said schooner in consequence of a collision with the steam launch attached to the United States steamer A. D. Bache in Eastern Bay on the night of October fourth and fifth, eighteen hundred and ninety-nine, one hundred dollars.

W. Louis George et
al.
Payment to.

To pay to W. Louis George, Wonder O. George, and Rebecca Samantha George, or to their legal representatives, the amount of a finding of the Southern Claims Commission made in eighteen hundred and seventy-nine in their favor as the minor children of W. L. George, of Coker, Alabama, four hundred and fifty dollars.

Cape Smythe Whal-
ing and Trading Com-
pany.
Payment to.

PAYMENT TO CAPE SMYTHE WHALING AND TRADING COMPANY: To pay the accounts of the Cape Smythe Whaling and Trading Company for supplies furnished and services rendered in rescuing, housing, feeding, clothing, and caring for shipwrecked whalers in the arctic seas in the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, until they were taken charge of by officers of the Revenue-Cutter Service, the same having been adjusted and reported to Congress in House Document Numbered Three hundred and thirteen of this session, as required by the Act approved March third, eighteen hundred and ninety-nine, twenty-one thousand five hundred and fifty-six dollars and eleven cents.

Corps of Engineers.
Credit in accounts
of certain officers.

CREDIT IN ACCOUNTS OF CERTAIN OFFICERS, CORPS OF ENGINEERS: Authority is hereby granted to the proper accounting officers of the Treasury to allow and credit in the accounts of certain officers of the Corps of Engineers of the United States Army amounts standing against them on the books of the Treasury as follows: Captain William E. Craighill, sixteen dollars and thirty cents; Captain C. H. McKinstry, forty-five dollars; Captain H. C. Newcomer, two hundred and forty-six dollars and eighty-eight cents; Major Charles W. Raymond, sixty-one dollars and forty-eight cents; Major Thomas L. Casey, twenty-one dollars and thirty-two cents; Major H. M. Adams, two thousand six hundred and sixteen dollars and forty cents; Major E. H. Ruffner, forty dollars and eighty cents; Major R. L. Hoxie, forty-four dollars and sixty-seven cents; Major C. McD. Townsend, thirty-one dollars and ninety-two cents; Major W. H. Bixby, one hundred and sixty-eight dollars and fifty-six cents; Major Charles F. Powell, fifty-six dollars and thirty cents; Lieutenant-Colonel Charles J. Allen, nine dollars and eighty-eight cents; and Lieutenant-Colonel W. A. Jones, two hundred and eighty-eight dollars and fifty-one cents; in all, three thousand six hundred and forty-seven dollars and two cents.

Maj. Francis S.
Dodge.
Credit in accounts
of.

That the proper accounting officers, in settling the accounts of Major Francis S. Dodge, paymaster, United States Army, are hereby directed to credit the said Major Francis S. Dodge, paymaster, United States Army, with the sum of two hundred and five dollars, the amount of a shortage found to exist in a certain sealed box supposed to contain one thousand silver dollars, Government funds, shipped from New York City as a part of an amount designed for payment to the Cuban army, but which, upon being opened in the presence of witnesses, was found to contain only seven hundred and ninety-five dollars.

Internal Revenue.

COLLECTING INTERNAL REVENUE.

Salaries, collectors,
deputies, etc.
Vol. 24, p. 209.

For salaries and expenses of collectors and deputy collectors and surveyors, and clerks, including transportation of public funds, and also including expenses of enforcing the Act of August second, eighteen hundred and eighty-six, taxing oleomargarine, and the Act

Vol. 24, p. 218.

of August fourth, eighteen hundred and eighty-six, imposing upon the Government the expense of the inspection of tobacco exported; also the act of June sixth, eighteen hundred and ninety-six, imposing a tax on filled cheese, sixty-five thousand dollars.

Vol. 29, p. 253.

For salaries and expenses of agents, fees and expenses of gaugers, salaries and expenses of storekeepers and storekeeper-gaugers, and miscellaneous expenses, fifty thousand dollars.

Agents, gaugers, etc.

To refund to the Central New York Telegraph and Telephone Company the penalty assessed against them December first, eighteen hundred and ninety-eight, for failure to make their return within the time prescribed by the ninth paragraph under Schedule A of the war-revenue law of eighteen hundred and ninety-eight, ninety-three dollars and fifty-nine cents.

Central New York
Telegraph and Telephone Company.
Refund.
Vol. 30, p. 458.

BUREAU OF ENGRAVING AND PRINTING.

Bureau of Engraving and Printing.

To pay amounts fund due by the accounting officers of the Treasury on account of the appropriation "Materials and miscellaneous expenses, Bureau of Engraving and Printing," for the fiscal year eighteen hundred and ninety-eight, one thousand nine hundred and twenty-one dollars and nineteen cents.

Materials, etc.

For rent of office now occupied by agent of the Post-Office Department to supervise the distribution of stamps of the Bureau of Engraving and Printing, at a rental of fifty dollars per month, six hundred dollars.

Rent.

REVENUE-CUTTER SERVICE.

Revenue-Cutter Service.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Expenses of the Revenue-Cutter Service," for the fiscal year eighteen hundred and ninety-nine, one thousand two hundred and eighty-six dollars and ninety-five cents.

Expenses.

LIGHT-HOUSE ESTABLISHMENT.

Light-House Establishment.

The accounting officers of the Treasury are authorized and directed to allow and credit in the account of Lieutenant-Colonel William A. Jones, United States Army, engineer of the Fifth light-house district, for the quarter ended March thirty-first, eighteen hundred and ninety-nine, the amount of one thousand three hundred and twenty-one dollars, paid by him from the appropriation "Repairs, and so forth, of light-houses," eighteen hundred and ninety-nine, for repairs under the instruction of the Light-House Board and by the authority of the Treasury Department, the same not to involve the further payment of money from the Treasury.

Col. Wm. A. Jones,
U. S. A., credit in account of.

EXPENSES OF BUOYAGE, EIGHTEEN HUNDRED AND NINETY-NINE: For amount disallowed upon appeal from the Light-House Board, being for the actual necessary traveling expenses of Colonel Walter S. Franklin, the civilian member of the Light-House Board, from Baltimore, Maryland, to Washington, District of Columbia, to attend meeting of the Light-House Board, four dollars and ninety-two cents.

Buoyage.
Col. Walter S. Franklin.
Traveling expenses.

MINTS AND ASSAY OFFICES.

Mints and assay offices.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, mint at New Orleans," for the fiscal year eighteen hundred and ninety-eight, two dollars and seventy-nine cents.

New Orleans.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, mint at Carson," for the fiscal year eighteen hundred and ninety-eight, thirty-two dollars and forty-eight cents.

Carson.

- Denver. To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Contingent expenses, mint at Denver," for the fiscal year eighteen hundred and ninety-nine, forty-two dollars and thirty-eight cents.
- Helena. To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent expenses, assay office at Helena," for the fiscal year eighteen hundred and ninety-eight, three dollars and ten cents.
- Boise. To supply a deficiency in the appropriation for "Contingent expenses, assay office at Boise," for the fiscal years as follows:
For the fiscal year eighteen hundred and ninety-nine, thirty-three dollars and twelve cents.
For the fiscal year eighteen hundred and ninety-eight, five dollars and fifty-six cents.
- Seattle. To pay amounts found due by the accounting officers of the Treasury, on account of the appropriation "Salaries and expenses, assay office at Seattle," one hundred and sixty dollars and eighty-eight cents.

Territories.

TERRITORIAL GOVERNMENTS.

- Oklahoma. To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Legislative expenses, Territory of Oklahoma," for the fiscal year eighteen hundred and ninety-nine, one dollar and forty cents.

Smithsonian Institution.

UNDER SMITHSONIAN INSTITUTION.

- American ethnology. To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "American Ethnology, Smithsonian Institution," for the fiscal year eighteen hundred and ninety-eight, thirty-four dollars and ninety-one cents.
- John W. Morse, etc. Reimbursement. The Secretary of the Smithsonian Institution is hereby authorized to reimburse in the amount of two hundred and seven dollars and seventy-three cents, from the appropriation "National Zoological Park, nineteen hundred," the official account of John W. Morse, assistant paymaster, United States Navy, for expenditures incurred in the purchase, care, and forwarding of a collection of live animals for the National Zoological Park during the fiscal year ending June thirtieth, eighteen hundred and ninety-nine.

Public buildings.

PUBLIC BUILDINGS.

- Asheville, N. C. To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Court-house and post-office, Asheville, North Carolina," four dollars and sixty-two cents.
- Camden, N. J. To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Post-office, custom-house, and so forth, Camden, New Jersey," eleven dollars and fifty cents.
- Sioux City, Iowa. PUBLIC BUILDING, SIOUX CITY, IOWA: The sum of three thousand dollars of the unexpended balance of the appropriations for said building is hereby authorized to be used for the installation therein of a tower clock.
- Los Angeles, Cal. RENT OF BUILDING, LOS ANGELES, CALIFORNIA: For rental of temporary quarters for post-office, court-house, and so forth, at Los Angeles, California, and moving expenses incident thereto, to continue available during fiscal year nineteen hundred and one, eight thousand five hundred dollars.
- Indianapolis, Ind. RENT OF BUILDING, INDIANAPOLIS, INDIANA: For rent of quarters for use of the post-office and other Government officials at Indianapolis, Indiana, four thousand dollars.

REIMBURSEMENT OF W. S. COX: For reimbursement of W. S. Cox for the installation of the National Pneumatic Water Works system in house numbered seventeen hundred and nine New York avenue, Washington, District of Columbia, four hundred and twenty-seven dollars.

W. S. Cox.
Reimbursement.

FISH COMMISSION.

Fish Commission.

For completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Put in Bay, Ohio: For the extension of the hatchery building at said station, including construction of hatching batteries and purchase of equipment for same, three thousand dollars.

Put in Bay, Ohio.

For completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Bullochville, Georgia, including construction of ponds, ten thousand dollars.

Bullochville, Ga.

For completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Wytheville, Virginia, including construction of additional ponds, two thousand five hundred dollars.

Wytheville, Va.

For completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Edenton, North Carolina, six thousand dollars.

Edenton, N. C.

For completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Nashua, New Hampshire, two thousand five hundred dollars.

Nashua, N. H.

For completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Spearfish, South Dakota, including the construction of ponds, three thousand five hundred dollars.

Spearfish, S. Dak.

For completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Baker Lake, Washington, five thousand dollars.

Baker Lake, Wash.

For completion of the fish-cultural station of the United States Commission of Fish and Fisheries at Erwin, Tennessee, including construction of ponds on land recently acquired, five thousand dollars.

Erwin, Tenn.

For completion of repairs, construction of wharves, and improvement of grounds of the fish-cultural station of the United States Commission of Fish and Fisheries at Woods Hole, Massachusetts, two thousand dollars.

Woods Hole, Mass.

For increasing the water supply, including the purchase of land, for constructing necessary buildings, and for other purposes at the station of the United States Commission of Fish and Fisheries at Green Lake, Maine, three thousand dollars.

Green Lake, Me.

That the unexpended balance, amounting to one thousand two hundred and seventy-five dollars and seventeen cents, of the appropriation of one hundred and ninety-five thousand three hundred dollars for "Miscellaneous expenses, Fish Commission, eighteen hundred and ninety-nine," made in the sundry civil Act approved July first, eighteen hundred and ninety-eight, is hereby made available for payment of liabilities incurred during the fiscal year eighteen hundred and ninety-nine, without limitation as to the subheads of the appropriation, and that the unexpended balance of the appropriation of one hundred and eighty-seven thousand eight hundred dollars for "Miscellaneous expenses, Fish Commission, eighteen hundred and ninety-eight," made in the sundry civil Act approved June fourth, eighteen hundred and ninety-seven, is hereby made available for payment of liabilities incurred during the fiscal year eighteen hundred and ninety-eight, without limitation as to the subheads of the appropriation, and the accounting officers of the Treasury Department are authorized to settle the accounts of the disbursing agent of the United States Commission of Fish and Fisheries accordingly.

Unexpended balance for miscellaneous expenses made available.

Vol. 30, p. 609.

Vol. 30, p. 22.

San Marcos, Tex.

For repairing damage done to the San Marcos, Texas, station, by the overflow of the Blanco and San Marcos rivers during the month of April, nineteen hundred, and for the construction of a stone wall and such other improvements as may be necessary to protect the station against similar overflows, two thousand dollars.

District of Columbia.

DISTRICT OF COLUMBIA.

Coroner's office.

CORONER'S OFFICE: To pay the deputy coroner for services during the absence of the coroner, fiscal year eighteen hundred and ninety-nine, one hundred and fifty dollars.

Contingent expenses.

CONTINGENT AND MISCELLANEOUS EXPENSES: For general advertising, on account of fiscal years as follows:

For the fiscal year eighteen hundred and ninety-nine, seven hundred and seventy-two dollars and twelve cents.

For the fiscal year eighteen hundred and ninety-seven, sixteen dollars and eighty cents.

For judicial expenses, fiscal year eighteen hundred and ninety-three, twenty-five dollars.

To pay outstanding jurors' certificate, service of fiscal year eighteen hundred and ninety-seven, one dollar.

To pay the Hawley Down Draft Furnace Company for two Hawley down-draft furnaces installed in the municipal building, one thousand five hundred dollars.

For amount required to pay outstanding bills for the service of the fiscal year eighteen hundred and ninety-nine, as follows:

For coroner's office, twenty dollars.

For free public library, twenty-seven dollars and ninety-eight cents.

For contingent expenses, three hundred and fifty-four dollars and fifty cents.

Indexing laws, etc.

For completing an index of the laws affecting the municipal government of the District of Columbia, three hundred dollars.

Improvements and repairs.

H. H. Darneille.
Credit in accounts of.

IMPROVEMENTS AND REPAIRS, DISTRICT OF COLUMBIA: That the sum of nine hundred and thirteen dollars and eleven cents, paid the Cranford Paving Company for work on Seventh street, between E and G streets northwest, is hereby allowed, and the accounting officers of the United States Treasury are authorized and directed to credit the same in the settlement of the accounts of H. H. Darneille, late disbursing officer, District of Columbia.

Sewers.

SEWERS: For main and pipe sewers to pay retent under contract seventeen hundred and ninety-six (being for service of fiscal year eighteen hundred and ninety-four), principal, three hundred and seventy-eight dollars and fifty-two cents; and interest thereon, sixty-nine dollars and eight cents; in all, four hundred and forty-seven dollars and sixty cents.

Public schools.

PUBLIC SCHOOLS: For fuel, five thousand dollars.

For text-books and supplies, fiscal year eighteen hundred and ninety-nine, two hundred and thirty-five dollars and forty-six cents.

For manual training, fiscal year eighteen hundred and ninety-nine, two hundred and thirteen dollars and twenty-six cents.

For repairs to school buildings, fiscal year eighteen hundred and ninety-nine, four hundred and thirteen dollars and twenty-five cents.

For contingent expenses, fiscal year eighteen hundred and ninety-nine, five hundred and eleven dollars.

For text-books and supplies, fiscal year eighteen hundred and ninety-eight, sixty-four dollars.

For manual training, fiscal year eighteen hundred and ninety-eight, thirteen dollars and twenty cents.

W. B. Moses & Sons.
Payment to.

To pay W. B. Moses and Sons the difference in price between bill as rendered and paid, for blueboards for the Western High School, and that for which bill should have been rendered, one hundred and seventy-five dollars.

MILITIA: That authority is hereby given to pay the claim of S. S. Daish and Sons for thirty-three dollars and forty-five cents for coal furnished to the Naval Battalion of the District of Columbia Militia.

Militia.

METROPOLITAN POLICE: For contingent expenses for the fiscal years as follows:

Metropolitan police.

For the fiscal year nineteen hundred, two thousand five hundred dollars.

For the fiscal year eighteen hundred and ninety-nine, seven hundred and ninety-three dollars and eighty-six cents.

For repairs to stations, one thousand dollars.

FIRE DEPARTMENT: For contingent expenses for the fiscal years as follows:

Fire department.

For the fiscal year nineteen hundred, five hundred dollars.

For the fiscal year eighteen hundred and ninety-nine, one hundred and twenty-seven dollars and eighty-one cents.

For forage, fiscal year eighteen hundred and ninety-nine, ninety-four dollars and seventy-three cents.

For repairs to engine houses, fiscal year eighteen hundred and ninety-nine, twenty-eight dollars and twelve cents.

TELEGRAPH AND TELEPHONE SERVICE: For general expenses, two thousand three hundred and ninety-six dollars and five cents.

Telegraph and telephone service.

HEALTH DEPARTMENT: For disinfecting service, five hundred dollars.

Health department.

EMERGENCY FUND: That the sum of twenty-five dollars, paid J. Sprigg Poole, agent, being cost of the bond of the acting disbursing officer, District of Columbia, is hereby allowed, and the accounting officers of the United States Treasury are authorized and directed to credit the same in the settlement of the accounts of A. McKenzie, acting disbursing officer, District of Columbia.

A. McKenzie.
Credit in accounts of.

COURTS: To pay A. S. Taylor for services as judge, fiscal year eighteen hundred and ninety-nine, eighty dollars.

Judge A. S. Taylor.
Payment to.

JUDGMENTS: For the payments of judgments, including costs, against the District of Columbia, set forth on page nine, House Document Numbered Six hundred and forty-two, of this session, and on page three of Senate Document Numbered Four hundred and thirteen, ten thousand five hundred and ninety-three dollars and forty-eight cents, together with a further sum to pay the interest on said judgments, as provided by law, from the date the same became due until the date of payment.

Judgments.

NORTHERN LIBERTY MARKET CLAIMS: To pay John A. Frey the amount found due by the auditor of the supreme court of the District of Columbia, two hundred and seventy-five dollars, to be paid wholly from the revenues of the District of Columbia.

John A. Frey.
Payment to.

SUPPORT OF PRISONERS: For expenses for maintenance of the jail of the District of Columbia and for support of prisoners therein, to be expended under the direction of the Attorney-General, four thousand dollars.

Support of prisoners.

DEFENDING SUITS IN CLAIMS: For defending suits in the United States Court of Claims, one thousand dollars.

Defending suits in claims.

WRITS OF LUNACY: For amount required to pay the clerk of the supreme court of the District of Columbia fees in lunacy cases, one thousand five hundred dollars.

Writs of lunacy.

PAYMENT OF REFEREE: To pay Frank W. Hackett for services as referee in sundry cases in Court of Claims, two hundred dollars.

Frank W. Hackett.
Payment to.

REFORM SCHOOL FOR GIRLS: For amount required to complete building and inclose the grounds, nine thousand two hundred and eighty-six dollars and twenty-four cents.

Reform School for Girls.

WASHINGTON ASYLUM: For contingent expenses, fiscal year eighteen hundred and ninety-nine, two thousand eight hundred and fifty-five dollars and sixty-five cents.

Washington Asylum.

Freedmen's Hos-
pital.

FREEDMEN'S HOSPITAL AND ASYLUM: For contingent expenses, fiscal year eighteen hundred and ninety-seven, fifteen dollars and thirty-eight cents.

For repairs to buildings, three thousand five hundred dollars.

Board of Children's
Guardians.

BOARD OF CHILDREN'S GUARDIANS: For amount required by the Board of Children's Guardians for the service of the fiscal year nineteen hundred, nine thousand two hundred dollars; and authority to pay from this amount one thousand dollars, or so much as may be necessary, to the House of the Good Shepherd for Colored Girls, at Baltimore, and two hundred dollars, or so much thereof as may be necessary, to the Saint Rose Industrial School, District of Columbia, for the maintenance of wards of the board, is hereby granted.

Merchants' Parcel
Delivery Company.
Payment to.

WATER DEPARTMENT: Authority is hereby given to pay the Merchants' Parcel Delivery Company, in excess of contract rates for hauling extra-size water pipe, one hundred and ninety-one dollars and twenty-nine cents.

Columbia road,
grading, etc.

For grading and paving Columbia road east of Thirteenth street extended through square numbered twenty-three, ten thousand dollars, one-half to be paid from the revenues of the District of Columbia: *Provided*, That said street be first extended to its present width, so as to connect with Steuben street at Sherman avenue.

Proviso.
—width

Redemption of tax-
sale certificates.

REDEMPTION OF TAX-SALE CERTIFICATES: For redemption of one tax-sale certificate dated October fourteenth, eighteen hundred and seventy-two, and four tax-sale certificates dated June twenty-ninth, eighteen hundred and seventy-five, provided the amount hereby appropriated be accepted as a settlement in full, four hundred and fifteen dollars and twenty-six cents, to be paid wholly from the revenues of the District of Columbia.

Half appropriations
from District reve-
nues.

Except as otherwise herein provided, one-half of the foregoing amounts to meet deficiencies in the appropriations on account of the District of Columbia shall be paid from the revenues of the District of Columbia and one-half from any money in the Treasury not otherwise appropriated.

War Department.

WAR DEPARTMENT.

Advertising.

ADVERTISING: To enable the Secretary of War to pay the accounts, certified in House Document Numbered Three hundred and twenty-one of this session, due certain newspapers for publishing advertisements for recruits, fuel, horses, and so forth, for the Army, three hundred and nineteen dollars and fifteen cents.

C. B. Carlisle.
Repayment to.

REPAYMENT TO C. B. CARLISLE: For repayment of amount stopped from pay of Chaplain C. B. Carlisle, Second United States Volunteers, on account of subsistence stores erroneously distributed by him to Second United States Volunteers at Holguin, Cuba, in April, eighteen hundred and ninety-nine, one hundred and forty-seven dollars and nine cents.

Maj. J. B. Bellinger.
Adjustment of ac-
counts of.
Vol 28, p. 205.

ADJUSTMENT OF ACCOUNTS OF MAJOR J. B. BELLINGER: On account of duties resulting from the war with Spain, the time prescribed by law, Act of July thirty-first, eighteen hundred and ninety-four, for the settlement of his accounts having expired, the accounting officers of the Treasury be, and they are hereby, authorized to reopen, adjust, and settle the accounts of Captain J. B. Bellinger, assistant quartermaster, United States Army, late disbursing officer of the Military Academy at West Point, New York, involving appropriations for the fiscal years eighteen hundred and ninety-five, eighteen hundred and ninety-six, and eighteen hundred and ninety-seven, on the principles of equity and justice, and to give credit for such disbursements as shall be shown to have been actually and honestly made in good faith and have accrued to the benefit of the Government: *Provided*, That the total credits allowed under the provisions of this Act shall not be more

Proviso.
—limited total cred-
its, etc.

than eleven thousand five hundred and eight dollars and seventy-two cents for the fiscal year eighteen hundred and ninety-five, two thousand two hundred and twenty-eight dollars and nine cents for the fiscal year eighteen hundred and ninety-six, and eleven thousand and fifty-five dollars and sixty-four cents for the fiscal year eighteen hundred and ninety-seven.

YELLOWSTONE NATIONAL PARK: For the repair and maintenance of existing roads and bridges, and improvement and protection of the Yellowstone National Park, to be expended by and under the direction of the Secretary of War, fiscal year eighteen hundred and ninety-eight, one hundred and sixty-two dollars and sixty-two cents.

Yellowstone National Park.

MILITARY ESTABLISHMENT.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Army Medical Museum," for the fiscal year eighteen hundred and ninety-eight, seventy-five cents.

Military establishment.

Medical museum.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Ammunition for morning and evening gun," for the fiscal year eighteen hundred and ninety-eight, twelve dollars and thirty-five cents.

Morning, etc., gun.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Improving Wicomico River, Maryland," eighteen dollars.

Wicomico River, Md.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Improvement of Yellowstone National Park," six dollars and ninety-five cents.

National parks.—Yellowstone.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Battle lines and sites for tablets at Antietam," twenty cents.

—Antietam.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation of the Army and its supplies," for the fiscal year eighteen hundred and ninety-eight, seven hundred and twenty dollars and ninety-six cents.

Transportation.

For the reimbursement of necessary transportation and traveling expenses, including railroad fare, sleeping-car fare, transfers, meals, and lodgings en route or during necessary delays, of nurses employed by the Medical Department of the Army since April thirtieth, eighteen hundred and ninety-eight, incurred in traveling upon public business from their homes to the places of service and subsequently on changes of station and return to their homes, whose claims may have heretofore been disallowed by the accounting officers of the Treasury on the ground that the terms of the written contracts made with the nurses did not entitle them to the allowances in question, excepting the two hundred and eighteen claims forwarded by the Quartermaster-General to the Auditor for the War Department on or about February twenty-seventh, eighteen hundred and ninety-nine, which have been otherwise provided for, four thousand dollars: *Provided*, That all other such claims now pending or that may hereafter be presented shall be allowed and paid from the regular appropriations applicable to the payment of transportation and traveling expenses of civilian employees of the Army, in like manner as if the terms of the written contracts entitled the nurses to such allowances; but the amounts allowed shall in no case exceed the amounts authorized by the War Department in regulations governing the matter, nor the amounts stipulated in the written contracts if the latter expressly provide therefor: *And provided further*, That disbursing officers of the Quartermaster's Department who have paid or shall hereafter pay accounts for such expenses shall be given credit for all such payments upon proper vouchers.

Nurses, Medical Department. Traveling expenses, etc.

Proviso. Pending claims.

Credit in accounts, officers Quartermaster's Department.

Maj. W. H. Comegys
may issue duplicate of
lost check.

That William H. Comegys, major and paymaster, United States Army, be, and he is hereby, authorized and instructed to issue to Howell P. Myton a duplicate of an original check issued by said William H. Comegys on the twenty-third day of February, eighteen hundred and ninety-nine, numbered nine hundred and sixty-six thousand five hundred and fifty-five, upon the assistant treasurer of the United States at New York City, New York, in favor of post exchange, Fort Duchesne, Utah, for the sum of three thousand two hundred and seventy-three dollars, in payment of final statements of discharged soldiers, which original check was subsequently indorsed by George P. White, lieutenant, Ninth Cavalry, post exchange officer, over to said Howell P. Myton, United States Indian agent at Whiterocks Agency, Whiterocks, Utah, and is alleged to have been lost in transmission through the United States mails: *Provided*, That such duplicate check shall be issued under such regulations in regard to its issue and payment as have been prescribed by the Secretary of the Treasury for the issue of duplicate checks under the provisions of section thirty-six hundred and forty-six, Revised Statutes of the United States, including an adequate bond of indemnity.

Proviso.
—regulations, indem-
nity bond.
R. S., sec. 3646, p. 717.

Military Academy.

MILITARY ACADEMY.

Cadets.

PERMANENT ESTABLISHMENT: For additional amount required to pay cadets, fifteen thousand two hundred and fifty dollars and eighty-eight cents;

Band.

MILITARY BAND: For two enlisted musicians, at twenty dollars per month, four hundred and eighty dollars;

For additional pay for length of service, one hundred and thirty-two dollars;

For clothing on discharge, sixty dollars;

General army serv-
ice.

PAY OF GENERAL ARMY SERVICE: For sixteen privates, at fifteen dollars per month, two thousand four hundred and ninety-six dollars; for additional pay for length of service, one thousand and eight dollars;

For clothing on discharge, four hundred and forty-eight dollars;

For twenty per centum increase on pay of enlisted men, thirteen thousand one hundred and seventy-four dollars and eighty cents; in all, thirty-three thousand and nineteen dollars and sixty-eight cents.

Buildings and
grounds, District of
Columbia.

BUILDINGS AND GROUNDS IN AND AROUND WASHINGTON.

Sherman statue.
—reimbursement of
sculptor.

For reimbursement of the sculptor for the Sherman statue for extra and unforeseen expenses connected with the subfoundation of said statue, of which the pedestal has already been completed in accordance with the contract therefor, nine thousand five hundred and fifty-five dollars and five cents, to be disbursed by the officer in charge of public buildings and grounds, under the direction of the Sherman statue commission.

—removal of fence.

For removal of present iron fence around the site of the Sherman statue and setting up of a substantial granite curb in place thereof, eight thousand dollars, or so much thereof as may be found necessary, to be expended by the officer in charge of public buildings and grounds, under the direction of the Sherman statue commission.

National Home for
Disabled Volunteer
Soldiers.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

Dayton.

CENTRAL BRANCH, AT DAYTON, OHIO: For repairs, namely: Pay of chief engineer, builders, blacksmiths, carpenters, cabinetmakers, coopers, painters, gas fitters, plumbers, tinsmiths, wire-workers, steam fitters, stone and brick masons, quarrymen, whitewashers, and

laborers, and for all appliances and materials used under this head; also for repair of roads and of other improvements of a permanent character, five thousand dollars.

NORTHWESTERN BRANCH, AT MILWAUKEE, WISCONSIN: For household, namely: Expenditures for furniture for officers' quarters; for bedsteads, bedding, bedding material, and all other articles required in the quarters of the members, and for their repair if they are not repaired by the Home; for fuel, including fuel for cooking, heat, and light; for engineers and firemen, bath-house keepers, hall cleaners, laundrymen, gas and soap makers, and privy watchmen, and for all labor, materials, and appliances required for household use, and for their repair, unless the repairs are made by the Home, two thousand five hundred dollars.

Milwaukee.

For addition to hospital, one thousand five hundred dollars.

SOUTHERN BRANCH, AT HAMPTON, VIRGINIA: For current expenses, namely: Pay of officers and noncommissioned officers of the Home, clerks, and orderlies, with such exceptions as are hereinafter noted; also payments for chaplains and religious instruction, printers, bookbinders, librarians, musicians, telegraph and telephone operators, guards, policemen, watchmen, and fire company; for all property and material purchased for their use, including repairs not done by the Home; for necessary expenditures for articles of amusement, boats, library books, magazines, papers, pictures, and musical instruments, and for repairs not done by the Home; and for stationery, advertising, legal advice, for payments due heirs of deceased members, and for such other expenditures as can not properly be included under other heads of expenditure, five hundred dollars.

Hampton.

For transportation, namely: For transportation of members of the Home, five hundred dollars.

WESTERN BRANCH AT LEAVENWORTH, KANSAS: For household, namely: Including the same objects specified under this head for the Northwestern Branch, ten thousand dollars.

Leavenworth.

MARION BRANCH, AT MARION, INDIANA: For current expenses, namely: Including the same objects specified under this head for the Southern Branch, two thousand dollars.

Marion.

For household, namely: Including the same objects specified under this head for the Northwestern Branch, eight hundred dollars.

For hospital, namely: Pay of assistant surgeons, matrons, druggists, hospital clerks and stewards, ward masters, nurses, cooks, waiters, readers, hospital-carriage drivers, hearse drivers, gravediggers, funeral escort, and for such other services as may be necessary for the care of the sick; for surgical instruments and appliances, medical books, medicines, liquors, fruits, and other necessaries for the sick not on the regular ration; for bedsteads, bedding, and bedding material, and all other articles necessary for the wards; for hospital, kitchen, and dining-room furniture and appliances, including aprons, caps, and jackets for hospital, kitchen, and dining-room employees; for carriage, hearse, stretchers, coffins; for tools of gravediggers, and for all repairs to hospital furniture and appliances not done by the Home, one thousand nine hundred and seventy-five dollars.

For carpenter and paint shop, five hundred dollars.

For greenhouse, one thousand five hundred dollars.

For nurses' quarters, five hundred dollars.

For electric-light building, five thousand and twenty-three dollars and thirty-six cents.

For surgeons' quarters, nine hundred and thirty dollars and eighty-five cents.

For addition to electric-light plant, five thousand dollars.

AT THE DANVILLE BRANCH, DANVILLE, ILLINOIS: For current expenses, subsistence, household, hospital, transportation, repairs,

Danville.

and farm, including the same objects specified under these heads for the Central Branch in the appropriations made for the fiscal year nineteen hundred, ten thousand dollars.

That appropriations made for the fiscal year nineteen hundred, or that may hereafter be made, for the construction of buildings at any of the branches of the National Home for Disabled Volunteer Soldiers shall continue available until expended.

Navy Department.

NAVY DEPARTMENT.

Navy.

NAVAL ESTABLISHMENT.

Pay.
Subsistence certain
officers at Key West,
etc., authorized.

PAY OF THE NAVY.—For the payment of the following-named officers of the United States Navy, their heirs or legal representatives, the amounts hereinafter stated, for expenses of subsistence at Key West, or Havana, or both, between February fifteenth, eighteen hundred and ninety-eight, and May first, eighteen hundred and ninety-eight, checked, or directed to be checked, against their accounts: Captain Charles D. Sigsbee, one hundred and thirty-seven dollars and thirty-three cents; Commander Richard Wainwright, nine dollars; Lieutenant-Commander George F. W. Holman, ninety-two dollars and sixty-three cents; Lieutenant John Hood, one hundred and one dollars and thirty-three cents; Lieutenant Carl W. Jungen, ninety-five dollars; Lieutenant Frederic C. Bowers, one hundred and one dollars and thirty-three cents; Lieutenant George P. Blow, sixty-five dollars and thirty-three cents; Lieutenant Wilfrid V. Powelson, twenty-five dollars and ninety-three cents; Lieutenant John R. Morris, one hundred and one dollars and thirty-three cents; Ensign Frank H. Brumby, sixty-six dollars and sixty-seven cents; Ensign Jonas H. Holden, one hundred and forty dollars and seventy-six cents; Ensign Wat T. Cluverius, one hundred and forty dollars and seventy-six cents; Ensign Pope Washington, eighty-four dollars; Ensign Arthur Crenshaw, eighty-four dollars; Ensign Amon Bronson, one hundred and one dollars and thirty-three cents; Ensign David F. Boyd, ninety-eight dollars and thirty-three cents; Surgeon Lucien G. Heneberger, one hundred and forty-two dollars; Paymaster Charles M. Ray, one hundred and forty-two dollars; Chaplain John P. Chidwick, one hundred and forty dollars and seventy-six cents; Captain Albertus W. Catlin, United States Marine Corps, eighty-four dollars; Boatswain Francis E. Larkin, eighty-four dollars; Gunner Charles Morgan, eighty-five dollars and twenty cents; Gunner Joseph Hill, one hundred and seven dollars and thirty-three cents; Carpenter George Helms, one hundred and nine dollars and four cents; Pay Clerk Brent McCarthy, ninety-two dollars and thirty-three cents; Pay Inspector Arthur Burtis, eighty-four dollars (paid on account of Lieutenant John J. Blandin, deceased); the heirs or legal representatives of the late Charles P. Howell, commander, United States Navy, one hundred and forty dollars and seventy-six cents; in all, two thousand six hundred and fifty-six dollars and forty-eight cents: *Provided*, That from each of the said amounts there shall be deducted any amounts that may have been paid to the said officers respectively for the commutation of rations for the days on which the said expenses were incurred.

Proviso.
—deductions.

General account of
advances.

GENERAL ACCOUNT OF ADVANCES.

Vol. 20, p. 167.

To reimburse "General account of advances," created by the Act of June nineteenth, eighteen hundred and seventy-eight (Twentieth Statutes at Large, page one hundred and sixty-seven), for amounts advanced therefrom and expended on account of the several appropriations named in excess of the sums appropriated therefor, for the

fiscal year given, found to be due the "general account" on adjustment by the accounting officers, there is appropriated as follows:

For pay of the Navy, eighteen hundred and ninety-five, one hundred and two dollars and fourteen cents; Pay, Navy.

For pay, Marine Corps, eighteen hundred and ninety-four, sixty-six cents; —Marine Corps, etc.

For pay, Marine Corps, eighteen hundred and ninety-five, twelve dollars;

For pay, Marine Corps, eighteen hundred and ninety-six, five dollars and twenty-three cents;

For provisions, Marine Corps, eighteen hundred and ninety-eight, five hundred and fourteen dollars and thirty-five cents;

For transportation, recruiting, and contingent, Bureau of Navigation, nineteen hundred, three thousand and forty-six dollars and forty-five cents; Bureau of Navigation.

For outfits for naval apprentices, Bureau of Navigation, eighteen hundred and ninety-eight, four thousand four hundred and sixty-eight dollars and thirty-one cents;

For outfits for naval apprentices, Bureau of Navigation, eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, eight thousand one hundred and fifty-three dollars and ninety-eight cents;

For ocean and lake surveys, Bureau of Navigation, eighteen hundred and ninety-eight, one hundred and forty-five dollars and seventy-four cents;

For contingent, Bureau of Ordnance, eighteen hundred and ninety-seven, twenty-eight dollars and sixty-seven cents; Bureau of Ordnance.

For contingent, Bureau of Ordnance, eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, five hundred and twenty-eight dollars;

For contingent, Bureau of Medicine and Surgery, eighteen hundred and ninety-eight, four hundred and eleven dollars and fifty-five cents; Bureau of Medicine and Surgery.

For repairs of barracks, Marine Corps, eighteen hundred and ninety-eight and eighteen hundred and ninety-nine, two hundred and ninety-two dollars and fifty-one cents; Marine Corps.

For provisions, Navy, Bureau of Supplies and Accounts, eighteen hundred and ninety-seven, thirty-nine dollars and sixty cents; in all, seventeen thousand seven hundred and forty-nine dollars and nineteen cents. Bureau of Supplies and Accounts.

BUREAU OF MEDICINE AND SURGERY.

Bureau of Medicine and Surgery.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Contingent, Bureau of Medicine and Surgery," fiscal year eighteen hundred and ninety-eight, two hundred and twenty-four dollars and fourteen cents.

BUREAU OF NAVIGATION.

Bureau of Navigation.

For expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for men and boys, and all other expenses attending the recruiting for the naval service, and for the transportation of enlisted men and boys at home and abroad; for heating apparatus for receiving and training ships, and extra expenses thereof; for freight, telegraphing on public business, postage on letters sent abroad, ferrriage, ice, apprehension of deserters and stragglers, continuous-service certificates, discharges, good-conduct badges and medals for boys, schoolbooks for training ships, packing boxes and materials, and other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation unforeseen and impossible to classify, for the service of the current fiscal year, thirty thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Transportation, recruiting, and contingent, Bureau of Navigation," four thousand eight hundred and nineteen dollars and seventy-seven cents.

Bureau of Ordnance.

BUREAU OF ORDNANCE.

For miscellaneous items, namely: Freight to foreign and home stations, advertising, cartage, and express charges, repairs to fire engines, gas and water pipes, gas and water tax at magazines, tolls, ferriage, foreign postage and telegrams to and from the Bureau, technical books, and incidental expenses attending inspection of ordnance material, fifty thousand dollars.

Bureau of Equipment.

BUREAU OF EQUIPMENT.

For purchase of coal for steamers and ships' use, including expenses of transportation, storage, and handling the same; hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; canvas for the manufacture of sails, awnings, hammocks, and other work; water for all purposes on board naval vessels, including the expenses of transportation and storage of the same; stationery for commanding and navigating officers of ships, equipment officers on shore and afloat, and for the use of courts-martial on board ship, and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards; foreign and local pilotage and towage of ships of war; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments, and repairs to same; libraries for ships of war; professional books and papers, and drawings and engravings for signal books; naval signals and apparatus, namely, signals, lights, lanterns, rockets, running lights, compass fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; lanterns and lamps, and their appendages, for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; bunting and other materials for making and repairing flags of all kinds; photographic instruments and materials; musical instruments and music; and installing and maintaining electric lights and interior communications on board vessels of war, one hundred thousand dollars.

Boston Woven Hose and Rubber Company.

To pay bill of the Boston Woven Hose and Rubber Company for four hundred and fifty feet upper deck fire hose purchased on requisition approved October eleventh, eighteen hundred and ninety-five, for the fiscal year eighteen hundred and ninety-six, two hundred and ninety-two dollars and fifty cents.

To pay bill of the Boston Woven Hose and Rubber Company for one hundred and fifty feet upper deck fire hose purchased on requisition approved February sixteenth, eighteen hundred and ninety-five, for the fiscal year eighteen hundred and ninety-five, ninety-seven dollars and fifty cents.

Bureau of Medicine and Surgery.

BUREAU OF MEDICINE AND SURGERY.

Payment to railroad.

To pay Baltimore and Ohio Railroad Company for transportation of insane patient, fiscal year eighteen hundred and ninety-eight, thirty-five dollars.

To pay Pennsylvania Railroad Company for transportation of insane patients, fiscal year eighteen hundred and ninety-eight, fifty-nine dollars and fifty cents.

NAVY-YARDS AND STATIONS.

Navy-yards and stations.

The Secretary of the Navy is authorized to pay to P. F. Dundon, of San Francisco, California, out of the balance of the appropriation for "Dry Dock, Puget Sound, Washington, two steel tanks," Act of June tenth, eighteen hundred and ninety-six, the sum of three hundred and thirty-eight dollars and twenty-three cents for extra material furnished and work done by him upon said two steel tanks under his contract for the construction of the same, three hundred and thirty-eight dollars and twenty-three cents.

P. F. Dundon.
Payment to.
Vol. 29, p. 368.

MISCELLANEOUS, NAVY.

Miscellaneous.

To compensate the city of Charleston, South Carolina, for damages to quarantine wharf, caused by French steamer Manoubia under the command of a prize crew, three hundred and twenty-five dollars.

To compensate the owners of the brig Mary Gibbs for damages sustained while unloading coal, one hundred and thirty-eight dollars.

To compensate the owners of the tug William A. Beach for damages sustained by collision with the United States steamship Wompatuck and tow, fifty dollars.

To compensate the owners of the lighter Dora for damages sustained by collision with the United States steamship Wompatuck, two hundred dollars.

To compensate the Norfolk and Washington (District of Columbia) Steamboat Company for damages to its wharf at Alexandria, Virginia, by the United States steamship Tecumseh, forty-nine dollars and fifty cents.

To compensate owners of Chinese sampan sunk in collision with the United States steamship Monocacy, eighty dollars.

To pay to the Cleveland Steamship Company damages done to the merchant steamer M. A. Hanna by the United States steamer Michigan, on October fifteenth, eighteen hundred and ninety-nine, by means of a collision with said steamer, six hundred and twenty-seven dollars and fifty-seven cents.

To reimburse Theodore J. Arms, assistant paymaster in the United States Navy, for the loss which occurred by reason of the robbery of his safe at the United States naval station, San Juan, Porto Rico, March tenth, eighteen hundred and ninety-nine, he having made the same good to the United States, and the said loss having occurred through no fault or negligence on his part, two thousand four hundred and seventy-nine dollars and three cents.

DEPARTMENT OF THE INTERIOR.

Interior Department.

REPAIRS OF BUILDINGS, INTERIOR DEPARTMENT: For repairs of Interior Department and Pension buildings, and of the old Post-Office Department building occupied by the Interior Department, three thousand dollars.

Repairs of buildings, etc.

For removal of offices of the Interior Department to the old Post-Office Department building, five hundred dollars.

Contingent expenses

CONTINGENT EXPENSES, INTERIOR DEPARTMENT: For postage stamps for the Department of the Interior and its bureaus, as required under the Postal Union, to prepay postage on matter addressed to Postal Union countries, six hundred and twenty-nine dollars.

REIMBURSEMENT OF GEORGE W. EVANS: To reimburse George W. Evans, disbursing clerk, Department of the Interior, the amount disallowed in the settlement of his account Repairs of Buildings, Department of the Interior, eighteen hundred and ninety-nine, quarter ended March thirty-first, eighteen hundred and ninety-nine, on account of

George W. Evans.
Reimbursement of

payments made by him by direction of the Secretary of the Interior, for cleaning snow from the sidewalks around the several buildings of the Interior Department during the winter of eighteen hundred and ninety-nine, one hundred and sixty-six dollars and seventy-five cents.

Capitol.
Cranford Paving
Company.
Payment to.
Chandeliers, Senate
wing.

ANNUAL REPAIRS, CAPITOL: To pay the Cranford Paving Company for special repairs to roof of terrace, occasioned by severe weather, fiscal year nineteen hundred, three thousand five hundred dollars.

To pay for electric chandeliers for the corridors and committee rooms of the Senate wing to replace worn-out and obsolete gas fixtures, one thousand five hundred dollars.

Marble Room

To pay for mahogany doors for the Marble Room, the President's Room, and room of Committee on Finance, nine hundred and forty-nine dollars.

Otis Elevator Com-
pany.
Payment to.

STEAM HEATING AND MACHINERY, SENATE WING: To pay the Otis Elevator Company for special repairs to Senate elevators, two hundred and two dollars.

Lighting.

LIGHTING CAPITOL GROUNDS: To pay the Westinghouse Electric and Manufacturing Company for additions and repairs to the switchboard dynamo rooms of the Senate and House, one thousand seven hundred and sixteen dollars and twenty-four cents.

To pay the Washington Gaslight Company for gas service during the months of March, April, May, and June, eighteen hundred and ninety-nine, three hundred and sixty dollars and ten cents.

Improving grounds.

IMPROVING THE CAPITOL GROUNDS: For continuing the work of the improvement of the Capitol grounds and for care of the grounds, one clerk, and the pay of mechanics, gardeners, and laborers; for repairs to artificial pavement, walls, and roadways, eight hundred and fifty dollars.

Government Hos-
pital for the Insane.

GOVERNMENT HOSPITAL FOR THE INSANE.

Maintenance.

GOVERNMENT HOSPITAL FOR THE INSANE: For current expenses of the Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, and inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States, who are insane, all persons who have become insane since their entry into the military or naval service of the United States, who have been admitted to the hospital and who are indigent, fiscal year eighteen hundred and ninety-nine, two thousand two hundred and seventy-six dollars and fifty-three cents.

Public lands serv-
ice.

PUBLIC LAND SERVICE.

Salaries of registers
and receivers.

For salaries and commissions of registers of land offices and receivers of public moneys at district land offices, at not exceeding three thousand dollars each, twenty thousand dollars.

Incidental expenses.

For clerk hire, rent, and other incidental expenses of the district land offices, eight thousand dollars.

Albert F. Easley.
Payment to.

To pay to Albert F. Easley, deputy surveyor, for surveying and establishing the exterior and connecting lines of the "Galisteo grant allotments" in Santa Fe County, New Mexico, under contract of November twenty-eighth, eighteen hundred and ninety-six, ninety-six dollars and eighty-eight cents.

Clinton F. Pulsifer.
Payment to.

That the Secretary of the Treasury be, and he is hereby, authorized and directed, out of any money in the Treasury not otherwise appropriated, to pay to Clinton F. Pulsifer, of the State of Washington, the sum of two hundred and seventy-six dollars and fifty-two cents, for surveys and resurveys of public lands, section and township lines,

in township numbered fourteen north, range numbered nine west, Willamette base and meridian, duly accepted by the United States but not heretofore paid for.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John O'Keane, of the State of Washington, the sum of forty-five dollars, as balance of salary due him for services as a farmer in charge of Tulalip Indian Agency, Washington Territory, for the month of October, eighteen hundred and eighty-two, and not heretofore paid to him.

John O'Keane.
Payment to.

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Joshua T. Roberts, of the State of Washington, the sum of eight hundred and eighty-four dollars and eighty-two cents, as the balance due him from the United States for making survey numbered four hundred and twenty-five, in the State of Washington, and not heretofore paid to him.

Joshua T. Roberts.

For payment to Howard B. Carpenter, United States deputy surveyor, for surveys and resurveys executed by him in the State of Wyoming, necessary to complete the surveys under his contract numbered two hundred and sixty-six A, approved by the Commissioner of the General Land Office under date of June thirtieth, eighteen hundred and ninety-seven, as per account rendered, being the amount found due by the Commissioner of the General Land Office in accordance with the rates authorized in the Act making appropriation for the survey and resurvey of public lands for the fiscal year of eighteen hundred and ninety-seven, two thousand five hundred and seventy-four dollars and ninety-four cents.

Howard B. Carpenter.

Vol. 29, p. 434.

For payment to J. T. Breckon, for surveying in excess of contract, three hundred and sixty-seven dollars and ten cents.

J. T. Breckon.

For publication of the monthly reports filed by mineral-land commissioners in the office of the register and receiver of the Bozeman, Helena, and Missoula land districts, in the State of Montana, and the Cœur d'Alene land district, in the State of Idaho, two hundred and seventy-seven dollars and forty cents.

Monthly reports,
publication.

To pay to George E. Boos, manager of the Missoula Publishing Company, Missoula, Montana, for publishing advertisements of three mineral-land lists in thirty issues of said journal from June seventh to July twelfth, eighteen hundred and ninety-eight, this amount having been heretofore suspended, but now allowed, four hundred and fifty dollars and twenty cents;

George E. Boos, etc.

For payment to John McMurray, manager of the Recorder, a newspaper published at Anaconda, Montana, as additional allowance for publishing lists of classified mineral lands, such additional allowance being based upon the rates provided for by Departmental Circular of April thirteenth, eighteen hundred and ninety-five, one hundred and twenty-six dollars and thirty-four cents;

John McMurray, etc.

To pay the twelve members of the boards of mineral land commissioners for the States of Montana and Idaho the balance due them for services during the month of October, eighteen hundred and ninety-nine, two hundred and sixteen dollars and sixty-seven cents each; in all, two thousand six hundred dollars and four cents.

Boards of mineral
land commissioners,
Montana and Idaho.

For payments and reimbursements to the parties named, and in the amounts specified, respectively, on pages six and seven of House Document Numbered Three hundred and sixty-one of the present session, under the title, "General Land Office," three hundred and twenty-seven dollars and seven cents.

Payments, etc.,
"General Land Office."

To reimburse William A. Richards, late United States surveyor-general for Wyoming, for losses incurred by him through a cloud-burst upon July sixth, eighteen hundred and ninety-one, near Fort Washakie, upon the Shoshone Indian Reservation, in the State of Wyoming, while in the discharge of his duties as surveyor-general

William A. Richards.
Reimbursement of.

examining a public survey, under section twenty-two hundred and twenty-three of the Revised Statutes of the United States and the special instructions of the Commissioner of the General Land Office, three hundred and eighteen dollars.

Surveyor-general's office, Utah.

For expense and clerk hire in the office of the surveyor-general in the State of Utah for the fiscal year ending June thirtieth, nineteen hundred, and the fiscal year ending June thirtieth, nineteen hundred and one, in addition to appropriation previously made, two thousand dollars.

Abandoned military reservations.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Appraisal and sale of abandoned military reservations" for the fiscal year eighteen hundred and ninety-eight, twenty-five dollars and nine cents.

Geological Survey.

GEOLOGICAL SURVEY.

To supply a deficiency in the following appropriations of the Geological Survey for the fiscal years ending June thirtieth, eighteen hundred and ninety-seven, eighteen hundred and ninety-eight, eighteen hundred and ninety-nine, and nineteen hundred, required to pay vouchers which were not received until after the appropriations were exhausted, as follows, namely:

Gauging streams.

For gauging the streams, and so forth, fiscal years eighteen hundred and ninety-seven and eighteen hundred and ninety-nine, three hundred and two dollars and twenty-six cents.

Surveys.

For topographical surveys in various portions of the United States, fiscal years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, one hundred and forty dollars and eighty-one cents.

Report, mineral resources.

For preparation of the report of the mineral resources of the United States, fiscal year eighteen hundred and ninety-eight, thirty-eight dollars and sixty-two cents.

Library.

For purchase of necessary books for the library, fiscal year eighteen hundred and ninety-nine, eighteen dollars and sixty-five cents.

Alaska, maps.

For maps of Alaska, eighteen dollars and fifty cents.

Gila River and Queens Creek investigations.

For irrigation investigations, Gila River and Queens Creek, Arizona, one hundred and nineteen dollars and ninety-five cents.

Smithsonian exchange.

For payment for transmission of public documents through the Smithsonian exchange, for the fiscal year nineteen hundred, four thousand nine hundred and twelve dollars and forty-four cents.

Indian Affairs.

INDIAN AFFAIRS.

Superintendent of schools, etc.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for "Traveling expenses, Indian school superintendent," for the fiscal years as follows:

For the fiscal year nineteen hundred, one dollar and sixty-six cents.

For the fiscal year eighteen hundred and ninety-nine, sixty-six dollars and forty-four cents.

For the fiscal year eighteen hundred and ninety-eight, two dollars and fifty cents.

Supplies.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Telegraphing, and purchase of Indian supplies," for the fiscal years as follows:

For the fiscal year nineteen hundred, two thousand one hundred and twenty-nine dollars and nine cents.

For the fiscal year eighteen hundred and ninety-nine, three thousand two hundred and twelve dollars and seventy-three cents.

For the fiscal year eighteen hundred and ninety-eight, one thousand and twenty-five dollars and eighty-six cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Buildings at agencies, and repairs," for the fiscal year eighteen hundred and ninety-nine, six hundred and seventy-six dollars and ninety-one cents.

Buildings, etc., at agencies.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Vaccination of Indians," fifty-eight dollars.

Vaccination.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Support of Quapaws, education," twelve dollars.

Quapaws.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Support of Crows: employees, and so forth," for the fiscal year eighteen hundred and ninety-eight, eight dollars and twenty-two cents.

Crows.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Support of Cheyennes and Arapahoes: subsistence and civilization," for the fiscal year eighteen hundred and ninety-eight, twenty-four dollars and seven cents.

Cheyennes and Arapahoes.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian School, Carlisle, Pennsylvania," for the fiscal years as follows:

Schools. Carlisle.

For the fiscal year eighteen hundred and ninety-nine, five hundred and fifteen dollars and seventeen cents.

For the fiscal year eighteen hundred and ninety-eight, seventeen dollars and ninety-three cents.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian School, Fort Mojave, Arizona," for the fiscal year eighteen hundred and ninety-nine, eighty-seven dollars and fifty-three cents.

Fort Mojave, Ariz.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian School, Flandreau, South Dakota," for the fiscal year eighteen hundred and ninety-nine, one thousand six hundred and fifty-four dollars and eighteen cents.

Flandreau, S. Dak.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian School, Lawrence, Kansas," for the fiscal year eighteen hundred and ninety-nine, ninety dollars.

Lawrence, Kans.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Indian School, Perris, California," for the fiscal year eighteen hundred and ninety-nine, thirteen dollars and sixty cents.

Perris, Cal.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Incidentals in Utah, including support and civilization," being for the fiscal year eighteen hundred and ninety-eight, twelve dollars and forty cents.

Utah, incidentals, etc.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Surveying a portion of Blackfoot Reservation in Montana," being for the fiscal year eighteen hundred and ninety-eight, one hundred and thirty-one dollars and ten cents.

Blackfoot Reservation, Mont.

To pay to the estate of Hopiahtubby, deceased, the amount of claim allowed as indemnity under treaty with the Choctaws and Chickasaws of eighteen hundred and fifty-five on account of horses stolen by Comanche Indians in eighteen hundred and sixty-six, as per award of the Secretary of the Interior and Commissioner of Indian Affairs, and decision of the Comptroller of the Treasury, dated November second, eighteen hundred and ninety-nine, two thousand and eighty-one dollars and twenty-five cents.

Hopiahtubby. Payment to estate of.

This amount to be paid John Q. Abbott, late clerk to the Commission to the Uncompahgre and Uintah Band of Utes for per diem and actual expenses in going from his home—McConnellsville, Ohio—to

John Q. Abbott. Payment to.

post of duty at Fort Duchesne, Utah, one hundred and sixty-nine dollars and fifty-five cents.

Crow, Flathead, etc.
commission.
Continuance of.
Vol. 29, p. 341.

For continuing, after the passage of this Act and during the fiscal year nineteen hundred and one, the work of the commission under the Act of Congress approved June tenth, eighteen hundred and ninety-six, to negotiate with the Crow, Flathead, and other Indians, fifteen thousand dollars, and the members of said commission shall perform such duties as may be required of them by the Secretary of the Interior.

Bureau of Catholic
Indian Missions.
Reimbursement.

To reimburse the Bureau of Catholic Indian Missions for expenses incurred on account of and in returning to their home from Washington a delegation of Colville Indians, one hundred and eighty-six dollars and fifty cents.

Flandreau school.

For the following as fully set forth in House Document Numbered Six hundred and seventy-seven of the present session, namely:

To pay for water rent at the Indian school, Flandreau, South Dakota, two hundred and fifty dollars.

Commission to Five
Civilized Tribes.
Accounts of disburs-
ing agent readjusted.

The proper accounting officers of the Treasury are hereby authorized to readjust the accounts of the special disbursing agent of the Commission to the Five Civilized Tribes for the first fractional third quarter, eighteen hundred and ninety-nine, and allow so much of voucher numbered thirty-one in said quarter as may have been paid for advertising, not to exceed fifty-three dollars and seventeen cents.

Makahs, Washing-
ton.

For support and civilization of the Makah Indians, Washington, including pay of employees, six hundred dollars.

Klamath Agency,
Oreg.

For support, civilization, and instruction of the Klamaths, Modocs, and other Indians of the Klamath Agency, Oregon, including pay of employees, one thousand dollars.

Indians, middle
Oregon.

For support and civilization of the confederated tribes and bands in middle Oregon, and for pay of employees, five hundred dollars.

Walla Walla, Cay-
use, etc., Indians.

For support and civilization of the Walla Walla, Cayuse, and Umatilla tribes, Oregon, including pay of employees, two hundred dollars.

Yakima Agency.

For support and civilization of the Yakimas and other Indians at said agency, including pay of employees, three hundred and fifty dollars.

Utah, expenses.

For general incidental expenses of the Indian service in Utah, including traveling expenses of agents, support and civilization of Indians at the Uintah Valley and Ouray agencies, eight hundred dollars.

Seminoles, Florida.

To pay for lands purchased for Seminoles in Florida, two hundred and sixty-five dollars and seventy-five cents, to be paid from a balance on the books of the Treasury, under the title of "Homesteads for Seminoles in Florida."

Payment of scouts,
etc., who served in
war against Nez
Perces, etc.

To pay those Indians who served the United States under General O. O. Howard in the late war with Joseph's band of the Nez Perces tribe of Indians as scouts, couriers, and messengers, referred to in article ten of the agreement of May tenth, eighteen hundred and ninety-three, with the Nez Perces Indians, ratified by the Act of Congress approved August fifteenth, eighteen hundred and ninety-four, which claims are fully enumerated in House Document Numbered Five hundred and fifty-two, Fifty-sixth Congress, first session, four thousand seven hundred and fifty-two dollars.

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Twelfth Census.

TWELFTH CENSUS.

Allowance in ac-
counts of disbursing
clerk.

The accounting officers of the Treasury are hereby directed to credit and allow in the accounts of Edward McCauley, disbursing clerk of the Census Office, the sum of eleven dollars, being the amount paid by him for two directories of the city of Washington, District of Columbia, and one manual of the State of Kentucky.

To pay Mrs. Ella M. Shell, widow of G. W. Shell, deceased, for services rendered by her husband as census supervisor for the fourth census district of South Carolina, five hundred dollars.

Mrs. Ella M. Shell.
Payment to.

DEPARTMENT OF JUSTICE.

Department of Justice.

For books for law library of the Department, for the fiscal years as follows:

Library.

For the fiscal year nineteen hundred, five hundred dollars.

For the fiscal year eighteen hundred and ninety-nine, two hundred and twenty-eight dollars and fifty cents.

For official transportation, including purchase, keep, and shoeing of animals, and purchase and repairs of wagons and harness, for the fiscal years as follows:

Wagons, etc.

For the fiscal year nineteen hundred, one thousand six hundred dollars.

For the fiscal year eighteen hundred and ninety-nine, two hundred and two dollars and fifty cents.

For miscellaneous expenditures, including telegraphing, fuel, lights, foreign postage, labor, repairs of building and care of grounds, and other necessities, directly ordered by the Attorney-General, one thousand dollars.

Miscellaneous.

For city directories and books of reference, seventy-five dollars.

To reimburse Henry Rechtin, disbursing clerk, Department of Justice, money paid for dictionary, city directories, and atlases, for the official use of the Department of Justice for the fiscal year eighteen hundred and ninety-nine, eighty-three dollars and fifty-three cents.

Henry Rechtin.
Reimbursement of.

MISCELLANEOUS.

Miscellaneous.

For the payment of the salary of the United States district judge for the Territory of Hawaii, two hundred and thirty-three dollars and fifty-two cents.

Hawaii.
District judge.

For the payment of the salary of the additional United States district judge in the State of New York, six hundred and eighty-six dollars and eighty-three cents.

New York.
District judge.

For the payment of the salary of the clerk of the United States district court of the Territory of Hawaii, one hundred and forty dollars and eleven cents.

Hawaii.
Clerk, etc., district court.

For the payment of the salary of the reporter of the United States district court for the Territory of Hawaii, fifty-six dollars and four cents.

TRAVELING EXPENSES, TERRITORY OF ALASKA: For the actual and necessary expenses of the judge, clerk, marshal, and attorney, when traveling in the discharge of their official duties, for the fiscal years as follows:

Alaska.
Traveling expenses, etc.

For the fiscal year nineteen hundred, one thousand seven hundred and thirty dollars and ninety cents.

For the fiscal year eighteen hundred and ninety-nine, one hundred and twenty-two dollars.

RENT AND INCIDENTAL EXPENSES, TERRITORY OF ALASKA: For rent of offices for the marshal, district attorney, and commissioners; furniture, fuel, books, stationery, and other incidental expenses, and for necessary clerk hire in the United States marshal's office, the amount thereof to be fixed by the Attorney-General, for the fiscal years as follows:

—rent, etc.

For the fiscal year nineteen hundred, one thousand five hundred dollars.

For the fiscal year eighteen hundred and ninety-nine, two thousand six hundred and seventy-five dollars and sixty cents.

For the fiscal year eighteen hundred and ninety-eight, seventy-two dollars and fifty cents.

Defending suits in claims.

DEFENDING SUITS IN CLAIMS AGAINST THE UNITED STATES: For defraying the necessary expenses incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States, and in defending suits in the Court of Claims, including the payment of such expenses as in the discretion of the Attorney-General shall be necessary for making proper defense for the United States in the matter of French spoliation claims, to be expended under the direction of the Attorney-General, for the fiscal years as follows:

For the fiscal year eighteen hundred and ninety-nine, eight hundred and forty-nine dollars and six cents.

For the fiscal year eighteen hundred and ninety-seven, thirty-two dollars and twenty cents.

Townsley v. United States.
Compromise of suit.

COMPROMISE OF SUIT: To enable the Attorney-General to make settlement of a suit of T. F. Townsley against the United States pending in the circuit court for the district of Washington for damages claimed for alleged breach of contract for carrying reindeer between certain Siberian and Alaskan ports, one thousand seven hundred and eighteen dollars and eighty-eight cents, or so much thereof as may be necessary.

Indian depredation claims.

DEFENSE IN INDIAN DEPREDAATION CLAIMS: For salaries and expenses in defense of the Indian depredation claims for the fiscal years as follows:

For the fiscal year nineteen hundred, three thousand five hundred dollars.

For the fiscal year eighteen hundred and ninety-nine, eight hundred and eight dollars and twenty-six cents.

Circuit courts of appeals.
Payment for legal services in.

PAYMENT FOR LEGAL SERVICES IN CIRCUIT COURTS OF APPEALS: For the payment, upon accounts approved by the Attorney-General, of claims for compensation on account of legal services rendered and expenses incurred in cases before the United States circuit courts of appeals, the amount of said compensation to be determined by the Attorney-General, one hundred and fifty dollars and seventy-one cents: *Provided*, That so much of section six of the Act approved May twenty-sixth, eighteen hundred and ninety-six, as provides that the salaries paid to United States district attorneys shall cover and include compensation for services rendered by them in the circuit courts of appeals is hereby made applicable to the United States district attorney for the southern district of New York.

Pratt.
United States attorney, southern district of New York.
Vol. 29, p. 179.

To pay Frank D. Allen, late United States district attorney for the district of Massachusetts, for services rendered the United States in the United States circuit court of appeals, one thousand nine hundred dollars.

Frank D. Allen.
Payment to.

Court of appeals, District of Columbia.
Reporter.

COURT OF APPEALS, DISTRICT OF COLUMBIA: For additional amount as salary of the reporter of said court, five hundred dollars, one-half of which shall be paid from the revenues of the District of Columbia.

Weil and La Abra cases.
Additional compensation to counsel.

WEIL AND LA ABRA CASES: To enable the Attorney-General to give any additional compensation he may deem proper to counsel for services in the cause of the United States against La Abra Silver Mining Company, finally determined by the Supreme Court of the United States at the present term of said court, and for all compensation of counsel and fees and expenses in the prosecution to final conclusion of the suit of the United States against Alice Weil and others, in which an appeal has been allowed by the Court of Claims to the Supreme Court of the United States from the judgment of that court in favor of the United States, ten thousand dollars, the said suits having been brought in obedience to two Acts of Congress approved, respectively, on December twenty-eighth, eighteen hundred and ninety-two, and entitled, respectively, "An Act to amend and enlarge the Act approved June eighteenth, eighteen hundred and seventy-eight,

entitled 'An Act to provide for the distribution of the awards made under the convention between the United States of America and the Republic of Mexico, concluded on the fourth day of July, eighteen hundred and sixty-eight.'"

Vol. 20, p. 144.

PUNISHING VIOLATIONS OF THE INTERCOURSE ACTS AND FRAUDS: For detecting and punishing violations of the intercourse Acts of Congress and frauds committed in the Indian service, the same to be expended by the Attorney-General in allowing such fees and compensation of witnesses, jurors, marshals and deputies, and agents, and in collecting evidence, and in defraying such other expenses as may be necessary for this purpose, for the fiscal year eighteen hundred and ninety-six, fifty dollars.

Punishing violations of intercourse acts.

COUNSEL FOR MISSION INDIANS OF SOUTHERN CALIFORNIA: For the payment of certain expenses incurred in the discharge of his official duties by the special attorney for the Mission Indians of Southern California:

Mission Indians. Payment of counsel for.

For the fiscal year eighteen hundred and ninety-six, eight dollars and forty cents.

For the fiscal year eighteen hundred and ninety-seven, one hundred and fifty-nine dollars and forty-five cents.

SPECIAL PAYMENTS: To reimburse E. D. Winney, late United States marshal for the eastern district of Michigan, for the payment by him to the appellant, in accordance with the mandate of the Supreme Court of the United States, of the costs in the case of Thomas Cosgrove against Eugene D. Winney, seventy dollars and seventy-five cents.

Special payments. E. D. Winney.

For payment to J. H. G. Weaver for legal services rendered by request of the United States attorney for the western district of Wisconsin in taking the deposition of I. F. Calkins, a material witness for the Government in the case of the United States against George E. Desmond, ten dollars.

J. H. G. Weaver.

For payment to Charles Bucher the amount fixed and allowed by the United States circuit court for the district of Kansas for his services and expenses from July nineteenth, eighteen hundred and ninety-four, to December twenty-sixth, eighteen hundred and ninety-seven, as special master in chancery, under appointment by the court, in the case of the United States against Missouri, Kansas and Texas Railway Company and others, ten thousand five hundred and seventy-eight dollars and fifty-eight cents.

Charles Bucher.

For payment to W. W. Dewhurst for expenses incurred and legal services rendered to the Government in the case of Mitchell against Furman, in the Supreme Court of the United States, six hundred and eight dollars and thirty-four cents.

W. W. Dewhurst.

For payment to William J. Brown for legal services rendered the United States in the proceedings for the condemnation of certain lands in Jamestown, Rhode Island, for the construction of fortifications, two hundred and fifty dollars.

William J. Brown.

To pay J. N. Whittaker for clerical services in the office of the United States attorney for the eastern district of Virginia from January first to eleventh, eighteen hundred and ninety-eight, forty-five dollars and eighty-seven cents.

J. N. Whittaker.

To pay George T. Hammock for service rendered as a United States deputy marshal for the western district of Arkansas in the case of the United States against William Patton and L. P. Patton, twenty-one dollars and fifty-two cents.

George T. Hammock.

To pay accounts of L. B. Shephard, United States commissioner at Saint Michael, Alaska, as follows:

L. B. Shephard.

For expenses in connection with the coroner's inquest concerning the death of Robert Patterson, being the expenses incurred by one Wallace W. Blain in recovering the body of Patterson, under the

W. W. Blain.

direction of Commissioner Shephard, one thousand and twenty-two dollars and thirty-five cents;

Commissioner Shephard.

For expenses incurred by Commissioner Shephard on trip to Cape Nome district to hold court, one thousand one hundred and seventy-three dollars and fifty cents; in all, two thousand one hundred and ninety-five dollars and eighty-five cents.

United States courts.

UNITED STATES COURTS.

Thomas S. and Charles A. Watts. Payment to.

The accounting officers of the Treasury are hereby authorized and directed to audit and settle the claims submitted on account of services rendered and expenses incurred by Thomas S. Watts and Charles A. Watts, acting as United States deputy marshals in the northern district of New York, during the quarter beginning July first and ending September thirtieth, eighteen hundred and ninety-eight, in the same manner as if said persons had taken the oath of office as prescribed by law.

Salaries, etc., United States attorneys.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Salaries and expenses of district attorneys, United States courts," for the fiscal year eighteen hundred and ninety-eight, one hundred and ninety-three dollars and four cents.

Southern district of New York.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Fees of district attorney for southern district of New York, United States courts," two thousand four hundred and forty-one dollars and twenty-four cents.

Support of prisoners.

For support of United States prisoners, including necessary clothing and medical aid, and transportation to place of conviction or place of bona fide residence in the United States, and including support of prisoners becoming insane during imprisonment, as well before as after conviction, and continuing insane after expiration of sentence, who have no friends to whom they can be sent, fifty thousand dollars.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation "Support of prisoners, United States courts," fiscal year eighteen hundred and ninety-nine, thirty thousand eight hundred and seventy-one dollars and seventy-one cents.

Bailiffs and criers.

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York:

Proviso. Attendance. R. S., sec. 715, p. 136.

Provided, That all persons employed under section seven hundred and fifteen of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *And provided*

Vacation. Expenses of judges.

further, That no such person shall be employed during vacation; of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed ten dollars per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States; expenses of judges of the circuit courts of appeals; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, five dollars per day, not exceeding three days for any one term of court, ten thousand dollars.

Rent.

To pay amounts found due by the accounting officers of the Treasury on account of the appropriation for rent of rooms for the United States courts and judicial officers, fiscal year eighteen hundred and ninety-nine, three thousand six hundred dollars.

Miscellaneous expenses.

For payment of such miscellaneous expenses as may be authorized by the Attorney-General, for the United States courts and their officers, including the furnishing and collecting of evidence where the

United States is or may be a party in interest, and moving of records, fifteen thousand dollars.

For the support of the United States Penitentiary at Fort Leavenworth, Kansas: For subsistence, including supplies for prisoners, warden, deputy warden, and superintendent of industries, tobacco for prisoners, kitchen and dining-room furniture and utensils; and for farm and garden seeds and implements, and for purchase of ice if necessary, one thousand dollars.

United States penitentiary, Fort Leavenworth, Kans.

POST-OFFICE DEPARTMENT.

Post-Office Department.

To pay Edgar J. Hulse for repairs, and so forth, to the skylight and screens over the working room of the city post-office building, Washington, District of Columbia, one thousand three hundred and eighteen dollars.

Edgar J. Hulse. Payment to.

To reimburse the postal revenues the amount of a judgment obtained in the United States district court for the western district of Arkansas against Robert Johnson, one of the sureties on the bond of Joseph G. Bell, as contractor on postal route numbered fifteen thousand three hundred and ninety-seven, the proceeds of which having been erroneously covered into the Treasury as a "miscellaneous receipt" instead of to the credit of "postal revenues," one hundred and twenty-two dollars and seventy-five cents.

Reimbursement postal revenues, etc.

To reimburse W. J. Vickery, post-office inspector, for expenses incurred in the line of his official duty, eighty-five dollars and sixty-two cents.

W. J. Vickery.

To pay the heirs of William B. Cudlip, formerly a clerk of Class D in this Department, the amount due him at the date of his death, twenty-two dollars and one cent.

William B. Cudlip

For miscellaneous items, three thousand dollars.

Miscellaneous.

For publication of copies of the Official Postal Guide, two thousand five hundred dollars.

Official Postal Guide.

For plumbing and light fixtures, five hundred dollars.

Plumbing, etc.

For telegraphing, fiscal year eighteen hundred and ninety-nine, four thousand four hundred and sixty-four dollars and ninety-two cents.

Telegraphing.

For gas and electric lights, fiscal year eighteen hundred and ninety-nine, four hundred and fifty-nine dollars.

Gas, etc.

OUT OF THE POSTAL REVENUES.

Postal service.

For wrapping paper, ten thousand dollars.

Wrapping paper.

For the manufacture of adhesive postage and special-delivery stamps, for the fiscal years, as follows:

Stamps.

For the fiscal year nineteen hundred, ten thousand dollars.

For the fiscal year eighteen hundred and ninety-nine, sixty cents.

MAIL TRANSPORTATION: For inland transportation by steamboat routes, for the fiscal years, as follows:

Mail transportation.

For the fiscal year nineteen hundred, fifteen thousand dollars.

For the fiscal year eighteen hundred and ninety-nine, ten thousand five hundred and seventy-four dollars and one cent.

For inland transportation by star routes, thirty-five thousand dollars.

For transportation of foreign mails: To pay the amount due the Royal Mail Steamship Company for services rendered by that company from July first, eighteen hundred and eighty-seven, to June thirtieth, eighteen hundred and ninety-seven, under the terms of the Universal Postal Convention, thirty-five thousand two hundred and seventy-seven dollars and sixty-three cents.

Foreign mails.

For post-office cars: To pay amounts set forth on page sixteen,

Post-office cars.

House Document Numbered Six hundred and forty-two, of the present session, fiscal year eighteen hundred and ninety-nine, two thousand eight hundred and eighty-two dollars.

Inland transportation.

For inland mail transportation by railroad routes, to pay amounts set forth in House Document Numbered Six hundred and forty-two, of the present session, for the fiscal years, as follows:

For the fiscal year eighteen hundred and ninety-nine, sixty-four thousand and thirteen dollars and seventy-one cents.

For the fiscal year eighteen hundred and ninety-eight, twenty-nine dollars and thirty cents.

Free delivery.

FREE DELIVERY: To pay the amounts set forth in House Document Numbered Six hundred and forty-two and Senate Document Numbered Four hundred and thirteen, of this session, for free-delivery service for the fiscal years, as follows:

For the fiscal year eighteen hundred and ninety-nine, one hundred and fifty-nine thousand and sixty-one dollars and three cents.

For the fiscal year eighteen hundred and ninety-eight, thirty-eight dollars and eighty-three cents.

For rural free delivery, fiscal year eighteen hundred and ninety-nine, sixty-five dollars and ninety-four cents.

Advertising.

ADVERTISING: To pay amounts for advertising, first and second class offices, set forth in House Document Numbered Six hundred and forty-two, of this session, fiscal year eighteen hundred and ninety-eight, forty-six dollars and forty-two cents.

Money-order service.

MONEY-ORDER SERVICE: To pay amounts for stationery and miscellaneous, set forth in House Document Numbered Six hundred and forty-two, of this session, fiscal year eighteen hundred and ninety-nine, one hundred and fourteen dollars and ninety-nine cents.

Military service.

MILITARY POSTAL SERVICE: To pay amounts set forth in House Document Numbered Six hundred and forty-two and Senate Document Numbered Four hundred and thirteen, of this session, fiscal year eighteen hundred and ninety-nine, forty-seven thousand eight hundred and thirty-three dollars and forty-one cents.

Miscellaneous.

MISCELLANEOUS: To pay amounts set forth in House Document Numbered Six hundred and forty-two and Senate Document Numbered Four hundred and thirteen, of this session, to reimburse the postal revenue of the fiscal year eighteen hundred and ninety-nine, being amounts paid by postmasters in excess of the appropriation for miscellaneous, office of the First Assistant Postmaster-General, six thousand one hundred and two dollars and forty-three cents.

Postmasters' compensation.

COMPENSATION OF POSTMASTERS: For amounts to reimburse the postal revenues, being the amount retained by postmasters in excess of the appropriations, including the amounts set forth in House Document Numbered Six hundred and forty-two and Senate Document Numbered Four hundred and thirteen, of this session, for the fiscal years, as follows:

For the fiscal year eighteen hundred and ninety-nine, one million four hundred and seventy-eight thousand five hundred and thirty-two dollars and seventy-seven cents.

For the fiscal year eighteen hundred and ninety-eight, one thousand and seventy-two dollars and eighty-five cents.

Department of Agriculture.

DEPARTMENT OF AGRICULTURE.

Rent.

For additional amount for rent of building occupied by the Bureau of Animal Industry, six hundred dollars.

For additional amount for rent of building occupied by the Division of Chemistry, one thousand three hundred dollars.

LEGISLATIVE.

Legislative.

SENATE.

Senate.

To reimburse Nathan B. Scott, a Senator from the State of West Virginia, as full and final compensation for all expenses necessarily incurred by him in defense of his title to his seat in the Senate, two thousand eight hundred and fifty dollars.

Payment to N. B. Scott.

To reimburse John T. McGraw and other remonstrants contesting the seat of Nathan B. Scott, as a Senator from the State of West Virginia, for all expenses in full and final payment thereof incurred by them in such contest, two thousand eight hundred and fifty dollars.

John T. McGraw.

To pay Mrs. Jennie Pelton Hayward, widow of the late Honorable Monroe L. Hayward, Senator-elect from the State of Nebraska, five thousand dollars.

Mrs. Jennie Pelton Hayward.

To pay Horace C. Reed, clerk to the Committee on Rules of the Senate, for preparing, under the resolution of the Senate of March second, eighteen hundred and ninety-nine, an edition of the Senate Manual, one thousand dollars.

Horace C. Reed.

To enable the Secretary of the Senate to pay the persons who performed the work of preparing and arranging the indexes to all the reports of the Secretaries of the Senate, under resolution of March third, eighteen hundred and ninety-nine, two thousand dollars, which sum may be expended as additional pay or compensation to any officer or employee of the United States, and to be paid only upon vouchers to be approved by the chairman of the Committee to Audit and Control the Contingent Expenses of the Senate.

Indexers, etc., reports of Secretaries of the Senate.

To pay for services rendered to the Committee on Pacific Islands and Porto Rico in preparing the document entitled "Organic Acts for the Territories of the United States, with notes thereon, also appendices comprising other matters relating to the government of the Territories," compiled by direction of said committee and authorized by Senate resolution of February second, nineteen hundred, three hundred dollars, to be paid to the persons designated by the chairman of said committee to do said work.

"Organic Acts for the Territories of the United States," etc., payment for preparing.

To pay Hawkins Taylor, assistant clerk to the Committee on Foreign Relations, for extra services, including compilation of the reports of said committee, five hundred dollars.

Hawkins Taylor.

To pay Charles G. Phelps for preparing for publication and indexing the civil report of General John R. Brooke, military governor of Cuba, authorized by Concurrent Resolution Numbered Eleven, passed February twelfth, nineteen hundred, one hundred and twenty-five dollars.

Charles G. Phelps.

The Secretary of the Senate is hereby authorized to pay to William Hayward, as clerk to Honorable M. L. Hayward, deceased, late a Senator from the State of Nebraska, from March ninth to December fifth, eighteen hundred and ninety-nine, from the appropriations for salaries of officers, clerks, and employees of the Senate for the fiscal years eighteen hundred and ninety-nine and nineteen hundred.

William Hayward.

The Secretary of the Senate is hereby authorized to pay to William T. Bauskett, as clerk to Honorable James P. Taliaferro, a Senator from the State of Florida, from April twenty-fifth to December third, eighteen hundred and ninety-nine, from the appropriations for salaries of officers, clerks, and employees of the Senate for the fiscal years eighteen hundred and ninety-nine and nineteen hundred.

William T. Bauskett.

To reimburse the official reporters of the proceedings and debates of the Senate for expenses incurred from March fourth, eighteen hundred and ninety-nine, to March fourth, nineteen hundred, for clerk hire and other extra clerical services, three thousand nine hundred and ninety dollars.

Official reporters. Payment to, for extra services.

Indexers, etc., private claims, etc. Payment to.

To pay to the persons who performed the work of arranging and preparing the Index of Private Claims introduced during the Fifty-second, Fifty-third, Fifty-fourth, and Fifty-fifth Congresses, under Senate resolution of June tenth, eighteen hundred and ninety-eight, three thousand six hundred and sixty dollars, being the balance due under said resolution, to be paid only upon vouchers signed by the chairman of the Committee on Claims of the Senate of the Fifty-fifth Congress.

Senate employees. Payment to.

To enable the Secretary of the Senate to pay to the officers and employees of the Senate who were borne on the rolls of the Senate, including the police rolls, December thirty-first, eighteen hundred and ninety-nine, and who were not borne on said rolls at the close of the first session of the Fifty-sixth Congress, at the same or a larger rate or pay or salary, a sum equal to one month's pay at the rate of compensation paid to them at the time of their resignation or discharge, and a sufficient sum for this purpose is hereby appropriated, out of any moneys in the Treasury not otherwise appropriated: *Provided*, That no payment shall be made hereunder to any officer or employee who was reemployed at the same or a larger rate or pay or salary in the service of the Senate within the period named.

Proviso. Qualification.

Congressional employees. Payment for extra services.

To enable the Secretary of the Senate and the Clerk of the House of Representatives to pay to the officers and employees of the Senate and House borne on the annual and session rolls on the first day of June, nineteen hundred, including the Capitol police, the official reporters of the Senate and of the House, and W. A. Smith, Congressional Record clerk, for extra services during the Fifty-sixth Congress, a sum equal to one month's pay at the compensation then paid them by law, the same to be immediately available: *Provided*, That this section shall not apply to any employee included in the preceding section.

Proviso. Section limited.

Miscellaneous.

For miscellaneous items, exclusive of labor, for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, thirty-four dollars and ninety-five cents.

For miscellaneous items, exclusive of labor, for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, two thousand dollars.

Folding.

For miscellaneous items, exclusive of labor, ten thousand dollars.

For folding speeches and pamphlets, at a rate not exceeding one dollar per thousand, one thousand dollars.

A. H. Davenport.

To pay A. H. Davenport for repairing and furnishing Senate committee rooms, four thousand seven hundred and nine dollars.

L. P. Seibold.

To reimburse L. P. Seibold, custom-house broker; for money expended by him in withdrawing from the custom-house at Washington, District of Columbia, the picture of Pocahontas, which was subsequently presented to and accepted by the Senate of the United States, eleven dollars.

Dennis M. Kerr. John H. Walker.

To pay Dennis M. Kerr for extra services as assistant to the Committee on Pensions, and John H. Walker, clerk to the Committee on Pensions, for extra services, each seven hundred and fifty dollars.

J. H. Jones.

To pay J. H. Jones for extra services in the care of the Senate chronometer and for the work in connection therewith, two hundred dollars for the first, second, and third sessions of the Fifty-fifth Congress and the first session of the Fifty-sixth Congress.

House of Representatives.

HOUSE OF REPRESENTATIVES.

Compensation of Members.

For compensation of Members of the House of Representatives and Delegates from Territories, ten thousand dollars.

Miscellaneous, etc.

For miscellaneous items and expenses of special and select committees, ten thousand dollars.

- For stationery for members of the House of Representatives, six hundred and twenty-five dollars. Stationery.
- To pay the widow of S. T. Baird, late a Representative in Congress from the State of Louisiana, four thousand four hundred and twenty-one dollars and twenty-three cents; Payment to widow of S. T. Baird.
- To pay the widow of R. P. Bland, late a Representative in Congress from the State of Missouri, five thousand dollars; —of R. P. Bland.
- To pay the widow of C. A. Chickering, late a Representative in Congress from the State of New York, five thousand dollars; —of C. A. Chickering.
- To pay the widow of L. Danford, late a Representative in Congress from the State of Ohio, five thousand dollars; —of L. Danford.
- To pay the widow of S. P. Epes, late a Representative in Congress from the State of Virginia, five thousand dollars; —of S. P. Epes.
- To pay the widow of D. Ermentrout, late a Representative in Congress from the State of Pennsylvania, five thousand dollars; —of D. Ermentrout.
- To pay the widow of W. L. Green, late a Representative in Congress from the State of Nebraska, three thousand eight hundred and forty-five dollars and eighty-nine cents; —of W. L. Green.
- To pay the widow of A. C. Harmer, late a Representative in Congress from the State of Pennsylvania, four thousand nine hundred and fifty-eight dollars and ninety cents; —of A. C. Harmer.
- To pay the widow of E. E. Settle, late a Representative in Congress from the State of Kentucky, five thousand dollars; —of E. E. Settle.
- To pay the legal heirs of Dennis Hurley, late a Representative in the Fifty-fifth Congress from the State of New York, balance of allowance for clerk hire accrued and due at the date of his death, ninety-two dollars and eighty-four cents; —heirs of Dennis Hurley.
- To pay the widow of Nelson Dingley, late a Representative-elect to the Fifty-sixth Congress from the State of Maine, five thousand dollars; —widow of Nelson Dingley.
- To pay Ovid Bell for services as clerk to the late Representative R. P. Bland to and including June fifteenth, eighteen hundred and ninety-nine, fifty dollars; Ovid Bell. Payment to.
- To pay the legal representatives of James Gill amount due him for services as clerk to the late Representative Evan E. Settle from November first to November sixteenth, eighteen hundred and ninety-nine, fifty-two dollars and seventeen cents. James Gill, etc.
- To pay Alexander McDowell, Clerk of the House of Representatives, the amount due for service in compiling, arranging for the printer, reading of proof, indexing of testimony, supervision of the work, and expenses incurred in the contested elections to the Fifty-sixth Congress, as authorized by an Act entitled "An Act relating to contested elections," approved March second, eighteen hundred and eighty-seven, the sum of two thousand two hundred and forty-seven dollars and seventy-five cents, and an additional sum of one thousand six hundred dollars to such persons as were actually engaged in the work designated by the said Alexander McDowell, and in such proportion as he may deem just for assistance rendered in the work; in all, three thousand eight hundred and forty-seven dollars and seventy-five cents. Alexander McDowell. Payment to, for work on contested elections. Vol. 24, p. 445.
- For allowances to the following contestants and contestees for expenses incurred by them in contested-election cases, as audited and recommended by the Committees on Elections: Payments contested-election cases.
- To Vincent Boreing, two thousand dollars;
- To J. D. White, two thousand dollars;
- To R. A. Wise, two thousand dollars;
- To W. A. Young, two thousand dollars;
- To Richmond Pearson, two thousand dollars;
- To W. T. Crawford, two thousand dollars;
- To William F. Aldrich, two thousand dollars;
- To G. A. Robbins, two thousand dollars;

To George M. Davidson, two thousand dollars;
 To G. G. Gilbert, two thousand dollars;
 To Oscar Turner, two thousand dollars;
 To Walter Evans, one thousand eight hundred and fifty-five dollars
 and seventy-six cents;

To James A. Walker, two thousand dollars;
 To W. F. Rhea, two thousand dollars;
 To T. C. Catchings, two thousand dollars;
 To C. J. Jones, two thousand dollars;
 To W. J. Talbert, one thousand five hundred dollars;
 To John D. Bellamy, two thousand dollars;
 To A. C. Latimer, two thousand dollars;
 To R. R. Tolbert, junior, two thousand dollars;

To A. Gaston, two thousand dollars; in all, forty-one thousand
 three hundred and fifty-five dollars and seventy-six cents.

Brigham H. Roberts.
 Salary, etc.

To pay Brigham H. Roberts in full satisfaction of salary, mileage,
 and expenses incurred by him, under and by virtue of his certificate
 of election as a Representative from the State of Utah, two thousand
 dollars.

H. F. Dodge.

To pay H. F. Dodge for reporting hearings before the Committee
 on Post-Offices and Post-Roads January twenty-third, nineteen hun-
 dred, sixty-three dollars and fifty cents.

D. S. Porter.

To pay D. S. Porter for extra services as assistant clerk to the
 Committee on Pensions, five hundred dollars.

Official reporters.
 Payment to, for
 extra services.

To reimburse the official reporters of the proceedings and debates
 and the two senior official stenographers to committees of the House
 of Representatives for moneys actually paid by them from March
 fourth, eighteen hundred and ninety-nine, to March fourth, nineteen
 hundred, for clerical hire and extra clerical services, seven hundred
 and fifty dollars each; and to John J. Cameron, two hundred and forty
 dollars; in all, five thousand four hundred and ninety dollars.

John J. Cameron.

Kendal Lee.
 Charles Carter.

To pay Kendal Lee for caring for room of Committee on Accounts,
 one hundred dollars, and Charles Carter for caring for subcommittee
 room of the Committee on Appropriations, one hundred dollars, first
 session of the Fifty-sixth Congress; in all, two hundred dollars.

Herman Gauss.

To pay Herman Gauss for extra services as assistant clerk to the
 Committee on Invalid Pensions, seven hundred and fifty dollars.

Charles McCártee.

To pay Charles McCártee for extra services as stenographer to the
 Committee on Invalid Pensions, three hundred dollars.

M. C. Butler.

To pay Marcellus C. Butler for caring for the room of the Committee
 on Invalid Pensions, one hundred dollars.

R. M. Dale.

To pay Ralph M. Dale the difference between the amount received
 by him and the rate of twelve hundred dollars per annum, as conductor
 of the elevator of the House wing, from July first, eighteen hundred
 and ninety-six, to May seventeenth, eighteen hundred and ninety-seven,
 eighty-eight dollars and thirty cents.

To pay the following, which have been audited and recommended
 by the Committee on Accounts, namely:

Charles N. Thomas.

To pay Charles N. Thomas for extra services in the office of the
 disbursing clerk, three hundred dollars.

H. D. Pritchard.

To pay Howard D. Pritchard the difference between seven hundred
 and twenty dollars and one thousand dollars per annum, from January
 first, nineteen hundred, to June thirtieth, nineteen hundred, one hun-
 dred and forty dollars.

Joseph H. Johnson.

To pay Joseph H. Johnson the difference between the pay of a
 folder at seventy-five dollars per month and that of a clerk in the
 folding room at one hundred and fifty dollars per month, from Feb-
 ruary seventh, nineteen hundred, to April sixth, nineteen hundred,
 inclusive, one hundred and fifty dollars.

To pay George F. Evers and James F. English for extra services rendered as acting deputies to the Sergeant-at-Arms of the House in the arrangement of pairs, five hundred dollars each; in all, one thousand dollars.

George F. Evers; and
James F. English.

To pay to J. J. Constantine the difference between the rate of nine hundred dollars per annum, received by him, and the rate of one thousand two hundred dollars per annum, as telegraph operator in the House lobby, from July first, eighteen hundred and ninety-six, to June thirtieth, nineteen hundred, one thousand two hundred dollars.

J. J. Constantine.

To pay Walter P. Scott the difference between seven hundred and twenty dollars and one thousand dollars per annum, from the first day of July, eighteen hundred and ninety-nine, to the first day of January, nineteen hundred, one hundred and forty dollars.

Walter P. Scott.

To pay John H. Hollingworth for services performed under the Doorkeeper of the House, from July first, eighteen hundred and ninety-nine, to December thirty-first, eighteen hundred and ninety-nine, at the rate of seventy-five dollars per month, four hundred and sixty dollars.

J. H. Hollingworth.

To pay the conductors of the elevators in the House wing of the Capitol the difference between the amounts received by them and the rate of one thousand two hundred dollars per annum, from July first, eighteen hundred and ninety-eight, to June thirtieth, nineteen hundred, inclusive, each as follows: L. B. Cook, two hundred dollars; George Winters, two hundred dollars; John S. Logan, one hundred and sixty-eight dollars and thirty-four cents, and M. F. O'Donnell, two hundred dollars; in all, seven hundred and sixty-eight dollars and thirty-four cents.

Conductors House
elevators.

To pay W. H. Mitchell for services as a folder, from July first, eighteen hundred and ninety-nine, to January first, nineteen hundred, inclusive, at the rate of seventy-five dollars per month, five hundred and twenty-five dollars.

W. H. Mitchell.

To pay William Gardner for services as a folder, from May first, eighteen hundred and ninety-nine, to November thirtieth, eighteen hundred and ninety-nine, inclusive, at the rate of seventy-five dollars per month, five hundred and twenty-five dollars.

William Gardner.

To pay Don C. Walters the difference between the pay of a folder and that of a messenger at the rate of three dollars and sixty cents per day, from July first, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, five hundred and ninety-four dollars.

Don C. Walters.

To pay Harris A. Walters the difference between the pay of a folder and that of a messenger at the rate of three dollars and sixty cents per day, from July first, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, five hundred and ninety-four dollars.

H. A. Walters.

To pay George C. Randall the difference between the pay of a folder and that of assistant clerk, at the rate of one thousand two hundred dollars per annum, from March first, eighteen hundred and ninety-nine, to December thirty-first, eighteen hundred and ninety-nine, two hundred and fifty dollars.

George C. Randall.

To pay H. A. Dumont for services performed in the folding room as shipping clerk, under the direction of the Doorkeeper, from June first, eighteen hundred and ninety-nine, to December third, eighteen hundred and ninety-nine, at the rate of seventy-five dollars per month, four hundred and fifty-seven dollars and fifty cents.

H. A. Dumont.

To pay Guy Underwood for services in the hall library, one thousand and eighty dollars.

Guy Underwood.

To pay E. H. Sharp the difference between his pay as a folder at seventy-five dollars per month and that of a messenger at one thousand two hundred dollars per annum, from July first, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, three hundred dollars.

E. H. Sharp.

Thomas F. Tracy.

To pay Thomas F. Tracy the difference between the amount paid him as a folder and that of a messenger at one thousand two hundred dollars per annum, during the fiscal year nineteen hundred, two hundred and seven dollars and eight cents.

Charles O. Houk.

To pay Charles O. Houk the difference between the pay of a folder at eight hundred and forty dollars per annum and that of a messenger at one thousand two hundred dollars per annum from February first, nineteen hundred, to June thirtieth, nineteen hundred, one hundred and fifty dollars.

Henry G. Disch.

To pay Henry G. Disch the difference between the pay of a folder at eight hundred and forty dollars per annum and that of a messenger at three dollars and sixty cents per day from December first, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, two hundred and eighty-three dollars and twenty cents.

Samuel Leavitt.

To pay Samuel Leavitt the difference between the rate of seven hundred and twenty dollars per annum and the rate of one thousand dollars per annum for services in the Clerk's document room from March first, nineteen hundred, to June thirtieth, nineteen hundred, inclusive, ninety-three dollars and thirty-three cents.

John B. Fletcher.

To pay John B. Fletcher the difference between his salary as a messenger at the rate of nine hundred dollars per annum and the rate of one thousand two hundred dollars per annum from December first, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, one hundred and seventy-five dollars.

Thomas Mahoney.

To pay Thomas Mahoney the difference between the pay of a folder at seven hundred and twenty dollars per annum and that of a messenger at one thousand two hundred dollars per annum from December fourth, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, two hundred and ninety-four dollars.

William A. Forbis.

To pay William A. Forbis the difference between his salary as a messenger at the rate of one thousand dollars per annum and the rate of one thousand two hundred dollars per annum from December first, eighteen hundred and ninety-nine, to June thirtieth, nineteen hundred, inclusive, one hundred and sixteen dollars and sixty-six cents.

Index to Government publications.

INDEX TO GOVERNMENT PUBLICATIONS.

John G. Ames.
Payment to.

To pay to John G. Ames the amount found due to him by the Auditor for the State and other Departments for preparing an index to the documents of the Forty-seventh and Forty-eighth Congresses, as provided for by the joint resolution approved March third, eighteen hundred and ninety-seven, one thousand dollars.

Library of Congress.

LIBRARY OF CONGRESS.

Credit in accounts of superintendent, etc.

The accounting officers of the Treasury are directed to credit Bernard R. Green, superintendent Library building and grounds, with the following amounts disallowed in their settlement of his accounts, namely:

Voucher numbered fourteen, January, eighteen hundred and ninety-nine, "Fuel, lights, and so forth, eighteen hundred and ninety-nine," one city directory, five dollars.

Voucher numbered one, February, eighteen hundred and ninety-nine, "Improving Botanic Garden, eighteen hundred and ninety-eight," one typewriter, ninety dollars.

Payments from appropriation "Improving Botanic Garden," etc.

And to allow the payment of the following bills from the appropriation for "Improving Botanic Garden, eighteen hundred and ninety-nine" and "nineteen hundred:"

Easton and Rupp, stationery, "eighteen hundred and ninety-nine," fifty-five dollars and sixty cents.

C. B. Robinson, veterinary service and horse medicine, "nineteen hundred," seven dollars and fifty cents.

OFFICE OF PUBLIC PRINTER.

Public Printer.

To pay Samuel Robinson, William Madden, and Joseph De Fontes, messengers on night duty during the first session of the present Congress, for extra services, three hundred and fifty dollars each; in all, one thousand and fifty dollars.

Payment to Samuel Robinson, etc.

PUBLIC PRINTING AND BINDING.

For printing and binding for the Supreme Court of the United States, two thousand five hundred dollars.

Printing, etc., for Supreme Court, United States.

JUDGMENTS IN INDIAN DEPREDATION CLAIMS.

Judgments, Indian depredation claims.

For payment of judgments rendered by the Court of Claims in Indian depredation cases, certified to Congress at its present session in House Document Numbered Six hundred and seventy-six and Senate Document Numbered Four hundred and sixteen, four hundred and sixty-six thousand three hundred and seventy-nine dollars; said judgments to be paid after the deductions required to be made under the provisions of section six of the Act approved March third, eighteen hundred and ninety-one, entitled "An Act to provide for the adjustment and payment of claims arising from Indian depredations," shall have been ascertained and duly certified by the Secretary of the Interior to the Secretary of the Treasury, which certification shall be made as soon as practicable after the passage of this Act, and such deductions shall be made according to the discretion of the Secretary of the Interior, having due regard to the educational and other necessary requirements of the tribe or tribes affected; and the amounts paid shall be reimbursed to the United States at such times and in such proportions as the Secretary of the Interior may decide to be for the interests of the Indian service: *Provided*, That no one of said judgments provided in this paragraph shall be paid until the Attorney-General shall have certified to the Secretary of the Treasury that there exists no grounds sufficient, in his opinion, to support a motion for a new trial or an appeal of said cause.

Deductions. Vol. 26, p. 853.

Proviso. Certificate of lack of ground for new trial.

JUDGMENTS, UNITED STATES COURTS.

Judgments, United States Courts.

Vol. 24, p. 505.

For payment of the final judgments and decrees, including costs of suit, which have been rendered under the provisions of the Act of March third, eighteen hundred and eighty-seven, entitled "An Act to provide for the bringing of suits against the Government of the United States," certified to Congress at its present session by the Attorney-General, in House Document Numbered Six hundred and sixty-seven and Senate Document Numbered Four hundred and seventeen, and which have not been appealed, twenty-seven thousand and two dollars and eighty-nine cents, together with such additional sum as may be necessary to pay interest on the respective judgments at the rate of four per centum per annum from the date thereof until the time this appropriation is made: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Proviso. Appeal.

JUDGMENTS, COURT OF CLAIMS.

Judgments, Court of Claims.

For the payment of the judgments rendered by the Court of Claims, reported to Congress at its present session in House Document Numbered Six hundred and thirty-eight and Senate Document Numbered

Proviso.
Appeal.

Four hundred and fourteen, one hundred and eighty-one thousand seven hundred and thirty-four dollars and ninety-two cents: *Provided*, That none of the judgments herein provided for shall be paid until the right of appeal shall have expired.

Vol. 18, p. 110.

SEC. 2. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or carried to the surplus fund under the provisions of section five of the Act of June twentieth, eighteen hundred and seventy-four, and under appropriations heretofore treated as permanent, being for the service of the fiscal year eighteen hundred and ninety-seven, and prior years, unless otherwise stated, and which have been certified to Congress under section two of the Act of July seventh, eighteen hundred and eighty-four, as fully set forth in House Document Numbered Six hundred and thirty-four, Fifty-sixth Congress, first session, there is appropriated as follows:

Vol. 23, p. 254.

Claims allowed by
the Auditor for the
Treasury Department.

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

Contingent.	For contingent expenses, Treasury Department: Freight, telegrams, and so forth, two hundred and sixty-five dollars and sixty-three cents.
Public buildings.	For pay of assistant custodians and janitors, one hundred and thirteen dollars and eighty-one cents. For furniture and repairs of same for public buildings, one hundred and ninety dollars and ninety-two cents. For heating apparatus for public buildings, two hundred and thirty-seven dollars and six cents. For vaults, safes, and locks for public buildings, nineteen dollars and fifty-one cents.
Suppressing counterfeiting.	For suppressing counterfeiting and other crimes, one dollar and five cents.
Public buildings.	For repairs and preservation of public buildings, forty-six dollars and fifty-eight cents.
Independent Treasury.	For contingent expenses, Independent Treasury, ten cents.
Director of the Mint.	For contingent expenses, office of Director of the Mint, sixty cents.
Mint at Carson.	For contingent expenses, mint at Carson, three dollars and twenty-four cents.
—Denver.	For contingent expenses, mint at Denver, five dollars and eighteen cents.
—San Francisco.	For contingent expenses, mint at San Francisco, twenty-three dollars and seventeen cents.
Assay offices.	For contingent expenses, assay office at Boise, seven dollars and forty-four cents.
—Boise.	
—Helena.	For contingent expenses, assay office at Helena, one dollar and thirty-seven cents.
Chinese exclusion.	For enforcement of Chinese exclusion act, thirty-two dollars and twenty-eight cents.
Internal revenue.	For repayment to importers, excess of deposits, three hundred and twenty-three dollars and sixty-one cents. For refunding penalties or charges erroneously exacted, eleven dollars and eighty-eight cents.
Revenue-Cutter Service.	For expenses of Revenue-Cutter Service, fifty-six dollars and sixty-eight cents. For refuge station, Point Barrow, Alaska, one hundred and six dollars and sixty-seven cents.
Life-Saving Service.	For Life-Saving Service, seven hundred and ninety-six dollars and forty-four cents.
Light-houses, etc.	For supplies of light-houses, nine hundred and twenty-two dollars and thirty-three cents.

For repairs and incidental expenses of light-houses, one hundred dollars and forty cents.

For expenses of buoyage, twenty-four cents.

For salaries and expenses of agents and subordinate officers of internal revenue, four hundred and forty dollars and eighteen cents.

Internal revenue.

For refunding moneys erroneously received and covered, three hundred dollars.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

Claims allowed by the Auditor for the War Department.

For contingent expenses, War Department, five dollars and eighty-eight cents.

Contingent.

For pay, and so forth, of the Army, seven thousand six hundred and twenty-two dollars and forty-seven cents.

Pay, Army.

For pay of volunteers, fifty-five dollars and seventy cents.

For contingencies of the Army, two dollars and eighty-six cents.

Contingencies.

For subsistence of the Army, twelve dollars and fifty cents.

Subsistence.

For regular supplies, Quartermaster's Department, three hundred and sixty-five dollars and twenty-one cents.

For incidental expenses, Quartermaster's Department, five hundred and forty-three dollars and two cents.

Quartermaster's Department.

For transportation of the Army and its supplies, seven hundred and seventy-two dollars and four cents.

For barracks and quarters, one hundred and sixty dollars.

For headstones for graves of soldiers, two hundred and twenty-eight dollars and seventy-two cents.

Headstones for graves.

For Medical and Hospital Department, three hundred and eighteen dollars and ninety-three cents.

Medical Department.

For ordnance stores, ammunition, three dollars and five cents.

Ordnance stores.

For current and ordinary expenses, Military Academy, eighteen hundred and ninety-seven, two thousand seven hundred and forty-five dollars and seventy-nine cents.

Military Academy.

For contingencies of fortifications, fifty-four dollars and seventy-nine cents.

Fortifications.

For military posts, thirty thousand and forty-eight dollars.

Military posts.

For National Home for Disabled Volunteer Soldiers, Pacific Branch, one dollar and ninety-one cents.

Soldiers' Home.

For National Home for Disabled Volunteer Soldiers, clothing, twenty-three dollars and thirty-two cents.

For horses and other property lost in the military service, one hundred and fifty dollars.

Lost property.

For pay, transportation, services, and supplies of Oregon and Washington volunteers in eighteen hundred and fifty-five and eighteen hundred and fifty-six, one hundred and thirty-five dollars and sixty-six cents.

Oregon and Washington volunteers.

For twenty per centum additional compensation, war, sixty dollars.

Twenty per cent increase.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

Claims allowed by the Auditor for the Navy Department.

For pay of the Navy, six thousand eight hundred and eleven dollars and ninety-five cents.

Pay, Navy.

For pay of the Marine Corps, one thousand and twenty-four dollars and nine cents.

Marine Corps.

For contingent, Marine Corps, five dollars and twenty cents.

For provisions, Navy, Bureau of Supplies and Accounts, two thousand and seventeen dollars and thirty-eight cents:

Bureau of Supplies and Accounts.

Provided, That no part or any one of the claims allowed by the Auditor for the Navy Department in this bill to which this appropriation is

Provido.
Limitations, claims.

applicable shall be paid therefrom which accrued more than six years prior to the filing of the petition in the Court of Claims upon which the judgment was rendered, which, being affirmed by the Supreme Court, has been adopted by the accounting officers as the basis for the allowance of said claim.

Bureau of Construction and Repair.

For construction and repair, Bureau of Construction and Repair, sixty cents.

For indemnity for lost clothing, two thousand and fifty-two dollars and ninety-six cents.

For destruction of clothing and bedding for sanitary reasons, fifty dollars and eighty-four cents.

For bounty for destruction of enemies' vessels, one hundred and twenty-three dollars and seventy-six cents.

For enlistment bounties to seamen, one thousand eight hundred and thirteen dollars and eighty-seven cents.

Claims allowed by the Auditor for the Interior Department.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

Contingent.

For contingent expenses, Department of the Interior, forty-nine dollars and fifty-eight cents.

Surveys, etc.

For surveying the public lands, fifty-one thousand eight hundred and fifty-seven dollars and eighty cents.

For surveying private land claims, two hundred and thirty dollars and sixty-six cents.

Reimbursement of receivers.

For reimbursement to receivers of public moneys, excess of deposits, thirty-three dollars and fifteen cents.

G. W. Currey. Payment to.

For payment to G. W. Currey, reward for information resulting in the conviction of one Hardy Tracy for defacing monument on line of survey of public lands in the Indian Territory, Act of June tenth, eighteen hundred and ninety-six, twenty-five dollars.

Indian agents.

For pay of Indian agents, four hundred and ninety-three dollars and sixty-three cents.

Supplies.

For telegraphing and purchase of Indian supplies, twenty dollars and eighty-eight cents.

Crows.

For support of Crows—employees, and so forth, two hundred and seventeen dollars.

For support of Crows—subsistence, three thousand three hundred and eighty-one dollars and sixty-one cents.

Kickapoos.

For support of Kickapoos, forty-two dollars and twenty cents.

Schools.

For Indian schools—support, forty-five dollars and sixty cents.

Montana.

For incidentals in Montana, fifteen dollars and forty cents.

Irrigation.

For irrigation, Indian reservations, four dollars.

Eastern Band of Cherokees.

For removal and subsistence of Eastern Band of Cherokees, one hundred and fifty-nine dollars and ninety-nine cents.

Pensions.

For army pensions, two hundred and eighty dollars and thirty-five cents.

Fees, examining surgeons.

For fees of examining surgeons, pensions, fourteen dollars.

Claims allowed by the Auditor for the State, etc., Departments.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

Department of State.

DEPARTMENT OF STATE.

Salaries, secretaries of embassies, etc.

For salaries, secretaries of embassies and legations, twenty-two dollars and fourteen cents.

For salaries, secretaries of legations, one dollar and nine cents.

Foreign missions.

For contingent expenses, foreign missions, sixty-three dollars and sixty-one cents.

For salaries, consular service, two thousand six hundred and three dollars and thirty-three cents. Consular service.

For loss by exchange, diplomatic service, twenty-five dollars and eighty-two cents. Loss by exchange.

For contingent expenses, United States consulates, four hundred and ninety-seven dollars and thirteen cents. Consulates.

For fees and costs in extradition cases, fourteen dollars and fifty cents. Extradition fees.

For relief and protection of American seamen, nineteen dollars and seventy-six cents. Protecting American seamen.

DEPARTMENT OF AGRICULTURE.

Department of Agriculture.

For collecting agricultural statistics, one dollar. Statistics, etc.

For entomological investigations, seventy-two cents. Investigations.

For general expenses, Weather Bureau, eleven dollars and eighty cents. Weather Bureau.

DEPARTMENT OF JUSTICE.

Department of Justice.

For prosecution of crimes, seven dollars and fifty cents. Prosecuting crimes.

For expenses of litigation, Eastern Band of North Carolina Cherokees, sixty cents. Eastern Band of North Carolina Cherokees.

For fees and expenses of marshals, United States courts, seventy-three dollars and fourteen cents. United States Courts. Marshals.

For fees of clerks, United States courts, two dollars and seventy cents. Clerks.

For fees of commissioners, United States courts, four hundred and eighteen dollars and sixty cents. Commissioners.

For fees of jurors, United States courts, twenty-eight dollars and five cents. Jurors.

For fees of witnesses, United States courts, three hundred and thirty-two dollars and thirty cents. Witnesses.

For miscellaneous expenses, United States courts, one thousand one hundred dollars. Miscellaneous.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT. Claims allowed by the Auditor for the Post-Office Department.

For miscellaneous, First Assistant Postmaster-General, two hundred and seventy-eight dollars and eleven cents. Miscellaneous.

For inland mail transportation, railroads, two hundred and eighty-eight dollars and four cents. Transportation.

For rewards, two thousand and fifty dollars. Rewards.

For star transportation, six thousand and fifty-six dollars and ninety-six cents. Star routes.

For steamboat transportation, two hundred and fifty-four dollars and eighty-five cents. Steamboats.

For wagon service, seven hundred and ninety-two dollars and eighty cents. Wagon service.

For clerk hire, nine hundred and eighty-five dollars. Clerk hire.

For special-delivery service, two hundred and thirty-seven dollars and twenty-eight cents. Special delivery.

For rent, light, and fuel, four hundred and sixty-seven dollars and fifty-two cents. Rent.

For free-delivery service, seventy-two dollars and forty-nine cents. Free delivery.

For compensation of postmaster, thirteen dollars and forty cents. Postmaster.

SEC. 3. That for the payment of the following claims certified to be due by the several accounting officers of the Treasury Department under appropriations the balances of which have been exhausted or

Vol. 18, p. 110.

Vol. 23, p. 254.

carried to the surplus fund under the provisions of section five of the Act of June twentieth, eighteen hundred and seventy-four, and under appropriations heretofore treated as permanent, being for the service of the fiscal year eighteen hundred and ninety-seven, and prior years, unless otherwise stated, and which have been certified to Congress under section two of the Act of July seventh, eighteen hundred and eighty-four, as fully set forth in Senate Document Numbered Four hundred and fifteen, Fifty-sixth Congress, first session, there is appropriated as follows:

Claims allowed by
the Auditor for the
Treasury Department.
Contingent.

CLAIMS ALLOWED BY THE AUDITOR FOR THE TREASURY DEPARTMENT.

For contingent expenses, Treasury Department: Freight, telegrams, and so forth, thirty-four dollars and eleven cents.

For contingent expenses, Treasury Department: Stationery, fiscal year eighteen hundred and ninety-eight, one thousand one hundred and seventeen dollars and forty-one cents.

Frauds, customs
revenue.

For detection and prevention of frauds upon the customs revenue, fifty-two cents.

Repayment excess
of deposits.

For repayment to importers, excess of deposits, four dollars and twenty cents.

Revenue-Cutter
Service.

For expenses of Revenue-Cutter Service, twenty-eight cents.

Life-Saving Service.
Light-houses.

For Life-Saving Service, six cents.

For repairs and incidental expenses of light-houses, three hundred and ninety dollars.

Claims allowed by
the Auditor for the
War Department.

CLAIMS ALLOWED BY THE AUDITOR FOR THE WAR DEPARTMENT.

Pay, Army.

For pay, and so forth, of the Army, one thousand and forty-eight dollars and sixty-nine cents.

For pay of two and three year volunteers, three hundred and eighty-one dollars and fifty-one cents.

Bounties.

For bounties to volunteers, their widows, and legal heirs, four hundred and twenty-one dollars and sixty-seven cents.

For bounty under act of July twenty-eighth, eighteen hundred and sixty-six, two hundred dollars.

For bounty under act of July eleventh, eighteen hundred and sixty-two, one hundred dollars.

Pay, volunteers.

For pay of volunteers, eighty-five dollars and eighty-six cents.

Contingencies.

For contingencies of the Army, sixty-eight dollars and eighteen cents.

Quartermaster's De-
partment.

For incidental expenses, Quartermaster's Department, one thousand one hundred and thirty-two dollars and eighty cents.

Headstones.

For headstones for graves of soldiers, twenty-eight dollars and thirty-three cents.

Military posts.

For construction of military posts on the Yellowstone and Muscleshell rivers, twenty-five dollars and twenty-three cents.

Claims allowed by
the Auditor for the
Navy Department.

CLAIMS ALLOWED BY THE AUDITOR FOR THE NAVY DEPARTMENT.

Pay, Navy.

For pay of the Navy, five hundred and forty-seven dollars and eighty cents.

Marine Corps.

For pay of the Marine Corps, one dollar and ninety-two cents.

For contingent, Marine Corps, fifteen dollars and sixty-five cents.

Bureau of Ordnance.

For contingent, Bureau of Ordnance, five dollars.

Bureau of Supplies
and Accounts.

For provisions, Navy, Bureau of Supplies and Accounts, nine dollars and ninety cents.

Bounty.

For bounty for destruction of enemies' vessels, one dollar and sixty-three cents.

Lost clothing, etc.

For indemnity for lost clothing, two thousand nine hundred and sixty-five dollars and fifty-six cents.

For destruction of clothing and bedding for sanitary reasons, one hundred and thirty-two dollars and forty-two cents.

CLAIMS ALLOWED BY THE AUDITOR FOR THE INTERIOR DEPARTMENT.

Claims allowed by the Auditor for the Interior Department.

For contingent expenses of land offices, twelve dollars and sixty-five cents.

Land offices.

For surveying the public lands, thirteen thousand and seven dollars and eighty-three cents.

Surveying.

Indians: For surveying and allotting Indian reservations, twenty-nine dollars and seventy-three cents.

—Indians.

For surveying a portion of Blackfeet Reservation in Montana, ten dollars.

Pensions: For Army pensions, thirty dollars.

Pensions.

CLAIMS ALLOWED BY THE AUDITOR FOR THE STATE AND OTHER DEPARTMENTS.

Claims allowed by the Auditor for the State, etc., Departments.

DEPARTMENT OF STATE.

Department of State.

For salaries, consular service, thirty-two dollars and fifty cents.

Consular service.

For relief and protection of American seamen, sixteen dollars and thirty cents.

Protecting seamen.

DEPARTMENT OF AGRICULTURE.

Department of Agriculture.

For salaries and expenses, Bureau of Animal Industry, one dollar and nine cents.

Bureau of Animal Industry.

DEPARTMENT OF JUSTICE.

Department of Justice.

For pay of bailiffs, and so forth, United States courts, eighteen dollars.

Bailiffs.

CLAIMS ALLOWED BY THE AUDITOR FOR THE POST-OFFICE DEPARTMENT.

Claims allowed by the Auditor for the Post-Office Department.

For clerk hire, thirty-seven dollars and fifty cents.

Approved, June 6, 1900.

Clerk hire.

CHAP. 786.—An Act Making further provision for a civil government for Alaska, and for other purposes.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I.

CHAPTER ONE.

SEC. 1. That the territory ceded to the United States by Russia by the treaty of March thirtieth, eighteen hundred and sixty-seven, and known as Alaska, shall constitute a civil and judicial district, the government of which shall be organized and administered as hereinafter provided. The temporary seat of government of said district is hereby established at Juneau: *Provided*, That the seat of government shall remain at Sitka until suitable grounds and buildings thereon shall be obtained by purchase or otherwise at Juneau.

Alaska. Provisions for civil government. Civil and judicial district. Vol. 23, p. 24, etc. Seat of government at Juneau. *Proviso.*—to remain temporarily at Sitka.

SEC. 2. There shall be appointed for the district a governor, who shall reside therein during his term of office and be charged with the

Governor to be appointed.

—powers, etc.

interests of the United States Government within the district. To the end aforesaid he shall have authority to see that the laws enacted for the district are enforced and to require the faithful discharge of their duties by the officials appointed to administer the same. He may also grant reprieves for offenses committed against the laws of the district or of the United States until the decision of the President thereon shall be made known. He shall be ex officio commander in chief of the militia of the district, and shall have power to call out the same when necessary to the due execution of the laws and to preserve the peace, and to cause all able-bodied citizens of the United States in the district to enroll and serve as such when the public exigency demands; and he shall perform generally in and over said district such acts as pertain to the office of governor of a Territory, so far as the same may be made or become applicable thereto.

—care of insane.

He shall, subject to the direction and approval of the Secretary of the Interior, advertise for and receive bids and, in behalf of the United States, contract from year to year with the responsible asylum or sanitarium west of the main range of the Rocky Mountains submitting the lowest bid for the care and custody of persons legally adjudged insane in said district of Alaska; the cost of advertising for bids, executing the contract, and caring for the insane to be paid, until otherwise provided by law, by the Secretary of the Treasury, out of any money in the Treasury not otherwise appropriated, on accounts and vouchers duly approved by the governor and the Secretary of the Interior.

Inquiry as to seal-killing operations.

The governor shall from time to time inquire into the operations of any person, company, association, or corporation authorized by the United States, by contract or otherwise, to kill seal or other fur-bearing animals in the district, and any and all violations by such person, company, association, or corporation of the agreement with the United States under which the operations are being conducted, and shall annually report to Congress the result of such inquiries.

Report of governor.

He shall make an annual report, on the first day of October in each year, to the President of the United States, of his official acts and doings, and of the condition of the district, with reference to its resources, industries, population, and the administration of the civil government thereof. And the President of the United States shall have power to review and to confirm or annul any reprieves granted or other acts done by him.

Notaries public.

The governor may appoint and commission one or more notaries public for the district, and appointments of notaries public heretofore made by him are hereby legalized, and all acts performed by them by virtue of their notarial commissions shall be for all purposes as valid as though the governor had at the time full and complete legal authority to appoint and commission them.

Surveyor-general to be ex officio secretary.

—duties, etc.

SEC. 3. The surveyor-general of the district shall be ex officio secretary thereof, and as such shall be custodian of the district seal, which shall be provided by the Attorney-General. The surveyor-general, as ex officio secretary of the district, shall perform the official duties required by law to be performed by the secretary of a Territory of the United States, in so far as applicable to said district, and such other duties as may be required by law.

District court.

—jurisdiction.

—judges.

SEC. 4. There is hereby established a district court for the district, which shall be a court of general jurisdiction in civil, criminal, equity, and admiralty causes; and three district judges shall be appointed for the district, who shall, during their terms of office, reside in the divisions of the district to which they may be respectively assigned by the President.

Divisions of court.—terms.

The court shall consist of three divisions. The judge designated to preside over division numbered one shall, during his term of office, reside at Juneau, and shall hold at least four terms of court in the

district each year, two at Juneau and two at Skagway, and the judge shall, as near January first as practicable, designate the time of holding the terms during the current year.

The judge designated to preside over division numbered two shall reside at Saint Michaels during his term of office, and shall hold at least one term of court each year at Saint Michaels, in the district, beginning the third Monday in June.

The judge designated to preside over division numbered three shall reside at Eagle City during his term of office, and shall hold at least one term of court each year at Eagle City, in the district, beginning on the first Monday in July: *Provided*, The Attorney-General may for cause change the place of residence of the judge of either division of the court.

Proviso.
Change of place of residence of judge.

Each of the judges is authorized and directed to hold such special terms of court as may be necessary for the public welfare or for the dispatch of the business of the court, at such times and places in the district as they or any of them, respectively, may deem expedient or as the Attorney-General may direct; and each shall have authority to employ interpreters and to make allowances for the necessary expenses of his court, and to employ an official court stenographer under the same terms and conditions as are, or may be, provided for district courts of the United States. At least thirty days' notice shall be given by the judge or the clerk of the time and place of holding special terms of the court.

Special terms of court.

—notice.

SEC. 5. The jurisdiction of each division of the court shall extend over the district of Alaska, but the court in which the action is pending may, on motion, change the place of trial in any action, civil or criminal, from one place to another place in the same division or to a designated place in another division in either of the following cases:

Jurisdiction of divisions, etc.
When place of trial may be changed.

First. When there is reason to believe that an impartial trial can not be had therein;

Second. When the convenience of witnesses and the ends of justice would be promoted by the change;

Third. When from any cause the judge is disqualified from acting; but in such event, if the judge of another division will appear and try the action, no change of place of trial must be made;

Fourth. By the court, on its own motion, when, considering available means of travel, it appears that the defendant will be put to unnecessary expense and inconvenience if summoned to defend in the place or division in which the action has been commenced; and when it appears to the satisfaction of the court, or judge thereof, that an action has been commenced in a place or division remote from the residence of the defendant for the purpose of causing unnecessary expense or inconvenience, the place of trial shall be changed at the cost of the plaintiff, and such costs shall not be recovered from the defendant.

In any criminal prosecution the court shall change the place of trial where it appears to the satisfaction of the court that the defendant will not be prejudiced thereby and that the United States will be put to unnecessary expense in such criminal prosecution if the transfer is not made.

SEC. 6. The respective judges of the court shall appoint, and at pleasure remove, clerks and commissioners in and for the district, who shall have the jurisdiction conferred by law in any part thereof, but who shall, during their terms of office, each reside at the place in the district designated in the respective orders of appointment.

Appointment, etc., of clerks and commissioners.

The commissioners shall be ex officio justices of the peace, recorders, and probate judges, and shall perform all the duties and exercise all the powers, civil and criminal, imposed or conferred on the United States commissioners by the general laws of the United States and the special laws applicable to the district.

Duties of commissioners, etc.

They shall also have power to grant writs of habeas corpus for the purpose of inquiring into the cause of restraint of liberty, which writs shall be made returnable before a district judge, and like proceedings shall be had thereon as if the same had been granted by the judge under the general laws of the United States in such cases. The commissioners shall also have the powers of notaries public, and shall keep a memorandum of all deeds and other instruments of writing acknowledged before them and relating to the title to or transfer of property within the district, which memorandum shall be subject to public inspection. And all records of instruments of writing hitherto made by any United States commissioner in the district of Alaska are hereby declared to be public records of such district and shall have the same force and effect as if recorded in conformity with the provisions of this Act.

The commissioners shall also keep a record of all fines and forfeitures received by them, and shall pay over the same quarterly to the clerk of the division of the district court in which they were appointed.

SEC. 7. Three clerks shall be appointed for the court, one of whom shall be assigned to each division thereof, and during his term of office reside at the place designated for the residence of the judge of such division. Each clerk shall, in his division of the district, perform the duties required or authorized by law to be performed by clerks of United States courts in other districts, and such other duties as may be prescribed by the laws of the United States relating to the district of Alaska. He shall preserve copies of all laws applicable to the district and shall preserve all records and record all proceedings and official acts of his division of the court. He shall also receive all moneys collected from licenses, fines, forfeitures, or in any other case, except from violations of the customs laws, and shall apply the same to the incidental expenses of the proper division of the district court and the allowance thereof as directed by the judge, and shall account for the same in detail and for any balances on account thereof quarterly to and under the direction of the Secretary of the Treasury. He shall be ex officio recorder of instruments, as hereinafter provided, and also register of wills for the district, and shall establish secure offices where terms of his division of the court are held for the safe-keeping of his official records.

SEC. 8. Three district attorneys shall be appointed for the district, to be assigned to the divisions thereof, who shall reside during their respective terms of office at the place designated as the residence of the judge of the division of the court to which each of the district attorneys shall be assigned. They shall each perform the duties required to be performed by United States district attorneys in other districts, and such other duties as may be required by law.

Each district attorney may, subject to the approval of the Attorney-General, appoint and at pleasure remove one or more assistant district attorneys, who shall receive such compensation as the Attorney-General may fix, to be paid as other assistant United States district attorneys are paid. In case of the death or disability of a district attorney the judge may appoint a suitable person to fill the office until his successor is appointed and qualified or until the disability is removed.

SEC. 9. A marshal shall be appointed for each division of the district, and each marshal shall have authority and be required to appoint, subject to the approval of the Attorney-General, such deputy marshals as he may deem necessary for the efficient execution of the law and the orders of the court and of the commissioners appointed as herein provided.

That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office

—records of

Clerks of courts.

—duties.

District attorneys.

Duties.

Assistants.

Marshal.
Deputies.

Office deputies,
clerical assistance,
etc.

deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as other officers of the court are paid. When any of such office deputies is engaged in the service or attempted service of any writ, process, subpoena, or other order of the court, or when necessarily absent from the place of his regular employment upon official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed four dollars per day, and the necessary actual expenses in transporting prisoners, including necessary guard hire; and he shall make and render accounts thereof as provided for.

Each marshal shall have the general authority and powers and be subject to the obligations of United States marshals in the States and Territories. He shall be the executive officer of the court, and charged with the execution of all processes thereof and with the transportation and custody of prisoners and insane persons, and he shall be ex officio keeper of the jails and penitentiaries of the division of the district to which he may be assigned, and shall be responsible on his official bond for the acts of all deputy marshals appointed by him. In case of the death of a marshal the district judge shall appoint a suitable person to fill the vacancy until his successor is appointed and qualified. The persons so appointed shall give such bonds as the court may require.

Powers, etc., of marshals.

The marshal shall deliver persons duly adjudged insane in the district to the authorities of such asylum or sanitarium as the governor, with the approval of the Secretary of the Interior, may designate, and for the service of process in connection with and the guarding and transportation of the insane he shall be compensated as in the case of prisoners.

—care of insane.

The deputy marshals shall be ex officio constables and executive officers of the commissioners herein provided for, and shall have the powers and discharge the duties of United States deputy marshals, and also those of constables, under the laws of the United States applicable to said district.

Powers of deputy marshals.

SEC. 10. The governor, surveyor-general, attorneys, judges, and the marshals provided for in this Act shall be appointed by the President, by and with the advice and consent of the Senate, and shall hold their respective offices for the term of four years and until their successors are appointed and qualified, unless sooner removed by the President for cause.

Appointment of officers, terms, etc.

The officers so appointed shall severally be entitled to receive annual compensation as follows:

The governor, the sum of five thousand dollars; the surveyor-general and ex officio secretary of the district, as full compensation, four thousand dollars; the judges, each the sum of five thousand dollars; each marshal, the sum of four thousand dollars; the clerks, each the sum of three thousand five hundred dollars; the district attorneys, each three thousand dollars, the salaries payable from the Treasury of the United States, as like officers are paid in other districts.

Compensation of officers.

Each clerk shall collect all money arising from the fees of his office or on any other account authorized by law to be paid to or collected by him, and shall report the same and the disposition thereof in detail, under oath, quarterly, or more frequently if required, to the court, the Attorney-General, and the Secretary of the Treasury, and all public money received by him and his deputies for fees or on any other account shall be paid out by the clerk on the order of the court, duly made and signed by the judge, and any balance remaining in his hands after all payments ordered by the court shall have been made shall be by him covered into the Treasury of the United States at such times and under such rules and regulations as the Secretary of the Treasury may prescribe. The clerk may employ necessary clerical help with the approval and at compensation to be fixed by the court to

Clerks' fees.

Clerical help.

aid him in the expeditious discharge of the business of his office. Any person so employed shall be paid by the clerk on the order of the court, as other court expenses are paid.

Traveling expenses.

The governor, surveyor-general, marshals, judges, clerks of court, and district attorneys shall, in addition to their salaries, be paid their actual traveling and subsistence expenses when traveling in the discharge of their official duties. Accounts for such expenses shall be rendered and paid as are accounts of judges, marshals, clerks, and district attorneys for like expenses in other districts.

Surveyor-general to act in absence of governor.

In case of the death, removal, resignation, or absence of the governor from the district, the surveyor-general as ex officio secretary of the district shall have, and he is hereby authorized and required to execute and perform, all the powers and duties of the governor during such vacancy or absence, or until another governor shall be appointed to fill such vacancy.

Accounts of commissioners and deputy marshals.

SEC. 11. An accurate detailed account of all fees received and disbursements made by commissioners and deputy marshals shall be filed quarterly with the clerk for the proper division of the district court and approved by the judge thereof, if found to be in accordance with law; and all net fees received in excess of the sum of three thousand dollars per annum by any commissioner or deputy marshal shall be annually paid to the clerk of the proper division of the court and by him paid into the Treasury of the United States, such payment to be accompanied by a verified detailed statement of such deputy or commissioner.

Clerks' bonds.

SEC. 12. The clerks of the court shall each, before entering upon the duties of his office, execute a bond, with sufficient sureties, to be approved by the Secretary of the Treasury, or the court or a judge thereof, in the penalty of twenty thousand dollars, for the faithful performance of his official duties, and file the same with the Attorney-General; and each commissioner shall, before entering upon the duties of his office, execute a bond, with sufficient sureties, to be approved by the court, or a judge thereof, in the penalty of one thousand dollars, for the faithful performance of his official duties, and file the same with the clerk, who shall send a certified copy thereof to the Attorney-General.

District divided into three recording divisions.

SEC. 13. The judges of the district, or a majority of them, shall, as soon as practicable after their appointment, meet, and by appropriate order, to be thereafter entered in each division of the court, divide the district into three recording divisions, designate the division of the court to supervise each, and also define the boundaries thereof by reference to natural objects and permanent landmarks or monuments, in such manner that the boundaries of each recording division can be readily determined and become generally known from such description, which order shall be given publicity in such manner by posting, publication, or otherwise as the judges or any division of the court may direct, the necessary expense of the publication of such order and description of the recording divisions to be allowed and paid as other court expenses.

Recording districts.

At any regular or special term an order may be made by the court establishing one or more recording districts within the recording division under the supervision of such division of the court and defining the boundaries thereof by reference to natural objects and permanent landmarks or monuments, in such manner that the boundaries thereof can be readily determined.

—recorder.

The order establishing a recording district shall designate a commissioner to be ex officio recorder thereof, and shall also designate the place where the commissioner shall keep his recording office within the recording district:

Provided, The clerk of the court shall be ex officio recorder of all that portion of the recording division under the supervision of his division of the court not embraced within the limits of a recording district established, bounded, and described therein as authorized by this Act, and when any part of the division for which a clerk has been recording shall be embraced in a recording district, such clerk shall transcribe that portion of his records appertaining to such district and deliver the same to the commissioner designated as recorder thereof.

Proviso.
—of what clerk of the court shall be ex officio recorder.

Whenever it appears to the satisfaction of the court that the public interests demand, or that the convenience of the people require, the court may change or modify the boundaries or discontinue a recording district or change the location of the recording office, or remove the commissioner acting as ex officio recorder, and appoint another commissioner to fill the office.

Change of districts, etc.

SEC. 14. The clerk as ex officio recorder must procure such books for records as the business of his office requires and such as may be required by the respective commissioners designated as recorders in his division of the court, but orders for the same must first be obtained from the court or the judge thereof. The respective officers acting as ex officio recorders shall have the custody and must keep all the books, records, maps, and papers deposited in their respective offices, and where a recorder is removed or from any cause becomes unable to act, or a recording district is discontinued, the records and all books, papers, and property relating thereto shall be delivered to the clerk or such officer or person as the court or judge thereof may direct.

Record books, etc.

The record books procured by the clerk, as herein provided, shall be paid for by him, on the order of the court, out of any moneys in his hands, as other court expenses are paid.

SEC. 15. The respective recorders shall, upon the payment of the fees for the same prescribed by the Attorney-General, record separately, in large and well-bound separate books, in fair hand:

What recorded.

First. Deeds, grants, transfers, contracts to sell or convey real estate and mortgages of real estate, releases of mortgages, powers of attorney, leases which have been acknowledged or proved, mortgages upon personal property;

Second. Certificates of marriage and marriage contracts and births and deaths;

Third. Wills devising real estate admitted to probate;

Fourth. Official bonds;

Fifth. Transcripts of judgments which by law are made liens upon real estate;

Sixth. All orders and judgments made by the district court or the commissioners in probate matters affecting real estate which are required to be recorded;

Seventh. Notices and declaration of water rights;

Eighth. Assignments for the benefit of creditors;

Ninth. Affidavits of annual work done on mining claims;

Tenth. Notices of mining location and declaratory statements;

Eleventh. Such other writings as are required or permitted by law to be recorded, including the liens of mechanics, laborers, and others:

Provided, Notices of location of mining claims shall be filed for record within ninety days from the date of the discovery of the claim described in the notice, and all instruments shall be recorded in the recording district in which the property or subject-matter affected by the instrument is situated, and where the property or subject-matter is not situated in any established recording district the instrument affecting the same shall be recorded in the office of the clerk of the division of the court having supervision over the recording division in which such property or subject-matter is situated.

Proviso.
Mining claims.

Where instruments recorded

Accounting for fees
for unrecorded instru-
ments.

—penalty.

Provisos.
Miners' regulations
for recording, etc.

—recorder.

Records at Dyea,
etc., legalized.

Notaries public.
—residence.

—terms.

—duties.

SEC. 16. Any clerk or commissioner authorized to record any instrument who having collected fees for so doing fails to record such instrument shall account to his successor in office, or to such person as the court may direct, for all the fees received by him for recording any instrument on file and unrecorded at the expiration of his official term, or at the time he is required to transfer his records to another officer under the direction of the court. And any clerk or commissioner who fails, neglects, or refuses to so account for fees received and not actually earned by the recording of instrument shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not less than one hundred dollars nor more than one thousand dollars, and imprisoned for not more than one year, or until the fees received and unearned as aforesaid shall have been properly accounted for and paid over by him, as hereinbefore provided. And in addition such fees may be recovered from such clerk or commissioner or the bondsmen of either, in a civil action which shall be brought by the district attorney, in the name of the United States, to recover the same; and the amount when recovered shall be by the court transferred to the successor in office of such recorder, who shall thereupon proceed to record the unrecorded instruments: *Provided*, Miners in any organized mining district may make rules and regulations governing the recording of notices of location of mining claims, water rights, flumes and ditches, mill sites and affidavits of labor, not in conflict with this Act or the general laws of the United States; and nothing in this Act shall be construed so as to prevent the miners in any regularly organized mining district not within any recording district established by the court from electing their own mining recorder to act as such until a recorder therefor is appointed by the court: *Provided further*, All records heretofore regularly made by the United States commissioner at Dyea, Skagway, and the recorder at Douglas City, not in conflict with any records regularly made with the United States commissioner at Juneau, are hereby legalized. And all records heretofore made in good faith in any regularly organized mining district are hereby made public records, and the same shall be delivered to the recorder for the recording district including such mining district within six months from the passage of this Act.

SEC. 17. Every person appointed as a notary public must at the time of his appointment be a resident of the district and must continue to reside therein during his term of office. Removal from the district vacates his office and is equivalent to resignation.

The term of office of a notary public shall be four years from and after the date of his commission, but he may be sooner removed by the governor for misconduct in office.

SEC. 18. It shall be the duty of a notary public—

First. When requested, to demand acceptance and payment of foreign, domestic, and inland bills of exchange, or promissory notes, and protest the same for nonacceptance and nonpayment, and to exercise such other powers and duties as by the law of nations and according to commercial usages or by the laws of any State, government, or country may be performed by notaries, and keep a record of such acts.

Second. To take acknowledgment or proof of powers of attorney, deeds, mortgages, grants, transfers, and other instruments of writing executed by any person and to give a certificate of such proof or acknowledgment indorsed or attached to the instrument.

Third. To take depositions and affidavits and administer oaths and affirmations in all matters incident to the duties of the office or to be used before any court, judge, or officer.

Fourth. When requested and upon payment of his fees therefor to make and give a certified copy of any record in his office.

Fifth. To provide and keep an official seal, upon which must be engraved the name of the district and the words "Notary Public," with the surname of the notary and at least the initials of his Christian name.

SEC. 19. The protest of a notary public under his hand and seal of a bill of exchange or promissory note for nonacceptance or nonpayment, stating the presentment for acceptance or payment and the non-acceptance or nonpayment thereof, the service of notice on any and all parties to such bill of exchange or promissory note and specifying the mode of giving such notice and the reputed place of residence of the party to such bill of exchange or promissory note and of the party to whom same was given and the post-office nearest thereto is prima facie evidence of the facts contained therein.

Protests of notaries of bills, etc., weight as evidence.

SEC. 20. It shall be the duty of every notary public, on his resignation or removal from office or at the expiration of his term and in case of his death of his legal representative, to forthwith deposit all the records kept by him in the office of the clerk of the division of the district court in which he resides, and on failure to do so the person so offending is liable in damages to any person injured thereby.

Notaries' records to be deposited with clerk of court.

SEC. 21. It shall be the duty of each clerk aforesaid to receive and safely keep all records and papers of the notary in each case above named and to give attested copies of them under his seal, for which he may demand such fees as by law may be allowed to the notaries, and such copies shall have the same effect as if certified by the notary.

—duty of clerk.

SEC. 22. Each notary must execute an official bond in the sum of one thousand dollars, which bond must be approved by the clerk of the division of the district court located nearest his residence.

Bond of notaries.

SEC. 23. Each notary public, upon approval of his official bond, so soon as he has taken his official oath, must transmit such bond and oath, signed by him with his own proper signature to the office of the secretary of the district, whereupon the governor must issue a commission.

—filing, etc.

SEC. 24. For the official misconduct or neglect of a notary public, he and sureties on his official bond are liable to the parties injured thereby for all damages sustained.

Liability of notary for misconduct.

SEC. 25. The officers properly qualified and actually discharging official duties in the district at the time of the approval of this Act may continue to act in their respective official capacities until the expiration of the terms for which they were respectively appointed unless sooner removed.

Continuance in office of existing officials.

SEC. 26. The laws of the United States relating to mining claims, mineral locations, and rights incident thereto are hereby extended to the District of Alaska: *Provided*, That subject only to such general limitations as may be necessary to exempt navigation from artificial obstructions all land and shoal water between low and mean high tide on the shores, bays, and inlets of Bering Sea, within the jurisdiction of the United States, shall be subject to exploration and mining for gold and other precious metals by citizens of the United States, or persons who have legally declared their intentions to become such, under such reasonable rules and regulations as the miners in organized mining districts may have heretofore made or may hereafter make governing the temporary possession thereof for exploration and mining purposes until otherwise provided by law: *Provided further*, That the rules and regulations established by the miners shall not be in conflict with the mining laws of the United States; and no exclusive permit shall be granted by the Secretary of War authorizing any person or persons, corporation or company to excavate or mine under any of said waters below low tide, and if such exclusive permit has been granted it is hereby revoked and declared null and void; but citizens of the United States or persons who have legally declared their intention to become such shall have the right to dredge and mine for gold

Mining laws.

Provisos. Gold, etc., explorations on Bering Sea.

—miners' regulations

—not to conflict with federal laws.

Exclusive permits to mine void, etc.

or other precious metals in said waters, below low tide, subject to such general rules and regulations as the Secretary of War may prescribe for the preservation of order and the protection of the interests of commerce; such rules and regulations shall not, however, deprive miners on the beach of the right hereby given to dump tailings into or pump from the sea opposite their claims, except where such dumping would actually obstruct navigation, and the reservation of a roadway sixty feet wide, under the tenth section of the Act of May fourteenth, eighteen hundred and ninety-eight, entitled "An Act extending the homestead laws and providing for right of way for railroads in the District of Alaska, and for other purposes," shall not apply to mineral lands or town sites.

Provision reserving roadway, etc., not to apply.
Vol. 30, p. 413.

Occupants of school or mission lands not to be disturbed.—missionary stations.

SEC. 27. The Indians or persons conducting schools or missions in the district shall not be disturbed in the possession of any lands now actually in their use or occupation, and the land, at any station not exceeding six hundred and forty acres, now occupied as missionary stations among the Indian tribes in the section, with the improvements thereon erected by or for such societies, shall be continued in the occupancy of the several religious societies to which the missionary stations respectively belong, and the Secretary of the Interior is hereby directed to have such lands surveyed in compact form as nearly as practicable and patents issued for the same to the several societies to which they belong; but nothing contained in this Act shall be construed to put in force in the district the general land laws of the United States.

General land laws not to apply.

Education of children.

SEC. 28. The Secretary of the Interior shall make needful and proper provision and regulations for the education of the children of school age in the district of Alaska, without reference to race and their compulsory attendance at school, until such time as permanent provision shall be made for the same.

Use of Army as posse comitatus not applicable to Alaska.

Vol. 30, p. 1325.

Vol. 20, p. 152.

SEC. 29. An Act entitled "An Act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for the district," approved March third, eighteen hundred and ninety-nine, be, and is, amended, by adding to section three hundred and sixty-three thereof the following: "Provided, Section fifteen of an Act entitled 'An Act making appropriations for the support of the Army for the fiscal year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes,' approved June eighteenth, eighteen hundred and seventy-eight, shall not be construed to apply to the district of Alaska": *Provided further*, That section four hundred and sixty, chapter forty-four, title two, of said first-mentioned Act, be amended to read as follows:

Tax on business and trades.
Vol. 30, p. 1336.

"SEC. 460. That any person or persons, corporation, or company prosecuting or attempting to prosecute any of the following lines of business within the district of Alaska shall first apply for and obtain license so to do from a district court or a subdivision thereof in said district, and pay for said license for the respective lines of business and trade as follows, to wit:

"Abstract offices, fifty dollars per annum.

"Banks, two hundred and fifty dollars per annum.

"Boarding houses having accommodations for ten or more guests, fifteen dollars per annum.

"Brokers (money, bill, note, and stock), one hundred dollars per annum.

"Billiard rooms, fifteen dollars per table per annum.

"Bowling alleys, fifteen dollars per annum.

"Breweries, five hundred dollars per annum.

"Bottling works, two hundred dollars per annum.

"Cigar manufacturers, twenty-five dollars per annum.

Alaska.
Tax on business and
trades.

- “Cigar stores or stands, fifteen dollars per annum.
- “Drug stores, fifty dollars per annum.
- “Public docks, wharves, and warehouses, ten cents per ton on freight handled or stored.
- “Electric-light plants, furnishing light or power for sale, three hundred dollars per annum.
- “Fisheries: Salmon canneries, four cents per case; salmon salteries, ten cents per barrel; fish-oil works, ten cents per barrel; fertilizer works, twenty cents per ton.
- “Freight and passenger transportation lines, propelled by mechanical power registered in the district of Alaska, or not paying license or tax elsewhere, and river and lake steamers, as well as transportation lines doing business wholly within the district of Alaska, one dollar per ton per annum on net tonnage, custom-house measurement, of each vessel.
- “Gas plants, for heat or light, for sale, three hundred dollars per annum.
- “Hotels, fifty dollars per annum.
- “Halls, public, ten dollars per annum.
- “Insurance agents and brokers, twenty-five dollars per annum.
- “Jewelers, twenty-five dollars per annum.
- “Mines: Quartz mills, three dollars per stamp per year.
- “Mercantile establishments: Doing a business of one hundred thousand dollars per annum, five hundred dollars per annum; doing a business of seventy-five thousand dollars per annum, three hundred and seventy-five dollars per annum; doing a business of fifty thousand dollars per annum, two hundred and fifty dollars per annum; doing a business of twenty-five thousand dollars per annum, one hundred and twenty-five dollars per annum; doing a business of ten thousand dollars per annum, fifty dollars per annum; doing a business of under ten thousand dollars per annum, twenty-five dollars per annum; doing a business of under four thousand dollars per annum, ten dollars per annum.
- “Meat markets, fifteen dollars per annum.
- “Manufactories not enumerated herein, same classification and license charges as mercantile establishments.
- “Physicians, itinerant, fifty dollars per annum.
- “Planing mills, fifty dollars per annum when not part of a sawmill.
- “Pawnbrokers, three hundred dollars per annum.
- “Peddlers, twenty-five dollars per annum.
- “Patent-medicine venders (not regular druggists), fifty dollars per annum.
- “Railroads, one hundred dollars per mile per annum on each mile operated.
- “Restaurants, fifteen dollars per annum.
- “Real estate dealers and brokers, fifty dollars per annum.
- “Ships and shipping: Ocean and coastwise vessels doing local business for hire plying in Alaskan waters, registered in Alaska or not paying license or tax elsewhere, one dollar per ton per annum on net tonnage, custom-house measurement, of each vessel.
- “Sawmills, ten cents per thousand feet on the lumber sawed.
- “Steam ferries, one hundred dollars per year.
- “Toll road or trail, two hundred dollars per annum.
- “Tobacconists, fifteen dollars per annum.
- “Tramways, ten dollars for each mile or fraction thereof per annum.
- “Transfer companies, fifty dollars per annum.
- “Taxidermists, ten dollars per annum.
- “Theaters, one hundred dollars per annum.
- “Waterworks, furnishing water for sale, fifty dollars per annum.”

That section four hundred and sixty-three of chapter forty-four, title two, of the above-named Act be, and the same is hereby, amended so as to read as follows:

Clerk district court to issue licenses.
Vol. 30, p. 1337.

"SEC. 463. That the licenses provided for in this Act shall be issued by the clerk of the district court or any subdivision thereof in compliance with the order of the court or judge thereof duly made and entered; and the clerk of the court shall keep a full record of all applications for license and of all recommendations for and remonstrances against the granting of licenses and of the action of the court thereon: *Provided*, That the clerk of said court and each division thereof shall give bond or bonds in such amount as the Secretary of the Treasury may require and in such form as the Attorney-General may approve, and all moneys received for licenses by him or them under this Act shall, except as otherwise provided by law, be covered into the Treasury of the United States, under such rules and regulations as the Secretary of the Treasury may prescribe: *And provided further*, That chapter twelve of title one of said first above-mentioned Act be amended by adding after section one hundred and thirty-eight another section to be numbered one hundred and thirty-nine, and to read as follows:

Proviso.
Clerks' bond, etc.

Vol. 30, p. 1231.

Protection of eggs of crane, wild duck, etc.

That no person shall break, take from the nest, or have in possession the eggs of any crane, wild duck, brant, or goose; nor shall any person transport or ship out of said Territory the eggs or the contents of the eggs of any crane, wild duck, brant, or goose; nor shall any person, common carrier or other transportation company carry or receive for shipment such eggs or the contents of said eggs, and any person or company who shall have in possession or receive for shipment or transportation any eggs or the contents of any eggs of the crane, wild duck, brant, or goose shall be guilty of a misdemeanor and upon conviction be punished as provided in this section. Any person or company violating the provisions of this section shall be punished by a fine not exceeding five hundred dollars or imprisonment not exceeding six months."

Penalty.

Fees of officers not otherwise compensated.

SEC. 30. In case the law requires or authorizes any services to be performed or any act to be done by any official or person within the District of Alaska, and provides no compensation therefor, the Attorney-General may prescribe and promulgate a schedule of such fees, mileage, or other compensation as shall be by him deemed proper for each division of the court, and such schedule shall have the force and effect of law; and the Attorney-General may from time to time amend such schedule and promulgate the same as amended, and the schedule as amended and promulgated shall also have the force and effect of law.

Use of public buildings for court rooms, etc.

Construction of jails authorized.

—sites.

SEC. 31. Any of the public buildings in the district not required for the customs service or military purposes may be used for court rooms and offices of the civil government; and the marshals of the district shall, each in his division, be the custodian of such buildings. Any division of the court may, where necessary, order the construction or repair of a jail building at the place or places where terms of the court are held, at a cost not to exceed three thousand dollars for each building, the same to be paid by the clerk as provided for the payment of other allowances for the necessary expenses of the court; and any part or portion of the unappropriated public domain of the United States, embracing not more than four thousand square feet, to be taken in compact form, as near as may be practicable, may be set aside by order of the court as a jail site, which order shall describe the location of the ground selected, where unsurveyed by metes and bounds and by reference to natural objects and permanent monuments, in such manner that its boundaries and its location may be readily determined, a certified copy of which order of the court shall be by the clerk thereof transmitted to the Commissioner of the General Land Office, who shall

cause the same to be noted on the records of his office, and thereafter the ground described shall be reserved from sale or other disposition, unless for good cause the court shall vacate the order of reservation or Congress shall otherwise direct, and the sentence of imprisonment in any criminal case shall be carried out by confinement in the penitentiary or jails herein provided for, or as provided in section fifty-five hundred and forty-six of the Revised Statutes of the United States.

R. S., sec. 5546, p. 1074.

Where a suitable court room is not available or can not be obtained at reasonable rental at the place or any of the places where terms of the court are held, the court may enter a like order of reservation and direct the construction of a suitable building where the sessions of the court may be held, the cost of such building not to exceed in any case the sum of five thousand dollars, the same to be paid and proceedings to reserve the land to be as in the case of the reservation of ground and construction of jail, as hereinbefore provided: *Provided*, No court building or jail shall be constructed in any division of the district without authority from the Attorney-General, to whom the clerk shall furnish a verified account in detail of all expenditures made by him for buildings, repairs, or other purposes, together with his authority for each payment made.

Construction of court building authorized.

—limit.

Proviso.
—limit number of buildings.

SEC. 32. For each certificate issued to a member of the bar, authorizing him to practice law in the district, a fee of ten dollars shall be paid to the clerk of the court, which shall be by him promptly remitted to the secretary of the district, and at the same time the clerk shall advise the governor of such remittance. For each commission issued to a notary public a fee of ten dollars shall be paid to the secretary of the district. The fees received by the secretary under this section and under chapter seventy-four of title two shall be by him retained and kept in a fund to be known as the district historical library fund. The fund thus collected shall be disbursed on the order of the governor for the purpose of establishing and maintaining the district historical library and museum. The same shall embrace copies of all laws relating to the district, and all papers and periodicals published within the district, and such other matter of historical interest as the governor may consider valuable and appropriate for such collection. The collection shall also embrace such curios relating to the aborigines and the settlers as may be by the governor deemed of historical importance. The collection thus made shall be described by the governor in the annual report of the governor to the Secretary of the Interior, and shall be by him kept in a secure place and turned over to his successor in office. The secretary of the district and the governor shall each annually account to the Secretary of the Interior for all receipts and disbursements in connection with such historical library and museum.

Attorneys' admission fees.

Notaries' commissions fees.

Post. p. 447.

—use of fund for district historical library, museum, etc.

SEC. 33. The historical library and museum provided for in section thirty-two of this title is hereby made a designated depository of publications of the Government, and shall be supplied with one copy of each of said publications in the same manner as such publications are supplied to other depositories.

Designated depository of publications of the Government.

TITLE II.

CHAPTER ONE.

OF THE FORMS OF ACTION.

Sec.

1. Only one form of action.

Sec.

2. Parties thereto, how designated.

SEC. 1. The distinction between actions at law and suits in equity, and the forms of all such actions and suits, are abolished, and there

Only one form of action.

shall be but one form of action for the enforcement or protection of private rights and the redress or prevention of private wrongs, which is denominated a civil action.

Parties thereto, how designated.

SEC. 2. In such actions the party complaining shall be known as the plaintiff and the adverse party as the defendant.

CHAPTER TWO.

OF THE TIME OF COMMENCEMENT OF CIVIL ACTIONS.

Sec.	Sec.
3. Time of commencing actions in general.	17. Provisions when person entitled dies before time expires.
4. Within ten years.	18. In actions by aliens time of war to be deducted.
5. Within ten years.	19. Time of stay by injunction or statutory prohibition to be deducted.
6. Within six years.	20. Disability must exist when right of action accrued.
7. Within three years.	21. When several disabilities limitation does not attach until all removed.
8. Within two years.	22. Acknowledgment or new promise must be in writing.
9. Within one year.	23. Limitation to commence from time of last payment.
10. Actions for penalty.	24. No action barred by statute when cause accrued can be maintained.
11. Actions not before provided for.	
12. When cause of action accrues upon current account.	
13. Limitations in actions by public corporations.	
14. When action deemed commenced.	
15. Exceptions when defendant out of the district.	
16. Exceptions in favor of persons under legal disability.	

Time of commencing actions in general.

SEC. 3. Civil actions shall only be commenced within the periods prescribed in this title after the cause of action shall have accrued, except when, in special cases, a different limitation is prescribed by statute. But the objection that the action was not commenced within the time limited shall only be taken by answer, except as otherwise provided in section fifty-eight.

Within ten years.

SEC. 4. The periods prescribed in section three of this Act for the commencement of actions shall be as follows:

Within ten years actions for the recovery of real property, or for the recovery of the possession thereof; and no action shall be maintained for such recovery unless it shall appear that the plaintiff, his ancestor, predecessor, or grantor was seized or possessed of the premises in question within ten years before the commencement of the action: *Provided*, In all cases where a cause of action has already accrued, and the period prescribed in this section within which an action may be brought has expired or will expire within one year from the approval of this Act, an action may be brought on such cause of action within one year from the date of the approval of the Act.

Within ten years.

SEC. 5. Within ten years—

First. An action upon a judgment or decree of any court of the United States, or of any State or Territory within the United States;
Second. An action upon a sealed instrument.

Within six years.

SEC. 6. Within six years—

First. An action upon a contract or liability, express or implied, excepting those mentioned in section five;
Second. An action upon a liability created by statute, other than a penalty or forfeiture;

Third. An action for waste or trespass upon real property;

Fourth. An action for taking, detaining, or injuring personal property, including an action for the specific recovery thereof.

Within three years.

SEC. 7. Within three years—

First. An action against a marshal, coroner, or constable, upon a liability incurred by the doing of an act in his official capacity or in

virtue of his office; or by the omission of an official duty, including the nonpayment of money collected upon an execution. But this section shall not apply to an action for an escape;

Second. An action upon a statute for penalty or forfeiture, where the action is given to the party aggrieved, or to such party and the United States, except where the statute imposing it prescribes a different limitation.

SEC. 8. Within two years—

Within two years.

First. An action for libel, slander, assault, battery, seduction, false imprisonment, or for any injury to the person or rights of another not arising on contract and not herein especially enumerated;

Second. An action upon a statute for a forfeiture or penalty to the United States.

SEC. 9. Within one year—

Within one year.

An action against the marshal or other officer for the escape of a person arrested or imprisoned on civil process.

SEC. 10. An action upon the statute for the penalty given in whole or in part to the person who will prosecute for the same shall be commenced within one year after the commission of the offense; and if the action be not commenced within one year by a private party, it may be commenced within two years thereafter, in behalf of the United States, by the district attorney.

Actions for penalty.

SEC. 11. An action for any cause not hereinbefore provided for shall be commenced within ten years after the cause of action shall have accrued.

Actions not before provided for.

SEC. 12. In an action brought to recover a balance due upon a mutual, open, and current account, where there have been reciprocal demands between the parties, the cause of action shall be deemed to have accrued from the date of the last item proved in the account on either side; but whenever a period of more than one year shall elapse between any of a series of items or demands, they are not to be deemed such an account.

When cause of action accrues upon current account.

SEC. 13. The limitations prescribed in this chapter shall apply to actions brought in the name of any public corporation in the district, or for its benefit, in the same manner as to actions by private parties.

Limitations in actions by public corporations.

SEC. 14. An action shall be deemed commenced when the complaint is filed and the summons issued.

When action deemed commenced.

SEC. 15. If, when the cause of action shall accrue against any person who shall be out of the district or concealed therein, such action may be commenced within the terms herein respectively limited, after the return of such person into the district or the time of his concealment; and if, after such cause of action shall have accrued, such person shall depart from and reside out of this district, or conceal himself, the time of his absence or concealment shall not be deemed or taken as any part of the time limited for the commencement of such action.

Exceptions when defendant out of the district.

SEC. 16. If any person entitled to bring an action mentioned in this chapter, or to recover real property, or for a penalty or forfeiture, or against a marshal or other officer for an escape, be at the time the cause of action accrued, either—

Exceptions in favor of persons under legal disability.

First. Within the age of twenty-one years; or

Second. Insane; or

Third. Imprisoned on a criminal charge, or in execution under sentence of a court for a term less than his natural life.

The time of such disability shall not be a part of the time limited for the commencement of the action, but the period within which the action shall be brought shall not be extended in any case longer than two years after such disability ceases.

SEC. 17. If a person entitled to bring an action die before the expiration of the time limited for the commencement thereof, and the cause of action survive, an action may be commenced by his personal

Provisions when person entitled dies before time expires.

representatives, after the expiration of the time and within one year from his death. If a person against whom an action may be brought die before the expiration of the time limited for the commencement thereof, and the cause of action survives, an action may be commenced against his personal representatives after the expiration of that time, and within six months after the issuing of letters testamentary or of administration.

In actions by aliens time of war to be deducted.

SEC. 18. When a person shall be an alien subject or citizen of a country at war with the United States, the time of the continuance of the war shall not be a part of the period limited for the commencement of the action.

Time of stay by injunction or statutory prohibition to be deducted.

SEC. 19. When the commencement of an action is stayed by injunction or a statutory prohibition, the time of the continuance of the injunction or prohibition shall not be a part of the time limited for the commencement of the action.

Disability must exist when right of action accrued.

SEC. 20. No person shall avail himself of a disability unless it existed when his right of action accrued.

When several disabilities, limitation does not attach until all removed.

SEC. 21. When two or more disabilities shall coexist at the time the right of action accrues the limitation shall not attach until all such disabilities are removed.

Acknowledgment or new promise must be in writing.

SEC. 22. No acknowledgment or promise shall be sufficient evidence of a new or continuing contract, whereby to take the case out of the operation of this chapter, unless the same is contained in some writing, signed by the party to be charged thereby; but this section shall not alter the effect of any payment of principal or interest.

Limitation to commence from time of last payment.

SEC. 23. Whenever any payment of principal or interest has been or shall be made upon an existing contract, whether it be a bill of exchange, promissory note, bond, or other evidence of indebtedness, if such payment be made after the same shall have become due, the limitation shall commence from the time the last payment was made.

No action barred by statute where cause accrued can be maintained.

SEC. 24. When the cause of action has arisen in any State, Territory, or country between nonresidents of this district, and by the laws of the State, Territory, or country where the cause of action arose an action can not be maintained thereon by reason of the lapse of time, no action shall be maintained thereon in this district.

CHAPTER THREE.

OF THE PARTIES TO ACTIONS.

Sec.
25. Action to be prosecuted in the name of the real party in interest.
26. Assignment of a thing in action not to prejudice defense.
27. Executor or trustee may sue without the person beneficially interested.
28. Married women may prosecute and defend as if unmarried.
29. Infant to appear by guardian.
30. Guardian, how appointed.
31. Who may prosecute for injury or death of a child.
32. Who may prosecute for seduction of a daughter or ward.

Sec.
33. When unmarried female may sue for her own seduction.
34. Parties severally liable on same instrument may be sued together or separately.
35. When action not to abate.
36. When action for wrong not to abate.
37. When third persons may be substituted as defendants.
38. Who may be made parties to action.
39. Who must be made parties to action.
40. When court to decide controversy or order other parties brought in.
41. Who may intervene.

Action to be prosecuted in the name of the real party in interest.

SEC. 25. Every action shall be prosecuted in the name of the real party in interest, except as otherwise provided in section twenty-seven; but this section shall not be deemed to authorize the assignment of a thing in action not arising out of contract.

Assignment of a thing in action not to prejudice defense.

SEC. 26. In the case of an assignment of a thing in action, the action by the assignee shall be without prejudice to any set-off or other defense existing at the time of or before notice of the assignment; but

this section shall not apply to a negotiable promissory note or bill of exchange transferred in good faith and upon valuable consideration before due.

SEC. 27. An executor or administrator, a trustee of an express trust, or a person expressly authorized by statute, may sue without joining with him the person for whose benefit the action is prosecuted. A person with whom, or in whose name a contract is made for the benefit of another, is a trustee of an express trust within the meaning of this section.

Executor or trustee may sue without the person beneficially interested.

SEC. 28. A wife may receive the wages of her personal labor, and maintain an action therefor in her own name and hold the same in her own right, and she may prosecute and defend all actions for the preservation and protection of her rights and property as if unmarried.

Married women may prosecute and defend as if unmarried.

SEC. 29. Actions may be commenced and prosecuted by infants, either by guardian or next friend, and by conservators on behalf of the persons they represent.

Infant to appear by guardian.

SEC. 30. In any action it shall be lawful for the court in which the action is pending to appoint a guardian ad litem to any infant or insane defendant in such action, and to compel the person so appointed to act. By such appointment such person shall not be rendered liable to pay costs of action; and he shall, moreover, be allowed a reasonable sum for his charges as such guardian, to be fixed by the court, and taxed in the bill of costs.

Guardian, how appointed.

SEC. 31. A father, or in case of his death or desertion of his family, the mother, may maintain an action as plaintiff for the injury or death of a child, and a guardian for the injury or death of his ward.

Who may prosecute for the death of a child.

SEC. 32. A father, or in case of his death or desertion of his family, the mother, may maintain an action as plaintiff for the seduction of a daughter, and the guardian for the seduction of a ward, though the daughter or ward be not living with or in the service of the plaintiff at the time of the seduction or afterwards, and there be no loss of service.

Who may prosecute for the seduction of a daughter or ward.

SEC. 33. An unmarried female over twenty-one years of age may maintain an action as plaintiff for her own seduction, and recover therein such damages as may be assessed in her favor; but the prosecution of an action to judgment by the father, mother, or guardian, as prescribed in the section last preceding, shall be a bar to an action by such unmarried female.

When unmarried female may sue for her own seduction.

SEC. 34. Persons severally liable upon the same obligation or instrument, including the parties to bills of exchange and promissory notes, may all or any of them be included in the same action, at the option of the plaintiff.

Parties severally liable on same instrument may be sued together or separately.

SEC. 35. No action shall abate by the death or disability of a party, or by the transfer of any interest therein, if the cause of action survive or continue. In case of the death or disability of a party, the court may at any time within two years thereafter, on motion, allow the action to be continued by or against his personal representatives or successor in interest.

When action not to abate.

SEC. 36. An action for a wrong shall not abate by the death of any party after the verdict has been given therein, but the action shall proceed thereafter in the same manner as in cases where the cause of action survives.

When action for wrong not to abate.

SEC. 37. In any action for the recovery of specific personal property, if a third person demand of the defendant the same property, the court, in its discretion, on motion of the defendant, and notice to such person and the adverse party, may, before answer, make an order discharging the defendant from liability to either party, and substitute such person in his place as defendant. Such order shall not be made but on the condition that the defendant deliver the property or its value to such person as the court may direct, nor unless it appears from the

When third persons may be substituted as defendants.

affidavit of the defendant, filed with the clerk by the day he is otherwise required to answer, that such person makes such demand without collusion with the defendant. The affidavit of such third person as to whether he makes such demand of the defendant may be read on the hearing of the motion.

Who may be made parties to action.

SEC. 38. All persons having an interest in the subject of the action, and in obtaining the relief demanded, may be joined as plaintiffs, except as in this chapter otherwise provided. Any person may be made a defendant who has or claims an interest in the controversy, adverse to the plaintiff, or who is a necessary party to the complete determination or settlement of the question involved therein.

Who must be made parties to action.

SEC. 39. Of the parties to the action, those who are united in interest must be joined as plaintiffs or defendants; but if the consent of any one who should have been joined can not be obtained he may be made a defendant, the reason thereof being stated in the complaint; and when the question is one of a common or joint interest of many persons, or when the parties are numerous, and it may be impracticable to bring them all into court, one or more may sue or defend for the benefit of the whole.

When court to decide controversy or order other parties brought in.

SEC. 40. The court may determine any controversy between parties before it when it can be done without prejudice to the rights of others, or by saving their rights; but when a complete determination of the controversy can not be had without the presence of other parties, the court shall cause them to be brought in.

Whomay intervene.

SEC. 41. Any person may, before the trial, intervene in an action or proceeding, who has an interest in the matter of litigation, in the success of either of the parties, or an interest against both. An intervention takes place when a third person is permitted to become a party to an action or proceeding, either by joining the plaintiff in claiming what is sought by the complaint, or by uniting with the defendant in resisting the claims of the plaintiff, or by demanding anything adversely to both the plaintiff and the defendant, and is made by complaint setting forth the ground upon which the intervention rests, filed by leave of the court and served upon the parties to the action or proceeding who have not appeared, and upon the attorneys of the parties who have appeared, who may answer or demur to it as if it were an original complaint.

CHAPTER FOUR.

OF THE MANNER OF THEIR COMMENCEMENT.

- Sec.
- 42. How actions commenced.
 - 43. Requisites of summons.
 - 44. Summons to contain notice of what plaintiff demands.
 - 45. By whom served and when and where returned.
 - 46. How served and upon whom.
 - 47. When order for publication may be made.
 - 48. Publication, how made; personal service out of the district.

- Sec.
- 49. When defendant may be allowed to defend after judgment.
 - 50. When the summons is returned not found, how plaintiff may proceed.
 - 51. When the summons not served on all the defendants.
 - 52. Proof of service of summons.
 - 53. When court acquires jurisdiction.

How actions commenced.

SEC. 42. Civil actions shall be commenced by filing a complaint with the clerk of the court, and the provisions of section fourteen shall only apply to this subject for the purpose of determining whether an action has been commenced within the time limited by this title. At any time after the action is commenced the plaintiff may cause a summons to be served on the defendant.

Requisites of summons.

SEC. 43. The summons shall contain the name of the court in which the complaint is filed, the names of the parties to the action, and the

title thereof. It shall be issued by the court or the clerk thereof and directed to the defendant, and shall require him to appear and answer the complaint as in this section provided, or judgment for want thereof will be taken against him. The defendant shall appear and answer the complaint within thirty days from the date of the service.

SEC. 44. There shall also be inserted in the summons a notice in substance as follows:

Summons to contain notice of what plaintiff demands.

First. In any action for the recovery of money or damages only that the plaintiff will take judgment for a sum specified therein if the defendant fail to answer the complaint;

Second. In other actions, that if the defendant fail to answer the complaint the plaintiff will apply to the court for the relief demanded therein.

SEC. 45. The summons shall be served by the marshal or any deputy, or by a person specially appointed by him or by the court or judge thereof. The summons shall be returned to the court or clerk thereof with whom the complaint is filed within forty days after its delivery to the officer or other person for service, with proof of such service or that the defendant can not be found. The marshal or other person to whom the summons is delivered shall indorse thereon the date of such delivery.

By whom served and where and when returned.

SEC. 46. The summons shall be served by delivering a copy thereof, together with a copy of the complaint prepared and certified by the plaintiff, his agent, or attorney, or by the clerk of the court as follows:

How served and upon whom.

First. If the action be against a private corporation, to the president or other head of the corporation, secretary, cashier, or managing agent, or, in case none of the officers of the corporation above named shall reside or have an office in the district, then to any clerk or agent of such corporation who may reside or be found in the district, or if no such officer be found, then by leaving a copy thereof at the residence or usual place of abode of such clerk or agent;

Second. If against any incorporated town, school district, or other public corporation in the district, to the clerk of such incorporated town, school district, or other public corporation;

Third. If against a minor under the age of fourteen years, to such minor personally, and also to his father, mother, or guardian, or if there be none within the district, then to any person having the care or control of such minor, or with whom he resides, or in whose service he is employed;

Fourth. If against a person judicially declared to be of unsound mind, or incapable of conducting his own affairs, and if a guardian has been appointed, to such guardian and to the defendant personally;

Fifth. In all cases, to the defendant personally, or if he be not found, to some person of the family above the age of fourteen years at the dwelling house or usual place of abode of the defendant.

SEC. 47. When service of the summons can not be made as prescribed in the last preceding section, and the defendant after due diligence can not be found within the district, and when that fact appears by affidavit to the satisfaction of the court or judge thereof, or justice of the peace in an action in a justice's court, and it also appears that a cause of action exists against the defendant, or that he is a proper party to an action relating to real or personal property in the district, the court or judge thereof, or a justice of the peace in an action in a justice's court, shall grant an order that the service be made by publication of the summons in either of the following cases:

When order for publication may be made.

First. When the defendant is a foreign corporation, and has property within the district, or the cause of action arose therein;

Second. When the defendant, being a resident of the district, has departed therefrom with intent to defraud his creditors or to avoid the service of the summons, or with like intent keeps himself concealed

therein, or has departed from the district and remained absent therefrom six consecutive weeks;

Third. When the defendant is not a resident of the district, but has property therein, and the court has jurisdiction of the subject of the action;

Fourth. When an action is to have a marriage declared void, or for a divorce in the cases prescribed by law;

Fifth. When the subject of the action is personal property in the district, and the defendant has a claim or lien, of interest, actual or contingent, therein, or the relief demanded consists wholly or partly in excluding the defendant from any interest or lien therein;

Sixth. When the action is to foreclose, satisfy, or redeem from a mortgage, or to enforce a lien of any kind on real estate in said district, or satisfy or redeem from the same. The summons published shall contain the name of the court and the title of the cause, a succinct statement of the relief demanded, the date of the order for service by publication, and the time within which the defendant is required to answer the complaint.

Publication, how made, personal service out of the district.

SEC. 48. The order shall direct the publication to be made in a newspaper to be designated by the court or judge or clerk as the most likely to give notice to the person to be served, and for such length of time as may be deemed reasonable, not less than once a week for six weeks. In case of publication, the court or judge shall also direct a copy of the summons and complaint to be forthwith deposited in the post-office, directed to the defendant at his place of residence, unless it shall appear that such residence is neither known to the party making the application nor can with reasonable diligence be ascertained by him. When publication is ordered, personal service of a copy of the summons and complaint out of the district shall be equivalent to publication and deposit in the post-office. In either case, the defendant shall appear and answer within thirty days after the completion of such period of publication. In case of personal service out of the district, the summons shall specify the time prescribed in the order for publication.

When defendant may be allowed to defend after judgment.

SEC. 49. The defendant against whom publication is ordered, or his personal representatives, on application and sufficient cause shown, at any time before judgment shall be allowed to defend the action; and the defendant against whom publication is ordered, or his representatives, may in like manner, upon good cause shown, and upon such terms as may be proper, be allowed to defend after judgment and within one year after the entry of such judgment on such terms as may be just; and if the defense be successful, and the judgment or any part thereof have been collected or otherwise enforced, such restitution may thereupon be compelled as the court shall direct. But the title to property sold upon execution issued on such judgment to a purchaser in good faith shall not be thereby affected.

When the summons is returned not found, how plaintiff may proceed.

SEC. 50. Whenever it shall appear by the return of the marshal, his deputy, or the person appointed to serve a summons that the defendant is not found, the plaintiff may deliver another summons to be served, and so on, until service be had; or the plaintiff may proceed by publication, as in this chapter provided, at his election.

When summons not served on all the defendants.

SEC. 51. When the action is against two or more defendants, and the summons is served on one or more but not all of them, the plaintiff may proceed as follows:

First. If the action be against defendants jointly indebted upon a contract, he may proceed against the defendants served, unless the court otherwise direct; and if he recover judgment, it may be entered against all the defendants thus jointly indebted so far only as that it may be enforced against the joint property of all and the separate property of the defendant served, and if they are subject to arrest, against the persons of the defendants served; or,

Second. If the action be against the defendants severally liable, he may proceed against the defendants served in the same manner as if they were the only defendants; or,

Third. If all the defendants have been served, judgment may be taken against any or either of them severally, when the plaintiff would be entitled to judgment against such defendant or defendants, if the action had been against them, or any of them alone.

SEC. 52. Proof of the service of the summons, or of the deposit thereof in the post-office, shall be as follows: Proof of service of summons.

First. If the service or deposit in the post-office be by the marshal or his deputy, the certificate of such officer; or,

Second. If by any other person, his affidavit thereof; or,

Third. In case of publication, the affidavit of the printer or his foreman, or his principal clerk, showing the same; or,

Fourth. The written admission of the defendant in case of service otherwise than by publication; the certificate, affidavit, or admission must state the time and place of service; and in case of deposit in the post-office, the time and place thereof.

SEC. 53. From the time of the service of the summons or the allowance of a provisional remedy the court shall be deemed to have acquired jurisdiction and to have control of all the subsequent proceedings. A voluntary appearance of the defendant shall be equivalent to personal service of the summons upon him. When court acquires jurisdiction.

CHAPTER FIVE.

OF THE PLEADINGS.

Sec. 54. Forms of pleadings, how determined.	Sec. 55. Pleadings on the part of plaintiff and defendant.
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SEC. 54. All the forms of pleading heretofore existing in actions at law and suits in equity and in admiralty are abolished, and hereafter the forms of pleading in courts of record and the rules by which the sufficiency of the pleadings is to be determined shall be those prescribed by this code. Forms of pleadings, how determined.

SEC. 55. The only pleadings on the part of the plaintiff shall be— Pleadings on the part of plaintiff.

- First. The complaint;
- Second. The demurrer; or,
- Third. The reply.

And on the part of the defendant— —defendant.

- First. The demurrer; or,
- Second. The answer.

CHAPTER SIX.

OF THE COMPLAINT.

Sec. 56. First pleading to be complaint.	Sec. 57. What complaint to contain.
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SEC. 56. The first pleading on the part of the plaintiff shall be the complaint. First pleading to be complaint.

SEC. 57. The complaint shall contain—

First. The title of the cause, specifying the name of the court and the names of the parties to the action, plaintiff and defendant.

Second. A plain and concise statement of the facts constituting the cause of action, without unnecessary repetition.

Third. A demand of the relief which the plaintiff claims. If the recovery of money or damages be demanded the amount thereof shall be stated. What complaint to contain.

CHAPTER SEVEN.
OF THE DEMURRER.

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| <p>Sec.
58. When the defendant may demur, and for what.
59. Demurrer must specify ground of objection.</p> | <p>Sec.
60. How to proceed if complaint be amended.
61. Objection when taken by answer.
62. Objection when deemed waived.</p> |
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When defendant may demur, and for what.

SEC. 58. The defendant may demur to the complaint within the time required by law to appear and answer, when it appears upon the face thereof, either—

First. That the court has no jurisdiction of the person of the defendant or the subject of the action; or,

Second. That the plaintiff has no legal capacity to sue; or,

Third. That there is another action pending between the same parties for the same cause; or,

Fourth. That there is a defect of parties plaintiff or defendant; or,

Fifth. That several causes of action have been improperly united; or,

Sixth. That the complaint does not state facts sufficient to constitute a cause of action; or,

Seventh. That the action has not been commenced within the time limited by this code.

Demurrer must specify ground of objection.

SEC. 59. The demurrer shall distinctly specify the grounds of objection to the complaint; unless it does so it may be disregarded. It may be taken to the whole complaint or to any of the alleged causes of action stated therein.

How to proceed if complaint be amended.

SEC. 60. If the complaint be amended, a copy thereof shall be served on the defendant or his attorney, and the defendant shall answer the same within such time as may be prescribed by the court, and if he omit to do so the plaintiff may proceed to obtain judgment as in other cases of failure to answer.

Objection, when taken by answer.

SEC. 61. When any of the matters enumerated in section fifty-eight do not appear upon the face of the complaint the objection may be taken by answer.

Objection, when deemed waived.

SEC. 62. If no objection be taken, either by demurrer or answer, the defendant shall be deemed to have waived the same, excepting only the objection to the jurisdiction of the court and the objection that the complaint does not state facts sufficient to constitute a cause of action.

CHAPTER EIGHT.

OF THE ANSWER.

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| <p>Sec.
63. What the answer shall contain.
64. Nature of counterclaim, and how stated.
65. Defendant may demur to one or more of several causes of action and answer the rest.</p> | <p>Sec.
66. Sham and irrelevant answers stricken out on motion.</p> |
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What the answer shall contain.

SEC. 63. The answer of the defendant shall contain—

First. A general or specific denial of each material allegation of the complaint controverted by the defendant, or of any knowledge or information thereof sufficient to form a belief.

Second. A statement of any new matter constituting a defense or counterclaim in ordinary and concise language without repetition.

Nature of counterclaim, and how stated.

SEC. 64. The counterclaim mentioned in the last preceding section must be one existing in favor of the defendant and against a plaintiff, between whom a several judgment might be had in the action, and arising out of the following causes of action:

First. A cause of action arising out of the contract or transaction set forth in the complaint as the foundation of the plaintiff's claim.

Second. In an action arising on contract, any other cause of action arising also on contract, and existing at the commencement of the action.

The defendant may set forth by answer as many defenses and counterclaims as he may have. They shall each be separately stated and refer to the causes of action which they are intended to answer in such manner that they may be intelligibly distinguished.

SEC. 65. The defendant may demur to one or more of several causes of action stated in the complaint and answer the residue.

SEC. 66. Sham, frivolous, and irrelevant answers and defenses may be stricken out on motion, and upon such terms as the court may in its discretion impose.

The defendant may demur to one or more of several causes of action and answer the rest.
Sham and irrelevant answers stricken out on motion.

CHAPTER NINE.

OF THE REPLY.

Sec.
67. Reply, when made, and what to contain.
68. When plaintiff may demur to new matter in answer.

Sec.
69. When defendant may move for judgment on answer.
70. When defendant may demur to reply.

SEC. 67. When the answer contains new matter, constituting a defense or counterclaim, the plaintiff may reply to such new matter, denying generally or specifically each allegation controverted by him or any knowledge or information thereof sufficient to form a belief; and he may allege in ordinary and concise language, without repetition, any new matter not inconsistent with the complaint, constituting a defense to such new matter in the answer.

Reply, when made and what to contain.

SEC. 68. The plaintiff may demur to an answer containing new matter when it appears upon the face thereof that such new matter does not constitute a defense or counterclaim; or he may, for like cause, demur to one or more of such defenses or counterclaims and reply to the residue.

When plaintiff may demur to new matter in answer.

SEC. 69. If the answer contain a statement of new matter, constituting a defense or counterclaim, and the plaintiff fail to reply or demur thereto within the time prescribed by law or rule of the court, the defendant may move the court for such judgment as he is entitled to on the pleadings, and if the case require it he may have a jury called to assess the damages.

When defendant may move for judgment on answer.

SEC. 70. The defendant may demur to any new matter contained in the reply when it appears upon the face thereof that such matter is not a sufficient reply to the facts stated in the answer. Sham, frivolous, and irrelevant replies may be stricken out in like manner and on the same terms as like answers and defenses.

When defendant may demur to reply.

CHAPTER TEN.

OF THE GENERAL RULES OF PLEADING.

Sec.
71. Verification of pleadings.
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SEC. 71. Every pleading shall be subscribed by the party or his attorney, and, except a demurrer, shall also be verified by the party,

Verification of pleadings.

his agent or attorney, to the effect that he believes it to be true. The verification must be made by the affidavit of the party, or, if there be several parties united in interest and pleading together, by one, at least, of such parties, if such parties be within the district and capable of making the affidavit; otherwise the affidavit may be made by the agent or attorney of the party. The affidavit may also be made by the agent or attorney if the action or defense be founded on a written instrument for the payment of money only, and such instrument be in the possession of the agent or attorney, or if all the material allegations of the pleading be within the personal knowledge of the agent or attorney. When the affidavit is made by the agent or attorney, it must set forth the reason of his making it. When a corporation is a party, the verification may be made by any officer thereof upon whom service of a summons might be made, and when the United States, or any officer thereof in its behalf, is a party, the verification may be made by any person to whom all the material allegations of the pleading are known.

When verification may be omitted.

SEC. 72. When, in the judgment of the court, an answer to an allegation in any pleading might subject the party answering to a prosecution for felony, the verification of the answer to such allegation may be omitted.

When pleadings filed.

SEC. 73. The answer or demurrer to the complaint shall be filed with the clerk by the time required to answer, and the demurrer, or reply thereto, as the case may be, must in like manner be filed by the first day of the next term of the court, or within such time as the court may allow after the filing of the answer to the complaint, if the same be filed in term time. A demurrer to a reply must be filed in the manner and within the time required to file a demurrer to an answer. A motion to strike out a pleading for want of verification or subscription, or because several causes of action or defense therein are not pleaded separately, or for other cause, or a sham, frivolous, or irrelevant pleading or redundant matter therein, shall be made within the time for answering such pleading.

—motion to strike out.

Manner of pleading an account.

SEC. 74. A party may set forth in a pleading the items of an account therein alleged, or file a copy thereof, with the pleading verified by his own oath, or that of his agent or attorney, if within the personal knowledge of such agent or attorney, to the effect that he believes it to be true. If he do neither, he shall deliver to the adverse party, within five days after a demand thereof in writing, a copy of the account, verified as in this section provided, or be precluded from giving evidence thereof. The court or judge thereof may order a further account when the one filed or delivered is defective.

How pleadings construed.

SEC. 75. In the construction of a pleading for the purpose of determining its effect, its allegation shall be liberally construed, with a view of substantial justice between the parties.

Irrelevant and redundant matter may be stricken out.

SEC. 76. If irrelevant or redundant matter be inserted in the pleading, it may be stricken out on motion of the adverse party; and when the allegations of a pleading are so indefinite or uncertain that the precise nature of the charge or defense is not apparent, the court may require the pleading to be made definite and certain by amendment.

Judgments, how pleaded.

SEC. 77. In pleading a judgment or other determination of a court or officer of special jurisdiction it shall not be necessary to state the facts conferring jurisdiction, but such judgment or determination may be stated to have been duly given or made. If such allegation be controverted, the party pleading shall be bound to establish on the trial the facts conferring jurisdiction.

Conditions precedent, how pleaded.

SEC. 78. In pleading the performance of a condition precedent in a contract it shall not be necessary to state the facts showing such performance, but it may be stated generally that the party duly performed all the conditions on his part; and if such allegation be controverted

the party pleading shall be bound to establish on the trial the facts showing such performance.

SEC. 79. In pleading a private statute, or a right derived therefrom, it shall be sufficient to refer to such statute by its title and the day of its passage, and the court shall thereupon take judicial notice thereof.

Private statute, how pleaded.

SEC. 80. In pleading an ordinance or enactment of any incorporated city, town, or village, or a right derived therefrom; in any action, or proceeding, it shall be sufficient to refer to such ordinance or enactment by its title and the day of its approval, and the court shall thereupon take judicial notice thereof.

City ordinance, how pleaded.

SEC. 81. In an action for libel or slander it shall not be necessary to state in the complaint any extrinsic facts for the purpose of showing the application to the plaintiff of the defamatory matter out of which the cause of action arose, but it shall be sufficient to state generally that the same was published or spoken concerning the plaintiff, and if such allegation be controverted the plaintiff shall be bound to establish on trial that it was so published or spoken.

Libel or slander, how pleaded.

SEC. 82. In the actions mentioned in the last section the defendant may, in his answer, allege both the truth of the matter charged as defamatory and any mitigating circumstances to reduce the amount of damages; and whether he prove the justification or not he may give in evidence the mitigating circumstances.

What may be pleaded in answer in such cases.

SEC. 83. In an action to recover the possession of property distrained doing damage, an answer that the defendant or person by whose command he acted was lawfully possessed of the real property upon which the distress was made; and that the property distrained was at the time doing damage thereon, shall be good without setting forth the title to such real property.

Answer in action to recover the possession of property distrained.

SEC. 84. The plaintiff may unite several causes of action in the same complaint when they all arise out of—

What causes of action may be united in same complaint.

First. Contract, express or implied; or

Second. Injuries, with or without force, to the person; or

Third. Injuries, with or without force, to property; or

Fourth. Injuries to character; or

Fifth. Claims to recover real property, with or without damages for the withholding thereof; or

Sixth. Claims to recover personal property, with or without damages for the withholding thereof; or

Seventh. Claims against a trustee by virtue of a contract or by operation of law.

But the causes of action so united must all belong to one only of these classes, and must affect all the parties to the action and not require different places of trial, and must be separately stated.

SEC. 85. Every material allegation of the complaint not controverted by the answer, and every material allegation of new matter in the answer not controverted by the reply, shall, for the purpose of the action, be taken as true; but the allegation of new matter in a reply is to be deemed controverted by the adverse party as upon a direct denial or the avoidance, as the case may require.

Material allegation not denied to be deemed true.

SEC. 86. A material allegation in a pleading is one essential to the claim or defense, and which could not be stricken from the pleading without leaving it insufficient as to such claim or defense.

What is material allegation.

CHAPTER ELEVEN.

OF MISTAKES IN PLEADINGS AND AMENDMENTS.

<p>Sec. 87. When variance deemed material. 88. When variance not material. 89. What deemed a failure of proof. 90. What pleading may be amended of course. 91. Amendments and pleading over after demurrer. 92. Amendments allowed by court before trial or submission. 93. Court may enlarge time to plead, or relieve party from judgment.</p>	<p>Sec. 94. When defendant may be sued by fictitious name. 95. Amended pleadings before trial to be new pleadings. 96. Pleading not verified, or containing several causes of action or defense not separately stated, may be stricken out. 97. No error to be regarded unless it affect substantial rights. 98. Supplemental pleadings.</p>
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When variance deemed material.

SEC. 87. No variance between the allegation in a pleading and the proof shall be deemed material, unless it shall have actually misled the adverse party to his prejudice in maintaining his action or defense upon the merits. Whenever it shall be alleged that a party has been so misled, that fact shall be proved to the satisfaction of the court, and in what respect he has been misled; and thereupon the court may order the pleading to be amended upon such terms as shall be just.

When variance not material.

SEC. 88. When the variance is not material, as provided in the last section, the court may direct the fact to be found according to the evidence, or may order an immediate amendment, without costs.

What deemed a failure of proof.

SEC. 89. When, however, the allegation of the cause of action or defense to which the proof is directed is unproved, not in some particular or particulars only, but in its entire scope and meaning, it shall not be deemed a case of variance within the last two sections, but a failure of proof.

What pleading may be amended of course.

SEC. 90. Any pleading may be once amended by the party of course, without costs and without prejudice to the proceedings already had, at any time before the period for answering it shall expire; in such case a copy of the amended pleading shall be served on the adverse party before the expiration of said period.

Amendments and pleading over after demurrer.

SEC. 91. After the decision upon a demurrer, if it be overruled, and it appears that such demurrer was interposed in good faith, the court may, in its discretion, allow the party to plead over, upon such terms as may be proper. If the demurrer be sustained the court may, in its discretion, allow the party to amend the pleading demurred to, upon such terms as may be proper.

Amendments allowed by court before trial or submission.

SEC. 92. The court may, at any time before trial, in furtherance of justice, and upon such terms as may be proper, allow any pleading or proceeding to be amended by adding the name of a party, or other allegation material to the cause, and in like manner and for like reasons it may, at any time before the cause is submitted, allow such pleading or proceeding to be amended, by striking out the name of any party, or by correcting a mistake in the name of a party, or a mistake in any other respect, or when the amendment does not substantially change the cause of action or defense, by conforming the pleading or proceeding to the facts proved.

Court may enlarge time to plead, or relieve party from judgment.

SEC. 93. The court may likewise, in its discretion and upon such terms as may be just, allow an answer or reply to be made or other act to be done after the time limited by this code, or by an order enlarge such time; and may also, in its discretion, and upon such terms as may be just, at any time within one year after notice thereof, relieve a party from a judgment, order, or other proceeding taken against him through his mistake, inadvertence, surprise, or excusable neglect.

When plaintiff may be sued by fictitious name.

SEC. 94. When the plaintiff shall be ignorant of the name of a defendant, such defendant may be designated in any pleading or proceeding

by any name; and when his true name shall be discovered, the pleading or proceeding may be amended accordingly.

SEC. 95. When any pleading or proceeding is amended before trial, mere clerical errors excepted, it shall be done by filing a new pleading, to be called the amended complaint, or otherwise, as the case may be. Such amended pleading shall be complete in itself without reference to the original or any preceding amended one.

Amended pleadings before trial to be new pleadings.

SEC. 96. Any pleading not duly verified and subscribed may, on motion of the adverse party, be stricken out of the case. When any pleading contains more than one cause of action or defense, if the same be not pleaded separately, such pleading may, on motion of the adverse party, be stricken out of the case. When a motion to strike out is allowed, the court may, upon such terms as may be proper, allow the party to file an amended pleading, or if the motion be disallowed, and it appear to have been made in good faith, the court may, upon like terms, allow the party to plead over.

Pleading not verified, or containing several causes of action or defense not separately stated, may be stricken out.

SEC. 97. The court shall, in every stage of an action, disregard any error or defect in the pleadings or proceedings which shall not affect the substantial rights of the adverse party.

No error to be regarded unless it affect substantial rights.

SEC. 98. The plaintiff and defendant, respectively, may be allowed on motion to make a supplemental complaint, answer, or reply, alleging facts material to the case occurring after the former complaint, answer, or reply. Copies of all pleadings subsequent to the complaint must be served upon the adverse party or his attorney.

Supplemental pleadings.

CHAPTER TWELVE.

OF ARREST AND BAIL.

- Sec.
- 99. When defendant may be arrested.
 - 100. Proceeding to obtain an arrest.
 - 101. Defendant may be discharged on bail or deposit.
 - 102. Bail, how given.
 - 103. Surrender of defendant.
 - 104. Same subject.
 - 105. Bail, how proceeded against.
 - 106. How exonerated.
 - 107. Delivery of copy of undertaking.
 - 108. Notice of justification of bail.
 - 109. Qualification of bail.
 - 110. Justification of bail.
 - 111. Allowance of bail.
 - 112. Deposit of money in lieu of bail.
 - 113. Payment by marshal of deposit to clerk.

- Sec.
- 114. Bail may be given and deposit refunded.
 - 115. Deposit, how applied or disposed of.
 - 116. When marshal liable as bail and how discharged from such liability.
 - 117. Judgment against marshal as bail.
 - 118. When bail liable to marshal.
 - 119. Plaintiff liable in the first instance for the maintenance of defendant.
 - 120. When marshal may discharge defendant for nonpayment of maintenance.
 - 121. Motion to vacate writ of arrest.
 - 122. Proceedings thereon.

SEC. 99. No person shall be arrested in any civil action at law except as provided in this section. The defendant may be arrested in the following cases:

When defendant may be arrested.

First. In an action for the recovery of money or damages, when the defendant is about to remove from the district with intent to defraud his creditors, or when the action is for an injury to person, or for wilfully injuring or wrongfully taking, detaining, or converting property.

Second. In an action for a fine or penalty, or for money, or property embezzled or fraudulently misapplied or converted to his own use by a public officer, or by an attorney, or by an officer or agent of a corporation in the course of his employment as such, or by any factor, agent, broker, or other person in a fiduciary capacity, or for any misconduct or neglect in office or in a professional employment.

Third. In an action to recover the possession of personal property

unjustly detained, when the property or any part thereof has been concealed, removed, or disposed of, so that it can not be found or taken by the marshal, and with intent that it should not be so found or taken, or with the intent to deprive the plaintiff of the benefit thereof.

Fourth. When the defendant has been guilty of a fraud in contracting a debt, or incurring the obligation for which the action is brought, or in concealing or disposing of the property for the taking, detention, or conversion of which the action is brought.

Fifth. When the defendant has removed or disposed of his property, or is about to do so, with intent to defraud his creditors.

But no female shall be arrested in any action except for injury to person, character, or property.

Proceeding to obtain an arrest.

SEC. 100. The mode of proceeding to obtain the arrest of the defendant for any of the causes specified in the section last preceding shall be as provided in this section:

First. At any time after the commencement of an action at law, and before judgment, the plaintiff in such action shall, in the discretion of the court, or the judge thereof be entitled to a writ of arrest for such defendant whenever he shall make and file with the clerk of the court in which such action is commenced, or is at the time pending, an affidavit that the plaintiff has a sufficient cause of action therein, and that the case is one of those mentioned in the section last preceding; and shall also make and file with such clerk an undertaking, with sufficient sureties, in a sum not less than three hundred dollars, and equal to the amount for which the plaintiff prays judgment. Such undertaking shall be conditioned that the plaintiff will pay all costs that may be adjudged to the defendant and all damages which he may sustain by reason of the arrest if the same be wrongful or without sufficient cause, not exceeding the amount specified in the undertaking.

Second. The affidavit may be either positive or upon information and belief; but if the latter, it shall state the facts upon which the belief is founded. The plaintiff shall also file with his undertaking the affidavits of the sureties therein, from which it must appear that such sureties are residents of the district, and that they are, taken together, worth double the amount of the sum specified in the undertaking over all debts and liabilities and property exempt from execution. No person not qualified to become bail upon arrest is qualified to become surety in an undertaking for an arrest.

Third. The writ of arrest shall be issued by the court, judge, or commissioner in his or its discretion, and shall require the marshal forthwith to arrest the defendant and hold him to bail in the amount specified in the undertaking, and that in default thereof he keep him in custody until discharged by law, and to return the writ to the court from which it issued, with his doings indorsed thereon, when required by the plaintiff at any time before the defendant may be arrested, or afterwards whenever the defendant shall have been discharged from the arrest on bail or otherwise.

Fourth. The plaintiff shall deliver or cause to be delivered to the marshal with the writ a copy of the affidavit upon which the warrant was issued, subscribed by himself or attorney. The marshal, upon the delivery of the writ, shall indorse thereon the date of the receipt, and upon the arrest of the defendant shall deliver to him a copy of the writ and such copy of the affidavit. The marshal shall execute the writ by arresting the defendant and keeping him in custody until discharged by law.

Defendant may be discharged on bail or deposit.

SEC. 101. The defendant, at any time before execution, shall be discharged from the arrest, either upon giving bail or upon depositing the amount mentioned in the writ of arrest, as provided in this chapter.

SEC. 102. The defendant may give bail by causing a written undertaking to be executed in favor of the plaintiff by sufficient sureties, stating their places of residence, to the effect that the defendant shall at all times render himself amenable to the process of the court during the pendency of the action, and to such as may be issued to enforce the judgment therein, or if he be arrested for the cause mentioned in the third subdivision of section ninety-nine, an undertaking to the same effect as that provided by section one hundred and twenty-seven.

Bail, how given.

SEC. 103. At any time before failure to comply with the undertaking the bail may surrender the defendant in their exoneration, or he may surrender himself to the marshal in the following manner:

Surrender of defendant.

First. A certified copy of the undertaking of the bail shall be delivered to the marshal, who shall detain the defendant in his custody thereon as upon a writ of arrest, and shall, by a certificate in writing, acknowledge the surrender.

Second. Upon a production of a copy of the undertaking and marshal's certificate, the court may, upon a notice to the plaintiff of eight days, with a copy of the certificate, order that the bail be exonerated, and on filing the order and the papers used on the application with the clerk of the court where the action is pending they shall be exonerated accordingly. But this section shall not apply to an arrest for cause mentioned in the third subdivision of section ninety-nine so far as to discharge the bail from an undertaking given to the effect provided by section one hundred and twenty-eight.

SEC. 104. For the purpose of surrendering the defendant, the bail at any time and place, before they are finally charged, may themselves arrest him, or by a written authority, indorsed on a certified copy of the undertaking, may empower the marshal or any other person of suitable age and discretion to do so.

Same subject.

SEC. 105. In case of the failure to comply with the undertaking, the bail may be proceeded against by action only.

Bail, how proceeded against.

SEC. 106. The bail may be exonerated, either by the death of the defendant or his imprisonment in the penitentiary, or by his legal discharge from the obligation to render himself amenable to the process, or by his surrender to the marshal or any deputy in execution thereof, within twenty days after the commencement of the action against the bail or within such further time as may be granted by the court.

How exonerated.

SEC. 107. Within five days after the execution of the undertaking of the bail the marshal or deputy having the defendant in custody shall deliver to the plaintiff or his attorney, or such other person as the plaintiff may direct, a certified copy of the undertaking, with the data of the arrest indorsed thereon. In any other case the marshal may mail such copy within the same time to the plaintiff or his attorney, within the district, or to either of them, as the plaintiff may direct. The plaintiff, within ten days from the delivery of such copy, or fifteen days from the mailing of the same, if sent by mail, may serve upon the marshal or deputy for the defendant in custody a notice that he does not accept the bail, or he shall be deemed to have accepted it, and the marshal shall be exonerated from liability. If no notice be served within ten days, the original undertaking shall be filed with the court where the action is pending.

Delivery of copy of undertaking.

SEC. 108. On the receipt of such notice the marshal or defendant may, within ten days thereafter, give to the plaintiff or his attorney notice of the justification of the same or other bail, specifying the place of residence and occupation of the latter, before a judge of the district court or clerk of the court where the action is pending, or a commissioner, at a specified time and place, the time to be not less than five nor more than ten days thereafter. In case neither the plaintiff nor his attorney reside within one hundred miles from where

Notice of justification of bail.

the arrest is made, the notice may be served upon the person, and in the manner provided for serving the copy of the undertaking in the section last preceding. In case other bail be given there shall be a new undertaking, in the form and to the effect prescribed in section one hundred and two.

Qualifications of bail.

SEC. 109. The qualifications of bail shall be as follows:

First. Each of them shall be a resident within the district; but no counselor or attorney at law, marshal, deputy marshal, commissioner, clerk of any court, or other officer of any court shall be permitted to become bail in any action.

Second. Each of them shall be worth the amount specified in the writ of arrest, or the amount to which the same may be reduced as provided in this chapter, over and above all debts and liabilities, and exclusive of property exempt from execution; but the judge, clerk, or commissioner on justification may allow more than two sureties to justify severally in amounts less than that expressed in the writ, if the whole justification shall be equivalent to that of two sufficient bail.

Justification of bail.

SEC. 110. For the purpose of justification each of the bail shall attend before the judge, commissioner, or clerk at the time and place mentioned in the notice, and may be examined on oath, on the part of the plaintiff, touching his sufficiency, in such manner as the judge, commissioner, or clerk in his discretion may think proper. The examination shall be reduced to writing and subscribed by the bail, if required by the plaintiff.

Allowance of bail.

SEC. 111. If the judge, commissioner, or clerk shall find the bail sufficient, he shall annex the examination to the undertaking, indorse his allowance thereon, and cause them to be filed with the clerk of the court in which the action is pending; and the marshal shall thereupon be exonerated from liability.

Deposit of money in lieu of bail.

SEC. 112. The defendant may, at the time of his arrest, instead of giving bail, deposit with the marshal the amount mentioned in the writ. Thereupon the marshal shall give the defendant a certificate of the deposit made and the defendant shall be discharged out of custody.

Payment by marshal of deposit to clerk.

SEC. 113. The marshal shall, within ten days after the deposit, pay the same into the court, and take from the clerk receiving the same two certificates of such payment, the one of which he shall deliver to the plaintiff or his attorney and the other to the defendant. For any default in making such payment, the same proceedings may be had on the official bond of the marshal to collect the sum deposited as in other cases of delinquency.

Bail may be given and deposit refunded.

SEC. 114. If money be deposited, as provided in the last two sections, bail may be given and justified upon notice, as prescribed in section one hundred and two, at any time before judgment, and on the filing of the undertaking and justification with the clerk the money deposited shall be refunded by such clerk to the defendant.

Deposit how applied or disposed of.

SEC. 115. When money shall have been so deposited, if it remain on deposit at the time of an order or judgment for the payment of money to the plaintiff, the clerk shall, under the direction of the court, apply the same in satisfaction thereof, and, after satisfying the judgment, shall refund the surplus, if any, to the defendant. If the judgment be in favor of the defendant, the clerk shall refund to him the whole sum deposited and remaining unapplied.

When marshal liable as bail and how discharged from such liability.

SEC. 116. If, after being arrested, the defendant escape or be rescued, or bail be not given or justified, or a deposit be not made instead thereof, the marshal himself shall be liable as bail; but he may discharge himself from such liability by the giving and justification of bail, as provided in sections one hundred and eight, one hundred and nine, one hundred and ten, and one hundred and eleven, at any time before process against the person of the defendant to enforce an order or judgment in the action.

SEC. 117. If a judgment be recovered against the marshal upon his liability as bail, and an execution thereon be returned unsatisfied, in whole or in part, the same proceedings may be had on his official bond for the recovery of the whole or any deficiency as in other cases of delinquency.

Judgment against marshal as bail.

SEC. 118. The bail taken upon arrest shall, unless they justify, or other bail be given or justified, be liable to the marshal by action for any damages which he may sustain by reason of such omission.

When bail liable to marshal.

SEC. 119. The fees which shall be allowed to the marshal for the food and maintenance of any defendant arrested under the provisions of this chapter shall be as provided by law, and the plaintiff shall be liable in the first instance for such fees, and if required by the marshal, shall pay the same weekly in advance; and such fees so paid shall be added to the disbursements taxed or accruing in the case, and be collected as other disbursements.

Plaintiff liable in the first instance for the maintenance of defendant.

SEC. 120. If the plaintiff shall neglect to pay such fees for three days after a demand of payment the marshal may discharge the defendant out of custody.

When marshal may discharge defendant for nonpayment of maintenance.

SEC. 121. A defendant arrested may, at any time before judgment, apply on motion to the court or judge thereof in which the action is pending, upon notice to the plaintiff, to vacate the writ of arrest.

Motion to vacate writ of arrest.

SEC. 122. If a motion be made upon affidavits or other proofs on the part of the defendant, but not otherwise, the plaintiff may oppose the same by affidavits or other proofs in addition to those upon which the writ was issued. If upon the hearing of such motion it shall satisfactorily appear that there was not sufficient cause to allow the writ, or that there is other good cause which would entitle him to be discharged on habeas corpus the same shall be vacated, or in case he has given bail the court may discharge the same or reduce the amount thereof on good cause shown.

Proceedings thereon.

CHAPTER THIRTEEN.

OF THE RECOVERY OF PERSONAL PROPERTY.

<p>Sec. 123. When delivery may be claimed in an action for the possession of personal property.</p> <p>124. Affidavit therefor, what it must show.</p> <p>125. Indorsement thereon, requiring the marshal to take property.</p> <p>126. Undertaking to marshal on the part of plaintiff.</p> <p>127. Exception to securities by defendant, proceedings thereon.</p> <p>128. How and when defendant entitled to redelivery.</p>	<p>Sec. 129. Justification of sureties on defendant's undertaking.</p> <p>130. Qualification and justification of sureties.</p> <p>131. Power of marshal when property concealed in building or inclosure.</p> <p>132. Property, how kept and when delivered to plaintiff.</p> <p>133. Proceedings when property claimed by third person.</p> <p>134. Return of affidavit by marshal.</p>
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SEC. 123. In an action to recover possession of personal property the plaintiff, at any time after the action is commenced, and before judgment, may claim the immediate delivery of such property, as provided in this chapter.

When delivery may be claimed in an action for the possession of personal property.

SEC. 124. When a delivery is claimed an affidavit shall be made by the plaintiff, or by some one in his behalf, showing—

Affidavit therefor, what it must show.

First. That the plaintiff is the owner of the property claimed (particularly describing it), or is lawfully entitled to the possession thereof by virtue of a special property therein, the facts in respect to which shall be set forth;

Second. That the property is wrongfully detained by the defendant;

Third. The alleged cause of the detention thereof, according to his best knowledge, information, and belief;

Fourth. That the same has not been taken for a tax assessment or

fine, pursuant to a statute, or seized under an execution or attachment against the property of the plaintiff; or, if so seized, that it is by statute exempt from such seizure; and

Fifth. The actual value of the property.

Indorsement thereon, requiring the marshal to take property.

SEC. 125. The plaintiff may thereupon, by an indorsement in writing upon the affidavit, require the marshal to take the property from the defendant and deliver it to the plaintiff.

Undertaking to marshal on the part of plaintiff.

SEC. 126. Upon the receipt of the affidavit and indorsement thereon, with a written undertaking executed by two or more sufficient sureties approved by the marshal, to the effect that they are bound in double the value of the property as stated in the affidavit for the prosecution of the action for the return of the property to the defendant, if return thereof be adjudged, and for the payment to him of such sum as may for any cause be recovered against the plaintiff, the marshal shall forthwith take the property described in the affidavit, if it be in the possession of the defendant or his agent, and retain it in his custody. He shall also, without delay, serve on the defendant a copy of the affidavit, indorsement thereon, and undertaking, by delivering the same to him personally, if he can be found, or to his agent from whose possession the property is taken; or, if neither can be found, by leaving them at the usual place of abode of either with some person of suitable age and discretion; or, if neither have any known place of abode, by putting them in the post-office directed to the defendant at the post-office nearest to him.

Exception to securities by defendant, proceedings thereon.

SEC. 127. The defendant may, within three days after the service of a copy of the affidavit and undertaking, give notice to the marshal that he excepts to the sufficiency of the sureties. If he fail to do so, he shall be deemed to have waived all objection to them. When the defendant excepts, the sureties shall justify on notice in like manner as upon bail on arrest. And the marshal shall be responsible for the sufficiency of the sureties until the objection to them is either waived, as above provided, or until they shall justify or new sureties shall be substituted and justified. If the defendant except to the sureties, he can not reclaim the property, as provided in the next section.

How and when defendant entitled to redelivery.

SEC. 128. At any time before the delivery of the property to the plaintiff the defendant may, if he do not except to the sureties of the plaintiff, require the return thereof upon giving to the marshal a written undertaking, executed by two or more sufficient sureties, to be approved by the marshal, to the effect that they are bound in double the value of the property as stated in the affidavit of the plaintiff, for the delivery thereof to the plaintiff, if such delivery be adjudged, and for the payment to him of such sum as may, for any cause, be recovered against the defendant. If a return of the property be not so required within three days after the taking and service of a copy of the affidavit and undertaking of a defendant, it shall be delivered to the plaintiff, except as provided in section one hundred and thirty-two.

Justification of sureties on defendant's undertaking.

SEC. 129. The defendant's sureties, upon a notice to the plaintiff or his attorney of not less than two nor more than six days, shall justify before a judge of the district court or commissioner, or the clerk of the court in which the action is pending, in the same manner as upon bail on arrest. Upon such justification the marshal shall deliver the property to the defendant. The marshal shall be responsible for the defendant's sureties until they justify, or until justification is completed or expressly waived, and may retain the property until that time; but if they or others in their place fail to justify at the time and place appointed, he shall deliver the property to the plaintiff.

Qualification and justification of sureties.

SEC. 130. Qualification of sureties and their justification shall be as prescribed by sections one hundred and nine and one hundred and ten in respect to bail upon an order of arrest.

SEC. 131. If the property or any part thereof be concealed in a building or inclosure the marshal shall publicly demand its delivery. If it be not delivered he shall cause the building or inclosure to be broken open and take the property into his possession, and if necessary he may call to his aid the power of the district.

Power of marshal when property concealed in building or inclosure.

SEC. 132. When the marshal shall have taken the property as in this chapter provided, he shall keep it in a secure place and deliver it to the party entitled thereto upon receiving his lawful fees for taking and his necessary expenses for keeping the same.

Property, how kept and when delivered to plaintiff.

SEC. 133. If the property taken be claimed by any other person than the defendant or his agent, and such person make affidavit of his title thereto or his right to the possession thereof, stating the grounds of such title or right, and serve the same upon the marshal before the delivery of the property to the plaintiff, the marshal shall not be bound to keep the property or deliver it to the plaintiff unless the plaintiff, on demand of him or his agent, shall indemnify the marshal against such claim by an undertaking, executed by two sufficient sureties, accompanied by their affidavits that they are each worth double the value of the property as specified in the affidavit of the plaintiff, over and above their debts and liabilities, exclusive of property exempt from execution. And no claim to such property by any other person than the defendant or his agent shall be valid against the marshal unless made as aforesaid; and notwithstanding such claim when so made he may retain the property a reasonable time to demand such indemnity.

Proceedings when property claimed by third person.

SEC. 134. The marshal shall file the affidavit, with his proceedings thereon, including an inventory of the property taken, with the clerk of the court in which the action is pending within twenty days after taking the property mentioned therein, or he may mail or forward the same to the clerk within that time.

Return of affidavit by marshal.

CHAPTER FOURTEEN.

OF ATTACHMENT.

- Sec.
- 135. When plaintiff may have property of defendant attached.
 - 136. Writ of attachment, by whom issued, and for what causes.
 - 137. Undertaking of plaintiff to be filed before writ issues.
 - 138. Writ, to whom directed, and what it shall require.
 - 139. What property may be attached.
 - 140. Writ, how executed.
 - 141. Effect of attachment as to third persons.
 - 142. When real property attached, certificate of marshal.
 - 143. When third persons must furnish certificate to marshal.
 - 144. Perishable property may be sold.
 - 145. When marshal may deliver property to defendant.
 - 146. Defense to action upon such undertaking.
 - 147. If judgment recovered by plaintiff, marshal to apply property upon execution, remainder to be delivered to defendant.
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- Sec.
- 149. How defendant may have an order for the return of the property.
 - 150. Undertaking of the defendant upon such order.
 - 151. When the defendant may move to discharge the attachment.
 - 152. When writ to be returned.
 - 153. What order upon garnishee shall require.
 - 154. When plaintiff may serve interrogatories on garnishee.
 - 155. Answer of the garnishee.
 - 156. Plaintiff may have judgment for want of answer, or garnishee may be compelled to answer.
 - 157. Exceptions to answer.
 - 158. Reply to answer, and trial of issue thereon.
 - 159. Judgment against the garnishee upon answer or trial.
 - 160. Execution against garnishee, witnesses on trial.
 - 161. When restraining order may be allowed against garnishee.
 - 162. What proceedings known as provisional remedies.

SEC. 135. The plaintiff, at the time of issuing the summons, or at any time afterwards, may have the property of the defendant attached as security for the satisfaction of any judgment that may be recovered,

When plaintiff may have property of defendant attached.

unless the defendant give security to pay such judgment, as in this chapter provided, in the following cases:

First. In an action upon a contract, express or implied, for the direct payment of money, and which is not secured by mortgage, lien, or pledge upon real or personal property, or, if so secured, when such security has been rendered nugatory by the act of the defendant.

Second. In an action upon a contract, express or implied, against a defendant not residing in the district.

Writ of attachment, by whom issued, and for what causes.

SEC. 136. A writ of attachment shall be issued by the clerk of the court in which the action is pending, whenever the plaintiff or anyone in his behalf shall make and file an affidavit showing—

First. That the defendant is indebted to the plaintiff (specifying the amount of such indebtedness over and above all legal set-offs or counter-claims) upon a contract, expressed or implied, for the direct payment of money, and that the payment of the same has not been secured by any mortgage, lien, or pledge upon real or personal property; and

Second. That the sum for which the attachment is asked is an actual, bona fide, existing debt, due and owing from the defendant to the plaintiff, and that the attachment is not sought nor the action prosecuted to hinder, delay, or defraud any creditor of the defendant.

Undertaking of plaintiff to be filed before writ issues.

SEC. 137. Upon filing the affidavit with the clerk, the plaintiff shall be entitled to have the writ issued as soon thereafter as he shall file with the clerk his undertaking, with one or more sureties, in a sum not less than one hundred dollars, and equal to the amount for which the plaintiff demands judgment, and to the effect that the plaintiff will pay all costs that may be adjudged to the defendant, and all damages that he may sustain by reason of the attachment if the same be wrongful or without sufficient cause, not exceeding the sum specified in the undertaking. With the undertaking the plaintiff shall also file the affidavits of the sureties, from which affidavits it must appear that such sureties are qualified, and that, taken together, they are worth double the amount of the sum specified in the undertaking, over all debts and liabilities and property exempt from execution. No person not qualified to become bail upon an arrest is qualified to become surety in an undertaking for an attachment.

Writ, to whom directed, and what it shall require.

SEC. 138. The writ shall be directed to the marshal, and shall require him to attach and safely keep all the property of such defendant not exempt from execution, or so much thereof as may be sufficient to satisfy the plaintiff's demand, the amount of which shall be stated in conformity with the complaint, together with costs and expenses. Several writs may be issued at the same time for delivery to different deputy marshals.

What property may be attached.

SEC. 139. The rights or shares which such defendant may have in the stock of any association or corporation, together with the interest and profits thereon, and all other property in the district of such defendant not exempt from execution, shall be liable to be attached. The marshal shall note upon the writ the date of its delivery to him, and shall make a full inventory of the property attached, and return the same with the writ.

Writ, how executed.

SEC. 140. The marshal or deputy marshal to whom the writ is delivered shall execute the same without delay, as follows:

First. Real property shall be attached by leaving with the occupant thereof, or if there be no occupant, in a conspicuous place thereon, a copy of the writ certified by the marshal.

Second. Personal property capable of manual delivery to the marshal, and not in the possession of a third person, shall be attached by taking it into his custody.

Third. Other personal property shall be attached by leaving a certified copy of the writ, and a notice specifying the property attached, with the person having possession of the same, or if it be a debt, then with the debtor, or if it be rights or shares in the stock of an associa-

tion or corporation, or interest or profits thereof, then with such person or officer of such association or corporation as this code authorizes a summons to be served upon.

SEC. 141. From the date of the attachment until it be discharged or the writ executed, the plaintiff as against third persons shall be deemed a purchaser in good faith and for a valuable consideration of the property, real or personal, attached, subject to the conditions prescribed in the next section as to real property. Any person, association, or corporation mentioned in subdivision three of the section last preceding, from the service of a copy of the writ and notice as therein provided, shall, unless such property, stock, or debts be delivered, transferred, or paid to the marshal, be liable to the plaintiff for the amount thereof until the attachment be discharged or any judgment recovered by him be satisfied.

Effect of attachment as to third persons.

SEC. 142. If real property be attached, the marshal shall make a certificate containing the title of the cause, the names of the parties, a description of such real property, and a statement that the same has been attached at the action of the plaintiff, and the date thereof. Within ten days from the date of the attachment, the marshal shall deliver such certificate to the commissioner as ex officio recorder of the recording district in which such real property is situated, who shall file the same in his office and record it in a book to be kept for that purpose. When such certificate is so filed for record the lien in favor of the plaintiff shall attach to the real property described in the certificate from the date of the attachment, but if filed afterwards it shall only attach, as against third persons, from the date of such subsequent filing. Whenever such lien shall be discharged it shall be the duty of the commissioner as ex officio recorder, when requested, to record the transcript of any order, entry of satisfaction of judgment, or other proceeding of record whereby it appears that such lien has been discharged in the book mentioned in this section. The commissioner shall also enter on the margin of the page on which the certificate is recorded a minute of the discharge, and the page and book where recorded.

When real property attached, certificate of marshal.

SEC. 143. Whenever the marshal, with a writ of attachment against the defendant, shall apply to any person or officer mentioned in subdivision three of section one hundred and forty for the purpose of attaching any property mentioned therein, such person or officer shall furnish him with a certificate designating the amount and description of any property in his possession belonging to the defendant, or any debt owing to the defendant, or the number of rights or shares of the defendant in the stock of the association or corporation, with any interest or profits or encumbrance thereon. If such person or officer refuse to do so, or if the certificate when given be unsatisfactory to the plaintiff, he may be required by the court, or judge thereof, where the action is pending to appear before him and be examined on oath concerning the same, and disobedience to such order may be punished as contempt.

When third persons must furnish certificate to marshal.

SEC. 144. If any of the property attached be perishable, the marshal shall sell the same in the manner in which property is sold on execution. The proceeds thereof and other property attached shall be retained by him to answer any judgment that may be recovered in the action, unless sooner subjected to execution upon another judgment. Personal property mentioned in subdivision three of section one hundred and forty may be delivered, transferred, or paid to the marshal without an action, and his receipt therefor shall be a sufficient discharge accordingly.

Perishable property may be sold.

SEC. 145. The marshal may deliver any of the property attached to the defendant, or to any other person claiming it, upon his giving a written undertaking therefor, executed by two or more sufficient sureties, engaging to redeliver it or pay the value thereof to the marshal, to whom execution upon a judgment obtained by the plaintiff in that action may be issued.

When marshal may deliver property to defendant.

Defense to action upon such undertaking.

SEC. 146. If an action be brought upon such undertaking against the principal or his sureties, it shall be a defense that the property for which the undertaking was given did not, at the execution of the writ of attachment, belong to the defendant against whom it was issued.

If judgment recovered by plaintiff, marshal to apply property upon execution, remainder to be delivered to defendant.

SEC. 147. If judgment be recovered by the plaintiff, and it shall appear that the property has been attached in the action and has not been sold as perishable property or discharged from the attachment as provided by law, the court shall order and adjudge the property to be sold to satisfy the plaintiff's demands, and if execution issue thereon, the marshal shall apply the property attached by him, or the proceeds thereof, upon the execution, and if there be any such property or proceeds remaining after satisfying such execution, he shall, upon demand, deliver the same to the defendant.

If judgment not recovered by plaintiff, property to be returned to defendant.

SEC. 148. If judgment be not recovered by the plaintiff, all the property attached, or the proceeds thereof, or the undertaking therefor, shall be returned to the defendant upon his serving upon the marshal a certified copy of the order discharging the attachment.

How defendant may have an order for the return of the property.

SEC. 149. Whenever the defendant shall have appeared in the action, he may apply upon notice to the plaintiff to the court or judge where the action is pending, or to the clerk of such court, for an order to discharge the attachment upon the execution of the undertaking mentioned in the next section; and if the application be allowed, all the proceeds of sales of property remaining in his hands shall be released from the attachment and delivered to the defendant upon his serving a certified copy of the order on the marshal.

Undertaking of the defendant upon such order.

SEC. 150. Upon such application the defendant shall deliver to the court or judge to whom the application is made an undertaking executed by one or more sureties, to the effect that the sureties will pay to the plaintiff the amount of the judgment that may be recovered against the defendant in the action. If the plaintiff demand it, the sureties shall be required to justify in the same manner as bail upon an arrest.

When the defendant may move to discharge the attachment.

SEC. 151. The defendant may, at any time before judgment, except where the cause of attachment and the cause of action are the same, apply to the court or judge thereof where the action is pending, to discharge the attachment, in the manner and with the effect as provided in sections one hundred and twenty-one and one hundred and twenty-two for the discharge of a defendant from arrest.

When writ to be returned.

SEC. 152. When the writ of attachment shall be fully executed or discharged, the marshal shall return the same, with his proceedings indorsed thereon, to the clerk of the court where the action was commenced.

What order upon garnishee shall require.

SEC. 153. The order provided for in section one hundred and forty-two shall require such person or officer to appear before such court or judge at a time and place therein stated. In the proceedings thereafter upon such order such person or association or corporation shall be known as the garnishee.

When plaintiff may serve interrogatories on garnishee.

SEC. 154. After the allowance of the order and before such garnishee or officer thereof shall be thereby required to appear, or within a time to be specified in the order, the plaintiff may serve upon such garnishee or officer thereof written allegations and interrogatories touching any of the property liable to attachment as the property of the defendant, as provided in subdivision three of section one hundred and forty, and to which such garnishee or officer thereof is required to give a certificate as provided in section one hundred and forty-three.

Answer of the garnishee.

SEC. 155. On the day when the garnishee or officer thereof shall be required to appear before the court or judge thereof, he shall return the allegations and interrogatories of the plaintiff to the court or judge, with his written answer thereto, unless for good cause shown a further time be allowed. Such answer shall be on oath, and shall contain a full and direct response to all the allegations and interrogatories.

SEC. 156. If the garnishee or officer thereof fail to answer, the court or judge thereof, on motion of the plaintiff, may compel him to do so, or the plaintiff may, at any time after the entry of judgment against the defendant in the action, have judgment against the garnishee for want of such answer. In no case shall judgment be given against the garnishee for a greater amount than the judgment against the defendant in the action.

Plaintiff may have judgment for want of answer, or garnishee may be compelled to answer

SEC. 157. The plaintiff may except to the answer of the garnishee or officer thereof for insufficiency, within such time as may be prescribed or allowed, and if the same be adjudged insufficient, such garnishee or officer may be allowed to amend his answer on such terms as may be proper, or judgment may be given for the plaintiff as for want of answer, or such garnishee or officer may be compelled to give a sufficient answer.

Exceptions to answer.

SEC. 158. The plaintiff may reply to the whole or part of the answer within such time as may be prescribed or allowed, and the issues arising thereon shall be tried as ordinary issues of fact between plaintiff and defendant. If the answer be not excepted or replied to within the time prescribed or allowed, it shall be taken to be true and sufficient.

Reply to answer, and trial of issue thereon.

SEC. 159. If by the answer it shall appear, or if upon trial it shall be found, that the garnishee, at the time of the service upon him or the officer thereof of the copy of the writ of attachment and notice, had any property of the defendant's liable to attachment as provided in subdivision three of section one hundred and forty and as to which such garnishee or officer thereof is required to give a certificate as provided in section one hundred and forty-three beyond the amount admitted in the certificate, or in any amount if the certificate was refused, judgment may be given against such garnishee for the value thereof in money. The garnishee may at any time before judgment discharge himself by delivering, paying, or transferring the property to the marshal.

Judgment against the garnishee upon answer or trial.

SEC. 160. Executions may issue upon judgments against a garnishee as upon ordinary judgments between plaintiff and defendant, and costs and disbursements shall be allowed and recovered in like manner. Witnesses, including the defendant and garnishee or officer thereof, may be required to appear and testify upon such proceeding against a garnishee, as upon the trial of an issue of fact.

Execution against garnishee; witnesses on trial.

SEC. 161. The court or judge thereof in its discretion may, at the time of the application of the plaintiff for the order provided for in section one hundred and forty-three and at any time thereafter before judgment against the garnishee, by order restrain the garnishee from paying, transferring, or in any manner disposing of or injuring any of the property of the defendant, alleged by the plaintiff to be in the garnishee's possession, control, or owing by him to the defendant, and disobedience to such order may be punished as a contempt.

When restraining order may be allowed against garnishee.

SEC. 162. The proceedings provided for in chapters twelve, thirteen, and fourteen of this title shall be known as provisional remedies.

What proceedings known as provisional remedies.

CHAPTER FIFTEEN.

OF ISSUES AND THE MODE OF TRIAL.

- Sec. 163. The different kinds of issues.
- 164. Issue of law.
- 165. Issue of fact.
- 166. When both issue of law and fact arise, issue of law to be first tried.

- Sec. 167. Trial defined.
- 168. Issues, how tried.
- 169. Motion to postpone trial on account of absent evidence.

SEC. 163. Issues arise upon the pleadings when a fact or conclusion of law is maintained by the one party and controverted by the other. They are of two kinds—
 First. Of law; and,
 Second. Of fact.

The different kinds of issues.

Issue of law.

SEC. 164. An issue of law arises upon a demurrer to the complaint, answer, or reply, or to some part thereof.

Issue of fact.

SEC. 165. An issue of fact arises—

First. Upon a material allegation in the complaint controverted by the answer; or,

Second. Upon new matter in the answer controverted by the reply; or,

Third. Upon new matter in the reply, except an issue of law is joined thereon.

When both issue of law and fact arise, issue of law to be first tried.

SEC. 166. Issues both of law and of fact may arise upon different parts of the pleadings in the same action. In such cases the issues of law shall be first tried, unless the court otherwise direct.

Trial defined.

SEC. 167. A trial is the judicial examination of the issues between the parties, whether they be issues of law or of fact.

Issues, how tried.

SEC. 168. An issue of law shall be tried by the court, unless referred as provided in chapter twenty. An issue of fact shall be tried by a jury, unless tried by the court or referred as provided in chapters nineteen and twenty.

Motion to postpone trial on account of absent evidence.

SEC. 169. A motion to postpone a trial on the ground of the absence of evidence shall only be made upon affidavit showing the materiality of the evidence expected to be obtained, and a statement of facts showing that due diligence has been used to procure it, and also the name and residence of the witness or witnesses. The court may also require the moving party to state upon affidavit the evidence which he expects to obtain, and if the adverse party thereupon admit that such evidence would be given, and that it be considered as actually given on the trial, or offered and overruled as improper, the trial shall not be postponed. The court, when it allows the motion, may impose such conditions or terms upon the moving party as may be just.

CHAPTER SIXTEEN.

OF THE FORMATION OF THE JURY.

Sec.

- 170. Trial jurors, how selected.
- 171. Formation of jury.
- 172. No challenge to panel.
- 173. Peremptory challenge defined.
- 174. Challenge for cause defined.
- 175. General causes of challenge.
- 176. Particular causes of challenge.
- 177. Challenge for implied bias.
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- 179. Exemption from service on jury.

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- 180. Number of challenges.
- 181. First challenge taken by defendant; when taken.
- 182. Order of taking challenges.
- 183. Trial of challenge.
- 184. Proceedings in evidence on trial of challenge.
- 185. Challenge may be oral.
- 186. Oath of jury.

Trial jurors, how selected.

SEC. 170. Jurors for the trial of issues of fact in the district of Alaska shall be selected and summoned in the manner prescribed by the laws of the United States with respect to jurors of the United States district and circuit courts, and shall have the same qualifications and be entitled to the same exemptions as are provided by law in the case of grand juries to serve in the district, it being the true intent and meaning of this section that but one jury shall be summoned for the trial of all actions, civil and criminal, triable by the district court of the district.

Formation of jury.

SEC. 171. Trial juries in civil actions shall be formed as follows: When the action is called for trial, the clerk shall draw from the trial jury box of the court, one by one, the ballots containing the names of the jurors until the jury is completed or the ballots are exhausted. If the ballots become exhausted before the jury is complete, the marshal, under the direction of the court, shall summon from the bystanders, or the body of the district, as the court may direct, so many qualified persons as may be necessary to complete the jury. Whenever, as in this section provided, the marshal shall summon more than one person

at a time from the bystanders or the body of the district, he shall return a list of the persons so summoned to the clerk. The clerk shall write the names of such persons upon separate ballots, and deposit the same in the trial jury box, and then draw such ballots therefrom, as in the case of the panel of trial jurors for the term. The jury shall consist of twelve persons, unless the parties consent to a less number. Such consent shall be entered in the journal: *Provided*, That hereafter in trials for misdemeanors six persons shall constitute a legal jury.

SEC. 172. No challenge shall be made or allowed to the panel. A challenge is an objection to a particular juror, and may be either—

- First. Peremptory; or,
- Second. For cause.

SEC. 173. A peremptory challenge is an objection to a juror for which no reason need be given, but upon which the court shall exclude him.

SEC. 174. A challenge for cause is an objection to a juror, and may be either—

First. General—that the juror is disqualified from serving in any action; or,

Second. Particular—that he is disqualified from serving in the action on trial.

SEC. 175. General causes of challenge are—

First. A conviction for felony;

Second. A want of any of the qualifications prescribed by law for a juror;

Third. Unsoundness of mind, or such defect in the faculties of the mind or organs of the body as renders him incapable of performing the duties of a juror.

SEC. 176. Particular causes of challenge are of two kinds:

First. For such bias as, when the existence of the facts is ascertained, in judgment of law disqualifies the juror, and which is known in this title as implied bias;

Second. For the existence of a state of mind on the part of a juror in reference to the action, or to either party, which satisfies the trier, in the exercise of a sound discretion, that he can not try the issue impartially and without prejudice to the substantial rights of the party challenging, and which is known in this title as actual bias.

SEC. 177. A challenge for implied bias may be taken for any or all of the following causes, and no other:

First. Consanguinity or affinity within the fourth degree to either party;

Second. Standing in the relation of guardian and ward, attorney and client, master and servant, or landlord and tenant to the adverse party; or being a member of the family of, or a partner in business with, or in the employment for wages of the adverse party; or being surety or bail in the action called for trial, or otherwise, for the adverse party;

Third. Having served as a juror on a previous trial in the same action, or in another action between the same parties for the same cause of action, or in a criminal action against either party upon substantially the same facts or transaction;

Fourth. Interest on the part of the juror in the event of the action on the principal question involved therein.

SEC. 178. A challenge for actual bias may be taken for the cause mentioned in the second subdivision of section one hundred and seventy-six. But on the trial of such challenge, although it should appear that the juror challenged has formed or expressed an opinion upon the merits of the cause from what he may have heard or read, such opinion shall not of itself be sufficient to sustain the challenge, but the court must be satisfied from all the circumstances that the juror can not disregard such opinion and try the issue impartially.

No challenge to panel.

Peremptory challenge defined.

Challenge for cause defined.

General causes of challenge.

Particular causes of challenge.

Challenge for implied bias.

Challenge for actual bias.

Exemption from service of jury.

SEC. 179. An exemption from service on a jury shall not be cause of challenge, but the privilege of the person exempted.

Number of challenges.

SEC. 180. A peremptory challenge or a challenge for cause may be taken by either party. When there are two or more parties, plaintiffs or defendants, they must join in the challenge or it can not be taken. Either party shall be entitled to three peremptory challenges and no more.

First challenge taken by defendant; when taken.

SEC. 181. The defendant first and afterwards the plaintiff shall challenge for cause, and when a challenge has been sustained the vacancy shall be filled before further challenge is made, and any new juror may at any time be challenged for cause by either party to the action. When the panel is full, the defendant shall have one peremptory challenge, followed by one by the plaintiff, and so on alternately until each side has exhausted its right to such challenge.

Order of taking challenges.

SEC. 182. The challenges of either party shall be taken separately, in the following order, including in each challenge all the causes of challenge belonging to the same class:

First. For general disqualification;

Second. For implied bias;

Third. For actual bias;

Fourth. Peremptory; but either party may take peremptory challenge at any time before his right of challenge ceases.

Trial of challenge.

SEC. 183. The challenge may be excepted to by the adverse party for insufficiency; and if so, the court shall determine the sufficiency thereof, assuming the facts alleged therein to be true. The challenge may be denied by the adverse party; and if so, the court shall try the issue and determine the law and the fact.

Proceedings in evidence on trial of challenge.

SEC. 184. Upon the trial of a challenge the rules of evidence applicable to testimony offered upon the trial of an ordinary issue of fact shall govern. The juror challenged, or any other person otherwise competent, may be examined as a witness by either party. If a challenge be determined to be sufficient, or found to be true, as the case may be, it shall be allowed, and the juror to whom it was taken excluded; but if determined or found otherwise it shall be disallowed.

Challenge may be oral.

SEC. 185. The challenge, the exception, and the denial may be made orally. The judge of the court shall note the same upon his minutes, and the substance of the testimony on either side.

Oath of jury.

SEC. 186. As soon as the number of the jury has been completed an oath or affirmation shall be administered to the jurors in substance that they and each of them will well and truly try the matter in issue between the plaintiff and the defendant, and a true verdict give according to the law and evidence as given them on the trial.

CHAPTER SEVENTEEN.

CONDUCT OF THE TRIAL BY JURY.

Sec.

- 187. Order of proceedings on the trial.
- 188. When a view may be ordered.
- 189. Manner of keeping jury.
- 190. When juror taken sick, how to proceed.
- 191. The charge to the jury.
- 192. How jury kept while deliberating; officer to be sworn.
- 193. Food and lodging of jurors.
- 194. What papers jury may take.
- 195. When jury may return for information.
- 196. When jury may be discharged without giving verdict.

Sec.

- 197. When new trial may be had if jury discharged.
- 198. Court deemed open until jury gives verdict or is discharged.
- 199. If juror absent when jury return, jury to be discharged.
- 200. Manner of giving verdict.
- 201. Jury may be polled, or insufficient verdict corrected.
- 202. When verdict complete and jury discharged, verdict to be in writing and entered on the journal.

Order of proceedings on the trial.

SEC. 187. When the jury has been completed and sworn, the trial shall proceed in the order prescribed in this section, unless the court for special reasons otherwise direct.

First. The plaintiff shall state briefly his cause of action, and the issue to be tried; the defendant shall then in like manner state his defense or counterclaim.

Second. The plaintiff shall then introduce the evidence on his part, and when he has concluded the defendant shall do the same.

Third. The parties may then respectively introduce rebutting evidence only, unless the court, for good reason, and in furtherance of justice, permit them to introduce evidence upon the original cause of action, defense, or counterclaim.

Fourth. Not more than two counsel shall be allowed to address the jury on behalf of the plaintiff, or defendant unless otherwise allowed by the court; and the court may limit the time to be consumed by counsel in arguing the cause to the jury.

Fifth. When the evidence is concluded, unless the case is submitted to the jury on both sides without argument, the plaintiff shall commence and conclude the argument to the jury. If the plaintiff waive the opening argument, and the defendant then argue the case to the jury, the plaintiff shall not be permitted to reply to the argument of the defendant.

Sixth. The court shall then charge the jury, and if either party require it, and shall at the commencement of the trial give notice of his intention so to do, the charge of the court, so far as it relates to the law and the facts of the case, shall be reduced to writing and given to the jury by the court as written, without any oral explanation. The charge, when reduced to writing, must be filed with the clerk.

SEC. 188. Whenever, in the opinion of the court, it is proper that the jury should have a view of real property which is the subject of the litigation, or of the place in which any material fact occurred, it may order the jury to be conducted in a body, in the custody of a proper officer, to the place, which shall be shown to them by the judge, or by a person appointed by the court for that purpose. While the jury are thus absent no person shall speak to them on any subject connected with the trial.

When a view may be ordered.

SEC. 189. The jurors may be kept together in charge of a proper officer, or may, in the discretion of the court, at any time before the submission of the cause to them, be permitted to separate; in either case they may be admonished by the court that it is their duty not to converse with any other person, or among themselves, on any subject connected with the trial, or to express any opinion thereon, until the case is finally submitted to them.

Manner of keeping jury.

SEC. 190. If, after the formation of the jury, and before verdict, a juror becomes sick, so as to be unable to perform his duty, the court may order him to be discharged. In that case, unless the parties agree to proceed with the other jurors, a new juror may be sworn, and the trial may begin anew; or the jury may be discharged, as the court shall direct, and a new jury then or afterwards formed.

When juror taken sick, how to proceed.

SEC. 191. In charging the jury the court shall state to them all matters of law which it thinks necessary for their information in giving their verdict, but it shall not present the facts of the case, but shall inform the jury that they are the exclusive judges of all questions of fact.

The charge to the jury.

SEC. 192. After hearing the charge the jury may either decide in the jury box or retire for deliberation. If they retire they must be kept together in a room provided for them, or some other convenient place, under the charge of one or more officers, until they agree upon their verdict or are discharged by the court. The officer shall, to the utmost of his ability, keep the jury thus together separate from other persons, without drink, except water, and without food, except ordered by the court. He must not suffer any communication to be made to them, nor make any himself unless by the order of the court, except to

How jury kept while deliberating; officer to be sworn.

ask them if they have agreed upon their verdict, and he shall not, before the verdict is rendered, communicate to any person the state of their deliberation or the verdict agreed on. Before any officer takes charge of a jury this section shall be read to him, and he shall be then sworn to conduct himself according to its provisions, to the utmost of his ability.

Food and lodging of jurors.

SEC. 193. If while the jury are kept together, either during the progress of the trial or after their retirement for deliberation, the court order them to be provided with suitable and sufficient food and lodging, they shall be so provided by the marshal, at the expense of the United States.

What papers jury may take.

SEC. 194. Upon retiring for deliberation the jury may take with them the pleadings in the cause, and all papers which have been received as evidence on the trial (except depositions, or copies of such parts of public records or private documents given in evidence as ought not, in the opinion of the court, to be taken from the person having them in possession). They may also take with them notes of the testimony or other proceedings on the trial taken by themselves, or any of them, out none taken by any other person.

When jury may return for information.

SEC. 195. After the jury have retired for deliberation, if they desire to be informed on any point of law arising in the case, they may require the officer having them in charge to conduct them into court. Upon their being brought into court the instruction required shall be given by the court in the presence of or after notice to the parties or their attorneys.

When jury may be discharged without giving verdict.

SEC. 196. Except as provided in sections one hundred and ninety and one hundred and ninety-nine of this title, or in case of some accident or calamity requiring their discharge, the jury shall not be discharged after the cause is submitted to them until they have agreed upon a verdict and given it in open court, unless by the consent of both parties entered in the journal, or unless at the expiration of such period as the court deem proper it satisfactorily appears that there is no probability of an agreement.

When new trial may be had if jury discharged.

SEC. 197. In all cases where a jury are discharged or prevented from giving a verdict by reason of accident or other cause during the progress of the trial, or after the cause is submitted to them, the action may be again tried immediately, or at a future time, as the court directs.

Court deemed open until jury gives verdict or is discharged.

SEC. 198. While the jury are absent the court may adjourn from time to time, in respect to other business, but it is nevertheless to be deemed open for every purpose connected with the cause submitted to the jury until a verdict is rendered or the jury discharged. A final adjournment of the court discharges the jury.

If juror absent when jury return, jury to be discharged.

SEC. 199. When the jury have agreed upon their verdict they shall be conducted into court by the officer having them in charge. Their names shall then be called, and if all do not appear the rest shall be discharged without giving a verdict.

Manner of giving verdict.

SEC. 200. If the jury appear, they shall be asked by the court or the clerk whether they have agreed upon their verdict; and if the foreman answer in the affirmative, he shall, on being required, declare the same.

Jury may be polled, or insufficient verdict corrected.

SEC. 201. When a verdict is given and before it is filed, the jury may be polled on the request of either party, for which purpose each shall be asked whether it be his verdict; if any juror answer in the negative, the jury shall be sent out for further deliberation. If the verdict be informal or insufficient, it may be corrected by the jury under the advice of the court, or the jury may again be sent out.

When verdict complete and jury discharged, verdict to be in writing and entered on the journal.

SEC. 202. When the verdict is given, and is such as the court may receive, and if no juror disagree or the jury be not again sent out, the clerk shall file the verdict. The verdict is then complete, and the jury

shall be discharged from the case. The verdict shall be in writing, and under the direction of the court shall be substantially entered in the journal as of the day's proceedings on which it was given.

CHAPTER EIGHTEEN.

OF THE VERDICT.

<p>Sec. 203. Definition of verdict general or special. 204. In actions for the recovery of specific personal property. 205. When jury may give general or special verdict.</p>	<p>Sec. 206. Special verdict to control general. 207. When counterclaim pleaded in the answer.</p>
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SEC. 203. The verdict of a jury is either general or special. A general verdict is that by which the jury pronounce generally upon all or any of the issues, either in favor of the plaintiff or defendant. A special verdict is that by which the jury find the facts only, leaving the judgment to the court.

Definition of verdict general or special.

SEC. 204. In an action for the recovery of specific personal property, if the property have not been delivered to the plaintiff, or the defendant by his answer claim a return thereof, the jury shall assess the value of the property, if their verdict be in favor of the plaintiff, or if they find in favor of the defendant, and that he is entitled to a return thereof, and may at the same time assess the damages, if any are claimed in the complaint or answer, which the prevailing party has sustained by reason of the detention or taking and withholding such property.

In actions for the recovery of specific personal property.

SEC. 205. In every action for the recovery of money only or specific real property, the jury, in their discretion, may render a general or special verdict. In all other cases the court may direct the jury to find a special verdict upon all or any of the issues; and in all cases may instruct them, if they render a general verdict, to find upon particular questions of fact, to be stated in writing. The special verdict or finding shall be filed with the clerk and entered in the journal, as provided in chapter seventeen.

When jury may give general or special verdict.

SEC. 206. When a special finding of facts shall be inconsistent with the general verdict, the former shall control the latter, and the court shall give judgment accordingly.

Special verdict to control general.

SEC. 207. When a verdict is found for the plaintiff in an action for the recovery of money, or for the defendant when a counterclaim for the recovery of money is established beyond the amount of the plaintiff's claim as established, the jury shall also assess the amount of recovery; they may also, under the direction of the court, assess the amount of the recovery when the court gives judgment for the plaintiff on the answer.

When counterclaim pleaded in the answer.

CHAPTER NINETEEN.

TRIAL BY THE COURT.

<p>Sec. 208. Trial by jury, how waived. 209. Decisions of the court, how made and when filed.</p>	<p>Sec. 210. Order of proceedings, and effect of finding.</p>
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SEC. 208. Trial by jury may be waived by the several parties to an issue of fact, in actions on contract, and with the assent of the court in other actions, in the manner following:

Trial by jury, how waived.

- First. By failing to appear at the trial;
- Second. By written consent, in person or by attorney, filed with the clerk;

Decisions of the court, how made and when filed.

Third. By oral consent in open court, entered in the minutes.

SEC. 209. Upon the trial of an issue of fact by the court, its decision shall be given in writing and filed with the clerk during the term or within twenty days thereafter. The decision shall state the facts found and the conclusion of law separately, without argument or reason therefor. Such decision shall be entered in the journal and judgment entered thereon accordingly. The court may deliver any argument or reason in support of such decision, either orally or in writing, separate from the decision, and file the same with the clerk.

Order of proceedings, and effect of findings.

SEC. 210. The order of proceedings on a trial by the court shall be the same as provided in trials by jury. The finding of the court upon the fact shall be deemed a verdict, and may be set aside in the same manner and for the same reasons, as far as applicable, and a new trial granted.

CHAPTER TWENTY.

TRIAL BY REFEREES.

Sec.	Sec.
211. The trial of any issue may be referred by consent.	216. Proceedings same as in trial by court.
212. When reference may be ordered by the court.	217. What report to contain; evidence to accompany it.
213. Number of referees, and how chosen.	218. Motion to set aside report or for judgment thereon.
214. When chosen by the court, qualifications of.	219. Proceedings thereon.
215. Right and mode of challenge to referees when chosen by the court.	

The trial of any issue may be referred by consent.

SEC. 211. All or any of the issues in the action, whether of fact or law, or both, may be referred to a referee or referees upon the written consent of the parties.

When reference may be ordered by the court.

SEC. 212. When the parties do not consent in an action at issue and to be tried by the court without a jury, the court may, upon the application of either, or of its own motion, direct a reference in the following cases:

First. When the trial of an issue of fact shall require the examination of a long account on either side, in which case the referees may be directed to hear and decide the whole issue or to report upon any specific question of fact involved therein; or,

Second. When the taking of an account shall be necessary for the information of the court, before judgment upon an issue of law, or for carrying a judgment or order into effect; or,

Third. When a question of fact other than upon the pleadings shall arise, upon motion or otherwise, in any stage of the action; or,

Fourth. When it is necessary for the information of the court in a special proceeding.

Number of referees, and how chosen.

SEC. 213. A reference may be ordered to any person or persons, not exceeding three, agreed upon by the parties. If the parties do not agree, the court or judge may appoint one or more, not exceeding three.

When chosen by the court, qualifications of.

SEC. 214. When the appointment of referees is made by the court or judge, each referee shall be—

First. Qualified as a juror as provided by statute;

Second. Competent as a juror between the parties: *Provided*, That in a reference to take and report testimony only, the same may be made to any competent disinterested person, regardless of the foregoing qualifications.

Right and mode of challenge to referees when chosen by the court.

SEC. 215. When the referees are chosen by the court each party shall have the same right of challenge as to such referees, to be made and determined in the same manner and with like effect as in the formation

of juries, except that neither party shall be entitled to a peremptory challenge.

SEC. 216. Subject to the limitations and directions prescribed in the order of reference, the trial by referee shall be conducted in the same manner as a trial by the court. They shall have the same power to grant adjournments, administer oaths, to preserve order, and to punish all violations thereof upon such trial, and to compel the attendance of witnesses and to punish them for nonattendance or refusal to be sworn or testify, as is possessed by the court.

Proceedings same as in trial by court.

SEC. 217. The report of the referee shall state the facts found, and when the order of reference includes an issue of law it shall state the conclusions of law separately from the facts. The referees shall file with their report the evidence received upon the trial. If evidence offered by either party shall not be admitted on the trial, and the party offering the same except to the decision rejecting such evidence at the time, the exception shall be noted by the referees, and they shall take and receive such testimony and file it with the report. Whatever judgment the court may give upon the report, it shall, when it appears that such evidence was frivolous or inadmissible, require the party at whose instance it was taken and reported to pay all costs and disbursements thereby incurred.

What report to contain; evidence to accompany it.

SEC. 218. The report shall be filed with the clerk. If it be filed in term time, either party may, within such time as may be prescribed by the rules of the court, or by special order, move to set the same aside or for judgment thereon, or such order or proceedings as the nature of the case may require. If the report be filed in vacation, the like proceedings may be had at the next term following.

Motion to set aside report or for judgment thereon.

SEC. 219. The court may affirm or set aside the report either in whole or in part. If it affirm the report, it shall give judgment accordingly. If the report be set aside either in whole or in part, the court may make another order of reference as to all or so much of the report as is set aside to the original referees or others, or it may find the facts and determine the law itself and give judgment accordingly. Upon a motion to set aside a report, the conclusions thereof shall be deemed and considered as the verdict of a jury.

Proceedings thereon.

CHAPTER TWENTY-ONE.

OF EXCEPTIONS.

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| <p>Sec. 220. Definition of exception; must be material.</p> <p>221. Exceptions, how stated and settled.</p> <p>222. No particular form required.</p> | <p>Sec. 223. To be signed by the judge and filed. When exceptions need not be taken or allowed.</p> <p>224. What deemed excepted to.</p> |
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SEC. 220. An exception is an objection taken at the trial to a decision upon a matter of law, whether such trial be by jury or court, and whether the decision be made during the formation of a jury, or in the admission of evidence, or in the charge to the jury, or at any other time from the calling of the action for trial to the rendering of the verdict or decision. But no exception shall be regarded on a motion for a new trial, or on an appeal, unless the exception be material and affect the substantial rights of the parties.

Definition of exception; must be material.

SEC. 221. The point of the exception shall be particularly stated, and may be delivered, in writing, to the judge or entered in his minutes, and at the time or afterwards be corrected until made conformable to the truth.

Exceptions, how stated and settled.

SEC. 222. No particular form of exception shall be required. The objection shall be stated with so much of the evidence or other matter as is necessary to explain it, but no more.

No particular form required.

To be signed by the judge and filed. When exceptions need not be taken or allowed.

SEC. 223. The statement of the exception, when settled and allowed, shall be signed by the judge and filed with the clerk, and thereafter it shall be deemed and taken to be a part of the record of the cause. No exception need be taken or allowed to any decision upon a matter of law when the same is entered in the journal or made wholly upon matters in writing and on file in the court.

What deemed excepted to.

SEC. 224. The verdict of the jury, any order or decision, partially or finally determining the rights of the parties, or any of them, or affecting the pleadings, or granting or refusing a continuance, or granting or refusing a new trial, or admitting or rejecting the evidence, provided objection be made to its admission or rejection at the time of its offer, or made upon ex parte application or in the absence of a party, are deemed excepted to without the exception being taken or stated, or entered in the journal.

CHAPTER TWENTY-TWO.

OF NEW TRIAL.

- Sec. 225. Definition of new trial.
- 226. New trial, for what causes granted.
- 227. Motion for, when filed and determined.
- 228. Upon trial by the court and decision in vacation.

- Sec. 229. Motion must state grounds thereof; when supported by affidavit.
- 230. When counter affidavits allowed.

Definition of new trial.

SEC. 225. A new trial is a reexamination of an issue of fact in the same court after a trial and decision or verdict by a court or jury.

New trial, for what causes granted.

SEC. 226. The former verdict or other decision may be set aside and a new trial granted, on the motion of the party aggrieved, for any of the following causes materially affecting the substantial rights of such party:

First. Irregularity in the proceedings of the court, jury, or adverse party, or any order of the court, or abuse of discretion by which such party was prevented from having a fair trial;

Second. Misconduct of the jury or prevailing party;

Third. Accident or surprise which ordinary prudence could not have guarded against;

Fourth. Newly discovered evidence, material for the party making the application, which he could not with reasonable diligence have discovered and produced at the trial;

Fifth. Excessive damages, appearing to have been given under the influence of passion or prejudice;

Sixth. Insufficiency of the evidence to justify the verdict or other decision, or that it is against law;

Seventh. Error in law occurring at the trial and excepted to by the party making the application.

Motion for, when filed and determined.

SEC. 227. A motion for a new trial, with the affidavits, if any, in support thereof, shall, except as hereinafter provided, be filed within three days after giving the verdict or other decision sought to be set aside; but the court may, upon satisfactory showing, extend the time for filing such affidavits. When the adverse party is entitled to oppose the motion by counter affidavits, he shall file the same within three days after the filing of the motion. A motion shall be heard and determined during the term unless the court continue the same for advisement or want of time to hear it.

Upon trial by the court and decision in vacation.

SEC. 228. Upon a trial by the court, when the decision is given in vacation, a motion for a new trial shall be filed within twenty days from the time of filing such decision, except as hereinbefore provided.

Motion must state grounds thereof; when supported by affidavit.

SEC. 229. In all cases of motion for a new trial the grounds thereof shall be plainly specified, and no cause of new trial not so stated shall

be considered or regarded by the court. When the motion is made for a cause mentioned in subdivisions one, two, three, or four of section two hundred and twenty-six, it shall be upon affidavits setting forth the facts upon which such motion is based, unless they appear of record in the cause.

SEC. 230. If the motion be supported by affidavits, counter affidavits may be offered by the adverse party; and if the cause be newly discovered evidence, the affidavits of any witness or witnesses showing what their testimony will be shall be produced or good reason shown for their nonproduction; and in the consideration of any motion for a new trial reference may be had to any proceedings in the case prior to the verdict or other decision sought to be set aside.

When counter affidavits allowed.

CHAPTER TWENTY-THREE.

OF GENERAL PROVISIONS.

Sec.
231. Questions of law and fact, how submitted and when.
232. Questions of fact to be decided by the jury.

Sec.
233. Questions of law and what of fact to be decided by the court.

SEC. 231. Any party may, when the evidence is closed, submit in distinct and concise propositions the conclusions of fact which he claims to be established or the conclusions of law which he desires to be adjudged, or both. They may be written and handed to the court, or, at the option of the court, oral, and entered in the judge's minutes.

Questions of law and fact, how submitted and when.

SEC. 232. All questions of fact other than those mentioned in section two hundred and thirty-three shall be decided by the jury, and all evidence thereon addressed to them.

Questions of fact to be decided by the jury.

SEC. 233. All questions of law, including the admissibility of testimony, the facts preliminary to such admission, and the construction of statutes and other writings and other rules of evidence, are to be decided by the court, and all discussions of law addressed to it; and whenever the knowledge of the court is by this code made evidence of a fact, the court is to declare such knowledge to the jury, who are bound to accept it as conclusive.

Questions of law and what of fact to be decided by the court.

CHAPTER TWENTY-FOUR.

OF JUDGMENT IN GENERAL.

Sec.
234. Definition of judgment.
235. Judgment may be given for or against any of the parties.

Sec.
236. When judgment may be given against one or more defendants and action remain pending as to others.

SEC. 234. A judgment is the final determination of the rights of the parties in the action.

Definition of judgment.

SEC. 235. Judgment may be given for or against one or more of several plaintiffs, and for or against one or more of several defendants; and it may, when the justice of the case requires it, determine the ultimate rights of the parties on each side as between themselves.

Judgment may be given for or against one or more defendants and action remain pending as to others.

SEC. 236. In an action against several defendants, the court may, in its discretion, render judgment against one or more of them, whenever a several judgment is proper, leaving the action to proceed against the others.

When judgment may be given against one or more defendants and action remain pending as to others.

CHAPTER TWENTY-FIVE.

OF JUDGMENT OF NONSUIT.

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| <p>Sec.
237. When judgment of nonsuit may be given.</p> <p>238. What is a cause not sufficient to be submitted to the jury.</p> | <p>Sec.
239. Effect of judgment of nonsuit.</p> |
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When judgment of nonsuit may be given.

SEC. 237. A judgment of nonsuit may be given against the plaintiff as provided in this chapter—

First. On motion of the plaintiff, at any time before trial, unless a counterclaim has been pleaded as a defense;

Second. On motion of either party, upon the written consent of the other filed with the clerk;

Third. On motion of the defendant, when the action is called for trial and the plaintiff fails to appear, or when, after the trial has begun and before the final submission of the cause, the plaintiff abandons it, or when, upon the trial, the plaintiff fails to prove a cause sufficient to be submitted to the jury.

What is a cause not sufficient to be submitted to the jury.

SEC. 238. A cause not sufficient to be submitted to the jury is one where it appears that if the jury were to find a verdict for the plaintiff upon any or all of the issues to be tried the court ought, if required, to set it aside for want of evidence to support it.

Effect of judgment of nonsuit.

SEC. 239. When a judgment of nonsuit is given, the action is dismissed; but such judgment shall not have the effect to bar another action for the same cause.

CHAPTER TWENTY-SIX.

OF JUDGMENT ON FAILURE TO ANSWER.

- Sec.
240. When judgment may be given for want of answer.

When judgment may be given for want of answer.

SEC. 240. Judgment may be had upon failure to answer, as follows:

When the time for answering the complaint has expired and it appears that the defendant, or one or more of several defendants, in the cases mentioned in section fifty-one, has been duly served with the summons and has failed to answer the complaint, the plaintiff shall be entitled to have judgment against such defendant or defendants—

First. In an action arising upon contract for the recovery of money or damages only; if no answer has been filed with the clerk of the court within the time specified in the summons, or such further time as may have been granted by the court or judge thereof, the clerk, upon the application of the plaintiff made in writing and filed with the clerk, shall enter the default of the defendant, and immediately thereafter enter judgment for the amount specified in the summons, including the costs of the defendant, or against one or more of several defendants, in cases provided for in section fifty-one;

Second. In other actions, if no answer has been filed with the clerk of the court within the time specified in the summons or such further time as may have been granted by the court or judge thereof, the clerk shall, upon the written motion of the plaintiff being filed, enter the default of the defendant, and thereafter the plaintiff may apply at the first or any subsequent term of the court for the relief demanded in the complaint: and the court shall, upon such demand, give judgment for the amount claimed in the summons, or the relief demanded in the complaint, unless it be necessary, to enable the court to give judgment or carry the same into effect, to take proof of any matter of

fact, in which case the court may order the entry of judgment to be delayed until such proof be taken. The court may hear the proof itself, or make an order of reference, or order that a jury be called to inquire thereof. The defendant shall not be precluded, by reason of his default, from offering proof in mitigation of damages;

Third. When the defendant has answered, and admits the plaintiff's claim, but sets up a counterclaim amounting to less than the plaintiff's claim, the plaintiff, on motion, shall have judgment for the excess of his claim over such counterclaim, as for want of answer thereto;

Fourth. When in any action the service of the summons appears to have been made by publication, the court may, in its discretion, order the entry of judgment to be delayed until the plaintiff file with the clerk an undertaking, with one or more sureties, to be approved by the clerk, in an amount equal to the sum for which judgment may be given, upon the condition that the plaintiff will abide by and perform any order of the court requiring restitution to be made to the defendant or his representative in case either of them shall afterwards be admitted to defend the action. The sureties in the undertaking shall have the qualifications of bail, and justify before the clerk as provided in section one hundred and nine.

CHAPTER TWENTY-SEVEN.

OF JUDGMENT BY CONFESSION.

<p>Sec. 241. Judgment by confession where action pending. 242. Who to make confession. 243. When judgment may be given against several defendants on the confession of one.</p>	<p>Sec. 244. Confession to be in writing; how judgment given. 245. Judgment by confession without action. 246. How confession made in such cases. 247. Same subject. Execution when judgment for installments.</p>
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SEC. 241. On the confession of the defendant, with the assent of the plaintiff or his attorney, judgment may be given against the defendant in any action, before or after answer, for any amount or relief not exceeding or different from that demanded in the complaint. Judgment by confession where action pending.

SEC. 242. When the action is against a public corporation or a private corporation, the confession shall be made by the person who at the time sustains the relation to such corporation as would authorize the service of a summons upon him. In all other cases the confession shall be made by the defendant in person. Who to make confession.

SEC. 243. When the action is upon a contract, and against one or more defendants jointly liable, judgment may be given on the confession of one or more defendants against all the defendants thus jointly liable, whether such defendants have been served with the summons or not, to be enforced only against their joint property and against the joint and separate property of the defendant making the confession. When judgment may be given against several defendants on the confession of one.

SEC. 244. The confession and assent thereto shall be in writing, and subscribed by the parties or their attorneys making the same, and acknowledged by each before some officer authorized to take acknowledgments of deeds, but such acknowledgment is not required when the parties or their attorneys shall appear in court when the judgment is given, or before the clerk in vacation by whom the judgment is entered. In all cases the confession and assent thereto and the acknowledgment, if any, shall be filed with the clerk. Confession to be in writing; how judgment given.

SEC. 245. On the confession of any person capable by this code of being made a party defendant to an action, judgment may be given against such person without action, in term time or vacation, in favor of anyone, either for money due or to become due, or to secure any Judgment by confession without action.

person against contingent liability on behalf of the defendant in such judgment, or both, if it be in favor of the same person.

How confession made in such cases.

SEC. 246. The confession shall be made, assented to, and acknowledged, and judgment given in the same manner as a confession in an action pending; besides which, the confession shall be verified by the oath of the party making it, and shall authorize a judgment to be given for a particular sum. If it be for money due or to become due it shall state plainly and concisely the facts out of which such indebtedness arose, and shall show that the sum confessed therefor is justly due or to become due.

Same subject. Execution when judgment for installments.

SEC. 247. If it be for the purpose of securing the plaintiff in the judgment against a contingent liability, it shall state plainly and concisely the facts constituting such liability and shall show that the sum confessed therefor does not exceed the same. When judgment is given so as to be payable in installments, executions may issue to enforce the payment of such installments as they become due.

CHAPTER TWENTY-EIGHT.

OF SUBMITTING CONTROVERSY WITHOUT ACTION.

Sec.
248. Controversy may be submitted without action.
249. Statement of the case and verification thereof.

Sec.
250. Statement to be filed with the clerk. Jurisdiction of court.

Controversy may be submitted without action.

SEC. 248. Parties to a question in controversy which might be the subject of an action in a court of record, with such parties plaintiffs or defendants, may submit the same to the determination of such court without action, as in this chapter provided.

Statement of the case and verification thereof.

SEC. 249. The parties as plaintiff and defendant shall state, in writing, a case containing the facts upon which the controversy depends, and subscribe the same in person or by their attorneys. Such statement shall be verified by the oaths of the parties, or, where there is more than one plaintiff or defendant, by at least one of each, to the effect that the controversy is real, and the proceeding is taken in good faith to determine the rights of the parties. Where either party to the controversy is a public corporation, or a private corporation, the statement of the case may be subscribed and verified by any person who at the time sustains the relation to such corporation as would authorize the service of a summons upon him.

Statement to be filed with the clerk. Jurisdiction of court.

SEC. 250. The statement shall be filed with the clerk, and from the date of such filing the court shall have jurisdiction of the controversy as if the same were an action pending after a special verdict found, and shall proceed to hear and determine the same accordingly.

CHAPTER TWENTY-NINE.

OF THE MANNER OF GIVING AND ENTERING JUDGMENT.

Sec.
251. Judgment to be entered in journal; manner of entry.
252. If counterclaim exceeds plaintiff's demand, judgment for defendant.
253. Judgment in actions for the recovery of personal property.
254. What entry to state in judgment for want of answer.
255. Judgment on demurrer.

Sec.
256. When entry of judgment made.
257. Judgment notwithstanding the verdict.
258. When entry of judgment made after motion for new trial decided in vacation.
259. Entry of judgment after the time prescribed.

Judgment to be entered in journal; manner of entry.

SEC. 251. All judgments shall be entered by the clerk in the journal, and shall specify clearly the amount to be recovered, the relief granted, or other determination of the action. If entered in vacation, the entry shall be entitled and dated substantially as follows:

UNITED STATES OF AMERICA, }
 District of Alaska. }
 Precinct ———. }

District court for the district of Alaska. In vacation, after the
 ——— term, A. D. 19——.

——— the ———, A. D. 19——,
 as the fact may be, and such entry shall have the same effect as if
 entered in term time. In the entry of all judgments, except judgments
 by default for want of an answer, the clerk shall be subject to
 the direction of the court.

SEC. 252. If a counterclaim established at the trial exceed the plain-
 tiff's demand so established judgment for the defendant shall be given
 for the excess; or if it appear that the defendant is entitled to any
 other affirmative relief judgment shall be given accordingly.

If counterclaim exceeds plaintiff's demand, judgment for defendant.

SEC. 253. In an action to recover the possession of personal property
 judgment for the plaintiff may be for the possession, or the value
 thereof in case a delivery can not be had, and damages for the deten-
 tion thereof. If the property have been delivered to the plaintiff and
 the defendant claim a return thereof, judgment for the defendant
 may be for a return of the property, or the value thereof in case a
 return can not be had, and damages for taking and withholding the
 same.

Judgment in actions for the recovery of personal property.

SEC. 254. When judgment is given for want of answer, the entry
 shall state substantially that the defendant has been duly served with
 the summons and has failed to answer the complaint. When judgment
 is given on confession, with or without action, on the report of referees
 or on a controversy submitted without action, the entry shall state
 in like manner the confession and assent thereto, the report of the
 referees, or agreed case, as the case may be.

What entry to state in judgment for want of answer.

SEC. 255. When a decision has been made sustaining or overruling
 a demurrer, unless the party against whom the decision is made be
 allowed to amend or plead over, judgment shall be given for the plain-
 tiff or defendant, as the case may be, for such amount or relief, or to
 such effect, as it appears from the pleadings he is entitled to; but if
 the case is otherwise at issue upon a question of fact, the court may
 order the entry of judgment to be delayed until such issue be tried
 or otherwise disposed of.

Judgment on demurrer.

SEC. 256. When judgment is given in any of the cases mentioned
 in the two sections last preceding, unless otherwise ordered by the
 court, it shall be entered by the clerk within the day it is given.
 Except as in this section hereinafter provided, when a trial by the
 court has been had judgment shall be entered by the clerk in conform-
 ity with the decision within two days from the time the same is filed;
 or if the trial be by jury, judgment shall be given by the court in
 conformity therewith, and entered by the clerk within two days from
 the time the verdict has been received; and in either case within the
 term at which such judgment is given.

When entry of judgment made.

First. When the court is in doubt what judgment ought to be given,
 it may order the question to be reserved for argument or further con-
 sideration, and thereupon the entry of judgment shall be delayed until
 judgment be given;

Second. When, within the time allowed to file a motion for new
 trial, either party shall file a motion for a particular judgment, or for
 judgment notwithstanding the verdict or decision; or,

Third. When a motion for new trial is filed within the time pre-
 scribed, the entry of judgment shall be thereby delayed until the motion
 is disposed of;

Fourth. When, upon a trial by the court, its decision is filed in vaca-
 tion, the entry of judgment shall be delayed until the expiration of the
 time prescribed to file a motion for a new trial.

Judgment, notwithstanding the verdict.

SEC. 257. When it appears from the pleadings that the court has not jurisdiction of the subject of the action or the person of the defendant, or that the facts stated in the pleadings of the plaintiff or defendant, as the case may be, do not constitute a cause of action or defense thereto, on motion judgment shall be given for the plaintiff or defendant, as the case may be, notwithstanding the verdict or decision.

When entry of judgment for new trial decided in vacation.

SEC. 258. When a motion for new trial, for a particular judgment, or for a judgment notwithstanding the verdict, is decided in vacation, the decision shall be in writing and filed with the clerk. Within the day of such filing judgment shall be entered by the clerk in conformity with the decision.

Entry of judgment after the time prescribed.

SEC. 259. When the clerk is unable or omits to enter judgment within the time prescribed in this chapter, if the judgment has been given in vacation, it may be entered at any time thereafter, of the date which it is actually entered; if it has been given in term time, it may be entered at any time during the term, of the day's proceedings on which it should have been entered, or, on motion of the party entitled, at any subsequent term, of the day on which it is actually entered.

CHAPTER THIRTY.

OF LIEN JUDGMENT AND FINAL RECORD.

Sec.	260. Judgment to be lien from time of the docketing.	Sec.	262. Conveyance; when void as against lien.
	261. Expiration of lien; when revived.		263. Clerk must make judgment roll.
			264. Final record; in what cases required.

Judgment to be lien from time of the docketing.

SEC. 260. Immediately after the entry of judgment in any action the clerk shall docket the same in the judgment docket. At any time thereafter, while an execution might issue upon such judgment, and the same remains unsatisfied in whole or in part, the plaintiff, or in case of his death his representative, may file a certified transcript of the original docket in the office of the recorder of any recording district that may have been established in said district in accordance with law. Upon the filing of such transcript the recorder shall docket the same in the judgment docket of his office. From the date of docketing a judgment, as in this chapter provided, or the transcript thereof, such judgment shall be a lien upon all the real property of the defendant within the recording district or districts where the same is docketed, or which he may afterwards acquire therein, during the time an execution may issue thereon.

Expiration of lien: when revived.

SEC. 261. Whenever, after the entry of judgment, a period of ten years shall elapse without an execution being issued on such judgment, the lien thereof shall expire. If afterwards leave is given to issue execution thereon, a transcript of the docket of the order allowing the same may be docketed in any other recording district in said district in the same manner as a judgment. From the date of the docketing such order, or a transcript thereof, the lien of the judgment shall begin anew, and continue in all respects as upon the first docketing of the same.

Conveyance: when void as against lien.

SEC. 262. A conveyance of real property or any portion thereof or interest therein shall be void against the lien of a judgment unless such conveyance be recorded at the time of docketing such judgment or the transcript thereof, as the case may be.

Clerk must make judgment roll.

SEC. 263. After docketing the judgment, and before the next regular term of court, the clerk shall prepare and file in his office the judgment roll, as provided in this section.

First. If the complaint has not been answered by any defendant he shall attach together in the order of their filing, issuing, and entry, the complaint, summons, and proof of service, and a copy of the entry of judgment.

Second. In all other cases he shall attach together in like manner the summons and proof of service, the pleadings, bill of exceptions, all orders relating to change of parties, together with a copy of the entry of judgment, and all other journal entries or orders in any way involving the merits and necessarily affecting the judgment.

Third. In all cases the clerk shall attach upon the outside of the judgment roll a blank sheet of paper upon which he shall indorse the name of the court, the term at which judgment was given, the names of the parties to the action and the title thereof, for whom judgment was given, and the amount or nature thereof, and the date of its entry and docketing.

SEC. 264. Instead of the judgment roll prescribed in the section last preceding, there shall be a final record made of the cause, as provided in this section.

Final record; in what cases required.

First. When in any action it shall appear that the title to real property, or any interest therein, or any easement, franchise, or right in or to the same, is directly determined or affected by the judgment therein, on motion of either party the court shall order that a final record be made of the case and the expense of such record shall be taxed as other disbursements of the action.

Second. In all other actions, on motion of either party, the court shall order that a final record be made of the case at the cost of the party moving for the same.

When a final record is ordered, it shall be made by the clerk within the time prescribed to prepare a judgment roll, by recording the papers and journal entries required in such roll in the order prescribed therefor.

CHAPTER THIRTY-ONE.

OF THE ENFORCEMENT OF JUDGMENT.

- Sec. 265. When judgment may be enforced by execution.
- 266. Different kinds of executions.
- 267. By whom issued, what to contain and require.
- 268. How endorsed by marshal and when returnable.
- 269. When execution issued against the person.
- 270. How person arrested on execution imprisoned.
- 271. Execution against property may issue after death of judgment debtor, except.
- 272. Exemption of homestead from judicial sale.
- 273. What property liable to execution and what exempt.
- 274. Execution against property, how executed.
- 275. Same subject.
- 276. When garnishee gives marshal certificate, how marshal to proceed.
- 277. When marshal may leave personal property in possession of judgment debtor.
- 278. Notice of sale on execution, how given.
- 279. Sales, where and how made.
- 280. When marshal may adjourn sale.
- 281. Bill of sale and delivery by marshal of personal property.
- 282. When execution not to issue except by leave of the court and how leave obtained.

- Sec. 283. Confirmation of sale of real estate, proceedings thereon.
- 284. Who liable for purchase money in case of eviction of purchaser.
- 285. Contribution among joint judgment debtors.
- 286. Sale of real property, when absolute and when subject to redemption.
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- 289. When lien creditor may redeem from redemptioner.
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- 291. Purchaser or redemptioner, when entitled to conveyance.
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- 295. Order to examine judgment debtor.
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- 297. Restraining order against judgment debtor.
- 298. When judgment debtor may be arrested.
- 299. Order to examine garnishee, proceedings thereon.
- 300. What officers not liable to answer as garnishee.

SEC. 265. The person in whose favor a judgment is given which requires the payment of money, the delivery of real or personal prop-
When judgment may be enforced by execution.

erty, or either of them, may at any time after the entry thereof have a writ of execution issued for its enforcement, as provided in this chapter.

Different kinds of executions.

SEC. 266. There shall be three kinds of execution: One against the property of the judgment debtor, another against his person, and the third for the delivery of the possession of real or personal property, or such delivery with damages for withholding the same.

By whom issued, what to contain and require.

SEC. 267. The writ of execution shall be issued by the clerk and directed to the marshal. It shall contain the name of the court, the names of the parties to the action, and the title thereof; it shall substantially describe the judgment, and, if it be for money, shall state the amount actually due thereon, and shall require the marshal substantially as follows:

First. If it be against the property of the judgment debtor and the judgment directs particular property to be sold, it shall require the marshal to sell such particular property and apply the proceeds as directed by the judgment; otherwise it shall require the marshal to satisfy the judgment, with interest, out of the personal property of such debtor; and if sufficient personal property can not be found, then out of the real property belonging to him on the day when the judgment was docketed in the recording district, or at any time thereafter;

Second. If it be issued after the death of the judgment debtor, and be against real or personal property, it shall require the marshal to satisfy the judgment, with interest, out of any property belonging to the deceased debtor in the hands of the debtor's personal representatives, heirs, devisees, legatees, tenants of real property, or trustees as such;

Third. If it be against the person of the judgment debtor, it shall require the marshal to arrest such debtor and commit him to jail until he shall pay the judgment, with interest, or be discharged according to law.

Fourth. If it be for the delivery of the possession of real or personal property, it shall require the marshal to deliver the possession of the same, particularly describing it, to the party entitled thereto, and may at the same time require the marshal to satisfy any costs, charges, damages, or rents, and profits recovered by the same judgment, out of the personal property of the party against whom it was rendered, and the value of the property for which the judgment was recovered to be specified thereof, if a delivery thereof can not be had; and if sufficient personal property can not be found, then out of the real property, as provided in the first subdivision of this section, and in that respect it is to be deemed an execution against property.

How endorsed by marshal and when returnable.

SEC. 268. The marshal shall indorse upon the writ of execution the time when he received the same, and such execution shall be returnable, within sixty days after its receipt by the marshal, to the clerk's office from whence it issued.

When execution issued against the person.

SEC. 269. If the action be one in which the defendant might have been arrested, as provided by section ninety-nine, an execution against the person of the judgment debtor may be issued after the return of the execution against his property unsatisfied in whole or in part, as follows:

First. When it appears from the record that the cause of action is also a cause of arrest, as prescribed in section ninety-nine, such execution may issue of course;

Second. When no such cause of arrest appears from the record, such execution may issue for any of the causes prescribed in section ninety-nine that may exist at the time of the application therefor, upon leave of the court or judge thereof;

Third. When the defendant has been provisionally arrested in the action, or an order has been made allowing such arrest, and in either

case the order has not been vacated, such execution may issue of course;

Fourth. When execution is issued against the person of the defendant by leave of the court, it shall be applied for and allowed in the manner provided in section one hundred for allowing a writ of arrest, except that the undertaking need not be for an amount exceeding the judgment. A defendant arrested on execution, who has not been arrested provisionally, may at any time be discharged from such arrest for the causes and in the manner provided in sections one hundred and twenty-one and one hundred and twenty-two for the discharge of a defendant who has been provisionally arrested.

SEC. 270. A person arrested on execution shall be imprisoned in jail, and kept at his own expense until satisfaction of the execution, or his legal discharge, but the plaintiff shall be liable in the first instance for such expense, as in other cases of arrest, in the same manner and to the same extent as prescribed in sections one hundred and eighteen and one hundred and nineteen.

SEC. 271. Notwithstanding the death of a party after judgment, execution thereon against his property or for the delivery of real or personal property may be issued and executed in the same manner and with the same effect as if he were still living, but such execution shall not issue within six months from the granting of letters testamentary or of administration upon the estate of such party without leave of the commissioner having authority to issue letters testamentary or of administration upon said estate.

SEC. 272. The homestead of any family, or the proceeds thereof, shall be exempt from judicial sale for the satisfaction of any liability hereafter contracted or for the satisfaction of any judgment hereafter obtained on such debt. Such homestead must be the actual abode of and owned by such family or some members thereof. It shall not exceed two thousand five hundred dollars in value, nor exceed one hundred and sixty acres in extent if not located in a town or city laid off into blocks or lots, or if located in any such town or city, then it shall not exceed one-fourth of one acre. This Act shall not apply to decrees for the foreclosure of any mortgage properly executed; but if the owners of such homestead be married, then it shall be executed by husband and wife. When any officer shall levy upon such homestead, the owner thereof, or the wife, husband, agent, or attorney of such owner, may notify such officer that he claims such premises as his homestead, describing the same by metes and bounds, lot or block, or legal subdivision of the United States, whereupon such officer shall notify the creditor of such claim, and if such homestead shall exceed the maximum in this section, and he deem it of greater value than two thousand five hundred dollars, then he may direct the marshal to select three disinterested persons, who shall examine and appraise such homestead, under oath, commencing with the twenty acres of lot upon which the dwelling is located, appraising each lot or twenty acres separately; and if the same exceed two thousand five hundred dollars, then the marshal shall proceed to sell all in excess of two thousand five hundred dollars by lots or smallest legal subdivisions, offering them in the order directed by the judgment debtor, if he chooses to direct; otherwise he shall sell the same as aforesaid so as to leave the homestead as compact as possible. The homestead aforesaid shall be exempt from sale or any legal process after the death of the person entitled thereto for the collection of any debts for which the same could not have been sold during his lifetime.

SEC. 273. All other property, including franchises or rights or interests therein, of the judgment debtor shall be liable to an execution, except as in this section provided. The following property shall be exempt from execution if selected and reserved by the judgment

How person arrested on execution imprisoned.

Execution against property may issue after death of judgment debtor, except.

Exemption of homestead from judicial sale.

What property liable to execution and what exempt.

debtor or his agent at the time of the levy, or as soon thereafter before sale thereof as the same shall be known to him, and not otherwise:

First. The earnings of the judgment debtor, for his personal services rendered at any time within sixty days next preceding the levy of execution or attachment, when it appears by the debtor's affidavit or otherwise that such earnings are necessary for the use of his family supported in whole or in part by his labor;

Second. Books, pictures, and musical instruments owned by any person, to the value of seventy-five dollars;

Third. Necessary wearing apparel owned by any person for the use of himself or his family: *Provided*, Watches or jewelry exceeding in value the sum of one hundred dollars shall not be exempt by virtue of this subdivision;

Fourth. The tools, implements, apparatus, team, vehicle, harness, or library necessary to enable any person to carry on the trade, occupation, or profession by which such person habitually earns his living to the value of five hundred dollars; also sufficient quantity of food to support such team, if any, for six months; the word "team" in this subdivision shall not be construed to include more than one yoke of oxen, or a span of horses or mules, or two reindeers, or six dogs, as the case may be;

Fifth. The following property, if owned by the head of a family and in actual use or kept for use by and for his family, or when being removed from one habitation to another on a change of residence: Ten sheep with one year's fleece or the yarn or cloth manufactured therefrom; two cows and five swine; household goods, furniture, and utensils to the value of three hundred dollars; also food sufficient to support such animals, if any, for six months, and provisions actually provided for family use and necessary for the support of such person and family for six months;

Sixth. The seat or pew occupied by the head of a family or his family in a place of public worship;

Seventh. All property of any public or municipal corporation;

Eighth. No article of property, or if the same has been sold or exchanged, then neither the proceeds of such sale nor the articles received in exchange therefor, shall be exempt from execution issued on a judgment recovered for its price.

SEC. 274. When the writ of execution is against the property of the judgment debtor, it shall be executed by the marshal as follows:

First. If property has been attached, he shall indorse on the execution, and pay to the clerk forthwith, the amount, if any, of the proceeds of sales of perishable property, or debts due the defendant received by him, sufficient to satisfy the judgment;

Second. If the judgment is not then satisfied and property has been attached and remains in his custody, he shall sell the same or sufficient thereof to satisfy the judgment;

Third. If then any portion of the judgment remains unsatisfied, or if no property has been attached, or the same has been discharged, he shall levy on the property of the judgment debtor sufficient to satisfy the judgment;

Fourth. Property shall be levied on in like manner and with like effect as similar property is attached, as provided in sections one hundred and forty, one hundred and forty-one, and one hundred and forty-three, omitting the filing of the certificate provided for in section one hundred and forty-two;

Fifth. Until a levy, property shall not be affected by the execution. When property has been sold or debts received by the marshal on execution, he shall pay the proceeds thereof, or sufficient to satisfy the judgment, to the clerk by the day on which the writ is returnable.

Sixth. When property has been attached, and it is probable that such property will not be sufficient to satisfy the judgment, the execution may be levied on other property of the judgment debtor without delay. If after satisfying the judgment any property or the proceeds thereof remain in the custody of the marshal, he shall deliver the same to the judgment debtor.

SEC. 275. In the case of property in the possession of or owing from any garnishee mentioned in section one hundred and forty-three the marshal shall proceed as follows:

Same subject.

First. If it appear from the certificate of the garnishee that he is owing a debt to the judgment debtor, which is then due, if such debt is not paid by such garnishee to the marshal on demand, he shall levy on the property of the garnishee for the amount thereof, in all respects as if the execution was against the property of the garnishee. But if such debt be not then due, the marshal shall sell the same according to the certificate, as other property;

Second. If in like manner it appear that the judgment debtor has rights or shares in the stock of the garnishee, as provided in section one hundred and forty-three, the marshal shall sell the same according to the certificate, as other property;

Third. If in like manner it appear that the garnishee has other personal property of the judgment debtor in his possession, and the same has not been bailed to such garnishee for a period then unexpired, unless the same be delivered to the marshal on demand he shall levy upon the same wherever he may find it. But if such property is in the possession of such garnishee upon a bailment then unexpired, the marshal shall sell the same, or the interest of the judgment debtor therein, according to the certificate, as other property.

SEC. 276. When a marshal with an execution levies upon any of the personal property mentioned in subdivision three of section one hundred and forty, and if the same is not delivered, paid, or transferred to him at the time, and the garnishee furnish him the certificate required in section one hundred and forty-three, he shall proceed thereafter in reference to such property as provided in section two hundred and seventy-four of this title. Such property may be delivered, paid, or transferred to the marshal at the time of levy, or sufficient thereof to satisfy the execution, and the marshal's receipt to the person, association, or corporation, as the case may be, shall be a sufficient discharge therefor.

When garnishee gives marshal certificate, how marshal to proceed.

SEC. 277. When the marshal shall levy upon personal property by virtue of an execution, he may permit the judgment debtor to retain the same, or any part thereof, in his possession until the day of sale, upon the defendant executing a written undertaking to the marshal with sufficient surety, in double the value of such property, to the effect that it shall be delivered to the marshal at the time and place of sale, and for nondelivery thereof an action may be maintained upon such undertaking by the marshal or the plaintiff in the execution; but the marshal shall not thereby be discharged from his liability to the plaintiff for such property.

When marshal may leave personal property in possession of judgment debtor.

SEC. 278. Before the sale of property on execution, notice thereof shall be given, as follows:

Notice of sale on execution, how given.

First. In case of personal property, by posting a written or printed notice of the time and place of sale in three public places within five miles of the place where the sale is to take place, not less than ten days prior to the day of sale; one of said notices shall be posted on the door of the post-office nearest to the place where the sale is to take place;

Second. In case of real property, by posting a similar notice, particularly describing the property, for four weeks prior to the day of

sale, in three public places as provided in the first subdivision of this section and publishing a copy thereof once a week, for the same period, in a newspaper published nearest to the place of sale.

Sales, where and how made.

SEC. 279. All sales of property upon execution shall be made by auction, between nine o'clock in the morning and four o'clock in the afternoon. After sufficient property has been sold to satisfy the execution, no more shall be sold. Neither the officer holding the execution nor his deputy shall become a purchaser or be interested in any purchase at such sale. When the sale is of personal property capable of manual delivery, and not in the possession of a third person, association, or corporation, it shall be within view of those who attend the sale, and be sold in such parcels as are likely to bring the highest price, and when the sale is of real property, and consists of several known lots or parcels, they shall be sold separately or otherwise, as is likely to bring the highest price, or when a portion of such real property is claimed by a third person and he requires it to be sold separately, such portion of it shall be sold separately.

When marshal may adjourn sale.

SEC. 280. If, at the time appointed for the sale, the marshal should be prevented from attending at the place appointed, or, being present, should deem it for the advantage of all concerned to postpone the sale for want of purchasers, or other sufficient cause, he may postpone the sale not exceeding one week next after the day appointed, and so from time to time for the like cause, giving notice of every adjournment by public proclamation made at the same time. The marshal for like causes may also adjourn the sale from time to time, not exceeding thirty days beyond the day at which the writ is made returnable, with the consent of the plaintiff indorsed upon the writ.

Bill of sale and delivery by marshal of personal property.

SEC. 281. When the purchaser of any personal property capable of manual delivery, and not in the possession of a third person, association, or corporation, shall pay the purchase money, the marshal shall deliver to him the property, and if desired shall give him a bill of sale containing an acknowledgment of the payment. In all other sales of personal property the marshal shall give the purchaser a bill of sale with the like acknowledgment.

When execution not to issue except by leave of the court and how leave obtained.

SEC. 282. Whenever, after the entry of judgment, a period of five years shall elapse without an execution being issued on such judgment, thereafter an execution shall not issue except as in this section provided:

First. The party in whose favor a judgment is given shall file a motion with the clerk of the court where the judgment is entered for leave to issue an execution. The motion shall state the names of the parties to the judgment, the date of its entry, and the amount claimed to be due thereon, or the particular property of which the possession was thereby adjudged to such party remaining undelivered. The motion shall be subscribed and verified in like manner as a complaint in an action;

Second. At any time after filing such motion the party may cause a summons to be served on the judgment debtor in like manner and with like effect as in an action. In case such judgment debtor be dead, the summons may be served upon his representative by publication as in the case of a nonresident, or by actual service of the summons;

Third. The summons shall be substantially the same as in an action, but instead of a notice therein required it shall state the amount claimed or the property sought to be recovered, in the manner prescribed in subdivision one of this section;

Fourth. The judgment debtor, or, in case of his death, his representatives, may file an answer to such motion within the time allowed to answer a complaint in an action, alleging any defense to such motion which may exist. If no answer be filed within the time prescribed, the motion shall be allowed of course. The moving party may demur or reply to the answer. The party opposed to the motion may demur

to the same or to the reply. The pleading shall be subscribed and verified and the proceedings conducted as in an action;

Fifth. The word "representatives" in this section shall be deemed to include any or all of the persons mentioned in subdivision two of section two hundred and sixty-seven in whose possession property of the judgment debtors may be which is liable to be taken and sold or delivered in satisfaction of the execution and not otherwise;

Sixth. The order shall specify the amount for which execution is to issue, or the particular property possession of which is to be delivered; it shall be entered in the journal and docketed as a judgment, and a roll thereafter prepared and filed, or a final record made of the proceedings, as the case may be, in the same manner as a judgment.

SEC. 283. Whenever real property is sold on execution the provisions of this section shall apply to the subsequent proceedings.

Confirmation of sale of real estate, proceedings thereon.

First. The plaintiff in the writ of execution shall be entitled, on motion therefor, to have an order confirming the sale at the term next following the return of the execution, or if it be returned in term time, then at such term, unless the judgment debtor, or, in case of his death, his representative, shall file with the clerk ten days before such term, or if the writ be returned in term time, then five days after the return thereof, his objections thereto;

Second. If such objections be filed, the court shall, notwithstanding, allow the order confirming the sale, unless on the hearing of the motion it shall satisfactorily appear that there were substantial irregularities in the proceedings concerning the sale, to the probable loss or injury of the party objecting. In the latter case, the court shall disallow the motion and direct that the property be resold, in whole or in part, as the case may be, as upon an execution received of that date;

Third. Upon the return of the execution the marshal shall pay the proceeds of the sale to the clerk, who shall then apply the same, or so much thereof as may be necessary, in satisfaction of the judgment. If an order of resale be afterwards made, and the property sell for a greater amount to any person other than the former purchaser, the clerk shall first repay to such purchaser the amount of his bid out of the proceeds of the latter sale;

Fourth. Upon a resale the bid of the purchaser at the former sale shall be deemed to be renewed and continue in force, and no bid shall be taken except for a greater amount. If the motion to confirm be not heard and decided at the term at which it is made, it may be continued and heard and determined before the judge, or at any term thereafter. An order confirming a sale shall be a conclusive determination of the regularity of the proceedings concerning such sale, as to all persons, in any other action, or proceeding whatever;

Fifth. If, after the satisfaction of the judgment, there be any proceeds of the sale remaining, the clerk shall pay such proceeds to the judgment debtor, or his representative, as the case may be, at any time before the order is made, upon the motion to confirm the sale, provided such party file with the clerk a waiver of all objections made or to be made to the proceedings concerning the sale; but if the sale be confirmed, such proceeds shall be paid to such party of course, otherwise they shall remain in the custody of the clerk until the sale of the property has been disposed of.

SEC. 284. If the purchaser of real property sold on execution, or his successor in interest, be evicted therefrom in consequence of the reversal of the judgment, he may recover the price paid, with legal interest and the costs and disbursements of the action by which he was evicted, from the plaintiff in the writ of execution.

Who liable for purchase money in case of eviction of purchaser.

SEC. 285. When property liable to an execution against several persons is sold thereon, and more than a due proportion of the judgment is levied upon the property of one of them, or one of them pays

Contribution among joint judgment debtors.

without a sale more than his proportion, he may compel contributions from the others; and when a judgment is against several, and is upon an obligation or contract of one of them as security for another, and the surety pays the amount, or any part thereof, either by sale of his property or before sale, he may compel repayment from the principal. In such cases the person so paying or contributing shall be entitled to the benefit of the judgment to enforce contribution or repayment, if within thirty days after his payment he file with the clerk of the court where the judgment was rendered notice of his payment and claim to contribution or repayment; upon filing such notice the clerk shall make an entry thereof in the margin of the docket where the judgment is entered.

Sale of real property, when absolute and when subject to redemption.

SEC. 286. Upon a sale of real property, when the estate is less than a leasehold of two years' unexpired term, the sale shall be absolute. In all other cases such property shall be subject to redemption, as hereinafter provided in this chapter. At the time of sale the marshal shall give to the purchaser a certificate of the sale containing—

First. A particular description of the property sold;

Second. The price bid for each distinct lot or parcel;

Third. The whole price paid;

Fourth. When subject to redemption, it shall be so stated.

The matters contained in such certificate shall be substantially stated in the marshal's return of his proceedings upon the writ.

Who may redeem.

SEC. 287. Property sold subject to redemption, as provided in the last section, or any part thereof separately sold, may be redeemed by the following persons, or their successors in interest:

First. The judgment debtor, or his successor in interest, in the whole or any part of the property separately sold;

Second. A creditor having a lien by judgment, or mortgage, on any portion of the property, or any portion of any part thereof, separately sold, subsequent in time to that on which the property was sold.

The persons mentioned in subdivision two of this section, after having redeemed the property, are to be termed redemptioners.

When lien creditor may redeem from purchaser.

SEC. 288. A lien creditor may redeem the property within sixty days from the date of the order confirming the sale, by paying the amount of the purchase money, with interest at the rate of eight per centum per annum thereon from the time of sale, together with the amount of any taxes which the purchaser may have paid thereon, and if the purchaser be also a creditor having a lien prior to that of the redemptioner, the amount of such lien with interest.

When lien creditor may redeem from redemptioner.

SEC. 289. If the property be so redeemed, any other lien creditor may, within sixty days from the last redemption, again redeem it, on paying the sum paid on the last redemption, with interest at the rate of eight per centum per annum thereon from the date of the last preceding redemption in addition, together with any taxes which the last redemptioner may have paid thereon, and, unless his lien be prior to that of such redemptioner, the amount of such lien, with interest. The property may be again, and as often as any lien creditor or redemptioner is disposed, redeemed from the last previous redemptioner, within sixty days from the date of the last redemption, on paying the sum paid on the last previous redemption, with interest at the rate of eight per centum per annum thereon from the date of such previous redemption, together with the amount of any taxes paid thereon by such last redemptioner, and the amount of any liens held by such last redemptioner, prior to his own, with interest.

When judgment debtor may redeem.

SEC. 290. The judgment debtor, or his successor in interest, may redeem the property at any time prior to the confirmation of sale, on paying the amount of the purchase money, with interest at the rate of eight per centum per annum thereon from the date of sale, together with the amount of any taxes which the purchaser may have paid

thereon after the purchase. But if the judgment debtor do not redeem until after the confirmation of the sale, thereafter he shall redeem within twelve months from such order of confirmation and not otherwise.

SEC. 291. If redemption be not made as prescribed in this Act, or when redemption is made and a period of sixty days shall have elapsed without any other redemption, the purchaser or the redemptioner, as the case may be, shall be entitled to a conveyance from the marshal. If the judgment debtor redeem at any time before the time for redemption expires, the effect of the sale shall terminate and he shall be restored to his estate.

Purchaser or redemptioner, when entitled to conveyance.

SEC. 292. The mode of redeeming shall be as provided in this section.

Mode of proceeding to redeem.

The person seeking to redeem may redeem by paying to the marshal the sum required. The marshal shall give the person redeeming a certificate, as in case of sale on execution, adding therein the sum paid on redemption, from whom redeemed, and the date thereof and shall at once give notice of such redemption to the party from whom redeemed. A party seeking to redeem shall submit to the marshal the evidence of his right thereto, as follows:

First. If he be a lien creditor, a copy of the docket of the judgment under which he claims the right to redeem, certified by the clerk of the court where such judgment is docketed, or if he seek to redeem upon a mortgage, the certificate of the record thereof;

Second. A copy of any assignment necessary to establish his claim, verified by the affidavit of himself or agent; an affidavit by himself or agent showing the amount then actually due on the judgment or mortgage;

Third. If the redemptioner or purchaser have a lien prior to that of the lien creditor seeking to redeem, such redemptioner or purchaser shall submit to the marshal the like evidence thereof and of the amount due thereon, or the same may be disregarded.

When two or more persons apply to the marshal to redeem at the same time, he shall allow the person having the prior lien to redeem first, and so on. The marshal shall immediately pay the money over to the person from whom the property is redeemed, if he attend at the redemption, or if not, at any time thereafter when demanded. Where a marshal shall wrongfully refuse to allow any person to redeem, his right thereto shall not be prejudiced thereby, and upon the submission of the evidence and the tender of the money to the marshal as herein provided, he may be required by order of the court or judge thereof to allow such redemption.

SEC. 293. Until the expiration of the time allowed for redemption, the court or judge thereof may restrain the commission of waste on the property by order granted with or without notice, on the application of the purchaser or judgment creditor; but it shall not be deemed waste for the person in possession of the property at the time of sale or entitled to possession afterwards during the period allowed for redemption to continue to use it in the same manner in which it was previously used, or to use it in the ordinary course of husbandry, or to make the necessary repairs to buildings thereon, or to use wood or timber on the property therefor, or for the repair of fences, or for fuel in his family while he occupies the property.

Court may restrain waste prior to conveyance.

SEC. 294. The purchaser from the day of sale until a resale or a redemption, and a redemptioner from the day of his redemption until another redemption, shall be entitled to the possession of the property purchased or redeemed, unless the same be in the possession of a tenant holding under an unexpired lease, and in such case shall be entitled to receive from such tenant the rents or the value of the use and occupation thereof during the same period.

Who entitled to possession from time of sale to conveyance.

Order to examine judgment debtor.

SEC. 295. After the issuing of an execution against property, and upon proof by the affidavit of the plaintiff in the writ, or otherwise, to the satisfaction of the court or judge thereof that the judgment debtor has property liable to execution which he refuses to apply toward the satisfaction of the judgment, such court or judge may, by an order, require the judgment debtor to appear and answer under oath concerning the same before such court or judge, or before a referee appointed by such court or judge, at a time and place specified in the order.

Examination of judgment debtor, proceedings thereon.

SEC. 296. On the appearance of the judgment debtor, he may be examined on oath concerning his property. His examination, if required by the plaintiff in the writ, shall be reduced to writing and filed with the clerk by whom the execution was issued. Either party may examine witnesses in his behalf, and if by such examination it appear that the judgment debtor has any property liable to execution the court or judge before whom the proceeding takes place, or to whom the report of the referee is made, shall make an order requiring the judgment debtor to apply the same in satisfaction of the judgment, or that such property be levied on, by execution, in the manner and with the effect as provided in this chapter, or both, as may seem most likely to effect the object of the proceeding.

Restraining order against judgment debtor.

SEC. 297. At the time of allowing the order prescribed in section two hundred and ninety-six, or at any time thereafter pending the proceeding, the court or judge may make an order restraining the judgment debtor from selling, transferring, or in any manner disposing of any of his property liable to execution pending the proceeding. For disobeying any order or requirement authorized by sections two hundred and ninety-five, two hundred and ninety-six, and two hundred and ninety-seven the judgment debtor may be punished as for a contempt.

When judgment debtor may be arrested.

SEC. 298. Instead of the order requiring the attendance of the judgment debtor, as provided in the last two sections, the court or judge may, upon proof by affidavit of the party, or otherwise to his satisfaction, that there is danger of the debtor leaving the district, or concealing himself therein, and that there is reason to believe he has property which he unjustly refuses to apply to such judgment, issue a warrant requiring the marshal to arrest him and bring him before the court or judge. Upon being brought before the court or judge he may be examined on oath, and if it then appear that there is danger of the debtor leaving the district, and that he has property which he unjustly refused to apply to such judgment, he may be ordered to enter into an undertaking with one or more sureties that he will from time to time attend before the court or judge, as may be directed, and that he will not, during the pendency of the proceedings, dispose of any portion of his property not exempt from execution. In default of entering into such undertaking he may be committed to jail by warrant of the judge.

Order to examine garnishee, proceedings thereon.

SEC. 299. Whenever the marshal, with an execution against the property of the judgment debtor, shall apply to any person or officer mentioned in subdivision three of section one hundred and forty for the purpose of levying on any property therein mentioned, such person or officer shall forthwith give to the marshal a certificate in the manner prescribed in section one hundred and forty-two. If such person or officer refuse to do so, or if the certificate be unsatisfactory to the plaintiff in the writ, he may in like manner have the order prescribed in such section against such person or officer. Thereafter the proceeding upon such order shall be conducted in the manner prescribed from section one hundred and fifty-two to section one hundred and sixty-one, inclusive.

What officers not liable to answer as garnishee.

SEC. 300. No public officer shall be liable as garnishee for moneys in his possession as such officer, belonging to or claimed by any judgment debtor.

CHAPTER THIRTY-TWO.

OF ACTIONS TO RECOVER THE POSSESSION OF REAL PROPERTY.

<p>Sec. 301. Who may bring such action, and against whom. 302. When landlord may be made defendant in place of tenant. 303. What to be pleaded in complaint. 304. Defendant not to be allowed to give evidence in certain matters, unless. Judgment, when conclusive against landlord. 305. What the jury shall find by their verdict. 306. What damages may be recovered, and when the value of permanent improvements may be set off against such damages. 307. Verdict when right of possession expires after commencement of action.</p>	<p>Sec. 308. Order to make survey of the property. 309. Same subject. 310. Action not to be prejudiced by alienation of person in possession. 311. Mortgagee can not maintain action against mortgagor. 312. Action by tenant in common or for dower, what must be shown. 313. Action against lessee on failure to pay rent. 314. When judgment conclusive, and upon whom. 315. Possession not to be affected by order allowing new trial. 316. Admeasurement of dower after judgment.</p>
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SEC. 301. Any person who has a legal estate in real property, and a present right to the possession thereof, may recover such possession, with damages for withholding the same, by an action. Such action shall be commenced against the person in the actual possession of the property at the time, or, if the property be not in the actual possession of anyone, then against the person acting as the owner thereof.

Who may bring such action, and against whom.

SEC. 302. A defendant who is in actual possession may, for answer, plead that he is in possession only as tenant of another, naming him and his place of residence; and thereupon the landlord, if he apply therefor, shall be made defendant in place of the tenant, and the action shall proceed in all respects as if originally commenced against him. If the landlord do not apply to be made defendant within the day the tenant is allowed to answer, thereafter he shall not be allowed to, but he shall be made defendant if the plaintiff require it. If the landlord be made defendant on motion of the plaintiff, he shall be required to appear and answer within twenty days from notice of the pendency of the action and the order making him defendant, or such further time as the court or judge thereof may prescribe.

When landlord may be made defendant in place of tenant.

SEC. 303. The plaintiff in his complaint shall set forth the nature of his estate in the property, whether it be in fee, for life, or for a term of years, and for whose life, or the duration of such term, and that he is entitled to the possession thereof, and that the defendant wrongfully withholds the same from him to his damage in such sum as may be therein claimed. The property shall be described with such certainty as to enable the possession thereof to be delivered if a recovery be had.

What to be pleaded in complaint.

SEC. 304. The defendant shall not be allowed to give in evidence any estate in himself, or another in the property, or any license or right to the possession thereof, unless the same be pleaded in his answer. If so pleaded, the nature and duration of such estate, or license, or right to the possession shall be set forth with the certainty and particularity required in a complaint. If the defendant does not defend for the whole of the property, he shall specify for what particular part he does defend. In an action against a tenant the judgment shall be conclusive against the landlord who has been made defendant in place of the tenant to the same extent as if the action had been originally commenced against him.

Defendant not to be allowed to give evidence in certain matters, unless.

Judgment, when conclusive against landlord.

SEC. 305. The jury by their verdict shall find as follows:

What the jury shall find by their verdict.

First. If the verdict be for the plaintiff, that he is entitled to the possession of the property described in the complaint, or some part thereof, or some undivided share or interest in either, and the nature

and duration of his estate in such property, part thereof, or undivided share or interest in either, as the case may be;

Second. If the verdict be for the defendant, that the plaintiff is not entitled to the possession of the property described in the complaint, or to such part thereof as the defendant defends for, and the estate in such property or part thereof, or license or right to the possession of either, established on the trial by the defendant, if any; in effect as the same required to be pleaded.

What damages may be recovered, and when the value of permanent improvements may be set off against such damages.

SEC. 306. The plaintiff shall only be entitled to recover damages for withholding the property for the term of six years next preceding the commencement of the action, and for any period that may elapse from such commencement to the time of giving a verdict therein, exclusive of the use of permanent improvements made by the defendant. When permanent improvements have been made upon the property by the defendant, or those under whom he claims, holding under color of title adversely to the claim of plaintiff, in good faith, the value thereof at the time of trial, not exceeding such damages, shall be allowed as a set-off.

Verdict when right of possession expires after commencement of action.

SEC. 307. If the right of the plaintiff to the possession of the property expire after the commencement of the action, and before the trial, the verdict shall be given according to the fact, and judgment shall be given only for the damages.

Order to make survey of the property.

SEC. 308. The court or judge thereof, on motion, and after notice to the adverse party, may, for cause shown, grant an order allowing the party applying therefor to enter upon the property in controversy, and make survey and admeasurement thereof, for the purposes of the action.

Same subject.

SEC. 309. The order shall describe the property, and a copy thereof shall be served upon the defendant, and thereupon the party may enter upon the property and make such survey and admeasurement, but if any unnecessary injury be done to the premises he shall be liable therefor.

Action not to be prejudiced by alienation of person in possession.

SEC. 310. An action for the recovery of the possession of real property against a person in possession can not be prejudiced by any alienation made by such person either before or after the commencement of the action; but if such alienation be made after the commencement of the action, and the defendant does not satisfy the judgment recovered for damages for withholding the possession, such damages may be recovered by action against the purchaser.

Mortgagee can not maintain action against mortgagor.

SEC. 311. A mortgage of real property shall not be deemed a conveyance so as to enable the owner of the mortgage to recover possession of the real property without a foreclosure and sale according to law, and a judgment thereon.

Action by tenant in common or for dower, what must be shown.

SEC. 312. In an action for the recovery of dower before admeasurement, or by a tenant in common of real property against a cotenant, the plaintiff shall show, in addition to the evidence of his right of possession, that the defendant either denied the plaintiff's right or did some act amounting to such denial.

Action against lessee on failure to pay rent.

SEC. 313. When in case of a lease of real property and the failure of tenant to pay rent, the landlord has a subsisting right to reenter for such a failure, and may bring an action to recover the possession of such property, and such action is equivalent to a demand of the rent and a reentry upon the property. But if, at any time before judgment in such action, the lessee or his successor in interest as to the whole or a part of the property pay to the plaintiff or bring into court the amount of rent then in arrear, with interest, and the costs of the action, and perform the other covenants or agreements on the part of the lessee, he shall be entitled to continue in the possession according to the terms of the lease.

When judgment conclusive, and upon whom.

SEC. 314. In an action to recover the possession of real property the judgment therein shall be conclusive as to the estate in such property

and the right to the possession thereof, so far as the same is thereby determined, upon the party against whom the same is given and against all persons claiming from, through, or under such party after the commencement of such action, except as in this section provided. When service of the summons is made by publication and judgment is given for want of answer, at any time within two years from the entry thereof, the defendant or his successor in interest as to the whole or any part of the property shall, upon application to the court or judge thereof, be entitled to an order vacating the judgment and granting him a new trial upon the payment of the costs of the action.

SEC. 315. If the plaintiff has taken possession of the property before the judgment is set aside and a new trial granted, as provided in the section last preceding, such possession shall not be thereby affected in any way, and if judgment be given for the defendant in the new trial he shall be entitled to restitution by execution in the same manner as if he were plaintiff.

Possession not to be affected by order allowing new trial.

SEC. 316. In an action to recover the possession of real property by a tenant in dower or his successor in interest, if such a state in dower has not been admeasured before the commencement of the action, the plaintiff shall not have execution to deliver the possession thereof until the same be admeasured, as follows:

Admeasurement of dower after judgment.

First. At any time after the entry of judgment in favor of the plaintiff, he may, upon notice to the adverse party, move the court for the appointment of referees to admeasure the dower out of the real property of which the possession is recovered by the action. The court shall allow such motion unless it appear probable on the hearing that a partition of such property can not be made without prejudice to the interests of the other owners. In the latter case the court shall disallow the motion, and thereafter the plaintiff shall only proceed for partition or sale of such real property as provided in the chapter of this code entitled "Of Actions for the Partition of Real Property;"

Second. If the court allow the motion, thereafter the proceedings shall be conducted as provided in such chapter. At any time after the confirmation of the report of the referees the plaintiff may have execution for the delivery of the possession of the property according to the admeasurement thereof, and for the damages recovered, if any, for withholding the same, if such damages remain unsatisfied;

Third. If the motion for admeasurement be made at the term at which judgment was given, the notice thereof shall be served on the adverse party at such time as the court by general rule or special order may prescribe.

CHAPTER THIRTY-THREE.

OF ACTIONS FOR NUISANCE, WASTE, AND TRESPASS ON REAL PROPERTY.

<p>Sec. 317. Private nuisance, and action therefor; when warrant allowed to abate it. 318. How warrant issued, and mode of proceeding under. 319. When defendant may have stay of warrant.</p>	<p>Sec. 320. Sureties in undertaking, when to justify. 321. Action for waste, and judgment therein. 322. Actions for trespass in particular cases, and of judgment therein. 323. Same subject.</p>
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SEC. 317. Any person whose property is affected by a private nuisance, or whose personal enjoyment thereof is in like manner thereby affected, may maintain an action for damages therefor. If judgment be given for the plaintiff in such action, he may, in addition to the execution to enforce the same, on motion, have an order allow-

Private nuisance, and action therefor, when warrant allowed to abate it.

ing a warrant to issue to the marshal to abate such nuisance. Such motion must be made at the term at which judgment is given, and shall be allowed of course, unless it appear on the hearing that the nuisance has ceased, or that such remedy is inadequate to abate or prevent the continuance of the nuisance, in which latter case the plaintiff may proceed to have the defendant enjoined.

How warrant issued, and mode of proceeding under.

SEC. 318. If the order be made, the clerk shall thereafter, at any time within six months, when requested by the plaintiff, issue such warrant directed to the marshal, requiring him forthwith to abate the nuisance at the expense of the defendant, and return the warrant as soon thereafter as may be, with his proceedings indorsed thereon. The expense of abating the nuisance may be levied by the marshal on the property of the defendant, and in this respect the warrant is to be deemed an execution against property.

When defendant may have stay of warrant.

SEC. 319. At any time before the order is made, or the warrant issues, the defendant may, on motion to the court or judge thereof, have an order to stay the issue of such warrant for such period as may be necessary, not exceeding six months, and to allow the defendant to abate the nuisance himself, upon his giving an undertaking to the plaintiff in a sufficient amount, with one or more sureties, to the satisfaction of the court or judge thereof, that he will abate it within the time and in the manner specified in such order.

Sureties in undertaking, when to justify.

SEC. 320. If the plaintiff is not notified of the time and place of the application for the order provided for in section three hundred and nineteen, the sureties therein provided for shall justify as bail upon arrest, otherwise such justification may be omitted, unless the plaintiff require it. If such order be made and undertaking given, and the defendant fails to abate such nuisance within the time specified in said order, thereafter, at any time within six months, the warrant for the abatement of the nuisance may issue as if the same had not been stayed.

Action for waste, and judgment thereon.

SEC. 321. If a guardian, tenant in severalty or in common for life or for years, of real property, commit waste thereon, any person injured thereby may maintain an action for damages therefor against such guardian or tenant, in which action there may be judgment for treble damages, forfeiture of the estate of the party committing or permitting the waste, and of eviction from the property. But judgment of forfeiture and eviction shall only be given in favor of the person entitled to the reversion against the tenant in possession when the injury to the estate in reversion is determined in the action to be equal to the value of the tenant's estate or unexpired term, or to have been done or suffered in malice.

Actions for trespass in particular cases, and of judgment thereon.

SEC. 322. Whenever any person shall cut down, girdle, or otherwise injure, or carry off any tree, timber, or shrub on the land of another person, or on the street or highway in front of any person's house, village, town, or city lot, or cultivated grounds, or on the commons or public grounds of any village, town, or city, or on the street or highway in front thereof, without lawful authority, in an action by such person, village, town, or city against the person committing such trespasses, or any of them, if judgment be given for the plaintiff it shall be given for treble the amount of damages claimed or assessed therefor, as the case may be.

Same subject.

SEC. 323. If upon the trial of such action it shall appear that the trespass was casual or involuntary, or that the defendant had probable cause to believe that the land on which such trespass was committed was his own, or that of the person in whose service or by whose direction the act was done, or that such tree or timber was taken from unclosed woodland for the purpose of repairing any public highway or bridge upon the land or adjoining it, judgment shall only be given for single damages.

CHAPTER THIRTY-FOUR.

ACTIONS ON OFFICIAL UNDERTAKINGS, AND FOR FINES AND FORFEITURES.

<p>Sec. 324. Official undertakings, to whom deemed a security. 325. Who may maintain action thereon. 326. When leave must be obtained before action can be commenced. 327. Judgment no bar to action for another delinquency. 328. Amount of judgment.</p>	<p>Sec. 329. Who may maintain action for fines and forfeitures. 330. Actions for penalties not to exceed certain amount. 331. Judgment by collusion between plaintiff and defendant. 332. Disposition of fines and forfeitures.</p>
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SEC. 324. The official undertaking or other security of a public officer to any county, city, town, or other municipal or public corporation of like character therein, shall be deemed a security to the United States, or to such city, town, or other municipal or public corporation as the case may be, and also to all persons severally for the official delinquency against which it is intended to provide.

Official undertakings, to whom deemed a security.

SEC. 325. When a public officer, by official misconduct or neglect of duty, shall forfeit his official undertaking or other security, or render his sureties therein liable upon such undertaking or other security, any person injured by such misconduct or neglect, or who is by law entitled to the benefit of the security, may maintain an action thereon in his own name, against the officer and his sureties, to recover the amount to which he may by reason thereof be entitled.

Who may maintain action thereon.

SEC. 326. Before such action can be commenced by a plaintiff other than the United States, or the municipal or public corporation named in the undertaking or other security, leave shall be obtained of the court or judge thereof where the action is triable. Such leave shall be granted upon the production of a certified copy of the undertaking or other security, and an affidavit of the plaintiff, or some person in his behalf, showing the delinquency. But if the matters set forth in the affidavit be such that, if true, the party applying would clearly not be entitled to recover in the action, the leave shall not be granted. If it does not appear from the complaint that the leave herein provided for has been granted, the defendant on motion shall be entitled to judgment of nonsuit; if it does, the defendant may controvert the allegation, and if the issue be found in his favor, judgment may be given accordingly.

When leave must be obtained before action can be commenced.

SEC. 327. A judgment in favor of a party for one delinquency shall not preclude the same or another party from maintaining another action on the same undertaking, or other security, for another delinquency.

Judgment no bar to action for another delinquency.

SEC. 328. In an action upon an official undertaking or other security, if judgment has already been recovered against the surety therein, other than by confession, equal in the aggregate to the penalty or any part thereof of such undertaking or other security, and if such recovery be established on the trial, judgment shall not be given against such surety for an amount exceeding such penalty, or such portion thereof as is not already recovered against him.

Amount of judgment.

SEC. 329. Fines and forfeitures may be recovered by an action in the name of the officer or person to whom they are by law given, or in the name of the officer or person who by law is authorized to prosecute for them.

Who may maintain action for fines and forfeitures.

SEC. 330. When an action shall be commenced for a penalty which by law is not to exceed a certain amount, the action may be commenced for that amount, and if judgment be given for the plaintiff, it may be for such amount or less, in the discretion of the court, in proportion to the offense.

Actions for penalties not to exceed certain amount.

SEC. 331. A recovery of a judgment for a penalty or forfeiture by collusion between the plaintiff and defendant, with intent to save the

Judgment by collusion between plaintiff and defendant.

defendant, wholly or partially, from the consequences contemplated by law, in case where the penalty or forfeiture is given, wholly or partly, to the person who prosecutes, shall not bar the recovery of the same by another person.

SEC. 332. Fines and forfeitures not specially granted or otherwise appropriated by law, when recovered, shall be paid to the clerk of the district court. Whenever, by the provisions of law, any property, real or personal, shall be forfeited to the United States, or to any officer for its use, the action for the recovery of such property may be commenced wherever the defendant may be found, or wherever such property may be.

Disposition of fines and forfeitures.

CHAPTER THIRTY-FIVE.

ACTIONS BY AND AGAINST PUBLIC CORPORATIONS AND OFFICERS.

<p>Sec. 333. How actions may be maintained by public corporations, and for what causes.</p> <p>334. Actions against public corporations, and what causes.</p>	<p>Sec. 335. How pleadings of public corporations verified.</p> <p>336. How judgment against public corporation satisfied.</p>
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How actions may be maintained by public corporations, and for what causes.

SEC. 333. An action may be maintained by any incorporated town, school district, or other public corporation of like character in the district in its corporate name, and upon a cause of action accruing to it in its corporate character, and not otherwise, in either of the following cases:

First. Upon a contract made with such public corporation;

Second. Upon a liability prescribed by law in favor of such public corporation;

Third. To recover a penalty or forfeiture given to such public corporation;

Fourth. To recover damages for an injury to the corporate rights or property of such public corporation.

Actions against public corporations, and for what causes.

SEC. 334. An action may be maintained against any of the public corporations in the district mentioned in the last preceding section in its corporate character, and within the scope of its authority, or for an injury to the rights of the plaintiff arising from some act or omission of such public corporation.

How pleadings of public corporations are verified.

SEC. 335. In such actions the pleadings of the public corporation shall be verified by the chief officer representing it in its corporate capacity or by such other officer, agent, or attorney as he may designate, in the same manner as if such officer were a defendant in the action.

How judgment against public corporations satisfied.

SEC. 336. If judgment be given for the recovery of money or damages against a public corporation, no execution shall issue thereon for the collection of such money or damages, but such judgment in such respect shall be satisfied as follows:

First. The party in whose favor such judgment is given may, at any time thereafter, when an execution might issue on a like judgment against a private person, present a certified transcript of the record thereof to the officer of such public corporation who is authorized to draw orders on the treasurer thereof;

Second. On the presentation of such transcript, such officer shall draw an order on such treasurer for the amount of the judgment in favor of the party for whom the same was given. Thereafter such order shall be presented for payment, and paid, with like effect and in like manner as other orders upon the treasurer of such public corporation;

Third. The certified transcript herein provided for shall not be furnished by the clerk, unless at the time an execution might issue on such

judgment if the same were against a private person, nor until satisfaction of the judgment in respect to such money or damages be acknowledged as in ordinary cases. The clerk shall include in the transcript a memorandum of such acknowledgment of satisfaction and the entry thereof. Unless the transcript contain such memorandum no order upon the treasurer shall issue thereon.

CHAPTER THIRTY-SIX.

OF ACTIONS TO AVOID CHARTERS, LETTERS PATENT, AND TO PREVENT THE USURPATION OF AN OFFICE OR FRANCHISE AND TO DETERMINE THE RIGHT THERETO.

- Sec.
- 337. Scire facias and quo warranto abolished.
 - 338. Action against public or private corporation to be commenced on the direction of the governor.
 - 339. Action to annul the existence of corporation.
 - 340. Action for the usurpation of office or franchise.
 - 341. Who to prosecute actions, pleadings by whom verified, how leave granted, and who deemed co-plaintiff.
 - 342. Duty of prosecuting attorney as to commencing action.

- Sec.
- 343. When relator's right may be pleaded and determined in the action.
 - 344. If judgment be given in favor of relator what he may do.
 - 345. Relator after judgment may have action for damages.
 - 346. Actions against several persons claiming office or franchise.
 - 347. Judgment against usurper. Court may fine him.
 - 348. Judgment against corporation.
 - 349. Copy of judgment roll to be filed.
 - 350. How judgment enforced.

SEC. 337. The writ of scire facias, the writ of quo warranto, and proceedings by information in the nature of quo warranto are abolished, and the remedies heretofore obtainable under those forms may be obtained by an action in the mode prescribed in this chapter.

Scire facias and quo warranto abolished.

SEC. 338. An action may be maintained in the name of the United States, whenever the governor shall so direct, against a corporation either public or private, for the purpose of avoiding the act of incorporation, or the act renewing or modifying its corporate existence, on the ground that such act or either of them was procured upon some fraudulent suggestion or concealment of a material fact by the persons incorporated, or some of them, or with their knowledge and consent; or for annulling the existence of such corporation, when the same has been formed under any general law operating in this district therefor, on the ground that such incorporation, or any renewal or modification thereof, was procured in like manner.

Action against public or private corporation to be commenced on the direction of the governor.

SEC. 339. An action may be maintained in the name of the United States against a corporation other than a public one on leave granted by the court or judge thereof where the action is triable, for the purpose of avoiding the charter or annulling the existence of such corporation, whenever it shall—

Action to annul the existence of corporation.

First. Offend against any of the provisions of the acts, or either of them, creating, renewing, or modifying such corporation or the provisions of any general law under which it became incorporated; or,

Second. Violate the provisions of any law by which such corporation forfeits its charter by abuse of its powers; or,

Third. Whenever it has forfeited its privileges or franchises by failure to exercise for a period of one year its powers; or,

Fourth. Whenever it has done or omitted any act which amounts to a surrender of its corporate rights, privileges, and franchises; or,

Fifth. Whenever it exercises a franchise or privilege not conferred upon it by law.

Sixth. Whenever any such corporation or association of persons shall combine for the purpose of forming a trust or agreement to pre-

vent competition or to control the price, production or sale of any goods, products, or merchandise.

SEC. 340. An action may be maintained in the name of the United States upon the information of the United States attorney or upon the relation of a private party against the person offending in the following cases:

First. When any person shall usurp, intrude into, or unlawfully hold or exercise any public office, civil or military, or any franchise within the district, or any office in a corporation, either public or private, created or formed by or under the authority of the district; or,

Second. When any public officer has done or suffered an act which, by the provisions of law, makes a forfeiture of his office; or,

Third. When any association or number of persons act within the district as a corporation without being duly incorporated.

SEC. 341. The actions provided for in this chapter shall be commenced and prosecuted by the United States attorney. When the action is upon the relation of a private party, as allowed in section three hundred and forty, the pleadings on behalf of the district shall be verified by such relator as if he were the plaintiff in the action, or otherwise as provided in section seventy-one; in all other cases such pleading shall be verified by the attorney in like manner, or otherwise as provided in such section. When an action can only be commenced by leave as provided in section three hundred and thirty-nine, such leave shall be granted when it appears by affidavit that the acts or omissions in such section specified have been done or suffered by such corporation. When an action is commenced on the information of a private person, as allowed in section three hundred and forty, having an interest in the question, such party, for all the purposes of the action, and as to the effect of any judgment that may be given therein, shall be deemed a coplaintiff.

SEC. 342. When directed by the governor, as prescribed in section three hundred and thirty-eight, it shall be the duty of the prosecuting attorney to commence the action therein provided for accordingly. In all other actions provided for in this chapter it shall be his duty to commence such action upon leave given where leave is required in every case of public interest, whenever he has reason to believe that a cause of action exists and can be proven, and also for like reasons in every case of private interest only in which satisfactory security is given to the district to indemnify it against the costs and expenses that may be incurred thereby.

SEC. 343. Whenever an action is brought against a person for any of the causes specified in subdivision one of section three hundred and forty, the United States attorney, in addition to the statement of the cause of action, may also separately set forth in the complaint the name of the person rightfully entitled to the office or franchise, with a statement of the facts constituting his right thereto. In such case, judgment may be given upon the right of the defendant, and also upon the right of the person so alleged to be entitled, or only upon the right of the defendant as justice may require.

SEC. 344. If judgment be given upon the right of the person so alleged to be entitled, and the same be in favor of such person, he shall be entitled to the possession and enjoyment of such franchise, or to take upon himself the execution of such office, after qualifying himself therefor as required by law, and to demand and receive the possession of all the books, papers, and property of whatever nature belonging thereto.

SEC. 345. If judgment be given upon the right and in favor of the person so alleged to be entitled, he may afterwards maintain an action to recover the damages which he may have sustained by reason of the premises. In such action the defendant may be arrested and held to

Action for the usurpation of office or franchise.

Who to prosecute actions, pleadings by whom verified, how leave granted, and who deemed coplaintiff.

Duty of prosecuting attorney as to commencing action.

When relator's right may be pleaded and determined in the action.

If judgment be given in favor of relator what he may do.

Relator after judgment may have action for damages.

bail in the same manner and with the like effect as in other actions where the defendant is subject to arrest.

SEC. 346. Several persons may be joined as defendants in an action for the causes specified in subdivision one of section three hundred and forty, and in such action their respective rights to such office or franchise may be determined.

Actions against several persons claiming office or franchise.

SEC. 347. When a defendant, whether a natural person or a corporation, against whom an action has been commenced for any of the causes specified in subdivision one of section three hundred and forty, is determined to be guilty of usurping, or intruding into, or unlawfully holding or exercising any office or franchise, judgment shall be given that such defendant be excluded therefrom. The court may also in its discretion impose a fine upon the defendant not exceeding two thousand dollars.

Judgment against usurper. Court may fine him.

SEC. 348. If it be determined that a corporation against which an action has been commenced pursuant to this chapter has forfeited its corporate rights, privileges, and franchises, judgment shall be given that such corporation be excluded therefrom, and that the corporation be dissolved.

Judgment against corporation.

SEC. 349. If judgment be given against a corporation the effect of which is that such corporation ceases to exist, or whereby any letters patent are determined to be vacated or annulled, it shall be the duty of the United States attorney to cause a copy of the judgment roll to be filed with the officer issuing the certificate of corporation or the letters patent to such corporation.

Copy of judgment roll to be filed.

SEC. 350. A judgment given in any action provided for in this chapter in respect to costs and disbursements, may be enforced by execution as a judgment which requires the payment of money, and in all other respects obedience thereto may be enforced by attachment of the body of the defendant, or, if the defendant be a corporation, the body of any or all of the officers or members of such corporation refusing or neglecting obedience thereto.

How judgment enforced.

CHAPTER THIRTY-SEVEN.

OF ACTIONS BY AND AGAINST EXECUTORS OR ADMINISTRATORS.

Sec.
351. What causes of action do not survive.
352. What causes of action do survive.
353. When a death ensues from an injury.
354. Representatives regarded as one person.
355. When judgment for want of answer is evidence of assets.
356. Effect of inventory as evidence, and how it may be contradicted or avoided.

Sec.
357. Executor of his own wrong not liable as such.
358. When action may be commenced against executor or administrator.
359. Claim must be presented before action can be commenced.
360. When provisional remedies allowed against executors or administrators.

SEC. 351. A cause of action arising out of an injury to the person dies with the person of either party, except as provided in section three hundred and fifty-three; but the provisions of this chapter shall not be construed so as to abate the action mentioned in section thirty-six, or to defeat or prejudice the right of action given by section thirty-one.

What causes of action do not survive.

SEC. 352. All other causes of action by one person against another, whether arising on contract or otherwise, survive to the personal representatives of the former and against the personal representatives of the latter. When the cause of action survives, as herein provided, the executors or administrators may maintain an action thereon against the party against whom the cause of action accrued, or, after his death, against his personal representatives.

What causes of action do survive.

When a death ensues from an injury.

SEC. 353. When the death of a person is caused by the wrongful act or omission of another, the personal representatives of the former may maintain an action therefor against the latter, if the former might have maintained an action, had he lived, against the latter for an injury done by the same act or omission. Such action shall be commenced within two years after the death, and the damages therein shall not exceed ten thousand dollars, and the amount recovered, if any, shall be exclusively for the benefit of the decedent's husband or wife and children when he or she leaves a husband, wife, or children, him or her surviving; and when any sum is collected it must be distributed by the plaintiff as if it were unbequeathed assets left in his hands, after payment of all debts and expenses of administration, and when he or she leaves no husband, wife, or children, him or her surviving, the amount recovered shall be administered as other personal property of the deceased person; but the plaintiff may deduct therefrom the expenses of the action, to be allowed by the proper court upon notice, to be given in such manner and to such persons as the court deems proper.

Representatives regarded as one person.

SEC. 354. In an action against several executors or administrators, they shall all be considered as one person, representing their testator or intestate, and judgment may be given and execution issued against all of them who are defendants in the action, although the summons be served only on part of them, in the same manner and with the like effect as if served on all, except as provided in the next section.

When judgment for want of answer is evidence of assets.

SEC. 355. When a judgment is given against an executor or administrator, for want of an answer such judgment is not to be deemed evidence of assets in his hands unless it appear that the complaint alleged assets and that the summons was served upon him.

Effect of inventory as evidence, and how it may be contradicted or avoided.

SEC. 356. In an action against executors or administrators, in which the fact of their having administered the estate of their testator or intestate, or any part thereof, is put in issue and the inventory of the property of the deceased returned by them is given in evidence, the same may be contradicted or avoided by evidence—

First. That any property has been omitted in such inventory, or was not returned therein at its full value, or that since the return thereof such property has increased in value;

Second. That such property has perished or been lost without the fault of such executors or administrators, or that it has been fairly and duly sold by them at a less price than the value so returned, or that since the return of the inventory such property has deteriorated in value. In such action the defendants can not be charged for any things in action specified in their inventory unless it appear that they have been collected, or with due diligence might have been.

Executor of his own wrong not liable as such.

SEC. 357. No person is liable to an action as executor of his own wrong for having taken, received, or interfered with the property of a deceased person, but is responsible to the executors or administrators of such deceased person for the value of all property so taken or received and for all injury caused by his interference with the estate of the deceased.

When action may be commenced against executor or administrator.

SEC. 358. An action may be commenced against an executor or administrator at any time after the expiration of twelve months from the granting of letters testamentary or of administration and until the final settlement of the estate and discharge of such executor or administrator from the trust, and not otherwise.

Claim must be presented before action can be commenced.

SEC. 359. Such action shall not be commenced until the claim of the plaintiff has been duly presented to such executor or administrator, and by him disallowed. If such claim is presented after the expiration of the period of six months, mentioned in sections eight hundred and twenty and eight hundred and twenty-one, the executor or administrator in an action therefor shall only be liable to the extent of the assets in his hands at the time the summons is served upon him.

SEC. 360. In an action against an executor or administrator, as such, the provisional remedies of arrest and attachment shall not be allowed on account of the acts of his testator or intestate; but for his own acts as such executor or administrator such remedies shall be allowed for the same causes and in like manner and with like effect as in actions generally.

When provisional remedies allowed against executors or administrators.

CHAPTER THIRTY-EIGHT.

GENERAL PROVISIONS RELATING TO ACTIONS OF AN EQUITABLE NATURE.

<p>Sec. 361. Limitation of actions. 362. In whose name an action to be prosecuted. 363. Plaintiffs and defendants, who may be. 364. Same subject. 365. Service of the summons. 366. Service of the summons by publication.</p>	<p>Sec. 367. What objections if not taken by demurrer or answer may be made on the trial. 368. Counterclaim of defendant. 369. What causes of actions may be united. 370. Arrest and bail in actions of equitable nature.</p>
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SEC. 361. An action of an equitable nature shall only be commenced within the time limited to commence an action as provided in chapter two of this title; and an action for the determination of any right or claim to or interest in real property shall be deemed within the limitations provided for actions for the recovery of the possession of real property; but no action shall be maintained to set aside, cancel, annul, or otherwise affect a patent to lands issued by the United States, or to compel any person claiming or holding under such patent to convey the lands described therein or any portion of them to the plaintiff in such action, or to hold the same in trust for or to the use and benefit of such plaintiff, or on account of any matter, thing, or transaction which was had, done, suffered, or transpired prior to the date of such patent, unless such action is commenced within ten years from the date of such patent. In an action upon a new promise, fraud, or mistake the limitation shall only be deemed to commence from the making of the new promise or the discovery of the fraud or mistake: *Provided*, This section shall not be construed so as to bar an equitable owner in possession of real property from defending his possession by means of his equitable title; and in any action for the recovery of any real property, or the possession thereof, by any person or persons claiming or holding the legal title to the same under such patent against any person or persons in possession of such real property under any equitable title, or having in equity the right to the possession thereof as against the plaintiff in such action, such equitable right of possession may be pleaded by answer in such action or set up by complaint to enjoin such action or execution upon any judgment rendered therein; and the right of such equitable owner to defend his possession in such action, or by complaint for injunction, shall not be barred by lapse of time while an action for the possession of such real property is not barred by the provisions of chapter two of this title.

Limitation of actions.

—construction, etc.

SEC. 362. Every action of an equitable nature shall be prosecuted in the name of the real party in interest, except as in this section otherwise provided. An executor or an administrator, a trustee of an express trust, or a person expressly authorized to sue by statute, may sue without joining with him the person for whose benefit the action is prosecuted. A trustee of an express trust within the meaning of this section shall be construed to include a person with whom and in whose name a contract is made for the benefit of another.

In whose name an action to be prosecuted.

SEC. 363. All persons having an interest in the subject of the action and in obtaining the relief demanded may be joined as plaintiffs,

Plaintiffs and defendants, who may be.

except as in this chapter otherwise provided. Any person may be made a defendant who has or claims an interest in the controversy adverse to the plaintiff, or who is a necessary party to a complete determination or settlement of the questions involved therein.

Same subject

SEC. 364. Of the parties to the action, those who are united in interest must be joined as plaintiffs or defendants; but if the consent of anyone who should have been joined as plaintiff can not be obtained, he may be made a defendant, the reason thereof being stated in the complaint; and when the question is one of a common or general interest of many persons, or when the parties are very numerous, and it may be impracticable to bring them all before the court, one or more may sue or defend for the benefit of the whole.

Service of the summons.

SEC. 365. When there is more than one defendant in the action, service of only one copy of the complaint shall be required, the same to be served on the defendant designated by the plaintiff or his attorney by a direction indorsed on such summons, but the summons served on the other defendants shall contain a brief statement of the cause of action and relief demanded.

Service of the summons by publication.

SEC. 366. In addition to the causes enumerated in the subdivisions of section forty-seven, service of the summons may be made by publication in the following cases:

First. When the subject of the action is real or personal property in the district, and the defendant has or claims a lien or interest actual or contingent therein, or the relief demanded consists wholly or partly in excluding the defendant from any lien or interest therein;

Second. When the action is for divorce, as hereinafter provided.

What objections if not taken by demurrer or answer may be made on the trial.

SEC. 367. The objection to the jurisdiction of the court, or that the complaint does not state facts sufficient to constitute a cause of action, if not taken by demurrer or answer, may be made on the trial.

Counterclaim of defendant.

SEC. 368. The counterclaim of the defendant shall be one upon which an action might be maintained by the defendant against the plaintiff in the action; and in addition to the cases specified in the subdivisions of section sixty-four, it is sufficient if it be connected with the subject of the action.

What causes of actions may be united.

SEC. 369. The plaintiff in an action of an equitable nature may unite several causes of action in the same complaint, where they all arise out of—

First. The same transaction, or transactions connected with the same subject of action;

Second. Contract, express or implied; or,

Third. Injuries, with or without force, to property;

Fourth. Claims to real property, or any interest therein, with or without an account for the rents and profits thereof;

Fifth. Claims to personal property, or any interest therein, with or without an account for the use thereof;

Sixth. Claims against a trustee by virtue of a contract or by operation of law.

But the causes of action so united must all belong to one of these classes, and must affect all the parties to the action, and not require different places of trial, and shall be separately stated.

Arrest and bail in actions of equitable nature.

SEC. 370. The writ of ne exeat is abolished, and instead thereof the plaintiff in an action may have the defendant arrested and held to bail in like manner and with like effect as provided in the chapter of this title "Of arrest and bail." A cause of arrest in an action shall be the same as those specified in section ninety-nine, so far as the same may exist, and not otherwise.

CHAPTER THIRTY-NINE.

OF THE TRIAL OF ISSUES IN ACTIONS OF AN EQUITABLE NATURE.

<p>Sec. 371. Certain provisions to apply. 372. How and when testimony taken. 373. Conduct of the trial. 374. Objections to depositions, when and how made. 375. Same subject. 376. Chapters 20 and 24 shall apply.</p>	<p>Sec. 377. Judgment of dismissal before trial and effect thereof. 378. Same after trial. 379. Chapters 26, 27, and 28 to apply. 380. When judgment may be given in vacation; entry, roll, and final record thereof.</p>
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SEC. 371. The provisions of chapter fifteen of this title shall apply to actions of an equitable nature except as in this chapter otherwise or specially provided. Both issues of law and fact shall be tried by the court, unless referred. Whenever it becomes necessary or proper to inquire of any fact by the verdict of a jury, the court may direct a statement thereof, and that a jury be formed to inquire of the same. The statement shall be tried as an issue of fact in an action, and the verdict may be read as evidence on the trial of the action.

Certain provisions to apply.

SEC. 372. All issues of fact in actions of an equitable nature may be tried by the court, and if tried by the court, the evidence shall be presented and the trial conducted in the same manner as other actions: *Provided*, The court may, in its discretion, refer the case to a referee pursuant to the provisions of this title. In all such actions the court, in rendering its decisions therein, shall set out in writing its findings of fact upon all the material issues of fact presented by the pleadings, together with its conclusions of law thereon; but such findings of fact and conclusions of law shall be separate from the judgment, and shall be filed with the clerk, and shall be incorporated in, and constitute a part of, the judgment roll of the case; and such findings of fact shall have the same force and effect, and be equally conclusive, as the verdict of a jury in an action. Exceptions may be taken during the trial to the ruling of the court, and also to its findings of fact, and a statement of such exceptions prepared and settled as in an action, and the same shall be filed with the clerk within ten days from the entering of the decree, or such further time as the court may allow.

How and when testimony taken.

SEC. 373. When the action is called for trial, the trial shall proceed in the order prescribed in subdivisions one, two, three, four, and five of section one hundred and eighty-seven, unless the court for special reasons otherwise directs.

Conduct of the trial.

SEC. 374. Upon the trial either party may object to the reading of a deposition, or any part thereof, when offered by the other because the witness is incompetent, or the testimony is so, or irrelevant, and not otherwise. All other objections to depositions shall be taken by written exceptions filed with the clerk within twenty days from the filing of the testimony, and may be heard and decided by the court or judge thereof at any time thereafter before the trial of the action.

Objections to depositions, when and how made.

SEC. 375. When it appears from the deposition that a party was present at the examination of a witness, such party shall not be heard to object to anything in or concerning such deposition not excepted to at the time of taking the same, except the objections allowed to be taken on the trial as provided in section three hundred and seventy-two of this title. When any part of the examination of a witness is excluded for any reason, so much of the cross-examination as relates to the same matter is excluded also.

Same subject.

SEC. 376. The provisions of chapters twenty and twenty-four of this title shall apply to actions of an equitable nature, but the final determination of the rights of the parties thereto is called a judgment, and any intermediate determination is called an order.

Chapters 20 and 24 shall apply

SEC. 377. A judgment dismissing an action may be given against the plaintiff in any of the cases specified in subdivisions one, two, and

Judgment of dismissal before trial and effect thereof.

three of section two hundred and thirty-seven, except the last clause of such subdivision three. Such judgment is a determination of the action, but shall not have the effect to bar another action for the same cause or any part thereof.

Same after trial.

SEC. 378. Whenever upon the trial it is determined that the plaintiff is not entitled to the relief claimed, or any part thereof, a judgment shall be given dismissing the action, and such judgment shall have the effect to bar another action for the same cause or any part thereof, unless such determination be on account of a failure of proof on the part of the plaintiff, in which case the court may, on motion of such plaintiff, give such judgment without prejudice to another action by the plaintiff for the same cause or any part thereof.

Chapters 26, 27, and 28 to apply.

SEC. 379. The provisions of chapters twenty-six and twenty-seven of this title, from and inclusive of section two hundred and forty-one to and inclusive of section two hundred and forty-four, shall apply to actions of an equitable nature. The provisions of chapter twenty-eight shall apply to controversies which might be the subject of such an action.

When judgment may be given in vacation; entry, roll, and final record thereof.

SEC. 380. When upon the submission of such an action the court is unadvised as to what judgment ought to be given therein, it may reserve the case for further consideration, and may decide the same and give such judgment in vacation by filing the same with the clerk. When a judgment is given in an action of an equitable nature, unless otherwise ordered by the court, it shall be entered by the clerk within the day it is given. Sections two hundred and fifty-one, two hundred and fifty-two, two hundred and fifty-four, two hundred and fifty-five, and two hundred and fifty-nine, of this title shall apply to actions of an equitable nature. The provisions of chapter thirty of this title shall apply to judgments and the final record or roll thereof.

CHAPTER FORTY.

OF THE MODE OF ENFORCING A JUDGMENT IN ACTIONS OF AN EQUITABLE NATURE.

Sec.

381. When equivalent to performance.

Sec.

382. Certain chapters to apply.

When equivalent to performance.

SEC. 381. A judgment requiring a party to make a conveyance, transfer, release, acquittance, or other like act within a period therein specified shall, if such party do not comply therewith, be deemed and taken to be equivalent thereto. The court or judge thereof may enforce an order or judgment in an action of an equitable nature, other than for the payment of money, by punishing the party refusing or neglecting to comply therewith, as for a contempt.

Certain chapters to apply.

SEC. 382. The provisions of chapter thirty-one of this title shall apply to the enforcement of judgments so far as the nature of the judgment may require or admit of it, but the mode of trial of an issue of fact in a proceeding against a garnishee shall be according to the mode of trial of such issue in an action.

CHAPTER FORTY-ONE.

OF INJUNCTION.

Sec.

383. Definition of, and how permanent injunction enforced.

384. Allowance of injunction.

385. Service of the order allowing the injunction.

Sec.

386. When defendant may be restrained during the pendency of the action.

387. Allowance of injunction after answer.

388. Motion to vacate or modify injunction.

Definition of, and how permanent injunction enforced.

SEC. 383. An injunction is an order requiring a defendant in an action to refrain from a particular act. It is only allowed as a provisional remedy, and when a judgment is given enjoining a defendant,

such judgment shall be effectual and binding on such defendant without other proceeding or process, and may be enforced, if necessary, as provided in section three hundred and eighty-one.

SEC. 384. An injunction may be allowed by the court or judge thereof at any time after the commencement of the action and before judgment. Before allowing the same the court or judge shall require of the plaintiff an undertaking, with one or more sureties, to the effect that he will pay all costs and disbursements that may be decreed to the defendant, and such damages, not exceeding an amount therein specified, as he may sustain by reason of the injunction if the same be wrongful or without sufficient cause.

Allowance of injunction.

SEC. 385. The undertaking and affidavits, if any, upon which the injunction is allowed, shall be filed with the clerk. The order may be served as a summons and returned to the clerk, with a proof of service indorsed thereon, except that the service shall be made upon the defendant personally. The order may be filed with the clerk at once, and shall be deemed to be served upon the defendant from the date of its allowance, if it appear therefrom that the defendant appeared before the court or judge at the allowance thereof.

Service of the order allowing the injunction.

SEC. 386. When it appears by the complaint that the plaintiff is entitled to the relief demanded, and such relief, or any part thereof, consists in restraining the commission or continuance of some act the commission or continuance of which during the litigation would produce injury to the plaintiff; or when it appears by affidavit that the defendant is doing, or threatens or is about to do, or is procuring or suffering to be done, some act in violation of the plaintiff's rights concerning the subject of the action, and tending to render the judgment ineffectual; or when it appears by affidavit that the defendant threatens or is about to remove or dispose of his property, or any part thereof, with intent to delay or defraud his creditors, an injunction may be allowed to restrain such act, removal, or disposition.

When defendant may be restrained during the pendency of the action.

SEC. 387. An injunction shall not be allowed after the defendant has answered, except upon notice, but in such case the defendant may be restrained until the decision of the court or judge allowing or refusing the injunction; and before answer, if the court or judge deem it proper that the defendant should be heard before allowing an injunction, an order may be made requiring the defendant to show cause, at a specified time and place, why the injunction should not be allowed, and in the meantime the defendant may be restrained.

Allowance of injunction after answer.

SEC. 388. If the injunction be allowed without notice, the defendant may, at any time after answer, and before trial, apply, upon notice, to the court or judge thereof, to vacate or modify the same. The application may be made upon affidavits in addition to the answer, and if so, the plaintiff may oppose the same by affidavits, or other evidence, in addition to those upon which the injunction was allowed. If, upon the hearing of the motion, it satisfactorily appear that the injunction should not have been allowed, either in whole or in part, it shall be vacated or modified accordingly.

Motion to vacate or modify injunction.

CHAPTER FORTY-TWO.

OF THE FORECLOSURE OF LIENS UPON REAL PROPERTY.

- Sec. 389. Liens upon real property, how foreclosed.
- 390. Parties defendant.
- 391. Where two or more liens upon the same property.
- 392. How judgment enforced.
- 393. Property sold upon foreclosure, how redeemed.

- Sec. 394. Action for foreclosure can not be maintained during pendency of action for the debt.
- 395. Nature of judgment where debt payable in installments some of which not due.
- 396. Effect of payment before sale.

SEC. 389. A lien upon real property, other than that of a judgment, whether created by mortgage or otherwise, shall be foreclosed, and

Liens upon real property, how foreclosed.

the property adjudged to be sold to satisfy the debt secured thereby, by an action of an equitable nature. In such action, in addition to the judgment of foreclosure and sale, if it appear that a promissory note or other personal obligation for the payment of the debt has been given by the mortgagor or other lien debtor, or by any other person as principal or otherwise, the court shall also adjudge a recovery of the amount of such debt against such person or persons, as the case may be, as in the case of an ordinary judgment for the recovery of money.

Parties defendant.

SEC. 390. Any person having a lien subsequent to the plaintiff upon the same property or any part thereof, or who has given a promissory note or other personal obligation for the payment of the debt or any part thereof, secured by the mortgage or other lien which is the subject of the action, shall be made a defendant in the action, and any person having a prior lien may be made defendant at the option of the plaintiff, or by the order of the court when deemed necessary.

Where two or more liens upon the same property.

SEC. 391. When it is adjudged that any of the defendants have a lien upon the property, the court shall make a like judgment in relation thereto and the debt secured thereby as if such defendant were a plaintiff in the action; and when a judgment is given foreclosing two or more liens upon the same property or any portion thereof in favor of different persons not united in interest, such judgment shall determine and specify the order of time, according to their priority, in which the debts secured by such lien shall be satisfied out of the proceeds of the sale of the property.

How judgment enforced.

SEC. 392. The judgment may be enforced by execution as an ordinary judgment for the recovery of money, except as in this section otherwise or specially provided:

First. When a judgment of foreclosure and sale is given, an execution may issue thereon against the property adjudged to be sold. If the judgment is in favor of the plaintiff only, the execution may issue as in ordinary cases, but if it be in favor of different persons not united in interest, it shall issue upon the joint request of such persons, or upon the order of the court or judge thereof, on the motion of either of them;

Second. When the judgment is also against the defendants or any one of them in person, and the proceeds of the sale of the property upon which the lien is foreclosed is not sufficient to satisfy the judgment as to the sum remaining unsatisfied to either, the judgment may be enforced by execution as in ordinary cases. When in such case the judgment is in favor of different persons not united in interest, it shall be deemed a separate judgment as to such persons, and may be enforced accordingly.

Property sold upon foreclosure, how redeemed.

SEC. 393. A judgment of foreclosure shall have the effect to bar the equity of redemption, and property sold on execution issued upon a judgment may be redeemed in like manner and with like effect as real property sold on an execution issued on a judgment.

Action for foreclosure can not be maintained during pendency of action for the debt.

SEC. 394. During the pendency of an action for the recovery of a debt secured by any lien mentioned in section three hundred and eighty-nine, an action can not be maintained for the foreclosure of such lien, nor thereafter, unless judgment be given in such action that the plaintiff recover such debt or some part thereof, and an execution thereon against the property of the defendant in the judgment is returned unsatisfied in whole or in part.

Nature of judgment where debt payable in installments some of which not due.

SEC. 395. When an action is commenced to foreclose a lien by which a debt is secured, which debt is payable in installments, either of interest or principal, and any of such installments is not then due, the court shall adjudge a foreclosure of the lien, and may also adjudge a sale of the property for the satisfaction of the whole of such debt, or so much thereof as may be necessary to satisfy the installment then

due, with costs of action; and in the latter case the judgment of foreclosure as to the remainder of the property may be enforced by an order of sale, in whole or in part, whenever default shall be made in the payment of the installments not then due.

SEC. 396. If, before a judgment is given, the amount then due, with the costs of action, is brought into court and paid to the clerk, the action shall be dismissed, and if the same be done after judgment and before sale, the effect of the judgment as to the amount then due and paid shall be terminated, and the execution, if any have issued, be recalled by the clerk. When an installment not due is adjudged to be paid, the court shall determine and specify in the judgment what sum shall be received in satisfaction thereof, which sum may be equal to such installment, or otherwise, according to the present value thereof. The provisions of this chapter as to liens upon personal property are not to be construed so as to exclude a person having such a lien from any other remedy or right in regard to such property.

Effect of payment before sale.

CHAPTER FORTY-THREE.

OF ACTIONS FOR THE PARTITION OF REAL PROPERTY.

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SEC. 397. When several persons hold and are in possession of real property as tenants in common, in which one or more of them have an estate of inheritance, or for life or years, or when several persons hold as tenants in common a vested remainder or reversion in any real property, any one or more of them may maintain an action of an equitable nature for the partition of such real property, according to

Who may maintain an action for partition.

the respective rights of the persons interested therein, and for a sale of such property, or a part of it, if it appears that a partition can not be had without great prejudice to the owners.

Complaint, what it shall contain.

SEC. 398. The interest of all persons in the property, whether such persons be known or unknown, shall be set forth in the complaint, specifically and particularly, as far as known to the plaintiff; and if one or more of the parties, or the share or quantity of interest of any of the parties, be unknown to the plaintiff, or be uncertain or contingent, or the ownership of the inheritance depend upon an executory device, or the remainder be a contingent remainder, so that such parties can not be named, that fact shall be set forth in the complaint.

What lien creditors may be made defendants, etc.

SEC. 399. The plaintiff shall make creditors having liens upon the property or any portion thereof, defendants in the action. When the lien is upon an undivided interest or estate of any of the parties, such lien, if a partition be made, is thenceforth a lien only upon the share assigned to such party, but such share shall be first charged with its just proportion of the costs of the partition, in preference to such lien.

Summons, how directed.

SEC. 400. The summons shall be directed by name to all the tenants in common who are known, and in the same manner to all lien creditors who are made parties to the action, and generally to all persons unknown, having or claiming an interest or estate in the property.

Upon whom summons may be served by publication.

SEC. 401. If a party having a share or interest in or lien upon the property be unknown, or either of the known parties reside out of the district or can not be found therein, and such fact be made to appear by affidavit, the summons may be served upon such absent or unknown party by publication, directed by the court or judge, as in ordinary cases. When service of the summons is made by publication, it must be accompanied by a brief description of the property which is the subject of the action.

Answer, what to contain.

SEC. 402. The defendant shall set forth in his answer the nature and extent of his interest in the property, and if he be a lien creditor, how such lien was created, the amount of the debt secured thereby, and remaining due, and whether such debt is secured in any other way, and if so, the nature of such other security.

Rights of the parties may be put in issue, etc.

SEC. 403. The rights of the several parties, plaintiffs as well as defendants, may be put in issue, tried, and determined in such action, and where a defendant fails to answer, or where a sale of the property is necessary, the title shall be ascertained by proof to the satisfaction of the court before the judgment for partition or sale is given.

When order of sale may be made instead of partition.

SEC. 404. If it be alleged in the complaint and established by evidence, or if it appear by the evidence, without such allegation in the complaint, to the satisfaction of the court, that the property, or any part of it, is so situated that partition can not be made without great prejudice to the owners, the court may order a sale thereof, and for that purpose may appoint one or more referees. Otherwise, upon the requisite proofs being made, it shall adjudge a partition according to the respective rights of the parties, as ascertained by the court, and appoint three referees therefor, and shall designate the portion to remain undivided for the owners whose interests remain unknown or not ascertained.

How referees to make partition.

SEC. 405. In making the partition the referees shall divide the property and allot the several portions thereof to the respective parties, quality and quantity relatively considered, according to the respective rights of the parties as determined by the court, designating the several portions by proper landmarks, and may employ a surveyor with the necessary assistants to aid them therein. The referees shall make a report of their proceedings, specifying therein the manner of executing their trust, describing the property divided and the shares allotted to each party, with a particular description of each share.

SEC. 406. The court may confirm or set aside the report in whole or in part, and if necessary appoint new referees. Upon the report being confirmed, a judgment shall be given that such partition be effectual forever, which judgment shall be binding and conclusive—

Proceedings on report of referees.

First. On all parties named therein, and their legal representatives, who have at the time any interest in the property divided, or any part thereof, as owners in fee, or as tenants for life or for years, or as entitled to the reversion, remainder, or inheritance of such property or any part thereof after the termination of a particular estate therein, or who by any contingency may be entitled to a beneficial interest in the property, or who have an interest in any undivided share thereof as tenants for years or for life;

Second. On all persons interested in the property who may be unknown, to whom notice shall have been given of the application for partition by publication, as directed by section four hundred and one; and

Third. On all other persons claiming from such parties or persons, or either of them.

SEC. 407. But such judgment and partition shall not affect any tenants for years or for life of the whole of the property which is the subject of partition; nor shall such judgment or partition preclude any person, except such as are specified in the last section, from claiming title to the property in question, or from controverting the title of the parties between whom the partition shall have been made.

Who not affected thereby.

SEC. 408. The expenses of the referees, including those of a surveyor and his assistants, when employed, shall be ascertained and allowed by the court, and the amount thereof, together with the fees allowed by law to the referees, shall be paid by the plaintiff, and may be allowed as part of the charges.

Expenses of referees.

SEC. 409. If the referees report to the court that the property of which partition shall have been adjudged, or any separate portion thereof, is so situated that a partition thereof can not be made without great prejudice to the owners and the court is satisfied that such report is correct, it may thereupon, by an order, direct the referees to sell the property or separate portion thereof so situated.

When order of sale may be made upon report of referees.

SEC. 410. When a part of the property only is ordered to be sold, if there be an estate for life or years in an undivided share of the property, the whole of such estate may be set off in any part of the property not ordered to be sold.

In case of partial sale, how estate for life or years set off.

SEC. 411. If an order of sale be made, and before a distribution of the proceeds thereof, the plaintiffs shall produce to the court a certificate showing the liens remaining unsatisfied, if any, by judgment upon the property, or any portion thereof, and unless he do so the court shall order a referee to ascertain them.

When reference ordered to ascertain lien creditors.

SEC. 412. If it appear by such certificate, or reference in case the certificate is not produced, that any such liens exist, the court shall appoint a referee to ascertain what amount remains due thereon or secured thereby, respectively, and the order of priority in which they are entitled to be paid out of the property.

Referees to ascertain amount of liens.

SEC. 413. The plaintiff must cause a notice to be served, at least ten days before the time for appearance, on each person having such lien by judgment to appear before the referee at a specified time and place to make proof by his own affidavit or otherwise of the true amount due, or to become due, contingently or absolutely, on his judgment.

Notice to lien creditors.

SEC. 414. The referee shall receive the evidence and report the names of the creditors whose liens are established, the amounts thereon or secured thereby, and their priority, respectively, and whether contingent or absolute. He shall attach to his report the proof of service of the notices and the evidence before him.

Duties of referee.

Exceptions to report.

SEC. 415. The report of the referee may be excepted to by either party to the action or to the proceedings before the referee, in like manner and with like effect as in ordinary cases. If a lien creditor be absent from the district, or his residence therein be unknown, and that fact appear by affidavit, the court or judge thereof may by order direct that service of the notice may be made upon his agent or attorney of record or by publication thereof for such time and in such manner as the order may prescribe.

Effect of confirmation of report.

SEC. 416. If the report of the referee be confirmed, the order of confirmation is binding and conclusive upon all parties to the action and upon the lien creditors who have been duly served with the notice to appear before the referee as provided in section four hundred and thirteen.

Distribution of proceeds of sale.

SEC. 417. The proceeds of the sale of the incumbered property shall be distributed by the judgment of the court as follows:

First. To pay its just proportion of the general costs of the action;
Second. To pay the costs of the reference;

Third. To satisfy the several liens, in their order of priority, by payment of the sums due and to become due, according to the judgment;

Fourth. The residue among the owners of the property sold, according to their respective shares.

When party may be required to exhaust other securities.

SEC. 418. Whenever any party to the action or who holds a lien upon the property or any part thereof has other securities for the payment of the amount of such lien, the court may, in its discretion, order such securities to be exhausted before a distribution of the proceeds of sale, or may order a just deduction to be made from the amount of the lien on the property on account thereof.

Proceedings not to delay or affect certain parties.

SEC. 419. The proceedings to ascertain the amount of the liens and to determine their priority, as above provided, or those hereinafter authorized to determine the rights of parties to funds paid into court, shall not delay the sale nor affect any other party whose rights are not involved in such proceedings.

Proceeds of sale to be distributed or paid into court.

SEC. 420. The proceeds of sale and the securities taken by the referees, or any part thereof, shall be distributed by them to the persons entitled thereto whenever the court so directs. But if no such direction be given all such proceeds and securities shall be paid into court or deposited as directed by the court.

When action to continue.

SEC. 421. When the proceeds of sales of any shares or parcel belonging to persons who are parties to the action, and who are known, are paid into court, the action may be continued as between such parties for the determination of their respective claims thereto, which shall be ascertained and adjudged by the court. Further testimony may be taken in court, or by a referee, at the discretion of the court, and the court may, if necessary, require such parties to present the facts or law in controversy, by pleading, as in an original action.

Sale by referees, how made.

SEC. 422. All sales of real property made by the referees shall be made by public auction to the highest bidder, in the manner required for the sale of real property on execution. The notice shall state the time, place, and terms of sale, and if the property or any part of it is to be sold subject to a prior estate, charge, or lien, that shall be stated in the notice.

Court may direct sale to be made on credit.

SEC. 423. The court shall, in the order of sale, direct the terms of credit which may be allowed for the purchase money of any portion of the premises of which it may direct a sale on credit; and for that portion of which the purchase money is required by the provisions hereinafter contained to be invested for the benefit of unknown owners, infants, and parties out of the district.

SEC. 424. The referees may take separate mortgages and other securities for the whole or convenient portions of the purchase money of such parts of the property as are directed by the court to be sold on credit, in the name of the clerk of the court, and his successor in office; and for the shares of any known owner of full age, in the name of such owner.

Mortgages and other securities, how taken by referees.

SEC. 425. When the estate of any tenant for life or years, in any undivided part of the property in question, shall have been admitted by the parties, or ascertained by the court to be existing at the time of the order of sale, and the person entitled to such estate shall have been made a party to the action, such estate may be first set off out of any part of the property, and a sale made of such parcel, subject to the prior unsold estate of such tenant therein; but if in the judgment of the court a due regard to the interest of all the parties require that such estate be also sold, the sale may be so ordered.

Estate for life or years, how disposed of.

SEC. 426. Any person entitled to an estate for life or years in any undivided part of the property, whose estates shall have been sold, shall be entitled to receive such sum in gross as may be deemed upon principles of law applicable to annuities a reasonable satisfaction for such estate, and which the person so entitled shall consent to accept instead thereof, by an instrument duly acknowledged or proved in the same manner as deeds for the purpose of record, and filed with the clerk.

Compensation for such estate in case of sale.

SEC. 427. If such consent be not given, as provided in the last preceding section, before the report of sale, the court shall ascertain and determine what proportion of the proceeds of the sale, after deducting expenses, will be a just and reasonable sum to be invested for the benefit of the person entitled to such estate for life or years, and shall order the same to be deposited in court for that purpose.

If consent not given, court to determine the value of such estate.

SEC. 428. The proportion of the proceeds of the sale to be invested as provided in the section last preceding shall be ascertained and determined in the several cases as follows:

Rule for the determination of the value.

First. If an estate in dower be included in the order of sale, its proportion shall be one-third of the proceeds of the sale of the property, or of the sale of the undivided share in such property upon which the claim of dower existed;

Second. If an estate by the curtesy, or other estate for life or years, be included in the order of sale, its proportion shall be the whole proceeds of the sale of the property, or of the sale of the undivided share thereof in which such estate may be.

And in all cases the proportion of the expenses of the proceeding shall be deducted from the proceeds of the sale.

SEC. 429. If the persons entitled to such estate for life or years be unknown, the court shall provide for the protection of their rights in the same manner, as far as may be, as if they were known and had appeared.

Rights of unknown tenants to be protected.

SEC. 430. In all cases of sales in partition, when it appears that a married woman has an inchoate right of dower in any of the property sold, or that any person has a vested or contingent future right or estate therein, the court shall ascertain and settle the proportional value of such inchoate, contingent, or vested right or estate according to the principles of law applicable to annuities and survivorship, and shall direct such proportion of the proceeds of sale to be invested, secured, or paid over in such manner as to protect the rights and interests of the parties.

Inchoate or contingent interests, how provided for.

SEC. 431. In all cases of sales of property, the terms shall be made known at the time; and if the premises consist of distinct farms or lots, they shall be sold separately, or otherwise if the court so directs.

Terms of sale to be made known at the time of sale.

SEC. 432. Neither of the referees, nor any person for the benefit of

Referees not to purchase.

either of them, shall be interested in any purchase; nor shall the guardian of an infant party be interested in the purchase of any real property, being the subject of the action, except for the benefit of the infant. All sales contrary to the provisions of this section shall be void.

Report of referees, what to contain.

SEC. 433. After completing the sale, the referees shall report the same to the court, with a description of the different parcels of lands sold to each purchaser, the name of the purchaser, the price paid or secured, the terms and conditions of the sale, and the securities, if any, taken. The report shall be filed with the clerk.

Report may be excepted to: effect of confirmation.

SEC. 434. The report of sale may be excepted to by any party entitled to a share of the proceeds, in like manner and with like effect as in ordinary cases. If the sale be confirmed, the order of confirmation shall direct the referees to execute conveyances and take securities pursuant to such sale, which acts they are hereby authorized to do. Such order shall have the effect to discharge the property of the estate or interest of every person mentioned in section four hundred and six, and of tenants for life or years of the property sold, and shall be binding and conclusive upon all such persons, as if the same were a decree for the partition of such property, and upon all persons whomsoever as to the regularity of the proceedings concerning such sale, except as provided in section four hundred and thirty-two.

Proceedings when a party or incumbrancer becomes purchaser.

SEC. 435. When a party entitled to a share of the property or an incumbrancer entitled to have his lien paid out of the sale becomes a purchaser, the referees may take his receipt for so much of the proceeds of the sale as belongs to him.

When and what proceeds of sale to be invested.

SEC. 436. When there are proceeds of sale belonging to an unknown owner, or to a person without the district who has no legal representatives within it, or when there are proceeds arising from the sale of an estate subject to the prior estate of a tenant for life or years, which are paid into the court or otherwise deposited by order of the court, the same may be invested under such order in securities on interest for the benefit of the persons entitled thereto.

In whose name securities taken or investments made.

SEC. 437. When the security for the proceeds of sale is taken, or when an investment of any such proceeds is made, it shall be done, except as herein otherwise provided, in the name of the clerk of the court and his successors in office, who shall hold the same for the use and benefit of the parties interested, subject to the order of the court.

Same subject.

SEC. 438. When security is taken by the referees on a sale, and the parties interested in such security, by an instrument in writing under their hands delivered to the referee, agree upon the shares and proportions to which they are respectively entitled, or when shares and proportions have been previously adjudged by the court, such securities shall be taken in the names of and payable to the parties respectively entitled thereto, and shall be delivered to such parties upon their receipt therefor. Such agreement and receipt shall be returned and filed with the clerk.

When clerk to keep account and receive interest.

SEC. 439. The clerk in whose name a security is taken or by whom an investment is made, and his successors in office, shall receive the interest and principal as it becomes due, and apply and invest the same as the court may direct; and shall file in his office all securities taken, and keep an account in a book provided and kept for that purpose in the clerk's office, free for inspection by all persons, of investments and moneys received by him thereon, and the disposition thereof.

When equal partition can not be made, court may adjudge compensation.

SEC. 440. When it appears that partition can not be made equal between the parties, according to their respective rights, without prejudice to the rights and interests of some of them, the court may adjudge compensation to be made by one party to another on account of inequality of partition; but such compensation shall not be required to be made to others by owners unknown, nor by infants unless in case

of an infant it appear that he has personal property sufficient for that purpose, and that his interest will be promoted thereby.

SEC. 441. When the share of an infant is sold the proceeds of the sale may be paid by the referees making the sale to his general guardian, or the special guardian appointed for him in the action, upon such guardian giving the security required by law or directed by order of the court.

When proceeds of sale paid to guardian of infant.

SEC. 442. The guardian who may be entitled to the custody and management of the estate of an insane person, or other person adjudged incapable of conducting his own affairs, whose interest in real property shall have been sold, may receive in behalf of such person his share of the proceeds of such real property from the referees on executing, with sufficient sureties, an undertaking, approved by the judge of the court, that he will faithfully discharge the trust reposed in him, and will render a true and just account to the person entitled, or to his legal representatives.

When paid to guardian of insane person.

SEC. 443. The costs of partition, including fees of referees and other disbursements, shall be paid by the parties respectively entitled to share in the lands divided, in proportion to their respective interests therein, and may be included and specified in the judgment. In that case they shall be a lien on the several shares, and the judgment may be enforced by execution against the parties separately. When, however, a litigation arises between some of the parties only, the court may require the expenses of such litigation to be paid by the parties thereto, or any of them.

Costs of partition, how apportioned.

CHAPTER FORTY-FOUR.

OF ACTIONS OF AN EQUITABLE NATURE BY AND AGAINST EXECUTORS, ADMINISTRATORS, LEGATEES, HEIRS, AND DEVISEES.

- Sec. 444. In what actions chapter 37 shall apply.
- 445. An action against next of kin by creditor of the estate.
- 446. Each liable for the whole amount received.
- 447. Next of kin may maintain an action to compel contribution.
- 448. An action against legatees by creditor of the testator.
- 449. Apportionment of costs in an action against next of kin or legatees.
- 450. Payment of the amount recovered against any one satisfies the judgment as to such person.
- 451. Heirs or devisees liable for the debts of their ancestor or testator.
- 452. In what cases and to what extent not liable.

- Sec. 453. Section 452 not to affect a case where debt charged upon real estate by will.
- 454. Preference of debts, and definition thereof.
- 455. How judgment against heir or devisee enforced.
- 456. When heirs or devisees personally liable.
- 457. Judgment against several heirs or devisees jointly to be apportioned among them.
- 458. Devisees not liable when there are assets.
- 459. Liable for deficiency only.
- 460. Two preceding sections not to affect a case where the debt is charged upon the real property by the will.

SEC. 444. The provisions of chapter thirty-seven of this title shall apply to actions of an equitable nature by and against executors and administrators, except as in this chapter otherwise or specially provided. Sections three hundred and fifty-one, three hundred and fifty-two, and three hundred and fifty-three of such chapter shall not so apply. All causes of actions of an equitable nature by one person against another, however arising, survive to the personal representatives of the former and against the personal representatives of the latter. When the cause of action survives, as herein provided, the executors or administrators may maintain an action of an equitable nature thereon against the party against whom the cause of action accrued, or after his death against his personal representatives.

In what actions chapter 37 shall apply.

An action against next of kin, by creditor of the estate.

SEC. 445. The next of kin of a deceased person are liable to an action by a creditor of the estate to recover the distributive shares received out of such estate, or to so much thereof as may be necessary to satisfy his debt. The action may be against all the next of kin jointly or against any one or more of them severally.

Each liable for the whole amount received.

SEC. 446. In such action the plaintiff may recover the value of all the assets received by all the defendants in the action if necessary to satisfy his debt; and the amount of the recovery shall be apportioned among the defendants, in proportion to the value of the assets received by each; and no allowance or deduction shall be made from such amount on account of there being other next of kin to whom assets have also been delivered.

Next of kin may maintain an action to compel contribution.

SEC. 447. Any one of the next of kin against whom a recovery is had pursuant to section four hundred and forty-six may maintain an action against all the other next of kin of the deceased person to whom any such assets have been delivered jointly, or against any of them separately, for a just and equal contribution, and may recover of each defendant such amount as shall be in the same proportion to the whole sum collected of the plaintiff as the value of the assets delivered to such defendant bore to the value of all the assets delivered to all the next of kin of the deceased.

An action against legatees by creditor of the testator.

SEC. 448. Legatees are liable to an action by a creditor of the testator to recover the value of any legacy received by them. The action may be maintained against all the legatees jointly or against any one or more of them severally. In such action the plaintiff shall not recover unless he shows—

First. That no assets were delivered by the executor or administrator of the testator to his next of kin; or

Second. That the value of such assets has been recovered by some other creditor; or

Third. That such assets are not sufficient to satisfy the demand of the plaintiff.

And in the last case he shall recover only the deficiency. The whole amount which the plaintiff shall recover shall be apportioned among all the legatees of the testator in proportion to the value of their legacies respectively, and his proportion shall only be recovered of each legatee.

Apportionment of costs in an action against next of kin or legatees.

SEC. 449. In an action against several next of kin or legatees jointly for assets delivered to them, if a recovery be had against such next of kin or legatees, the cost of such action shall be apportioned among the several defendants in proportion to the amount recovered against each of them.

Payment of the amount recovered against any one satisfies the judgment as to such person.

SEC. 450. A decree against several next of kin or legatees shall be satisfied as to any one of them by the payment or satisfaction of the amount recovered against such defendant.

Heirs or devisees liable for the debts of their ancestor or testator.

SEC. 451. Heirs and devisees are liable to an action by a creditor of a deceased person to recover the debt of their ancestor or testator to the extent of the value of any real property inherited by or devised to them. If such action be against the heirs, all the heirs who are liable shall be made parties to the action.

In what cases and to what extent not liable.

SEC. 452. But the heirs are not liable for the debt, unless it appear that the personal assets of the deceased were insufficient to discharge it, or that after due proceedings the creditor has been unable to collect the debt from the personal representatives of the deceased, or from his next of kin or legatees. If the personal assets were sufficient to pay a part of the debt, or in case a part thereof shall have been collected, the heirs of such deceased person are liable for the residue.

Section 452 not to affect a case where debt charged upon real estate by will.

SEC. 453. The section last preceding shall not affect the liability of heirs for a debt of their ancestor where such debt was by his will

expressly charged exclusively on the real properties descended to such heirs, or where such debt is by the will expressly directed to be paid out of the real property descended before resorting to the personal property.

SEC. 454. In cases where the next of kin, legatees, heirs, and devisees are liable for the debts of their ancestors, as herein provided, they shall be liable therefor without other priority or preference than such ancestors would be. The word "debt," as used in this chapter, shall be construed to include all claims for the payment of money which survive against the personal representatives of the deceased, as provided in section four hundred and forty-four.

Preference of debts, and definition thereof.

SEC. 455. A judgment against an heir or devisee on account of the debt of his ancestor or testator may be enforced by execution against the real property shown to have descended to the heir or devisee, and not otherwise. Such judgment shall have preference as a lien on such real property to any judgment or decree obtained against such heir or devisee on account of a debt or demand due in his own right.

How judgment against heir or devisee enforced.

SEC. 456. When it appears in the action that before the commencement thereof the heir or devisee has aliened the real property descended to him, or any part thereof, he shall be personally liable for the value of the property so aliened, and a judgment may be given against him therefor, to be enforced by execution, as if the judgment were for his own debt. No real property aliened in good faith and for a valuable consideration by an heir or devisee before action commenced against him is liable to an execution for the debt of his ancestor or testator, or in any manner affected by the judgment therefor against such heir or devisee.

When heirs or devisees personally liable.

SEC. 457. In an action against several heirs jointly, or several devisees jointly, the amount which the plaintiff recovers must be apportioned among all the heirs of the ancestor or devisees of the testator in proportion to the value of the real property descended or devised, and such proportion only can be recovered of each heir or devisee.

Judgment against several heirs or devisees jointly to be apportioned among them.

SEC. 458. A devisee shall not be liable to the creditor of his testator unless it appear that the personal assets of the testator and the real property descended to his heirs were insufficient to discharge the debt, or unless it appear that after due proceedings the creditor has been unable to recover the debt, or any part thereof, from the personal representatives of the testator or from his next of kin, legatees, or heirs.

Devisees not liable when there are assets.

SEC. 459. In either of the cases specified in the section last preceding the amount of the deficiency of the personal assets, and of the real property descended, to satisfy the debt of the plaintiff, or the amount which such plaintiff may have failed to recover from the personal representatives of the testator, his next of kin, legatees, and heirs, may be recovered of the devisees of such testator, to the extent of the value of the real property devised to them respectively.

Liable for deficiency only.

SEC. 460. The two sections last preceding shall not affect the liability of devisees for a debt of their testator where such debt was by his will expressly charged exclusively upon the real property devised, or by the terms of the will made payable by the devisee, or out of the real property devised, before resorting to the personal property or to any other real property descended or devised.

Two preceding sections not to affect a case where the debt is charged upon the real property by the will.

CHAPTER FORTY-FIVE.

ACTIONS TO DECLARE VOID OR DISSOLVE THE MARRIAGE CONTRACT.

Sec.	Sec.
461. Husband or wife may maintain action.	468. Residence of parties.
462. What marriages absolutely void.	469. Same.
463. What marriages void when so declared.	470. Pleas in bar by defendant.
464. At whose action marriages declared void.	471. Maintenance and custody of children pending action.
465. At whose action marriages declared voidable.	472. Judgment for maintenance for the custody of children.
466. Action to declare marriage valid.	473. Power of court to modify decree.
467. For what causes marriages may be dissolved.	474. Right to remarry.

Husband or wife may maintain action.

SEC. 461. A husband or wife may maintain an action of an equitable nature against the other for the dissolution of the marriage contract, or to have the same declared void, as provided in this chapter.

What marriages absolutely void.

SEC. 462. All marriages which are prohibited by law on account of consanguinity between the parties, or on account of either of them having a former husband or wife then living, shall, if solemnized within the district, be absolutely void.

What marriages void when so declared.

SEC. 463. When either of the parties to a marriage shall be incapable of making such contract or assenting thereto for want of legal age or sufficient understanding, or when the consent of either party shall be obtained by force or fraud, such marriage shall be void from the time it is so declared by the decree of a court having jurisdiction thereof.

At whose action marriages declared void.

SEC. 464. A marriage may be declared void from the beginning, at the action of either party, for any of the causes specified in section four hundred and sixty-two, and whether so declared or not shall be deemed and held to be void in any action or proceeding whatever in which the same may come in question; but a marriage once declared to be valid by the judgment of a court having jurisdiction thereof, in an action for that purpose, can not afterwards be questioned for the same cause, directly or otherwise.

At whose action marriages declared voidable.

SEC. 465. A marriage shall not be declared void for any of the causes specified in section four hundred and sixty-three, except at the action or claim of the party laboring under the disability, or upon whom the force or fraud was imposed or practiced; nor at the action or claim of such party if it appears that the parties freely cohabited together as husband and wife after the party had arrived at legal age, acquired sufficient understanding, been restored to reason, freed from the force, or discovered the fraud, as the case may be.

Action to declare marriage valid.

SEC. 466. When either husband or wife shall claim or pretend that the marriage is void or voidable, as provided in sections four hundred and sixty-two and four hundred and sixty-three, the same may be declared valid and lawful at the action of the other; and in such action the court shall have power, if the pleadings and proof authorize it, to declare such marriage void from the beginning or from the time of the judgment, or that it is valid and lawful, and binding on the parties thereto.

For what causes marriages may be dissolved.

SEC. 467. The dissolution of the marriage contract may be declared at the action of the injured party for either of the following causes:

First. Impotency existing at the time of the marriage and continuing to the commencement of the action;

Second. Adultery;

Third. Conviction of felony;

Fourth. Willful desertion for the period of two years;

Fifth. Cruel and inhuman treatment calculated to impair health or endanger life;

Sixth. Habitual gross drunkenness contracted since marriage and continuing for one year prior to the commencement of the action.

SEC. 468. When a marriage has been solemnized in the district an action may be maintained to declare it void if the plaintiff is an inhabitant of the district at the commencement of the action. If the marriage has not been solemnized in the district, such action can only be maintained when the plaintiff has been an inhabitant thereof for three years prior to the commencement of the action.

Residence of parties.

SEC. 469. In an action for the dissolution of the marriage contract the plaintiff therein must be an inhabitant of the district at the commencement of the action and for three years prior thereto, which residence shall be sufficient to give the court jurisdiction without regard to the place where the marriage was solemnized or the cause of action arose.

Same.

SEC. 470. In an action for the dissolution of the marriage contract on account of adultery the defendant may admit the adultery and show in bar of the action either—

Pleas in bar by defendant.

First. That the act was committed by the procurement or with the connivance of the plaintiff; or,

Second. That the act had been expressly forgiven, or impliedly so, by the voluntary cohabitation of the parties after knowledge thereof; or,

Third. That the plaintiff has been guilty of adultery also without the procurement or connivance of the defendant and not forgiven as provided in subdivision second of this section; or,

Fourth. That the action has not been commenced within one year after the discovery of the act by the plaintiff.

When the action is for any of the causes specified in subdivisions third, fourth, fifth, or sixth of section four hundred and sixty-seven, the defendant may admit the charge and show in bar of the action that the act was committed by the procurement of the plaintiff, or that it has been expressly forgiven; and in case the action is founded on subdivision third of the section four hundred and sixty-seven, the defendant may also show in bar thereof that the action was not prosecuted within one year after the same occurred to the plaintiff.

SEC. 471. After the commencement of an action, and before a judgment therein, the court or judge thereof may, in its discretion, provide by order as follows:

Maintenance and custody of children pending action.

First. That the husband pay, or secure to be paid, to the clerk of the court such an amount of money as may be necessary to enable the wife to prosecute or defend the action, as the case may be;

Second. For the care, custody, and maintenance of the minor children of the marriage during the pendency of the action;

Third. For the freedom of the wife from the control of the husband during the pendency of the action, and the court may restrain either or both parties from disposing of the property of either party pending the action.

SEC. 472. Whenever a marriage shall be declared void or dissolved the court shall have power to further decree as follows:

Judgment for maintenance and for the custody of children.

First. For the future care and custody of the minor children of the marriage as it may deem just and proper, having due regard to the age and sex of such children, and unless otherwise manifestly improper giving the preference to the party not in fault;

Second. For the recovery of the party in fault, and not allowed the care and custody of such children, such an amount of money, in gross or installments, as may be just and proper for such party to contribute toward the nurture and education thereof;

Third. For the recovery of the party in fault such an amount of money, in gross or in installments, as may be just and proper for such party to contribute to the maintenance of the other;

Fourth. For the delivery to the wife, when she is not the party in

fault, of her personal property in the possession or control of the husband at the time of giving the judgment;

Fifth. For the appointment of one or more trustees to collect, receive, expend, manage, or invest, in such manner as the court shall direct, any sum of money adjudged for the maintenance of the wife or the nurture and education of minor children committed to her care and custody;

Sixth. To change the name of the wife when she is not the party in fault.

Power of court to modify decree.

SEC. 473. At any time after a judgment is given the court or judge thereof, upon the motion of either party, on notice shall have power to set aside, alter, or modify so much of the judgment as may provide for alimony or for the appointment of trustees for the care and custody of the minor children, or the nurture and education thereof, or the maintenance of either party to the action.

Right to remarry.

SEC. 474. A judgment declaring a marriage void or dissolved by the action or claim of either party shall have the effect to terminate such marriage as to both parties, except that neither party shall be capable of contracting marriage with a third person, and if he or she does so contract, shall be liable therefor as if such judgment had not been given, until the action has been heard and determined on appeal, and if no appeal be taken, the expiration of the period allowed by law to take such appeal.

CHAPTER FORTY-SIX.

OF ACTIONS TO DETERMINE ADVERSE CLAIMS AND BOUNDARIES.

Sec.	Sec.
475. An action to determine adverse claims.	478. Mode of proceeding thereafter.
476. An action to establish boundaries.	479. Oath and duties of commissioners.
477. Pleadings in such action.	480. Their report.

An action to determine adverse claims.

SEC. 475. Any person in possession, by himself or his tenant, of real property, may maintain an action of an equitable nature against another who claims an estate or interest therein adverse to him, for the purpose of determining such claim, estate, or interest.

An action to establish boundaries.

SEC. 476. In any case where any dispute or controversy exists, or may hereafter arise, between two or more owners of adjacent or contiguous lands in the district, concerning the boundary lines thereof, or the location of the line or lines dividing such lands, either party or any party to such dispute or controversy may bring and maintain an action of an equitable nature in the district court of the district, for the purpose of having such controversy or dispute determined, and such boundary line or lines, or dividing lines, ascertained and marked by proper monuments, upon the ground where such line or lines may be ascertained to be, and established in such action.

Pleadings in such action.

SEC. 477. The complaint in such action shall be sufficient if it appears therefrom that the plaintiff and defendant or defendants are owners of adjacent lands; that there is a controversy or dispute between the parties concerning their boundary or dividing line or lines, and it shall not be necessary to set forth the nature of such dispute or controversy further than that the plaintiff shall describe the boundary or dividing line as he shall claim it to be. The defendant, in his answer, shall set forth the nature of his claim with reference to the location of the line in controversy.

Mode of proceeding thereafter.

SEC. 478. The mode of proceeding under this Act shall be analogous to that of other actions of an equitable nature: *Provided*, At the time of entering the judgment fixing the true location of the disputed boundary or dividing line the court shall appoint three disinterested com-

missioners, one of whom shall be a practical surveyor, and shall direct the commissioners to go upon the lands of the parties and establish and mark out upon the grounds, by proper marks and monuments, the boundary or dividing line as ascertained and determined by the court in its judgment.

SEC. 479. Before entering upon the discharge of their duties the commissioners shall make and file their oath, in writing, to faithfully and impartially perform their duties as such commissioners, and after designating the line by proper marks and monuments, they shall file, in the court and cause, a report of their doings as such commissioners, and the same shall be, when approved or confirmed by the court, a part of the judgment roll in the cause.

Oath and duties of commissioners.

SEC. 480. The report of the commissioners may be confirmed by the court, upon written motion of either party to such action, whenever it shall appear to the court that the motion was served upon the adverse party two days before the presentation thereof, and that no exceptions have been filed to the report within two days after the service. If exceptions are filed as aforesaid to the report, the exceptions may be heard with the motion to confirm, and the motion may confirm, modify, or set aside the report, as shall seem just, and in the latter case may appoint a new commission or refer the matter to the same commissioners with appropriate instructions.

Their report.

CHAPTER FORTY-SEVEN.

GENERAL PROVISIONS CONCERNING ACTIONS.

Sec.
481. Lost papers, how supplied.
482. Successive actions.
483. Consolidation of actions.
484. When court has jurisdiction.

Sec.
485. Jurisdiction over corporations.
486. Exercise of jurisdiction.
487. When majority of referees may act.
488. Computation of time.

SEC. 481. If an original paper or pleading be lost or withheld by any person, the court or judge thereof may order a verified copy thereof to be filed and used instead of the original.

Lost papers, how supplied.

SEC. 482. Successive actions may be maintained upon the same contract or transaction whenever, after the former action, a new cause of action arises therefrom.

Successive actions.

SEC. 483. Whenever two or more actions are pending at one time between the same parties and in the same court upon causes which might have been joined, the court may, upon the motion of the defendant, order the same to be consolidated. An action is deemed to be pending from the commencement thereof until its final determination upon appeal, or until the expiration of the period allowed to take an appeal.

Consolidation of actions.

SEC. 484. No natural person is subject to the jurisdiction of the district court of the district unless he appear in the court, or be found within the district, or be a resident thereof, or have property therein; and in the last case only to the extent of such property at the time the jurisdiction attached. But this section is not to be construed to limit the power of the said court to declare a marriage void or a dissolution thereof when the defendant is a nonresident of the district, in the cases provided for in chapter forty-five.

When court has jurisdiction.

SEC. 485. No corporation is subject to the jurisdiction of the district court of the district unless it appear in the court, or have been created by or under the laws of the district, or have an agency established therein for the transaction of some portion of its business, or have property therein; and in the last case only to the extent of such property at the time the jurisdiction attached.

Jurisdiction over corporations.

Exercise of jurisdiction.

SEC. 486. When the court has jurisdiction of the parties it may exercise it in respect to any cause of action, wherever arising, except for the specific recovery of real property situated without the district, or for injury thereto.

When majority of referees may act.

SEC. 487. Whenever there is more than one referee all must meet, but a majority of them may do any act which might be done by all; and whenever any authority is conferred on three or more persons it may be exercised by a majority of them, upon the meeting of all, unless expressly otherwise provided.

Computation of time.

SEC. 488. The time within which an act is to be done, as provided in this code, shall be computed by excluding the first day and including the last, unless the last day fall upon a Sunday, Christmas, or other legal holiday, in which case the last day shall also be excluded. The time for the publication of legal notices shall be computed so as to exclude the first day of publication and to include the day on which the act or event of which notice is given is to happen or which completes the full period required for publication.

CHAPTER FORTY-EIGHT.

OF OFFERS TO COMPROMISE AND THE INSPECTION OF WRITINGS.

Sec.

489. Offers to compromise, how accepted and effect thereof.

Sec.

490. Order for the inspection of papers.

Offers to compromise, how accepted and effect thereof.

SEC. 489. The defendant may, at any time before trial, serve upon the plaintiff and offer to allow judgment to be given against him for the sum, or the property, or to the effect therein specified. If the plaintiff accept the offer, he shall, by himself or attorney, indorse such acceptance thereon, and file the same with the clerk before trial, and within three days from the time it was served upon him; and thereupon judgment shall be given accordingly, as in case of a confession. If the offer be not accepted and filed within the time prescribed, it shall be deemed withdrawn, and shall not be given in evidence on the trial; and if the plaintiff fail to obtain a more favorable judgment, he shall not recover costs accruing after the service of the notice of the offer, but the defendant shall recover of him costs and disbursements from the time of such service.

Order for the inspection of papers.

SEC. 490. The court, or judge thereof, while an action is pending, may order either party to give the other, within a specified time, an inspection and copy, or permission to take a copy, of any book, document, or paper in his possession, or under his control, containing evidence or matters relating to the merits of the action, or the defense therein. If obedience to the order be neglected or refused, the court may exclude the book, document, or paper from being given in evidence, or, if wanted as evidence by the party applying therefor, may direct the jury to presume it to be such as he alleges it to be; and the court may also punish the party so neglecting or refusing as for a contempt. This section is not to be construed to prevent a party from compelling another to produce books, documents, or papers when he is examined as a witness.

CHAPTER FORTY-NINE.

OF MOTIONS AND ORDERS.

Sec.

491. Order and motion, definition of.

492. Motions, to whom and where made.

493. Notice of motion, time of, and when necessary.

Sec.

494. Application refused not to be repeated.

Order and motion, definition of.

SEC. 491. Every direction of a court or judge made or entered in writing, and not included in a judgment is denominated an order. An application for an order is a motion.

SEC. 492. Motions shall be made to the court or judge, as provided in other parts of this code. They shall be made at the place where the action is triable, except when made to a judge of the court before whom the action is pending and without notice, in which case an order may be made by such judge in any part of the district.

Motions, to whom and where made.

SEC. 493. When a notice of a motion is necessary, it shall be served twenty days before the time appointed for the hearing; but the court, or judge thereof, may prescribe, by order indorsed upon the notice, a shorter time. Notice of a motion is not necessary, except when this code requires it, or when directed by the court or judge in pursuance thereof.

Notice of motion, time of, and when necessary.

SEC. 494. If an application for an order, made to a judge of the court in which the action or proceeding is pending, be refused in whole or in part, or be granted conditionally, no subsequent application for the same order shall be made to any other judge. A violation of this section is punishable as a contempt, and an order made contrary thereto may be revoked by the judge who made it, or vacated by the court, or judge thereof, in which the action or proceeding is pending.

Application refused not to be repeated.

CHAPTER FIFTY.

OF NOTICE AND THE SERVICE AND FILING OF PAPERS.

- Sec. 495. Notices to be in writing.
- 496. Notices and other papers, how served and upon whom.
- 497. When service may be made by mail; time allowed for distance.
- 498. How copy deposited and when service deemed to be made.
- 499. Appearance, how made; defendant not to be heard before appearance.

- Sec. 500. When party absent from the district; when service to be made on attorney.
- 501. Foregoing provisions not to apply to summons.
- 502. Notice is valid, though defective in form.
- 503. Filing of papers.

SEC. 495. Notices shall be in writing, and notices and other papers shall be served on the party or attorney in the manner prescribed in this chapter where not otherwise provided by this code.

Notices to be in writing.

SEC. 496. The service or deposit in the post-office, when served by mail, may be made by any person other than the party himself. The proof of service shall be the same as proof of service of a summons, and shall be returned with the original notice, or other paper of which service is made, at the time and place therein prescribed for the hearing or other proceeding to be had thereon. The service may be personal by delivery of a copy of the notice or other paper to the party or attorney on whom the service is required to be made, or it may be as follows:

Notices and other papers, how served and upon whom.

First. If upon an attorney, it may be made during his absence from his office by leaving the copy with his clerk therein, or with the person having charge thereof; or when there is no person in the office, by leaving it between the hours of six in the morning and nine in the evening in a conspicuous place in the office, or if it be not open to admit of such service, then by leaving it at the attorney's residence with some person of suitable age and discretion.

Second. If upon a party, it may be made by leaving the copy at his residence between the hours of six in the morning and nine in the evening with some person of suitable age and discretion.

SEC. 497. Service by mail may be made when the person for whom the service is made and the person on whom it is made reside in different places, between which there is a communication by mail, adding one day to the time of service for every twenty miles of distance between the place of deposit and the place of address.

When service may be made by mail; time allowed for distance.

SEC. 498. In case of service by mail the copy must be deposited in the post-office, addressed to the person on whom it is to be served at

How copy deposited and when service deemed to be made.

his place of residence, and the postage paid. The service shall be deemed to be made on the first day after the deposit in the post-office that the mail leaves the place of deposit for the place of the address, and not otherwise.

Appearance, how made: defendant not to be heard before appearance.

SEC. 499. A defendant appears in an action when he answers, demurs, or gives the plaintiff written notice of his appearance, and until he does so appear he shall not be heard in such action or in any proceeding pertaining thereto, except the giving of the undertakings allowed to the defendant in the provisional remedies of arrest, attachment, and the delivery of personal property. When the defendant has not appeared, notice of a motion or other proceeding need not be served upon him, unless he be imprisoned for want of bail, or unless directed by the court, or judge thereof, in pursuance of this title.

When party absent from the district; when service to be made on attorney.

SEC. 500. When a party is absent from the district and has no attorney in the action, service may be made by mail if his residence be known; if not known, on the clerk for him. When a party, whether absent or not from the district, has an attorney in the action, service of notice or other papers shall be made upon the attorney.

Foregoing provisions not to apply to summons.

SEC. 501. The foregoing provisions do not apply to the service of a summons or other process, nor so much thereof as allows service to be made of any notice or other paper to bring a party into contempt, otherwise than upon such party personally.

Notice is valid, though defective in form.

SEC. 502. A notice or other paper is valid and effectual, although defective either in respect to the title of the action in which it is made, or the name of the court or the parties, if it intelligently refer to such action.

Filing of papers.

SEC. 503. All undertakings, affidavits, or other papers required by or provided for in this code shall be filed with the clerk, except when this code otherwise specially provides. A pleading or paper shall be filed by delivering the same to the clerk at his office, who shall indorse upon it the day of the month and the year, and subscribe his name thereto. The clerk shall not be required to receive for filing any paper unless the name of the court, the title of the cause and the paper, and the names of the parties, and the attorney, if there be one, is intelligibly indorsed on the back of it, or unless the contents thereof can be read by a person of ordinary skill.

CHAPTER FIFTY-ONE.

OF APPEALS AND WRITS OF ERROR.

- Sec. 504. Appeals and writs of error, how taken.
- 505. What judgments shall be final.
- 506. When may be taken.

- Sec. 507. From what an appeal may be taken.
- 508. Laws regulating procedure and practice on appeal.

Appeals and writs of error, how taken.

SEC. 504. Appeals and writs of error may be taken and prosecuted from the final judgments of the district court for the district of Alaska or any division thereof direct to the Supreme Court of the United States in the following cases, namely: In prize causes and in all cases which involve the construction or application of the Constitution of the United States, or in which the constitutionality of any law of the United States, or the validity or construction of any treaty made under its authority is drawn in question, or in which the constitution or law of a State is claimed to be in contravention of the Constitution of the United States; and that in all other cases where the amount involved or the value of the subject-matter exceeds five hundred dollars the United States circuit court of appeals for the ninth circuit shall have jurisdiction to review by writ of error or appeal the final judgments, orders, of the district court.

SEC. 505. The judgments of the circuit court of appeals shall be final in all cases coming to it from the district court, but whenever the judges of the circuit court of appeals may desire the instruction of the Supreme Court of the United States upon any question or proposition of law which shall have arisen in any case pending before the circuit court of appeals on writ of error to or appeal from the district court, judges may certify such question or proposition to the Supreme Court, and thereupon the Supreme Court shall give its instruction upon the questions and propositions certified to it, and its instruction shall be binding upon the circuit court of appeals.

What judgments shall be final.

SEC. 506. No appeal or writ of error by which any final order or judgment may be reviewed under the provisions of this Act shall be taken or sued out except within one year after the entry of the order or judgment sought to be reviewed.

When may be taken.

SEC. 507. An appeal may be taken to the circuit court of appeals from any interlocutory order granting or dissolving an injunction, refusing to grant or dissolve an injunction, made or rendered in any cause pending before the district court within sixty days after the entry of such interlocutory order. The proceedings in other respects in the district court in the cause in which such interlocutory order was made shall not be stayed during the pendency of such appeal, unless otherwise ordered by the district court.

From what an appeal may be taken.

SEC. 508. All provisions of law now in force regulating the procedure and practice in cases brought by appeal or writ of error to the Supreme Court of the United States or to the United States circuit court of appeals for the ninth circuit, except in so far as the same may be inconsistent with any provision of this Act, shall regulate the procedure and practice in cases brought to the courts, respectively, from the district court for the district of Alaska. The provisions of this chapter shall apply to all cases pending in the district court of Alaska at the time this Act takes effect.

Laws regulating procedure and practice on appeal.

CHAPTER FIFTY-TWO.

OF COSTS AND DISBURSEMENTS.

<p>Sec. 509. Costs; compensation of attorney. 510. When costs allowed to plaintiff. 511. Costs in several actions on same cause. 512. Costs, when allowed to defendant. 513. Disbursements, when allowed. 514. Costs and disbursements in an action of an equitable nature. 515. Who liable for fees. 516. Costs and disbursements, how taxed. 517. When objections made. 518. Effect of such appeal.</p>	<p>Sec. 519. Fees of referees. 520. Costs on postponement, etc. 521. Plea of tender and effect as to costs. 522. Guardian of infant plaintiff liable. 523. Costs where person sues or defends in the right of another. 524. Costs on review of inferior court. 525. Costs in certain cases. 526. Security for costs. 527. Same subject. 528. Costs on motion, etc.</p>
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SEC. 509. The measure and mode of compensation of attorneys shall be left to the agreement, expressed or implied, of the parties; but there may be allowed to the prevailing party in the judgment certain sums by way of indemnity for his attorney fees in maintaining the action or defense thereto, which allowances are termed costs.

Costs; compensation of attorney.

SEC. 510. Costs are allowed of course to the plaintiff upon a judgment in the district court in his favor in the following cases:

When costs allowed to plaintiff.

First. In an action for the recovery of the possession of real property, or where a claim of title or interest in real property, or right to the possession thereof, arises upon the pleadings, or is certified by the court to have come in question upon the trial;

Second. In actions for fines and forfeitures, and the actions provided for in chapters thirty-five and thirty-six of this title;

Third. In an action involving an open mutual account, where it appears to the satisfaction of the court that the sum total of such accounts of both parties exceeds one hundred and fifty dollars;

Fourth. In an action for the recovery of personal property;

Fifth. In an action not hereinbefore specified, for the recovery of money or damages, when the plaintiff shall recover fifty dollars or more.

But in an action for assault, battery, false imprisonment, libel, slander, malicious prosecution, criminal conversation, seduction, or breach of promise of marriage, if the plaintiff recovers less than fifty dollars damages, he shall recover no more costs and disbursements than damages; and in an action to recover the possession of personal property, if the plaintiff recover property or the value thereof, as established on the trial, and damages for the detention of the same, in all less than fifty dollars, he shall recover no more costs and disbursements than the sum of such value and damages.

Costs in several actions on same cause.

SEC. 511. When several actions shall be prosecuted for the same cause of action, against several parties who might have been joined as defendants in the same action, disbursements shall be allowed the plaintiff in each action if he prevail therein; but costs shall not be allowed such plaintiff in more than one of such actions, which shall be at his election, unless the party or parties prosecuted in such other action or actions shall at the time of the commencement of the previous action have been without the district or secreted therein.

Costs, when allowed to defendant.

SEC. 512. Costs are allowed of course to the defendant in the actions mentioned in section five hundred and eleven unless the plaintiff be entitled to costs therein; and when there are several defendants not united in interest, and making separate defenses by separate answers, costs shall be allowed or not to each of such defendants as if the action were commenced against him separately.

Disbursements, when allowed.

SEC. 513. A party entitled to costs shall also be allowed for all necessary disbursements, including the fees of officers and witnesses, the necessary expenses of taking depositions by commission or otherwise, the expense of publication of the summons or notices, and the postage where the same are served by mail, the compensation of referees, and the necessary expense of copying any public record, book, or document used as evidence on the trial.

Costs and disbursements in an action of equitable nature.

SEC. 514. In an action of equitable nature costs and disbursements shall be allowed to a party in whose favor a judgment is given in like manner and amount as in other actions, without reference to the amount recovered or the value of the subject of the action, unless the court otherwise directs.

Who liable for fees.

SEC. 515. Every officer, witness, or other person required to do or perform any act or service for any party to any action or proceeding whatever shall be entitled to demand and receive from such party the compensation which the law allows therefor in advance; but a party to any action or proceeding in any court of justice in the district may, at his option, pay the fees of the officers thereof in advance or give such officers an undertaking with sufficient sureties therefor. The costs and disbursements which a party is entitled to recover from another may be collected by the execution to enforce the judgment as a part thereof. The fees secured to the officers of the court, or either of them, by any party to the judgment may be collected by an execution against the property of such party and that of his sureties in the undertaking therefor. Such officers' execution may issue in the name of the clerk as plaintiff in the writ and for the benefit of all officers of the court to whom fees are so due and secured, whenever an execution might issue to enforce the judgment at the instance of the prevailing party therein.

Costs and disbursements, how taxed.

SEC. 516. Costs and disbursements shall be taxed and allowed by the clerk. No disbursements shall be allowed any party unless he shall

file with the clerk within five days from the entry of judgment a statement of the same, which statement must be verified except as to fees of officers. A statement of disbursements may be filed with the clerk at any time after five days, but in such case a copy thereof must be served upon the adverse party. A disbursement which a party is entitled to recover must be taxed, whether the same has been paid or not by such party. The statement of disbursements thus filed, and costs, shall be allowed of course unless the adverse party, within two days from the time allowed to file the same, shall file his objections thereto, stating the particulars of such objections.

SEC. 517. When objections are made to the claim for costs and disbursements, the clerk shall forthwith pass upon the same, and indorse upon the verified statement, or append thereto, the charges allowed or disallowed. Any party aggrieved by the decision of the clerk in the allowance of costs or disbursements may appeal from such decision to the court within five days from the date of such decision, by serving a notice of such appeal, and in what particulars, upon the adverse party or his attorney, which appeal shall be heard and determined by such court, or judge thereof, as soon thereafter as convenient.

When objections made.

Appeal.

SEC. 518. Such appeal shall stay the proceedings as to the costs and disbursements to which the appeal is taken or relates, unless the respondent file with the clerk an undertaking, with one or more sureties, to the effect that if the decision of the clerk be reversed or modified he will make such restitution as the court or judge may direct. The sufficiency of the sureties in the undertaking may be excepted to by the appellant, and they be required to justify in like manner and with like effect as in an ordinary undertaking for an appeal.

Effect of such appeal.

SEC. 519. The fees of referees shall be four dollars per day to each for every day spent in the business of the reference, but the parties may agree in writing upon any other rate of compensation, and thereupon such rates shall be allowed.

Fees of referees.

SEC. 520. Upon an application to postpone a trial, the payment to the adverse party of a sum, not exceeding ten dollars, as costs may be imposed by the court as a condition of granting the postponement; and in all cases where this code authorizes a court or judge to allow a party to do any act in an action or proceeding upon terms, such court or judge may, as a condition of such allowance, impose upon such party the payment of a like sum as costs.

Costs on postponement, etc.

SEC. 521. When in any action for the recovery of money or damages only the defendant shall allege in his answer that before the commencement thereof he tendered to the plaintiff a certain amount of money in full payment or satisfaction of the cause of action, and now brings the same into court and deposits it with the clerk for the plaintiff, if such allegation of tender be found true, and the plaintiff do not recover a greater sum than the amount so tendered, he shall not recover costs off the defendant, but the defendant shall recover them off him.

Plea of tender and effect as to costs.

SEC. 522. When costs or disbursements are adjudged against an infant plaintiff, the guardian by whom he appeared in the action shall be responsible therefor, as if he were the actual plaintiff in such action, and payment thereof may be enforced against him accordingly.

Guardian of an infant plaintiff liable.

SEC. 523. In an action prosecuted or defended by an executor, administrator, trustee of an express trust, or a person expressly authorized by statute to prosecute or defend therein, costs shall be recovered as in ordinary cases, but such costs shall only be chargeable upon or collected off the estate, fund, or party represented, unless the court or judge thereof shall order the same to be recovered off the plaintiff or defendant personally for mismanagement or bad faith in such action or the defense thereto.

Costs where person sues or defends in the right of another

SEC. 524. When the decision of any officer, tribunal, or court of inferior jurisdiction is brought before a court for review, such review

Costs on review of inferior court.

shall, for all the purposes of costs or disbursements, be deemed an appeal to such court upon errors in law, and costs therein shall be allowed and recovered accordingly.

Costs in certain cases.

SEC. 525. In all actions prosecuted or defended in the name and for the use of any public corporation in the district the public corporation shall be liable for and may recover costs in like manner and with like effect as in the case of natural persons. When the action is upon the information of any natural person, he shall be liable in the first instance for the defendant's costs; and such costs shall not be recovered from the United States until after execution issued therefor against such person and returned unsatisfied in whole or in part.

Security for costs.

SEC. 526. The attorney of a plaintiff who resides out of the district, or is a foreign corporation, against whom costs are adjudged in favor of the defendant, is liable to such defendant therefor; and if he neglect to pay the same upon the information of such defendant, shall be punished as for a contempt. The attorney may relieve or discharge himself from such liability by filing an undertaking at the commencement of the action, or at any time thereafter before judgment, for the payment to the defendant of the costs and disbursements that may be adjudged to him, executed by one or more sufficient sureties.

Same subject.

SEC. 527. The sureties in such undertaking shall possess the qualifications of sureties in an undertaking for bail on arrest, and their sufficiency may be excepted to by the defendant at any time within five days from notice of filing the same, and if so, they shall justify in an amount not less than two hundred dollars, in like manner and with like effect as such sureties for bail on arrest. Until the time for excepting to the sufficiency of the sureties has expired, or if excepted to, until they be found sufficient, the attorney is liable as if no undertaking had been given. A deposit of two hundred dollars, or other sum which the court or judge may direct, with the clerk may be made in lieu of such undertaking.

Costs on motion, etc.

SEC. 528. A sum not exceeding five dollars as costs may be allowed to the prevailing party on a motion, in the discretion of the court, and may be absolute or directed to abide the event of the action. In any action or proceeding as to which the allowance and recovery of costs may not be provided for in this title, costs may be allowed or not, according to the measure herein prescribed, and apportioned among the parties, in the discretion of the court.

CHAPTER FIFTY-THREE.

OF THE RECORDS AND FILES OF COURT.

Sec.
529. Records of court, what constitute.
530. Register, how kept.
531. Journal, what to be entered therein.
532. Judgment docket, how arranged.
533. Execution docket, how kept.
534. Fee book, what to be entered there-
in.

Sec.
535. Final record, what to be recorded
therein.
536. Jury book, how kept.
537. Files of the court, what are.
538. Custody of the records and files.
539. Search and examination of records
and files.

Records of court,
what constitute.

SEC. 529. The records of the district court are a register, journal, judgment docket, execution docket, fee book, jury book, and final record.

Register, how kept.

SEC. 530. The register is a book wherein the clerk shall enter, by its title, every action or proceeding commenced in, or transferred or appealed to, the court whereof he is clerk, according to the date of its commencement, transfer, or appeal; and thereafter, until the entry of judgment, note therein, according to the date thereof, the filing or return of any paper or process, or the making of any order, rule, or other direction in or concerning such action or proceeding.

SEC. 531. The journal is a book wherein the clerk shall enter the proceedings of the court during term time, and such proceedings in vacation as this code specially directs. Journal, what to be entered therein.

SEC. 532. The judgment docket is a book wherein the judgments are docketed, as elsewhere provided in this code. Each page thereof shall be divided into eight columns, and headed as follows: Judgment debtors; Judgment creditors; Amount of judgment; Date of entry in journal; When docketed; Appeal, when taken; Decision on appeal; Satisfaction, when entered. Judgment docket, how arranged.

SEC. 533. The execution docket is a book wherein the clerk shall note, under the title of every cause, the issue and return of execution, and generally the filing or return of any paper or process, or the making of any order, rule, or other direction therein, from and after the entry of judgment or decree until satisfaction or performance thereof. Execution docket how kept.

SEC. 534. The fee book is one wherein the clerk shall enter, under the title of every cause, against the party to which the service is rendered, the clerk's fees earned, and received or not received, and none other, except as specially directed by this code. Fee book, what to be entered therein.

SEC. 535. The final record is a book wherein the clerk shall record the papers, pleadings, and proceedings in a cause, as elsewhere provided in this code. Final record, what to be recorded therein.

SEC. 536. The jury book is one wherein the clerk shall enter the names of the persons attending upon the court at a particular term as grand or trial jurors, the time of the attendance of each, and when discharged or excused, and the amount of fees and mileage earned by each. Jury book, how kept.

SEC. 537. The files of the court are all papers or process filed with or by the clerk of the court in any action or proceeding therein or before the judge thereof. Files of the court, what are.

SEC. 538. The records and files of the court are to be kept in the clerk's office in the custody of the clerk, and he is responsible for them. They shall not be taken out of the office by anyone, except by the judge of the court, or an attorney thereof when allowed by special order of the court or judge, or some general rule therefor prescribed by the court and entered in the journal. Custody of the records and files.

SEC. 539. Whenever requested the clerk, upon being tendered legal fees therefor, shall furnish to any person a certified copy of any portion of such records or files, and no person other than such clerk is entitled to make such copy or to the use of the records or files for such purposes. Whenever requested the clerk shall search such records and files and give a certificate thereof according to the nature of the inquiry. Search and examination of records and files.

CHAPTER FIFTY-FOUR.

GENERAL PROVISIONS CONCERNING SPECIAL PROCEEDINGS.

Sec. 540. Parties to special proceedings, how designated.	Sec. 541. Judgments, orders, and motions.
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SEC. 540. The party prosecuting a writ of review, writ of mandamus, writ of habeas corpus, or a proceeding for contempt shall be known as the plaintiff, and the adverse party as the defendant. Parties to special proceedings, how designated.

SEC. 541. A judgment in a special proceeding is the final determination of the rights of the parties therein. The definition of a motion and an order in an action are applicable to similar acts in a special proceeding. Judgments, orders, and motions.

CHAPTER FIFTY-FIVE.

OF THE WRIT OF REVIEW.

<p>Sec. 542. Writ of certiorari to be known as writ of review. 543. Who may prosecute. 544. By whom allowed and how applied for. 545. When allowed. 546. Undertaking of plaintiff.</p>	<p>Sec. 547. To whom directed. 548. Stay of proceedings; when returnable. 549. When and by whom writ issued; how served. 550. Incomplete return; limitation of writ. 551. Power of court to review.</p>
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Writ of certiorari to be known as writ of review.

Who may prosecute.

SEC. 542. The writ formerly known as the writ of certiorari is known in this title as the writ of review.

SEC. 543. Any party to any process or proceeding before or by any inferior court, officer, or tribunal may have the decision or determination thereof reviewed for errors therein as in this chapter prescribed. Upon a review, the court may review any intermediate order involving the merits necessarily affecting the decision or determination sought to be reviewed.

By whom allowed and how applied for.

SEC. 544. The writ shall be allowed by the district court or judge thereof, upon the petition of the plaintiff, describing the decision or determination sought to be reviewed with convenient certainty, and setting forth the errors alleged to have been committed therein. Such petition shall be signed by the plaintiff or his attorney, and verified by the certificate of an attorney of the court, to the effect that he had examined the process or proceeding and the decision or determination therein, and that the same is erroneous, as alleged in the petition.

When allowed.

SEC. 545. The writ shall be allowed in all cases where there is no appeal or other plain, speedy, and adequate remedy, and where the inferior court, officer, or tribunal in the exercise of judicial functions appears to have exercised such functions erroneously, or to have exceeded it or his jurisdiction, to the injury of some substantial right of the plaintiff.

Undertaking of plaintiff.

SEC. 546. Before allowing the writ, the court or judge shall require the party applying therefor to give an undertaking, with one or more sureties, subject to its or his approval, in the amount to be fixed by it or him, conditioned that he will perform the judgment or decision sought to be reviewed in case the district court shall so order, and judgment may be given by said court against the applicant and his surety or sureties in case the judgment or decision sought to be reviewed shall be affirmed for the amount thereof, and the costs of said proceeding.

To whom directed.

SEC. 547. The writ shall be directed to the court, officer, or tribunal whose decision or determination is sought to be reviewed, or to the clerk or other person having the custody of its records or proceedings, requiring it or them to return the writ to the district court, within a time therein specified, with a certified copy of the record or proceedings in question annexed thereto, that the same may be reviewed by such district court, and requiring the defendant to desist from further proceedings in the matter to be reviewed.

Stay of proceedings; when returnable.

SEC. 548. The words in the writ requiring the stay of proceedings may be inserted or omitted in the discretion of the court or judge issuing the same, and the proceedings shall be stayed or not accordingly. The writ shall be made returnable at the next term of the district court, or in vacation, and if the latter, the same may be tried and judgment given therein, by the judge thereof, in like manner and with like effect as in term time.

When and by whom writ issued; how served.

SEC. 549. Upon the filing of the order allowing the writ, and the petition and undertaking of the plaintiff, the clerk shall issue the writ,

according to the direction of the order. The writ shall be served by delivering a copy of the original to the opposite party in the action or proceeding sought to be reviewed, at least ten days before the return of the original writ, and may be served by an officer or person authorized to serve a summons, who shall indorse on the original writ the manner of service thereof.

SEC. 550. If the return to the writ be incomplete, the court may order a further return to be made. In no case shall a writ be allowed unless the application therefor be made within six months from the date of the decision or determination complained of.

Incomplete return; limitation of writ.

SEC. 551. Upon the review the court shall have power to affirm, modify, reverse, or annul the decision or determination reviewed, and, if necessary, to award restitution to the plaintiff, or, by mandate, direct the inferior court, officer, or tribunal to proceed in the matter reviewed according to its decision. From the judgment of the district court on review an appeal may be taken in like manner and with like effect as from a judgment of such district court in an action.

Power of court to review.

CHAPTER FIFTY-SIX.

OF THE WRIT OF MANDAMUS.

<p>Sec. 552. Mandamus to be known as in this chapter. 553. To whom writ may issue; not to control judicial discretion. 554. How writ applied for and by whom allowed and issued. 555. How directed and served. 556. Either alternative or peremptory; what to contain. 557. When peremptory writ shall be issued in first instance. 558. When defendant may show cause, and how.</p>	<p>Sec. 559. If defendant fail to show cause, peremptory writ to issue. 560. Pleadings and mode of proceeding therein. 561. Recovery of damages. 562. Recovery of damages a bar to other suit or action. 563. When court may impose fine upon defendant. 564. How tried. 565. Appeal from judgment of district court.</p>
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SEC. 552. The writ of mandamus is known in this code as prescribed and regulated in this chapter.

Mandamus to be known as in this chapter.

SEC. 553. It may be issued to any inferior court, corporation, board, officer, or person, to compel the performance of an act which the law specially enjoins as a duty resulting from an office, trust, or station. But though the writ may require such court, corporation, board, officer, or person to exercise its or his judgment, or proceed to the discharge of any of its or his functions, it shall not control judicial discretion. The writ shall not be issued in any case where there is a plain, speedy, and adequate remedy in the ordinary course of the law.

To whom writ may issue: not to control judicial discretion.

SEC. 554. The writ shall be allowed by the court, or judge thereof, upon the petition, verified as a complaint in an action, of the party beneficially interested. It may be allowed with or without notice to the adverse party, as in the case of a writ of review. Upon the filing of the petition and order of allowance, the writ shall be issued by the clerk in accordance therewith.

How writ applied for and by whom allowed and issued.

SEC. 555. The writ shall be directed to the court, corporation, board, officer, or person mentioned or designated in the order of allowance, and may be served thereon by any officer or person authorized to serve a summons by delivery of a copy of the original to such officer or person, or to any member of such court, or to any officer of such corporation upon whom this code authorizes a summons to be served. The proof of service shall be the same as in a writ of review, and obedience to the writ may be enforced in such manner as the court, or judge thereof, shall direct.

How directed and served.

Either alternative or peremptory; what to contain.

SEC. 556. The writ is either alternative or peremptory. When it is alternative, it shall state concisely the facts according to the petition, showing the obligation of the defendant to perform the act, and his omission to perform it, and command him that immediately after the receipt of the writ, or at some other specified time, he do the act required to be performed, or show cause before the court or judge thereof by whom the writ was allowed, at a time and place therein specified, why he has not done so; and that he then and there return the writ, with his certificate annexed, of having done as he is commanded, or the cause of his omission thereof. When peremptory, the writ shall be in similar form, except that the words requiring the defendant to show cause why he has not done as commanded, and to return the cause therefor, shall be omitted.

When peremptory writ shall be issued in first instance.

SEC. 557. When the right to require the performance of the act is clear, and it is apparent that no valid excuse can be given for not performing it, a peremptory mandamus shall be allowed in the first instance; in all other cases the alternative writ shall be first issued.

When defendant may show cause, and how.

SEC. 558. On the return day of the alternative writ, or such further day as the court or judge thereof may allow, the defendant on whom the writ shall have been served may show cause by demurrer or answer to the writ in the same manner as to a complaint in an action.

If defendant fail to show cause, peremptory writ to issue.

SEC. 559. If the defendant do not show cause by demurrer or answer, a peremptory mandamus shall be allowed against him. If the answer contain new matter, the same may be demurred or replied to by the plaintiff within such time as the court or judge may prescribe. If the replication contain new matter, the same may be demurred to by the defendant within such time as the court or judge may prescribe, or he may counterveil such matter on the trial or other proceedings by proof, either in direct denial or by way of avoidance.

Pleadings and mode of proceedings there-in.

SEC. 560. The pleadings in the proceeding by mandamus are those mentioned in the two sections last preceding. They are to have the same effect, and to be construed and may be amended in the same manner, as pleadings in an action. Either party may move to strike out, or be allowed to plead over after motion or demurrer allowed or disallowed, and the issues joined shall be tried and the further proceedings thereon had in like manner and with like effect as in an action.

Recovery of damages.

SEC. 561. If judgment be given for the plaintiff, he shall recover the damages which he shall have sustained by reason of the premises, to be ascertained in the same manner as in an action, together with costs and disbursements, and a peremptory mandamus shall be awarded without delay.

Recovery of damages a bar to other suit or action.

SEC. 562. A recovery of damages by virtue of this chapter against a party who shall have made a return to a writ of mandamus is a bar to any other action against the same party for the same cause.

When court may impose fine upon defendant.

SEC. 563. Whenever a peremptory mandamus is directed to a public officer or body commanding the performance of any public duty specially enjoined by law, if it appear to the court or judge thereof that such officer or any member of such body has without just excuse refused or neglected to perform the duty so enjoined, the court or judge may imprison, or impose a fine, not exceeding one thousand dollars, upon every such officer or member of such body for each refusal.

How tried.

SEC. 564. In the district court the writ may be made returnable either in term time or vacation, and if the latter, may be tried and determined before the judge thereof in like manner and with like effect as in term time.

Appeal from judgment of district court.

SEC. 565. From the judgment of the district court, or judge thereof, refusing to allow a mandamus, or directing a peremptory mandamus, an appeal may be taken in like manner and with like effect as in an action.

CHAPTER FIFTY-SEVEN.

OF THE WRIT OF HABEAS CORPUS.

<p>Sec. 566. Who may prosecute. 567. Who not entitled to prosecute. 568. By whom allowed, and application therefor. 569. Petition for writ; what it shall contain. 570. When allowed. 571. What the writ shall contain. 572. Not to be disobeyed for want of form. 573. What the return shall contain. 574. Person to be produced. 575. Warrant to issue in case of neglect or refusal to obey. 576. If officer neglects, to whom warrant to issue. 577. Precept to marshal. 578. When cause to be inquired into. 579. If any legal cause shown, discharge granted. 580. When party to be remanded. 581. In certain cases, when to be discharged. 582. Legality of certain judgments and process not to be inquired into. 583. On commitment for criminal offenses, how to proceed. 584. Until judgment given, how to be kept. 585. When notice to be given to third party. 586. Notice, when given to the district attorney. 587. Return may be controverted. 588. Pleadings on the return.</p>	<p>Sec. 589. When production of person dispensed with. 590. Judgment of discharge or dismissal of proceedings. 591. Precept requiring the production of the person. 592. Obedience to judgment of discharge, how enforced. 593. Person once discharged not again imprisoned. 594. When warrant to issue in lieu of habeas corpus. 595. Arrest of the person having custody of the party. 596. Warrant, how executed and the proceedings thereon. 597. Person arrested to be committed or bailed. 598. Penalty for refusing copy of order. 599. When district attorney may apply for a writ. 600. By whom served; tender of fees and undertaking. 601. How served. 602. Same subject. 603. Duty to obey writ. 604. When charges for producing party may be ordered paid. 605. Proof of service. 606. Within what time return to be made. 607. What court has jurisdiction. 608. Appeal from judgment; question not to be reexamined.</p>
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SEC. 566. Every person imprisoned, or otherwise restrained of his liberty, within the district, under any pretense whatsoever, except in the cases specified in the next section, may prosecute a writ of habeas corpus according to the provisions of this chapter, to inquire into the cause of such imprisonment or restraint, and if illegal to be delivered therefrom.

Who may prosecute.

SEC. 567. Persons properly imprisoned or restrained by virtue of the legal judgment of a competent tribunal of civil or criminal jurisdiction, or by virtue of an execution regularly and lawfully issued upon such judgment or decree, shall not be allowed to prosecute the writ.

Who not entitled to prosecute.

SEC. 568. The writ shall be allowed by the court, or the judge thereof, upon the petition of the party for whose relief it is intended, or by some other person in his behalf, signed and verified by the oath of the petitioner, to the effect that he believes it to be true.

By whom allowed, and application therefor.

SEC. 569. The petition shall state in substance—

Petition for writ; what it shall contain.

First. That the party in whose behalf the writ is applied for is imprisoned or restrained of his liberty, the place where, and officer or person by whom he is imprisoned or restrained, naming both parties, if their names be known, or describing them, if not known;

Second. That such person is not imprisoned or restrained by virtue of any order, judgment, or process specified in section five hundred and sixty-seven;

Third. The cause or pretense of such imprisonment or restraint, according to the best knowledge or belief of the petitioner;

Fourth. If the imprisonment or restraint be in virtue of any order, warrant, or process, a copy thereof shall be annexed to the petition,

or it must be alleged that, by reason of the removal or concealment of the party before the application, a demand of such copy could not be made, or that such demand was made, and the legal fees therefor tendered to the person having the party in his custody, and that a copy was refused;

Fifth. If the imprisonment or restraint be alleged to be illegal, in what the alleged illegality consists;

Sixth. That the legality of the imprisonment or restraint has not been already adjudged upon a prior writ of habeas corpus to the knowledge or belief of the petitioner.

When allowed.

SEC. 570. The court or judge to whom the petition is presented must allow the writ without delay, unless it appears from the petition itself, or from the documents annexed thereto, that the person for whose relief it is intended is by the provisions of this chapter prohibited from prosecuting the writ. Upon the filing of the petition and the order of allowance with the clerk, the clerk shall issue the writ immediately in accordance therewith.

What the writ shall contain.

SEC. 571. The writ shall command the defendant to produce the person imprisoned or restrained, by whatsoever name he may be charged or called, and certify and return therewith the time and cause of his imprisonment or restraint, before the court or judge allowing the writ, at a time and place therein specified, or immediately after the receipt of the writ, to do and receive what shall then and there be considered concerning the person so imprisoned or restrained; or when it appears by the petition and documents thereto annexed that the cause or offense for which the person is imprisoned or restrained is not bailable, the production of the party may be dispensed with, though such production be prayed for in the petition, and the writ issued accordingly.

Not to be disobeyed for want of form.

SEC. 572. The writ shall not be disobeyed for any defect of form. It is sufficient—

First. If the officer or person having the custody of the party imprisoned or restrained be designated either by his name of office, if he have any, or by his own name, or if both such names be unknown or uncertain, he may be described by an assumed appellation; and anyone who may be served with the writ is to be deemed the officer or person to whom it was directed, although it may be directed to him by a wrong name or description, or to another person;

Second. If the person who is directed to be produced be designated by name, or if his name be uncertain or unknown, he may be described in any other way, so as to designate the person intended.

What the return shall contain.

SEC. 573. The officer or person upon whom the writ shall have been duly served shall state in his return, plainly and unequivocally—

First. Whether he has or has not the party in his custody or power or under his restraint, and if he have not, whether he has had the party in his custody or under his power or restraint at any and what time prior or subsequent to the date of the writ;

Second. If he has the party in his custody or power, or under his restraint, the authority and true cause of such imprisonment or restraint, setting forth the same at large;

Third. If the party be detained by virtue of any writ, warrant, or other written authority, a copy thereof shall be annexed to the return, and the original shall be produced and exhibited on the return of the writ to the court or judge before whom the same is returnable;

Fourth. If the person upon whom such writ shall have been served shall have had the party in his power or custody or under his restraint at any time prior or subsequent to the date of the writ, but has transferred such custody or restraint to another, the return shall state particularly to whom, at what time, for what cause, and by what authority such transfer took place. The return shall be signed by the person making the same, and, except where such person shall be a sworn

public officer and shall make his return in his official capacity, it shall be verified by oath.

SEC. 574. The person or officer on whom the habeas corpus shall have been served shall also bring the body of the person in his custody, according to the command of such writ, except in the case of the sickness of such person, as hereinafter provided.

Person to be produced.

SEC. 575. If the person upon whom such writ shall have been duly served shall refuse or neglect to obey the same by producing the party named in such writ and making a full and explicit return thereto within the time required, and no sufficient excuse be shown, it shall be the duty of the court or judge before whom such writ shall have been made returnable, upon due proof of the service thereof, forthwith to issue a warrant against such person, directed to the marshal, and commanding him forthwith to apprehend such person and bring him immediately before such court or judge; and on such person being so brought he shall be committed to close custody until he shall make return to such writ and comply with any order that may be made in relation to the person for whose relief such writ shall have been issued.

Warrant to issue in case of neglect or refusal to obey.

SEC. 576. If the marshal or any deputy shall have neglected to return such writ, the warrant may be directed to any other person to be designated therein, who shall have full power to execute the same, and such marshal or deputy upon being brought up may be committed to any jail or other place of imprisonment in the district.

If officer neglects, to whom warrant to issue.

SEC. 577. The court or judge by whom any such warrant shall be issued may also, at the same time or afterwards, issue a precept to the marshal or other person to whom such warrant shall have been directed, commanding him to bring forthwith before such court or judge the party for whose benefit such writ shall have been allowed, who shall thereafter remain in the custody of such marshal or person until discharged or remanded.

Precept to marshal.

SEC. 578. The court or judge before whom the party shall be brought on such writ shall, immediately after the return thereof, proceed to examine into the facts contained in such return and into the cause of the imprisonment or restraint of such party, whether the same shall have been upon commitment for any criminal or supposed criminal matter or not.

When cause to be inquired into.

SEC. 579. If no legal cause be shown for such imprisonment or restraint, or for the continuation thereof, the court or judge shall discharge such party from the custody or restraint under which he is held.

If any legal cause shown, discharge granted.

SEC. 580. It shall be the duty of the court or judge forthwith to remand such party if it shall appear that he is legally detained in custody.

When party to be remanded.

SEC. 581. If it appear on the return that the prisoner is in custody by virtue of an order or civil process of any court legally constituted, or issued by an officer in the course of judicial proceedings before him, authorized by law, such prisoner shall be discharged in either of the following cases:

In certain cases, when to be discharged.

First. When the jurisdiction of such court or officer has been exceeded, either as to matter, place, sum, or person;

Second. When, though the original imprisonment was lawful, yet by some act, omission, or event which has taken place afterwards the party has become entitled to be discharged;

Third. When the order or process is defective in some matter of substance required by law, rendering such process void;

Fourth. When the order or process, though in proper form, has been issued in a case not allowed by law;

Fifth. When the person having the custody of the prisoner under such order or process is not the person empowered by law to detain him; or,

Sixth. When the order or process is not authorized by any judgment of any court, nor by any provision of law.

Legality of certain judgments and process not to be inquired into.

SEC. 582. But no court or judge, on the return of a writ of habeas corpus, has power to inquire into the legality or justice of any order, judgment, or process specified in section five hundred and sixty-seven, nor into the justice, propriety, or legality of any commitment for a contempt made by a court, officer, or body, according to law, and charged in such commitment, as provided by law.

On commitment for criminal offenses, how to proceed.

SEC. 583. If it appear that the party has been legally committed for a criminal offense, or if he appear by the testimony offered with the return, or upon the hearing thereof, to be probably guilty of such offense, although the commitment be irregular, he shall forthwith be remanded to the custody or placed under the restraint from which he was taken, if the officer or person under whose custody or restraint he was be legally entitled thereto; if not so entitled, he shall be committed to the custody of the officer or person so entitled.

Until judgment given, how to be kept.

SEC. 584. Until judgment be given upon the return, the party may either be committed to the custody of the marshal or placed in such care or under such custody as his age and other circumstances may require.

When notice to be given to third party.

SEC. 585. When it appears, from the return to the writ, that the party named therein is in custody on an order or process under which another person has an interest in continuing his imprisonment or restraint, no order shall be made for his discharge until it shall appear that the party so interested, or his attorney, shall have had notice of the time and place at which such writ shall have been made returnable.

Notice, when given to the district attorney.

SEC. 586. When it appears from the return that the party is imprisoned or restrained on a criminal accusation, the court or judge shall make no order for his discharge until notice of the return is given to the district attorney.

Return may be controverted.

SEC. 587. The plaintiff in the proceeding, on the return of the writ, may, by replication, verified as in an action, controvert any of the material facts set forth in the return, or he may allege therein any fact to show, either that his imprisonment or restraint is unlawful, or that he is entitled to his discharge; and thereupon the court or judge shall proceed in a summary way to hear such evidence as may be produced in support of the imprisonment or restraint, or against the same, and to dispose of the party as the law and justice of the case may require.

Pleadings on the return.

SEC. 588. The plaintiff may demur to the return, or the defendant may demur to the new matter, if any, set forth in the replication of the plaintiff, or by proof controvert the same, as upon a direct denial or avoidance. The pleadings herein provided for shall be made within such time as the court or judge shall direct, and they shall be construed and have the same effect as in an action.

When production of person dispensed with.

SEC. 589. Whenever, from the sickness or infirmity of the party, he can not without danger be produced, the officer or person in whose custody he is may state that fact in his return to the writ, and if satisfied of the truth of the allegation, and the return be otherwise sufficient, the court or judge shall proceed to decide on the return and to dispose of the matter in the same manner as if the party had been produced.

Judgment of discharge or dismissal of proceedings.

SEC. 590. If it appear that the party detained is illegally imprisoned or restrained, judgment shall be given that he be forthwith discharged; otherwise judgment shall be given that the proceeding be dismissed and the party remanded.

Precept requiring the production of the person.

SEC. 591. Notwithstanding the issuing of the writ without requiring the production of the person, the court or judge before whom the same was returnable may, before final decision, issue a precept to

the officer or other person to whom the writ was directed, requiring the production of the person.

SEC. 592. Obedience to a judgment for the discharge of a person imprisoned or restrained, pursuant to the provisions of this chapter, may be enforced by the court or judge by proceedings for a contempt. No officer or other person is liable to any action or proceeding for obeying such judgment of discharge.

Obedience to judgment of discharge, how enforced.

SEC. 593. No person who has been finally discharged upon a proceeding by habeas corpus, pursuant to the provisions of this chapter, shall be again imprisoned, restrained, or kept in custody, for the same cause; but it is not to be deemed the same cause—

Person once discharged not again imprisoned.

First. If he have been discharged from a commitment on a criminal charge, and be afterwards committed for the same offense by the legal order or process of the court, wherein he is bound by recognizance or undertaking to appear, or in which he is indicted or convicted for the same offense; or,

Second. If, after a judgment or discharge for a defect of evidence, or for a material defect in the commitment, in a criminal case, the party be again arrested on sufficient evidence, and committed by legal process for the same offense; or,

Third. If, after a civil action, the party have been discharged for any illegality in the judgment, decree, or process hereinbefore specified, and be afterwards imprisoned for the same cause of action; or,

Fourth. If, in a civil action, he have been discharged from commitment on a writ of arrest, and be afterwards committed on execution, in the same action, or on a writ of arrest in another action, after the dismissal of the first one.

SEC. 594. Whenever it appears by satisfactory evidence that any person is illegally imprisoned or restrained, and that there is good reason to believe that he will be carried out of the district, or suffer some irreparable injury before he can be relieved by the issuing of a writ of habeas corpus, any court or judge authorized to issue such writ may issue a warrant reciting the facts, and directed to the marshal or any other person therein designated, commanding such officer or person to take such person, and forthwith to bring him before such court or judge, to be dealt with according to law.

When warrant to issue in lieu of habeas corpus.

SEC. 595. When the proof mentioned in the last section shall also be sufficient to justify an arrest of the person having the party in his custody, as for a criminal offense, committed in the taking or detaining of such party, the warrant may also contain an order for the arrest of such person for such offense.

Arrest of the person having custody of the party.

SEC. 596. Any officer or person to whom such warrant shall be directed shall execute the same by bringing the party therein named and the person who detains him, if so commanded by the warrant, before the court or judge issuing the same; and thereupon the person detaining such party shall make a return in like manner, and the like proceeding shall be had thereon as if a writ of habeas corpus had been issued in the first instance.

Warrant, how executed and the proceedings thereon.

SEC. 597. If the person having such party in his custody be brought before the court or judge as for a criminal offense, he shall be examined, committed, bailed, or discharged by the court or judge in like manner as in other criminal cases of the like nature.

Person arrested to be committed or bailed.

SEC. 598. Any officer or other person refusing to deliver a copy of any order, warrant, process, or other authority by which he shall detain any person to anyone who shall demand such copy and tender the fees therefor shall forfeit two hundred dollars to the person so detained.

Penalty for refusing copy of order.

SEC. 599. Whenever a writ of habeas corpus is required in any action or proceeding, civil or criminal, to which the United States is a party, the application therefor may be made by the district attorney, and

When district attorney may apply for a writ.

whenever so issued the court or judge shall state in the order of allowance that it was issued on such application.

By whom served:
tender of fees and un-
dertaking.

SEC. 600. A writ of habeas corpus may be served by the marshal, or by any other person therein designated, at any place within the district, and the service thereof shall not be deemed complete, so as to require the prisoner to be brought up before the court or judge issuing the same, unless the party serving the same shall tender to the person in whose custody the prisoner may be, if such person be a marshal or other officer, the fees allowed by law for bringing up such prisoner; nor unless he shall also enter into an undertaking to such marshal or other officer, as the case may be, in a penalty double the amount of the sum for which such prisoner may be detained, if he be detained for any specific amount of money, and if not, then in such a sum as the judge granting the writ shall direct, not exceeding one thousand dollars, to the effect that such person shall pay the charges for carrying back such prisoner if he shall be remanded, and that such prisoner will not escape by the way, either in going to or returning from the place to which he is taken. If such fees be not paid, or such security be not tendered, the officer to whom the writ is directed shall make return thereto, in the manner required by section five hundred and seventy-three, and shall state therein the reason why such prisoner is not produced, and thereupon the court or judge granting the writ may proceed as if the prisoner were produced. But this section, from and inclusive of the words "and the service thereof," does not apply to a case wherein the writ is issued on the application of the district attorney.

How served

SEC. 601. The writ of habeas corpus may be served by delivery of a certified copy of the original to the officer or person to whom it is directed, or, if he can not be found, by leaving such copy at the jail or other place in which the party is imprisoned or restrained, with any under officer or other person having charge for the time of such party.

Same subject.

SEC. 602. If the officer or person on whom the writ ought to be served conceal himself, or refuse admittance to the person attempting to serve it, it may be served by affixing it in some conspicuous place on the outside either of his dwelling house or the jail or other place where the party is confined.

Duty to obey writ.

SEC. 603. It is the duty of the marshal or other officer upon whom a writ of habeas corpus has been served, whether such writ be directed to him or not, upon payment or tender of the fees allowed by law and the delivery or tender of the undertaking herein prescribed, to obey and return the writ according to the exigency thereof; and it is the duty of every other person upon whom the writ is served, having the custody of the person for whose benefit it is issued, to obey and return it in like manner without requiring the payment of any fees, unless the judgment of such fees has been required by the court or judge allowing such writ.

When charges for
producing party may
be ordered paid.

SEC. 604. Every court or judge allowing a writ of habeas corpus, directed to a person other than the marshal or other officer, may, in its discretion, require, in order to render the service effectual, that the charges of producing the party be paid by the applicant; and in such case the court or judge shall, in the order allowing the writ, specify the amount of such charges, which shall not exceed the fees allowed by law to marshals for similar services.

Proof of service.

SEC. 605. The proof of service of the writ of habeas corpus shall be the same as in the service of a summons, except that the same shall be indorsed upon a copy of the writ made by the officer or person serving it, and returned to the clerk who issued the writ.

Within what time
return to be made.

SEC. 606. If the writ be returnable at a certain time, such return shall be made and the party produced, if required or there be no valid

excuse therefor, as herein provided, at the time and place specified therein; if it be returnable forthwith, and the place of return be within twenty miles of the place of service, the return must be made and the party produced within twenty-four hours, and the same time is allowed for every additional twenty miles.

SEC. 607. At any time after the allowance of such writ or warrant by the court or judge thereof, the plaintiff therein, or the person applying therefor on his behalf, may give notice to the judge issuing the same, and thereupon, if necessary to avoid delay, such judge shall by order require that the return be made and the party produced before him at such time and place as may be convenient.

What court has jurisdiction.

SEC. 608. Any party to a proceeding by habeas corpus, including the United States when the district attorney appears therein, may appeal from the judgment of the district court refusing to allow such writ or any final judgment therein, either in term time or vacation, in like manner and with like effect as in an action. No question once finally determined upon a proceeding by habeas corpus shall be reexamined upon another or subsequent proceeding of the same kind.

Appeal from judgment; question not to be reexamined.

CHAPTER FIFTY-EIGHT.

OF THE PUNISHMENT OF CONTEMPTS.

<p>Sec. 609. Contempts defined. 610. Punishment for contempt. 611. In presence of court, how punished. 612. In other cases, mode of proceeding. 613. If defendant imprisoned, may be brought up. 614. The United States is plaintiff; when district attorney may prosecute. 615. When defendant bailed; how warrant executed. 616. Bail, how given.</p>	<p>Sec. 617. Return of warrant, and proceedings on appearance. 618. Determination and sentence. 619. Judgment to indemnify party injured. 620. When party may be imprisoned. 621. Person also liable to indictment. 622. If party do not appear, proceedings thereon. 623. Appeal from judgment.</p>
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SEC. 609. The following acts or omissions, in respect to a court of justice, or proceedings therein, are deemed to be contempts of the authority of the court:

Contempts defined.

First. Disorderly, contemptuous, or insolent behavior toward the judge while holding the court, tending to impair its authority or to interrupt the due course of a trial or other judicial proceeding;

Second. A breach of the peace, boisterous conduct, or violent disturbance, tending to interrupt the due course of a trial or other judicial proceeding;

Third. Misbehavior in office, or other willful neglect or violation of duty, by an attorney, clerk, marshal, or other person appointed or selected to perform a judicial or ministerial service;

Fourth. Deceit, or abuse of the process or proceedings of the court, by a party to an action or special proceeding;

Fifth. Disobedience of any lawful judgment, order, or process of the court;

Sixth. Assuming to be an attorney or other officer of the court, and acting as such without authority in a particular instance;

Seventh. Rescuing any person or property in the custody of an officer by virtue of an order or process of such court;

Eighth. Unlawfully detaining a witness or party to an action or proceeding while going to, remaining at, or returning from the court where the same is for trial;

Ninth. Any other unlawful interference with the process or proceedings of the court;

Tenth. Disobedience of a subpoena duly served, or refusing to be sworn or answer as a witness;

Eleventh. When summoned as a juror in a court, improperly conversing with a party to an action or proceeding to be tried at such court, or with any other person in relation to the merits of such action, or proceeding, or receiving a communication from a party or other person in respect to it without immediately disclosing the same to the court;

Twelfth. Disobedience by an inferior tribunal, magistrate, or officer of the lawful judgment, order, or process of a superior court, or proceeding in an action or proceeding contrary to law, after such action or proceeding shall have been removed from the jurisdiction of such inferior tribunal, magistrate, or officer. The conduct specified in subdivisions first and second of this section, when committed before a judicial officer, or disobedience of the lawful order or process of such officer made in the cases specified in section seven hundred and eleven, is also to be deemed a contempt of the authority of such officer.

Punishment for contempt.

SEC. 610. Every court of justice and every judicial officer has power to punish contempt by fine or imprisonment, or both. But such fine shall not exceed three hundred dollars nor the imprisonment six months; and when the contempt is not one of those mentioned in subdivisions first and second of the last section, or in subdivision first of section seven hundred and eleven it must appear that the right or remedy of a party to an action or proceeding was defeated or prejudiced thereby before the contempt can be punished otherwise than by fine not exceeding one hundred dollars.

In presence of court, how punished.

SEC. 611. When a contempt is committed in the immediate view and presence of the court or officer, it may be punished summarily, for which an order must be made reciting the facts as occurring in such immediate view and presence, determining that the person proceeded against is thereby guilty of a contempt, and that he be punished as therein prescribed. In other cases of contempt the trial shall proceed upon testimony produced as in criminal cases and the accused shall be entitled to be confronted with the witnesses against him, but such trial shall be by the court or, in the discretion of the court, upon application of the accused, a trial by jury may be had as in any criminal case.

In other cases, mode of proceeding.

SEC. 612. In cases other than those mentioned in the section last preceding, before any proceedings can be taken therein the facts constituting the contempt must be shown by an affidavit presented to the court or judicial officer, and thereupon such court or officer may either make an order upon the person charged to show cause why he should not be arrested to answer, or issue a warrant of arrest to bring such person to answer in the first instance.

If defendant imprisoned, may be brought out.

SEC. 613. If the party charged be in the custody of an officer, by virtue of a legal order or process, civil or criminal, except upon a sentence for a felony, an order may be made for the production of such person by the officer having him in custody, that he may answer, and he shall thereupon be produced and held, until an order be made for his disposal.

The United States is plaintiff, when district attorney may prosecute.

SEC. 614. In the proceeding for a contempt the United States is the plaintiff. In all cases of public interest the proceeding may be prosecuted by the district attorney on behalf of the United States; and in all cases where the proceeding is commenced upon the relation of a private party, such party shall be deemed a coplaintiff with the United States.

When defendant bailed; how warrant executed.

SEC. 615. Whenever a warrant of arrest is issued pursuant to this chapter the court or judicial officer shall direct therein whether the person charged may be let to bail for his appearance upon the war-

rant or detained in custody without bail, and if he may be bailed, the amount in which he may be let to bail. Upon executing the warrant of arrest, the marshal must keep the person in actual custody, bring him before the court or judicial officer, and detain him until an order be made in the premises, unless the person arrested entitle himself to be discharged as provided in section six hundred and sixteen.

SEC. 616. The defendant shall be discharged from the arrest upon executing and delivering to the marshal, at any time before the return day of the warrant, an undertaking, with two sufficient sureties, to the effect that the defendant will appear on such return day, and abide the order or judgment of the court or officer thereupon, or pay, as may be directed, the sum specified in the warrant.

Bail, how given.

SEC. 617. The marshal shall return the warrant of arrest, and the undertaking, if any, given him by the defendant, by the return day therein specified. When the defendant has been brought up or has appeared, the court or judicial officer shall proceed to investigate the charge by examining such defendant and witnesses for or against him, for which an adjournment may be had from time to time if necessary.

Return of warrant, and proceedings on appearance.

SEC. 618. Upon the evidence so taken the court or judicial officer shall determine whether or not the defendant is guilty of the contempt charged, and if it be determined that he is so guilty, shall sentence him to be punished as provided in this chapter.

Determination and sentence.

SEC. 619. If any loss or injury to a party in an action or proceeding, prejudicial to his rights therein, have been caused by the contempt, the court or judicial officer, in addition to the punishment imposed for the contempt, may give judgment that the party aggrieved recover off the defendant a sum of money sufficient to indemnify him and to satisfy his costs and disbursements, which judgment, and the acceptance of the amount thereof, is a bar to any action or proceeding by the aggrieved party for such loss or injury.

Judgment to indemnify party injured.

SEC. 620. When the contempt consists in the omission or refusal to perform an act which is yet in the power of the defendant to perform, he may be imprisoned until he shall have performed it; and in such case the act must be specified in the warrant of commitment.

When party may be imprisoned.

SEC. 621. Persons proceeded against according to the provisions of this chapter are also liable to indictment for the same misconduct, if it be an indictable offense; but the court, before his conviction is had on the indictment, in passing sentence, shall take into consideration the punishment before inflicted.

Person also liable to indictment.

SEC. 622. When a warrant of arrest has been returned served, if the defendant do not appear on the return day, the court or judicial officer may issue another warrant of arrest, or may order the undertaking to be prosecuted, or both. If the undertaking be prosecuted, and the aggrieved party join in the action, and the sum specified therein be recovered, so much thereof as will compensate such party for the loss or injury sustained by reason of the misconduct for which the warrant was issued shall be deemed to be recovered for such party exclusively.

If party do not appear, proceedings thereon.

SEC. 623. Either party to a judgment in a proceeding for a contempt may appeal therefrom in like manner and with like effect as from a judgment in an action; but such appeal shall not have the effect to stay the proceeding in any other action or proceeding, or upon any judgment, decree, or order therein concerning which or wherein such contempt was committed. Contempts of justices' courts are punishable in the manner specially provided in the procedure before them.

Appeal from judgment.

CHAPTER FIFTY-NINE.

OF THE MEANS OF THE PRODUCTION OF EVIDENCE.

- Sec. 624. Subpoena for witness defined.
- 625. Subpoena, how and by whom issued.
- 626. Subpoena, when and to whom issued in blank.
- 627. Subpoena, how served.
- 628. How served if witness concealed.
- 629. Proof of service.
- 630. When witness obliged to attend.
- 631. Person present compelled to testify.

- Sec. 632. Disobedience to subpoena, how punished.
- 633. Forfeiture therefor.
- 634. When warrant may be issued to bring witness.
- 635. Warrant of arrest or commitment.
- 636. If witness be a prisoner, how produced or examined.

Subpoena for witness defined.

SEC. 624. The process by which the attendance of a witness is required is a subpoena. It is a writ directed to a person and requiring his attendance at a particular time and place, to testify as a witness in a particular action, suit, or proceeding therein specified, on behalf of a particular party therein mentioned. It may also require him to bring with him any books, documents, or other things under his control which he is bound by law to produce in evidence.

Subpoena, how and by whom issued.

SEC. 625. The subpoena is as follows:

First. To require attendance before a court of record, or at the trial of an issue therein, or out of such court in an action, suit, or proceeding pending therein, by the clerk of such court;

Second. To require attendance before a commissioner appointed to take testimony by a court of the United States, or any State or Territory, or any foreign country, by any clerk of a court of record, in places within the jurisdiction of such court;

Third. To require attendance before the judge, justice of the peace, or other person authorized by law to take the testimony or affidavit of another, by such judge, justice of the peace, or other person, in the places within their respective jurisdiction.

Subpoena, when and to whom issued in blank.

SEC. 626. The subpoenas authorized by subdivisions first and second of the last section, upon the request of a party and an attorney of the court, shall be issued by the clerk in blank, and delivered to such party or attorney, who may thereafter fill up such blank with the name of the witness or witnesses that he may desire to be subpoenaed, and cause the same to be served as in this chapter required.

Subpoena, how served.

SEC. 627. A subpoena may be served by the party or any other competent person over eighteen years of age. The service is made by reading and showing the original and delivering a copy to the witness personally, giving or offering to him at the same time the fees to which he is entitled for travel to and from the place designated, and one day's attendance there. Such service must be made so as to allow the witness a reasonable time for preparation and travel to the place of attendance.

How served if witness concealed.

SEC. 628. The marshal or any deputy or any person specially appointed by him, but none other, is authorized and required to break into any building or vessel in which a witness may be concealed, so as to prevent the service of a subpoena, and serve the same upon such witness.

Proof of service.

SEC. 629. Proof of service of a subpoena shall be made in the same manner as in the service of a summons.

When witness obliged to attend.

SEC. 630. A witness is not obliged to attend for oral examination or otherwise at a place distant more than one hundred miles from the place where he resides or at which he may be served with a subpoena; except that in an action or proceeding pending in a court of record the court or judge thereof, upon the affidavit of the party, or some one on his behalf, showing that the testimony of the witness is material

and his oral examination important and desirable, may indorse upon the subpoena an order for the attendance of the witness; the service of such subpoena and order and the payment of legal fees to the witness are sufficient to require his attendance, if he be served within the district.

SEC. 631. A person present in court or before a judicial officer may be required to testify in the same manner as if he were in attendance before such court or officer on a subpoena.

Person present compelled to testify.

SEC. 632. Disobedience to a subpoena, or a refusal to be sworn, or to answer as a witness, or to subscribe an affidavit or deposition when required, may be punished as a contempt by the court or officer before whom he is required to attend or the refusal takes place, and if the witness be a party his complaint, answer, or reply may be stricken out.

Disobedience to subpoena, how punished.

SEC. 633. A witness disobeying a subpoena duly served shall forfeit to the party requiring his attendance the sum of fifty dollars and all damages which he may sustain by the failure of the witness to attend, which forfeiture and damages may be recovered by an action at law.

Forfeiture therefor.

SEC. 634. In case of the failure of a witness to attend, the court or officer before whom he is required to attend, upon proof of the due service of the subpoena and tender of his fees, may issue a warrant to the marshal requiring him to arrest the witness and bring him before the court or officer where his attendance was required.

When warrant may be issued to bring witness.

SEC. 635. Every warrant of commitment issued by a court or officer pursuant to this chapter shall specify therein the cause of the commitment; and if it be for refusing to answer a question such question shall be stated in the warrant.

Warrant of arrest or commitment.

SEC. 636. If the witness be a prisoner, confined in a prison within the district, an order for his examination in the prison upon a deposition, or for his temporary removal and production, before a court or officer, for the purpose of being orally examined, may be made as follows:

If witness be a prisoner, how produced or examined.

First. By the court or judge thereof in which the action or proceeding is pending, unless it be a court of a justice of the peace;

Second. By any judge of a court of record, when the action or proceeding is pending in a justice's court, or when the witness's deposition, affidavit, or oral examination is required before a judge or other person out of court;

Third. Such order shall only be made upon the affidavit of the party desiring the order, or some one on his behalf, showing the nature of the action or proceeding, the testimony expected from the witness, and its materiality;

Fourth. If the witness be imprisoned at the place where the action or proceeding is pending, and for a cause other than a sentence for felony, his production may be required; in all other cases his examination shall be taken by deposition.

CHAPTER SIXTY.

OF THE MODE OF TAKING THE TESTIMONY OF WITNESS.

- Sec. 637. How authenticated if taken outside the district.
- 638. Affidavit, when may be used.
- 639. When deponent to be produced for cross-examination.

- Sec. 640. Proof of publication by affidavit.
- 641. Where affidavit may be filed, and effect thereof.

SEC. 637. An affidavit or deposition taken in any State or Territory of the United States, the District of Columbia, or in a foreign coun- How authenticated if taken outside the district.

try, otherwise than upon commission, must be authenticated as follows before it can be used in the district:

First. It must be certified by a commissioner appointed by the governor of the district to take affidavits and depositions in such State, Territory, District, or country, or

Second. It must be certified by a judge of a court having a clerk and a seal to have been taken and subscribed before him at a time and place therein specified, and the existence of the court, the fact that such judge is a member thereof, and the genuineness of his signature shall be certified by the clerk of the court, under the seal thereof.

Affidavit, when may be used.

SEC. 638. An affidavit may be used to prove the service of a summons, notice, or other paper in an action or proceeding to obtain a provisional remedy, the examination of a witness, or a stay of proceedings, or upon a motion, and in any other case expressly provided for by law, except as provided in the next section.

When deponent to be produced for cross-examination.

SEC. 639. Whenever a provisional remedy has been allowed upon affidavit, the party against whom it is allowed may serve upon the party by whom it was obtained a notice requiring the person making the affidavit to be produced before some officer authorized to administer oaths, therein named, for cross-examination. Thereupon the party to whom the remedy was allowed shall lose the benefit of the affidavit and all proceedings founded thereon, unless within eight days, or such other time as the court or judge thereof may direct, upon a previous notice to his adversary of at least three days, he produce the deponent for examination before the officer mentioned in the notice, or some other of like authority, provided for in the order of the court or judge. Upon such production the deponent may be examined by either party, but a party shall not be obliged to produce a witness for examination as in this section provided, except within the district where the provisional remedy was allowed.

Proof of publication by affidavit.

SEC. 640. Proof of the publication of a document or notice required by law, or by an order of court or a judge, to be published in a newspaper, may be made by the affidavit of the printer of the newspaper or his foreman or principal clerk, annexed to a copy of the document or notice, specifying the times when and the paper in which the publication was made. But such affidavit must be made within six months after the last day of publication.

Where affidavit may be filed, and effect thereof.

SEC. 641. If such affidavit be made in an action or proceeding pending in a court, it may be filed with the clerk thereof; and the same is primary evidence of the facts therein stated.

CHAPTER SIXTY-ONE.

OF DEPOSITIONS.

Sec. 642. Deposition, when used.
643. Testimony of witness out of the district.

Sec. 644. When deposition taken of witness within district.

Deposition, when used.

SEC. 642. In all cases other than those mentioned in section six hundred and thirty-eight where a written declaration under oath is used, it must be a deposition.

Testimony of witness out of the district.

SEC. 643. The testimony of a witness out of the district may be taken by deposition in an action at any time after the service of the summons or the appearance of the defendant, and in a special proceeding at any time after a question of fact has arisen therein.

When deposition taken of witness within district.

SEC. 644. The testimony of a witness in the district may be taken by deposition, in an action, at any time after the service of the summons, or the appearance of the defendant; and in a special proceeding after a question of fact has arisen therein, in the following cases:

First. When the witness is a party to the action or proceeding, by the adverse party;

Second. When the witness's residence is such that he is not obliged to attend in obedience to the subpoena, as provided in section six hundred and thirty;

Third. When the witness is about to go more than one hundred miles beyond the place of trial;

Fourth. When the witness, otherwise liable to attend the trial, is nevertheless too infirm to attend;

Fifth. When the testimony is required upon a motion, or in any other case where the oral examination of the witness is not required.

CHAPTER SIXTY-TWO.

OF THE MANNER OF TAKING DEPOSITIONS OUT OF THE DISTRICT.

<p>Sec. 645. Testimony of a witness out of the district, how taken. 646. Commission, how and by whom issued. 647. Interrogatories may be annexed. 648. Contents of commission.</p>	<p>Sec. 649. Trial, when postponed therefor. 650. Deposition taken out of district before commission. 651. Either party may attend or require written interrogatories.</p>
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SEC. 645. The deposition of a witness out of the district may be taken upon commission issued from the court, or without commission before a commissioner appointed by the governor of the district to take depositions in any State, Territory, or District of the United States, or in any foreign country.

Testimony of a witness out of the district, how taken.

SEC. 646. The commission may be issued by the clerk of the court, or by a justice of the peace in a cause in his own court, on the application of either party upon five days' previous notice to the other. It shall be issued to a person agreed upon by the parties, or if they do not agree, to a judge, justice of the peace, notary public, or clerk of a court, selected by the officer issuing it.

Commission, how and by whom issued.

SEC. 647. Such interrogatories, direct and cross, as the respective parties may prepare, to be settled by the clerk or justice in a summary manner as to the form thereof, if the parties disagree, may be annexed to the commission, or when the parties agree to that mode, the examination may be without written interrogatories.

Interrogatories may be annexed.

SEC. 648. The commission shall authorize the commissioner to administer an oath to the witness and to take his deposition in answer to the interrogatories, or when the examination is to be without them, in respect to the question in dispute, and to certify the deposition to the court in a sealed envelope, directed to the clerk or justice who issued the commission, or other person designated and agreed upon, and forward it to him by mail or other usual channel of conveyance.

Contents of commission.

SEC. 649. A trial or other proceeding shall not be postponed by reason of a commission not being returned, except it appear by affidavit that the testimony of the witness is material and necessary, and that proper diligence has been used to obtain it.

Trial, when postponed therefor.

SEC. 650. The deposition of a witness out of the district, and in any State, Territory, or District of the United States, may also be taken before a commissioner appointed by the governor of the district to take depositions in such State, Territory, or District, upon giving to the adverse party eight days' notice of the time and place of the examination, the name of the commissioner, and the witness, if the distance of the place of examination from the place where the testimony is to be used does not exceed fifty miles, and one day in addition for every additional twenty-five miles.

Deposition taken out of district before commission.

SEC. 651. Either party may attend upon such examination and examine the witnesses upon oral interrogatories, but if either party,

Either party may attend or require written interrogatories.

by a written notice to the other within three days from the service of the original notice, require it, it shall be taken upon written interrogatories, to be settled, if not agreed upon, by the same officer and in the same manner as in case of a deposition upon commission; and in such case the deposition shall be taken, certified, and directed by the commissioner in the same manner as a deposition upon commission.

CHAPTER SIXTY-THREE.

OF THE MANNER OF TAKING DEPOSITIONS IN THE DISTRICT.

<p>Sec. 652. Depositions in the district, when taken, and notice thereof. 653. How taken; either party may attend. 654. Certificate of officer. 655. Deposition, to whom forwarded.</p>	<p>Sec. 656. May be used by either party; objections to relevancy or form. 657. Proof before using certain depositions; insufficient notice. 658. Depositions may be read at any time; exclusion of a portion.</p>
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Depositions in the district, when taken, and notice thereof.

SEC. 652. Either party may take the testimony of a witness in the district by deposition, in the cases allowed by this code, before the clerk of a court of record, or other person authorized to administer oaths, on giving the adverse party previous notice of the time and place of the examination, the name of the officer, and the witness; such notice shall be given at least three days before the day of the examination, if the distance of the place of examination from the residence of the person to whom notice is given does not exceed twenty-five miles, and one day in addition for every additional twenty-five miles, unless the court or judge thereof by order prescribe a shorter time. When a shorter time is prescribed the order shall be served with the notice.

How taken; either party may attend.

SEC. 653. Either party may attend upon such examination and examine the witness upon oral interrogatories. The deposition shall be written by the officer taking the same, or by the witness, or by some disinterested person, in the presence and under the direction of such officer. When completed it shall be read to or by the witness and subscribed by him. Before subscribing it the witness shall be allowed, if he desire it, to correct or explain any statement in the deposition, but such statement, although corrected and explained, shall remain a part of the deposition.

Certificate of officer.

SEC. 654. The officer taking the deposition shall append thereto his certificate, under the seal of his office, if there be a seal, to the effect that the deposition was taken before him, at a place mentioned, between certain hours of a day or days mentioned, and reduced to writing by a person therein named; that, before proceeding to the examination, the witness may be duly sworn to tell the truth, the whole truth, and nothing but the truth; that the deposition was read to or by the witness and then by him subscribed.

Deposition, to whom forwarded.

SEC. 655. The officer taking the deposition shall inclose the same in a sealed envelope, directed to the clerk of the court, or the justice of the peace before whom the action or proceeding is pending, or such other person as may by writing be agreed upon, and deliver or forward the same accordingly by mail or other usual channel of conveyance.

May be used by either party; objections to relevancy or form.

SEC. 656. A deposition taken pursuant to the provisions of this chapter may be used by either party upon the trial or proceeding against any party giving or receiving the notice, subject to all legal exceptions. But no objections can be made at the trial to the relevancy of the testimony or the form of the interrogatory, unless the same appear by the deposition or written interrogatories to have been taken at the time of the examination or the settling of such interrogatories. Section six hundred and fifty-three, except the first sentence thereof, and sections six hundred and fifty-four and six hundred and

fifty-five shall apply to depositions taken out of the district on oral interrogatories.

SEC. 657. If a deposition be taken under subdivisions two, three, or four of section six hundred and sixty, before the same can be used proof shall be made that the witness did reside beyond the service of a subpoena, or that he still continues absent or infirm, as the case may be. A deposition taken, whether in the district or without, upon insufficient notice or otherwise, not substantially in conformity with the provisions of this chapter, may be excluded from the case, unless such insufficient notice or other omission has been waived by the consent or conduct of the adverse party.

Proof before using certain depositions; insufficient notice.

SEC. 658. When a deposition has once been taken it may be read in the same action or proceeding, or in any other action or proceeding, between the same parties or their representatives upon the same subject, and is then to be deemed the evidence of the party reading it. When any portion of a deposition is excluded from a case, so much of the adverse examination as relates thereto is excluded also.

Depositions may be read at any time; exclusion of a portion.

CHAPTER SIXTY-FOUR.

OF THE GENERAL RULES OF EXAMINATION.

<p>Sec. 659. Order of proof, how regulated. 660. Witness not under examination may be excluded. 661. Interpreter sworn, when. 662. Court may control mode of interrogation. 663. Direct and cross-examination defined. 664. Leading questions defined. 665. When witness may testify or refresh his memory from writing.</p>	<p>Sec. 666. Cross-examination, as to what it extends. 667. Party not to impeach his own witness. 668. Witness, how reexamined. 669. How witness impeached. 670. Same subject. 671. Evidence of good character, when allowed. 672. Writing shown to witness may be inspected by adverse party.</p>
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SEC. 659. The order of proof shall be regulated by the sound discretion of the court. Ordinarily, the party beginning the case shall exhaust his evidence before the other begins.

Order of proof, how regulated.

SEC. 660. If either party require it, the judge may exclude from the court room any witness of the adverse party not at the time under examination, so that he may not hear the testimony of other witnesses.

Witness not under examination may be excluded.

SEC. 661. When a witness does not understand and speak the English language, an interpreter shall be sworn to interpret for him.

Interpreter sworn, when.

SEC. 662. The court may exercise a reasonable control over the mode of interrogation, so as to make it as rapid, as distinct, as little annoying to the witness, and as effective for the extraction of the truth as may be; but, subject to this rule, the parties may put such legal and pertinent questions as they see fit. The court, however, may stop the production of further evidence, upon any particular point, when the evidence upon it is already so full as to preclude reasonable doubt.

Court may control mode of interrogation.

SEC. 663. The examination of a witness by the party producing him is denominated the direct examination; the examination of the same witness upon the same matter, by the adverse party, the cross-examination. The direct examination must be completed before the cross-examination begins, unless the court otherwise direct.

Direct and cross examination defined.

SEC. 664. A question which suggests to the witness the answer which the examining party desires is denominated a leading or suggestive question. On a direct examination, leading questions are not allowed, unless merely formal or preliminary, except in the sound discretion of the court, under special circumstances, making it appear that the interests of justice require it.

Leading questions defined.

When witness may testify or refresh his memory from writing.

SEC. 665. A witness is allowed to refresh his memory, respecting a fact, by anything written by himself or under his direction at the time when the fact occurred or immediately thereafter, or at any other time when the fact was fresh in his memory and he knew that the same was correctly stated in the writing. But in either case the writing must be produced, and may be inspected by the adverse party, who may, if he choose, cross-examine the witness upon it, and may read it to the jury. So, also, a witness may testify from such a writing, though he retain no recollection of the particular facts; but such evidence shall be received with caution.

Scope of cross-examination.

SEC. 666. The adverse party may cross-examine the witness as to any matter stated in his direct examination or connected therewith, and in so doing may put leading questions; but if he examine him as to other matters, such examination is to be subject to the same rules as a direct examination.

Party not to impeach his own witness.

SEC. 667. The party producing a witness is not allowed to impeach his credit by evidence of bad character, but he may contradict him by other evidence, and may also show that he has made at other times statements inconsistent with his present testimony, as provided in section six hundred and seventy.

Witness, how reexamined.

SEC. 668. A witness once examined shall not be reexamined as to the same matter without leave of the court; but he may be reexamined as to any new matter upon which he has been examined by the adverse party. After the examinations on both sides are concluded the witness shall not be recalled without leave of the court. Leave is granted or withheld in the exercise of a sound discretion.

How witness impeached.

SEC. 669. A witness may be impeached by the party against whom he was called, by contradictory evidence, or by evidence that his general reputation for truth is bad, or that his moral character is such as to render him unworthy of belief, but not by evidence of particular wrongful acts; except that it may be shown by the examination of the witness or the record of the judgment that he has been convicted of a crime.

Same subject.

SEC. 670. A witness may also be impeached by evidence that he has made at other times statements inconsistent with his present testimony; but before this can be done the statements must be related to him, with the circumstances of times, places, and persons present; and he shall be asked whether he has made such statements, and, if so, allowed to explain them. If the statements be in writing, they shall be shown to the witness before any question is put to him concerning them.

Evidence of good character, when allowed.

SEC. 671. Evidence of the good character of a party is not admissible in a civil action or proceeding unless the issue therein involve his character, nor of a witness in any action or proceeding until the character of such witness has been impeached.

Writing shown to witness may be inspected by adverse party.

SEC. 672. Whenever a writing is shown to a witness it may be inspected by the adverse party, and if proved by the witness, shall be read to the jury before his testimony is closed, or it shall not be read, except on recalling the witness.

CHAPTER SIXTY-FIVE.

OF THE EFFECT OF EVIDENCE.

Sec.

673. On what points jury to be instructed.

On what points jury to be instructed.

SEC. 673. The jury, subject to the control of the court in the cases specified in this code, are the judges of the effect and value of evidence addressed to them, except when it is thereby declared to be conclusive. They are, however, to be instructed by the court on all proper occasions:

First. That their power of judging the effect of evidence is not arbi-

trary, but to be exercised with legal discretion and in subordination to the rules of evidence;

Second. That they are not bound to find in conformity with the declarations of any number of witnesses which do not produce conviction in their minds against a less number, or against a presumption or other evidence satisfying their minds;

Third. That a witness willfully false in one part of his testimony may be distrusted in others;

Fourth. That the testimony of an accomplice ought to be viewed with distrust and of the oral admissions of a party with caution;

Fifth. That in civil cases the affirmative of the issue shall be proved, and when the evidence is contradictory the finding shall be according to the preponderance of evidence; that in criminal cases guilt shall be established beyond reasonable doubt;

Sixth. That evidence is to be estimated not only by its own intrinsic weight, but also according to the evidence which it is in the power of one side to produce and of the other to contradict; and, therefore,

Seventh. That if the weaker and less satisfactory evidence is offered when it appears that stronger and more satisfactory was within the power of the party, the evidence offered should be viewed with distrust.

CHAPTER SIXTY-SIX.

OF THE RIGHTS AND DUTIES OF WITNESSES.

<p>Sec 674. Witness bound to attend when sub- pœnaed. 675. What questions witness bound to answer. 676. Right of witness to protection.</p>	<p>Sec. 677. When witness protected from ar- rest. 678. To make affidavit if arrested. 679. Court may discharge witness from arrest.</p>
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SEC. 674. It is the duty of a witness, duly served with a subpoena and tendered mileage and fees for the day named, to attend at the time appointed, with any papers, books, documents, or other thing under his control required by the subpoena, to answer all pertinent and legal questions, and, unless sooner discharged, to remain until the testimony is closed; but a witness, at the end of each day's attendance, may demand of the party or his attorney the payment of his legal fees for the next following day, and if not then paid he is not obliged to remain longer in attendance.

Witness bound to attend when subpoenaed.

SEC. 675. A witness shall answer questions legal and pertinent to the matter in issue, though his answer may establish a claim against himself. But he need not give an answer which will have a direct tendency to subject him to criminal prosecution, or to degrade his character, unless, in the latter case, it be as to the very fact in issue, or to a fact from which the fact in issue would be presumed. This privilege is the privilege of the witness, but a witness must answer as to the fact of his previous conviction for felony.

What questions witness bound to answer.

SEC. 676. It is the right of the witness to be protected from irrelevant, insulting, or improper questions, or from harsh or insulting demeanor; to be detained only so long as the interests of justice require it; to be examined only as to matters legal and pertinent to the issue.

Right of witness to protection.

SEC. 677. Every person who has been, in good faith, served with a subpoena to attend as a witness before a court, judge, commissioner, referee, or other officer, is exonerated from arrest in a civil case while going to the place of attendance, necessarily remaining there, and returning therefrom. The arrest of a witness contrary to this section is void, and when willfully made is a contempt of court; and the officer making it is responsible to the witness arrested for double the amount of damages which may be assessed against him therefor, and is also liable to

When witness protected from arrest.

an action at the suit of the party serving the witness with the subpoena for the damages sustained by him in consequence of the arrest.

To make affidavit if arrested.

SEC. 678. But the officer making the arrest is not liable in any way therefor, unless the person making the exception make, if required, an affidavit stating—

First. That he has been served with a subpoena to attend as a witness before a court, judge, or other officer, specifying the same, the place of attendance, and the action or proceeding in which the subpoena was issued; and

Second. That he has not been thus served by his own procurement, with the intention of avoiding an arrest. The affidavit may be taken by the officer, and exonerates him from liability for not making the arrest or for discharging the witness when arrested.

Court may discharge witness from arrest.

SEC. 679. The court, judge, or officer before whom the attendance of the witness is required may discharge a witness from an arrest made in violation of section six hundred and seventy-seven.

CHAPTER SIXTY-SEVEN.

OF EVIDENCE IN PARTICULAR CASES.

Sec.
680. Whoever pays or delivers entitled to receipt.
681. Objections to tender must be specified.
682. Rules for construing description of real property.

Sec.
683. Offer of compromise not an admission.
684. Confession of adultery in divorce cases.

Whoever pays or delivers entitled to receipt.

SEC. 680. Whoever pays money, or delivers an instrument or property, is entitled to a receipt therefor from the person to whom the payment or delivery is made, and may demand a proper signature to such receipt as a condition of the payment or delivery.

Objections to tender must be specified.

SEC. 681. The person to whom a tender is made shall at the time specify any objection he may have to the money, instrument, or property, or he must be deemed to have waived it; and if the objection be to the amount of money, the terms of the instrument, or the amount or kind of property, he must specify the amount, terms, or kind which he requires, or be precluded from objecting afterwards.

Rules for construing description of real property.

SEC. 682. The following are the rules for construing the descriptive part of a conveyance of real property when the construction is doubtful and there are no other sufficient circumstances to determine it:

First. Where there are certain definite and ascertained particulars in the description, the addition of others which are indefinite, unknown, or false does not frustrate the conveyance, but it is to be construed by such particulars, if they constitute a sufficient description to ascertain its application;

Second. When permanent and visible or ascertained boundaries or monuments are inconsistent with the measurement, either of lines, angles, or surfaces, the boundaries or monuments are paramount;

Third. Between different measurements which are inconsistent with each other, that of angles is paramount to that of surfaces, and that of lines paramount to both;

Fourth. When a road or stream of water not navigable is the boundary, the rights of the grantor to the middle of the road or the thread of the stream are included in the conveyance, except where the road or bed of the stream is held under another title;

Fifth. When tide water is the boundary, the rights of the grantor to low-water mark are included in the conveyance;

Sixth. When the description refers to a map, and that reference is inconsistent with other particulars, it controls them, if it appear that the parties acted with reference to the map; otherwise the map is subordinate to other definite and ascertained particulars.

SEC. 683. An offer of compromise is not an admission that anything is due; and no evidence thereof shall be permitted. Offer of compromise not an admission.

SEC. 684. In an action for the dissolution of the marriage contract on the ground of adultery, a confession of adultery, whether in or out of the pleadings, is not of itself sufficient to justify a decree of dissolution. Confession of adultery in divorce cases.

CHAPTER SIXTY-EIGHT.

OF PROCEEDINGS TO PERPETUATE TESTIMONY.

<p>Sec. 685. Evidence may be perpetuated. 686. Order for examination, how obtained. 687. Service of the order and notice in case of nonresidents. 688. How taken and where filed.</p>	<p>Sec. 689. Papers filed with deposition, primary evidence. 690. When the deposition may be used. 691. How objected to when produced. 692. Power and duty of the officer taking deposition.</p>
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SEC. 685. The testimony of a witness may be taken conditionally and perpetuated as provided in this chapter. Evidence may be perpetuated.

SEC. 686. The order for taking the testimony may be made by any judge of the district court upon the application of the party desiring it, when it appears from the petition of such party, verified as a complaint— Order for examination, how obtained.

First. That the applicant is a party or expects to be a party to an action or proceeding in a court in the district, or that he has an interest in real property or some easement or franchise therein about which a controversy may arise which would be the subject of such an action or proceeding;

Second. That the testimony of a witness, whose name and place of residence is stated, is material to the prosecution or defense, as the case may be, of such action or proceeding, or possible controversy, and generally the question involved therein, and the facts expected to be proved by the witness;

Third. The names and residence of the adverse parties or persons adversely interested, so far as the applicant knows or can ascertain them.

The judge may thereupon in his discretion make an order allowing the examination, prescribing therein the place thereof, and how long before the examination the order and notice of the time and place therefor shall be served.

SEC. 687. If it appear that the adverse parties or persons adversely interested, or any of them, reside out of the district, or are unknown, the judge shall direct that, as to such parties or persons, service of the order and notice shall be made by publication, in the same manner as a summons. Upon proof of the service, the deposition may be taken conditionally by the judge who made the order of examination, or by any other officer or person therein designated. Service of the order and notice in case of nonresidents.

SEC. 688. Every interrogatory or answer, or declaration of the witness, shall be taken down, unless the parties otherwise agree. The deposition, when completed, shall be carefully read to and subscribed by the witness, and then certified by the judge or other officer or person taking the same and immediately thereafter filed in the office of the clerk of the court, together with the order for the examination of the witness, the petition on which the same was granted, the notice, and the proof of service of the order and notice. How taken and where filed.

SEC. 689. The papers filed with the deposition, as required by the last section, or a certified copy thereof, are primary evidence of the facts stated therein to show compliance with the provisions of this chapter. Papers filed with deposition, primary evidence.

SEC. 690. If thereafter a trial be had between the persons named in the petition as parties actual, expectant, or possible, or their representatives or successors in interest, upon proof of the death or insan- When the deposition may be used.

ity of the witness, or that he is beyond the district and his residence unknown, or of his inability to attend the trial by reason of age, sickness, or settled infirmity, the deposition or a certified copy thereof may be given in evidence by either party.

How objected to when produced.

SEC. 691. The deposition when so taken, when produced in evidence, may be objected to as if it was the oral testimony of the witness, except that the form of the interrogatory shall not be objected to.

Power and duty of the officer taking deposition.

SEC. 692. The judge, officer, or other person taking the deposition shall control the examination, to the end that the whole truth may be declared by the witness, and if no one appears other than the applicant, he shall prevent leading and suggestive interrogatories by such applicant, except when the same may be necessary or merely formal, and shall himself cross-examine the witness, concluding with the general interrogatory to the effect whether the witness knows anything further in relation to the matter which would be of benefit to either party.

CHAPTER SIXTY-NINE.

OF OATHS AND AFFIRMATIONS.

Sec.
693. Who authorized to take testimony and administer oaths.
694. Form may be varied to suit witness' belief.

Sec.
695. Same subject.
696. Who may affirm.
697. Affirmation equivalent to oath; when false to be deemed perjury.

Who authorized to take testimony and administer oaths.

SEC. 693. Every court, judge, clerk of a court, commissioner, justice of the peace, or notary public is authorized to take testimony in any action or proceeding, and such other persons in particular cases as this code elsewhere authorizes. Every such court or officer is authorized to administer oaths and affirmations generally, and every such other person in the particular case authorized.

Form may be varied to suit witness' belief.

SEC. 694. Whenever the court or officer before which a person is offered as a witness is satisfied that he has a peculiar mode of swearing, connected with or in addition to the usual form of administration, which, in his opinion, is more solemn or obligatory, the court or officer may in its discretion adopt that mode.

Same subject.

SEC. 695. When a person is sworn who believes in any other than the Christian religion, he may be sworn according to the peculiar ceremonies of his religion, if there be any such.

Who may affirm.

SEC. 696. Any person who has conscientious scruples against taking an oath may make his solemn affirmation.

Affirmation equivalent to oath; when false to be deemed perjury.

SEC. 697. Whenever by any provision of this title an oath is required, an affirmation is to be deemed equivalent thereto, and a false affirmation is to be deemed perjury equally with a false oath.

CHAPTER SEVENTY.

OF COURTS OF JUSTICE.

Sec.
698. Judicial power, how vested.
699. The district court.
700. Justice's court.
701. Mode of proceeding.
702. Jurisdiction of justice's court.
703. Jurisdiction not to include certain cases.
704. Where action may be commenced.
705. Power of court respecting judicial proceedings.
706. Power, how exercised.

Sec.
707. Judicial officer, definition of. When disqualified to act.
708. Appointment of judge pro tempore.
709. Judicial officer not to act as attorney, except.
710. Power of a judge out of court.
711. Power of judicial officers.
712. Powers, how exercised.
713. Power to take and certify affidavits.
714. Same subject.

Judicial power, how vested.

SEC. 698. The judicial power in the district of Alaska is vested in a district court, in commissioners exercising the powers of probate courts, and in commissioners as ex officio justices of the peace.

SEC. 699. The district court is a court of general jurisdiction, civil and criminal, and also shall have admiralty jurisdiction.

The district court.

SEC. 700. A justice's court is a court held by a commissioner as ex officio justice of the peace within the precinct for which he may be appointed. There are no particular terms of such court, but the same is always open for the transaction of business, according to the mode of proceeding prescribed for it.

Justice's court.

SEC. 701. The mode of proceeding and the rules of evidence are the same in a justice's court as in a like action or proceeding in a court of record, except where otherwise specially provided.

Mode of proceeding.

SEC. 702. A justice's court has jurisdiction, but not exclusive, of the following actions:

Jurisdiction of justice's court.

First. For the recovery of money or damages only, when the amount claimed does not exceed one thousand dollars;

Second. For the recovery of specific personal property, when the value of the property claimed and the damages for the detention do not exceed one thousand dollars;

Third. For the recovery of any penalty or forfeiture, whether given by statute or arising out of contract, not exceeding one thousand dollars;

Fourth. Also, to give judgment without action upon the confession of the defendant for any of the cases specified in this section, except for a penalty or forfeiture imposed by statute.

SEC. 703. The jurisdiction conferred by the last section does not extend, however—

Jurisdiction not to include certain cases.

First. To an action in which the title to real property shall come in question;

Second. To an action for false imprisonment, libel, slander, malicious prosecution, criminal conversation, seduction, upon a promise to marry, in actions of an equitable nature or in admiralty causes.

SEC. 704. In an action in a justice's court to recover a penalty or forfeiture given by statute the cause of action or some part thereof must have arisen within the precinct where the action is commenced, or upon a lake, river, or other water bordering upon such precinct and opposite thereto; but otherwise than this the jurisdiction of justice's court does not depend upon where the cause arose, provided that the defendant shall reside in the precinct where the action is commenced, or personal service can be had on the defendant in such precinct; and if the defendant do not reside in the district, the action may be commenced in the precinct in which the plaintiff resides.

Where action may be commenced.

SEC. 705. Every court of justice has power—

Power of court respecting judicial proceedings.

First. To preserve and enforce order in its immediate presence;

Second. To enforce order in the proceedings before it, or before a person or body empowered to conduct a judicial investigation under its authority;

Third. To provide for the orderly conduct of proceedings before it or its officers;

Fourth. To compel obedience to its judgments, orders, and process, and to the orders of a judge out of court in an action or proceeding pending therein;

Fifth. To control, in furtherance of justice, the conduct of its ministerial officers, and of all other persons in any manner connected with a judicial proceeding before it in every matter appertaining thereto;

Sixth. To compel the attendance of persons to testify in an action or proceeding therein in the cases and manner provided by this code;

Seventh. To administer oaths in an action, or proceeding pending therein, and in all other cases where it may be necessary in the exercise of its powers or the performance of its duties.

Power, how exercised.

SEC. 706. For the effectual exercise of the powers specified in the last section, the court may punish for contempt in the cases and the manner provided in this code.

Judicial officer, definition of. When disqualified to act.

SEC. 707. A judicial officer is a person authorized to act as a judge in a court of justice. Such officer shall not act as such in a court of which he is a member in any of the following cases:

First. In an action or proceeding to which he is a party, or in which he is directly interested;

Second. When he was not present and sitting as a member of the court at the hearing of a matter submitted for its decision;

Third. When he is related to either party by consanguinity or affinity within the third degree;

Fourth. When he has been attorney in the action or proceeding in question for either party.

But this section does not apply to an application to change the place of trial or the regulation of the order of business in court. In the cases specified in subdivisions three and four the disqualification may be waived by the parties, and shall be deemed to be waived unless an application be made as provided in this code.

Appointment of judge pro tempore.

SEC. 708. Whenever it appears that the judge of the district court presiding in the division where the action is pending is disqualified under the provisions of the section last preceding the action shall be transferred to another division of said court unless a judge of another division will appear and preside during the disposition thereof: *Provided, however,* That the parties may by written stipulation agree upon a member of the bar of said court to try the same.

Judicial officer not to act as attorney, except.

SEC. 709. Any judicial officer may act as an attorney in any action or proceeding to which he is a party or in which he is directly interested. A justice of the peace, otherwise authorized by law, may act as an attorney in any court other than the one of which he is judge, except in an action or proceeding removed therefrom to another court for review; but no judicial officer shall act as attorney in any court, or otherwise other than as in this section allowed: *Provided,* No justice of the peace or other judicial officer shall have a partner who shall practice law or act as attorney in the court over which he presides.

Power of a judge out of court.

SEC. 710. A judge may exercise, out of court, all the powers expressly conferred upon a judge as contradistinguished from a court, and not otherwise.

Power of judicial officers.

SEC. 711. Every judicial officer has power—

First. To preserve and enforce order in his immediate presence, and in the proceedings before him, when he is engaged in the performance of a duty imposed upon him by this code or other statute;

Second. To compel obedience to his lawful orders, as provided in this code;

Third. To compel the attendance of persons to testify in a proceeding pending before him in the cases and manner provided in this code;

Fourth. To administer oaths to persons, in a proceeding pending before him, and in all other cases where it may be necessary, in the exercise of his powers and the performance of his duties.

Powers, how exercised.

SEC. 712. For the effectual exercise of the powers specified in the last section, a judicial officer may punish for contempt in the cases and manner provided in this code.

Power to take and certify affidavits.

SEC. 713. The judge of the district court has power in any part of the district to take and certify—

First. The proof and acknowledgment of a conveyance of real property, or any other written instrument authorized or required to be proved or acknowledged;

Second. The acknowledgment of satisfaction of a judgment in any court;

Third. An affidavit or deposition to be used in any court of justice or other tribunal of the district;

Fourth. To exercise any other power and perform any other duty conferred or imposed upon him by this code or other statutes.

SEC. 714. Every other judicial officer may, within the precinct in which he is chosen—

Same subject.

First. Exercise the powers mentioned in subdivisions one, two, and three of the last section;

Second. Exercise any other power and perform any other duty conferred or imposed upon him by this code or other statutes.

CHAPTER SEVENTY-ONE.

MISCELLANEOUS PROVISIONS RESPECTING THE COURTS AND JUDICIAL OFFICERS.

<p>Sec. 715. Sittings of court to be public; exceptions. 716. Nonjudicial days; what legal business may be done. 717. If court appoint or adjourn for such day to be deemed for next judicial day. 718. When judge does not attend. 719. Proceedings not affected by failure of term or vacancy.</p>	<p>Sec. 720. Application to court or judge, how addressed. 721. Proceedings to be in English. 722. Power of court to adjourn proceedings. 723. Means to be used by court to execute its powers.</p>
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SEC. 715. The sittings of every court of justice are public, except as provided in this section. Upon the agreement of the parties to a civil action or proceeding, filed with the clerk or entered upon the journal, the court may direct the trial of an issue of law or fact, or any other proceeding therein, to be private; and upon such order being made all persons shall be excluded except the officers of the court, the parties, their witnesses, and counsel.

Sittings of court to be public; exceptions.

SEC. 716. Courts of justice may be held, and judicial business transacted, on any day except as provided in this section. No court can be opened, nor can any judicial business be transacted, on a Sunday, on a legal holiday, or on a day appointed by the Executive authority of the United States or of the district as a day of fasting or thanksgiving, except for the following purposes:

Nonjudicial days; what legal business may be done.

First. To give instructions to a jury then deliberating on their verdict;

Second. To receive the verdict of a jury;

Third. For the exercise of the powers of a magistrate in criminal actions, or in proceedings of a criminal nature: *Provided*, That this section shall not be so construed as to prevent the issuance of any writ or order for which the judge granting the same may think an emergency exists.

SEC. 717. If any of the days mentioned in the last section happen to be a day appointed for holding a court, or to which it is adjourned, it is deemed appointed for or adjourned to the next judicial day.

If court appoint or adjourn for such day to be deemed for next judicial day.

SEC. 718. If no judge attend on the day appointed for holding a court before four o'clock in the afternoon, the court shall stand adjourned until the next day at nine o'clock; and if no judge attend on that day before four o'clock in the afternoon it shall then stand adjourned for the term.

When judge does not attend.

SEC. 719. No proceeding in a court of justice, in any action or proceeding pending therein, is affected by a vacancy in the office of the judge, or by the failure of a term thereof.

Proceedings not affected by failure of term or vacancy.

Application to court or judge, how addressed.

SEC. 720. An application or other proceeding addressed to a court shall be addressed to it by its style, as given in this code; an application or other proceeding addressed to a judicial officer shall be addressed to him by his name, without any other title than his style of office.

Proceedings to be in English.

SEC. 721. Every writing in any action or proceeding whatever, in a court of justice of the district, or before a judicial officer, shall be in the English language; but such abbreviations as are now commonly used in that language may be used, and numbers may be expressed by figures or numerals in the customary manner.

Power of court to adjourn proceedings.

SEC. 722. A court or judicial officer has power to adjourn any proceeding before it or him from time to time, as may be necessary, unless otherwise expressly provided by this code.

Means to be used by court to execute its powers.

SEC. 723. When jurisdiction is by any law of the United States conferred on a court or judicial officer, all the means to carry it into effect are also given; and in the exercise of the jurisdiction, if the course of proceeding be not specially pointed out by this code, any suitable process or mode of proceeding may be adopted which may appear most conformable to the spirit of this code.

CHAPTER SEVENTY-TWO.

OF REFEREES.

Sec.

724. Referee, definition of.

Referee, definition of.

SEC. 724. A referee is a person appointed by the court or a judicial officer, with power—

First. To try an issue of law or of fact in a civil action or proceeding, and report thereon;

Second. To ascertain any other fact in a civil action or proceeding when necessary for the information of the court, and report the fact, or to take and report the evidence in an action of an equitable nature;

Third. To execute an order, judgment, or decree, or to exercise any other power or perform any other duty expressly authorized by this code.

CHAPTER SEVENTY-THREE.

OF COMMISSIONERS TO ACKNOWLEDGE DEEDS.

Sec.

725. How appointed, tenure of office, powers and duties.

Sec.

726. Seal and oath of office, and when and where filed.

How appointed, tenure of office, powers and duties.

SEC. 725. The governor may appoint as many commissioners in each State, Territory, and District of the United States as he may deem expedient, who shall hold their offices for four years, and may within the State, Territory, or District for which they are appointed, and not otherwise, take and certify—

First. The proof or acknowledgment of a conveyance of real property within the district or of any other written instrument to be used or operated therein;

Second. The acknowledgment of satisfaction of any judgment of a court of this district;

Third. An affidavit or deposition to be used in any court of justice or before any judicial officer of the district; and

Fourth. To exercise any other power, and perform any other duty, conferred or imposed upon them by this code or other statutes.

Seal and oath of office, when and where filed.

SEC. 726. A commissioner appointed under the last section shall, before he can exercise the powers therein conferred, provide himself

with a seal of office, and take and subscribe an oath before a judicial officer in the county, city, or town where he resides, faithfully to perform the duties of the office of a commissioner to take affidavits, depositions, and the proof and acknowledgment of deeds, out of the district, according to the laws thereof, and file such oath and an impression of such seal in the office of the secretary of the district. The secretary of the district shall collect five dollars for each certificate of appointment made under this chapter and disburse the same as provided in section thirty-two, title one, chapter one of this Act.

CHAPTER SEVENTY-FOUR.

OF THE CLERK OF THE DISTRICT COURT.

Sec.
727. Office hours.
728. Deputy, how appointed.

Sec.
729. Can not act as attorney.
730. Powers and duties of clerks.

SEC. 727. The clerk of the district court shall keep his office open for the transaction of business on every judicial day from nine to twelve in the forenoon and from one to five in the afternoon.

Office hours.

SEC. 728. The clerk of the district court or any division thereof may have a deputy, to be appointed by such clerk in writing, at each place where regular or special terms of court are held and to continue during his pleasure. Such deputy has the power to perform any act or duty relating to the clerk's office that his principal has, and his principal is responsible for his conduct; and for all money received by him in his official capacity each deputy clerk shall be entitled to such compensation as the court or judge thereof may, subject to the approval of the Attorney-General, allow, the same to be paid by the clerk on order of the court as other court expenses are allowed and paid.

Deputy, how appointed.

SEC. 729. The clerk of the district court is prohibited during his continuance in office from acting, or having a partner who acts, as an attorney of the court of which he is clerk.

Can not act as attorney.

SEC. 730. The clerk of the district court has power to take and certify the proof and acknowledgment of a conveyance of real property or any other written instrument authorized or required to be proved or acknowledged, and it is the duty of such clerk—

Powers and duties of clerks.

First. To keep the seal of the court and affix it in all cases where he is required by law;

Second. To record the proceedings of the court;

Third. To keep the records, files, and other books and papers appertaining to the court;

Fourth. To file all papers delivered to him for that purpose in any action or proceeding in the court;

Fifth. To attend the terms of the court of which he is clerk, to administer oaths, and receive the verdict of a jury in any action or proceeding therein in the presence and under the direction of the court;

Sixth. To keep the journal of the proceedings of the court at its terms, and under the direction of the court to enter its orders and judgments;

Seventh. To authenticate by certificate or transcript, as may be required, the records, files, or proceedings of the court, or any other paper appertaining thereto, and filed with him;

Eighth. To exercise the powers and perform the duties conferred and imposed upon him elsewhere by this code or other statute;

Ninth. In the performance of his duties to conform to the direction of the court.

CHAPTER SEVENTY-FIVE.

OF ATTORNEYS.

- Sec.
731. When cause may be prosecuted or defended in person or by attorney.
732. Attorney a public officer; who may act as such.
733. Application for admission and proof thereon.

- Sec.
734. Women may be admitted.
735. Oath of office; order of admission.
736. Attorneys of other States and countries may appear as counsel.

When cause may be prosecuted or defended in person or by attorney.

SEC. 731. Any action or proceeding may be prosecuted or defended by a party in person or by attorney, except that the United States or a corporation, either public or private, appears by attorney in all cases; and where a party appears by attorney the written proceedings must be in the name of the attorney, who is the sole representative of his client as between him and the adverse party.

Attorney a public officer; who may act as such.
Application for admission and proof thereon.

SEC. 732. An attorney is a public officer, but any person may act in that capacity who has been admitted as such by the district court of the district, or may be hereafter admitted, as provided in this chapter.

SEC. 733. An applicant for admission as attorney must apply to the district court, and must show—

First. That he is a citizen of the United States, or has declared his intention to become such, and is a resident of said district, and of the age of twenty-one years, which proof may be made by his own affidavit;

Second. That he is a person of good moral character, which may be proved by any evidence satisfactory to the court;

Third. That he has the requisite learning and ability, which must be shown by the examination of the applicant by the judges, or under their direction, at the term at which the application is made.

Women may be admitted.

SEC. 734. Hereafter women shall be admitted to practice law as attorneys in the courts of said district upon the same terms and conditions as men.

Oath of office; order of admission.

SEC. 735. If, upon the examination, the applicant be found qualified, the court shall administer an oath to the applicant to support the Constitution and laws of the United States and of the district, and to faithfully and honestly demean himself or herself in office. The court shall then direct an order to be entered to the effect that the applicant is a citizen of the United States and of the district, of the age of twenty-one years, of good moral character, and possessed of the requisite learning and ability to practice as an attorney in all the courts of the district, and has taken the oath of office; and upon the entry of the order and payment of the legal fee, he or she is entitled to practice as such attorney, and not otherwise.

Attorneys of other States and countries may appear as counsel.

SEC. 736. Whenever an applicant for admission as attorney shall present to the district court a certificate showing him to have been duly admitted to practice as an attorney in the highest courts of any State or Territory of the United States, or in one of the circuit courts, or the Supreme Court of the United States, such applicant may be admitted to practice as an attorney without further examination.

CHAPTER SEVENTY-SIX.

OF THE DUTIES OF ATTORNEYS, AND THEIR AUTHORITY.

- Sec. 737. Authority of an attorney.
- 738. Proceedings when party alleges that attorney appears for him without authority.
- 739. When attorney may be compelled to show authority.
- 740. Attorney, how changed.
- 741. Notice of change.
- 742. Lien of attorneys.
- 743. By what court and for what causes an attorney may be removed or suspended.
- 744. By whom the proceedings to be instituted.
- 745. Accusation, how made.
- 746. Order for accused to appear and answer.

- Sec. 747. If accused do not appear, court to proceed.
- 748. May demur to or controvert the accusation.
- 749. If demurrer not sustained must answer forthwith; judgment for want of answer or trial.
- 750. Accusation on knowledge of the court presumed to be true, but may be shown otherwise.
- 751. Proceeding to compel an attorney to deliver over money or papers.
- 752. How court to proceed if attorney claim a lien.

SEC. 737. An attorney has authority—

First. To bind his client in any of the proceedings in an action or proceeding by his agreement filed with the clerk or entered upon the journal of the court, and not otherwise;

Second. To receive money or property claimed by his client in an action or proceeding during the pendency thereof, or within three years after judgment, and, upon the payment or delivery thereof, and not otherwise, to discharge the claim or acknowledge satisfaction of the judgment. But this section does not prevent a party from employing a new attorney to issue execution upon a judgment, or to take the other proceedings prescribed by this code for its enforcement, and when he does so the authority of the former attorney ceases.

SEC. 738. If it be alleged by a party for whom an attorney appears that he does so without authority, and the allegation be verified by the affidavit of the party, the court may, if it find the allegation true, at any stage of the proceedings, relieve the party for whom the attorney has assumed to appear from the consequences of his act.

SEC. 739. The court or judge thereof may, on motion of either party, and on showing reasonable grounds therefor, require the attorney for the adverse party, or for any one of several adverse parties, to produce or prove the authority under which he appears, and until he does so may stay all proceedings by him on behalf of the party for whom he assumes to appear.

SEC. 740. The attorney in an action or proceeding may be changed at any time before judgment or final determination, as follows:

First. Upon his own consent, filed with the clerk or entered upon the journal; or,

Second. Upon the order of the court or judge thereof, on the application of the client or the attorney, for sufficient cause.

SEC. 741. When an attorney is changed, as provided in the last section, written notice of the change and of the substitution of a new attorney, or of the appearance of the party in person, shall be given to the adverse party. Until then, he is bound to recognize the former attorney.

SEC. 742. An attorney has a lien for his compensation, whether specially agreed upon or implied, as provided in this section—

First. Upon the papers of his client which have come into his possession in the course of his professional employment;

Second. Upon money in his hands belonging to his client;

Third. Upon money in the hands of the adverse party in an action

Authority of an attorney.

Proceedings, when party alleges that attorney appears for him without authority.

When attorney may be compelled to show authority.

Attorney, how changed.

Notice of change.

Lien of attorneys.

or proceeding in which the attorney was employed from the time of giving notice of the lien to that party;

Fourth. Upon a judgment to the extent of the costs included therein, or, if there be a special agreement, to the extent of the compensation specially agreed on, from the giving notice thereof to the party against whom the judgment is given and filing the original with the clerk where such judgment is entered and docketed. This lien is, however, subordinate to the rights existing between the parties to the action or proceeding.

By what court and for what causes an attorney may be removed or suspended.

SEC. 743. An attorney may be removed or suspended by the district court for either of the following causes, arising after his admission to practice:

First. Upon his being convicted of any felony or of a misdemeanor involving moral turpitude, in either of which cases the record of his conviction is conclusive evidence;

Second. For a willful disobedience or violation of the order of a court requiring him to do or forbear an act connected with or in the course of his profession;

Third. For being guilty of any willful deceit or misconduct in his profession;

By whom the proceedings to be instituted.

SEC. 744. The proceeding to remove an attorney as provided in the last section shall be taken by the court, of its own motion, for matters within its knowledge, or that of any of the judges thereof; otherwise it may be taken upon the information of another.

Accusation, how made.

SEC. 745. If the proceedings be upon the motion of the court or judges thereof, for matters within its knowledge, the accusation shall be made by an order of the court reciting the facts charged. If upon the information of another, the accusation must be presented to the court, in writing, and verified by the oath of the person making it, or of some other person, to the effect that the charges therein contained are true, as he believes.

Order for accused to appear and answer.

SEC. 746. After the accusation has been made or received the court shall forthwith make an order requiring the accused to appear and answer the accusation at a specified time in the same or a subsequent term, and shall cause a copy of the order and of the accusation to be served upon the accused within a prescribed time before the day appointed in the order to appear and answer. But when the proceeding is upon the information of another, the accusation shall be dismissed at once unless it appear therefrom that the accused should be required to appear and answer the same.

If accused do not appear, court to proceed.

SEC. 747. The accused must appear at the time appointed in the order and answer the accusation, unless, for sufficient cause, the court assign another day for that purpose. If he do not appear, the court may proceed and determine the accusation in his absence.

May demur to or controvert the accusation.

SEC. 748. The accused may demur to the accusation for insufficiency or controvert it by answer. The demurrer and answer shall be in writing, and the latter shall be verified by the oath of the accused in the same manner as a pleading in an action.

If demurrer not sustained must answer forthwith; judgment for want of answer or trial.

SEC. 749. If a demurrer, for insufficiency, be not sustained, the accused shall answer forthwith. If he plead guilty, or refuse to answer the accusation, the court shall proceed to judgment of removal or suspension. If he controvert the matters charged, the court shall then, or at such time as it may appoint, proceed to try the accusation, and give a judgment of removal, suspension, or acquittal, according to law and the right of the case.

Accusation on knowledge of the court presumed to be true, but may be shown otherwise.

SEC. 750. When an accusation is made upon the knowledge of the court, or the judges thereof, the facts shall be set forth as in other cases, and the accused may controvert the accusation, whereupon the issues of fact shall be by the court referred to at least three disinterested members of the bar, who shall report their findings of fact to the

court, and the judgment of the court shall be entered according to such findings.

SEC. 751. When an attorney refuses to deliver over money or papers to a person from or for whom he has received them in the course of professional employment, whether in a judicial proceeding or not, he may be required, by an order of the court, to do so within a specified time or show cause why he should not be punished for a contempt.

Proceeding to compel an attorney to deliver over money or papers.

SEC. 752. If, however, the attorney claim a lien upon the money or papers, under the provisions of section seven hundred and forty-two, the court shall—

How court to proceed if attorney claim a lien.

First. Impose, as a condition of making the order, that the client give security, in form and amount to be directed, to satisfy the lien when determined in an action; or,

Second. Summarily inquire into the facts on which the claim of a lien is founded, and determine the same; or,

Third. Direct the trial of the controversy by a jury, or refer it, and upon the verdict or report determine the same as in other cases.

CHAPTER SEVENTY-SEVEN.

OF RECEIVERS.

Sec. 753. In what cases he may be appointed.	Sec. 754. His oath and undertaking.
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SEC. 753. A receiver may be appointed in any civil action or proceeding, other than an action for the recovery of specific personal property—

In what cases he may be appointed.

First. Provisionally, before judgment, on the application of either party, when his right to the property which is the subject of the action or proceeding, and which is in the possession of an adverse party, is probable, and the property or its rents or profits are in danger of being lost or materially injured or impaired;

Second. After judgment, to carry the same into effect;

Third. To dispose of the property according to the judgment, or to preserve it during the pendency of an appeal, or when an execution has been returned unsatisfied and the debtor refuses to apply his property in satisfaction of the judgment;

Fourth. In cases provided in this code, or by other statutes, when a corporation has been dissolved, or is insolvent or in imminent danger of insolvency, or has forfeited its corporate rights;

Fifth. In the cases when a debtor has been declared insolvent.

SEC. 754. A receiver, before entering upon his duties, shall be sworn faithfully to perform his trust to the best of his ability, and shall also file with the clerk of the court an undertaking, of one or more sufficient sureties, in a specified sum, to be fixed by the court or judge thereof, to the effect that he will faithfully discharge the duties of receiver and will obey the orders of the court or judge thereof in respect thereto. The sureties must justify in the same manner as bail upon an arrest.

His oath and undertaking.

CHAPTER SEVENTY-EIGHT.

OF THE TRIAL FEE.

Sec. 755. Trial fees. 756. Amount of. 757. Recovered as disbursement. 758. Public corporation need not pay. 759. In justice's court, when and to whom paid.	Sec. 760. When party too poor to pay. 761. Trial fee to be paid to the clerk. 762. Trial fee in justice's court.
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SEC. 755. Parties to a judicial proceeding are required to contribute toward the expense of maintaining courts of justice, or a particular

Trial fees.

action or proceeding therein, by the payment of certain sums of money, as provided in this chapter, which are denominated trial fees.

Amount of.

SEC. 756. The trial fee is as follows:

First. In the district court, for every trial by jury, twelve dollars; for every trial by the court, six dollars; for every judgment given without trial, three dollars;

Second. In justice's court, for every trial by jury, six dollars.

Recovered as disbursement.

SEC. 757. The trial fee is to be paid by the plaintiff, appellant, or moving party before he is entitled to or can claim the trial or other proceeding upon which such fee is imposed; and if the party paying such fee prevail in the action, or proceeding, so as to be entitled to recover costs therein, such fee shall be allowed and taxed as a disbursement and collected off the adverse party.

Public corporation need not pay.

SEC. 758. When the United States or any public corporation is a party to a judicial proceeding it need not pay the trial fee in advance, and if it be entitled to recover costs therein, such fee shall be allowed and taxed in its favor as a disbursement and collected off the adverse party as in ordinary cases.

In justice's court, when and to whom paid.

SEC. 759. The trial fee in a justice's court shall be paid to the justice for the demand for a jury, and unless so paid the demand shall be disregarded and the trial proceed as if no such demand had been made, except when a party is prosecuted in a criminal action at the suit of the United States, in which case the party is entitled to a jury trial without the prepayment of such fee; and if judgment be given against him, the fee shall be allowed and taxed in favor of the United States as other disbursements in ordinary cases.

When party too poor to pay.

SEC. 760. If at any time it appear to the satisfaction of the court or judge thereof, from the affidavit of the party or other evidence, that he can not pay the trial fee, such court or judge may direct that he be allowed to proceed without the prepayment thereof; but if such party prevail so as to be entitled to collect such fee as a disbursement off the adverse party, when collected it shall be retained by the clerk as if paid in advance.

Trial fee to be paid to the clerk.

SEC. 761. The trial fees shall be paid to the clerk of the court, who shall keep a regular account of them and by whom paid in his fee book, and deposit them in the manner provided in the case of other moneys collected by virtue of his office.

Trial fee in justice's court.

SEC. 762. In justice's court the trial fee shall be paid to a justice. He shall keep an account of them and by whom paid, and distribute the amount among the jury in the particular case in payment of their legal fees.

CHAPTER SEVENTY-NINE.

OF GENERAL PROVISIONS RESPECTING THE ADMINISTRATION OF ESTATES.

<p>Sec. 763. Probate jurisdiction of commissioner. 764. Forms of pleadings. 765. Nature of procedure. 766. Books and records.</p>	<p>Sec. 767. Index to such books. 768. Costs and disbursements. 769. Orders and decrees for the payment of money, how enforced.</p>
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Probate jurisdiction of commissioner.

SEC. 763. The commissioners appointed in pursuance of this Act and other laws of the United States have jurisdiction within their respective precincts, subject to the supervision of the district judge, in all testamentary and probate matters; that is,

First. To take proof of wills;

Second. To grant and revoke letters testamentary, of administration, and of guardianship;

Third. To direct and control the conduct and settle the accounts of executors, administrators, and guardians;

Fourth. To direct the payment of debts and legacies, and the distribution of the estates of intestates;

Fifth. To order the sale and disposal of the real and personal property of deceased persons;

Sixth. To order the renting, sale, or other disposal of the real and personal property of minors;

Seventh. To take the care and custody of the person and estate of a lunatic or habitual drunkard, and to appoint and remove guardians therefor; to direct and control the conduct of such guardians, and to settle their accounts;

Eighth. To direct the admeasurement of dower.

SEC. 764. There are no particular pleadings or forms thereof in proceedings before commissioners when exercising the jurisdiction of probate matters, as specified in the section last preceding, other than as provided in this chapter.

Forms of pleadings.

SEC. 765. The mode of proceeding is in the nature of a suit in equity as distinguished from an action at law. The proceedings are in writing, and are had upon the application of a party or the order of the court. The court exercises its powers by means of—

Nature of proceeding.

First. A citation to the party;

Second. An affidavit or the verified petition or statement of a party;

Third. A subpoena to a witness;

Fourth. Orders, judgments, and decrees;

Fifth. An execution of warrant to enforce them.

SEC. 766. The proceedings in probate matters shall be entered and recorded in the following books:

Books and records.

First. A register, in which shall be entered a memorandum of all official business transacted by the court or judge thereof appertaining to the estate of each person deceased under the name of such person; that pertaining to the guardianship of an infant under the name of such infant; that pertaining to an insane person or a drunkard under his name;

Second. A record of wills, in which shall be recorded all wills proven before the court or judge thereof, with the order of probate thereof, and of all wills proved elsewhere upon which letters of administration are issued by the direction of such court or judge;

Third. A record of the appointment of administrators, whether general or special, or of a partnership and of executors;

Fourth. A record of the appointment of guardians of infants, insane persons, and drunkards;

Fifth. A record of accounting and distribution, in which shall be entered a summary balance sheet of the accounts of administrators, executors, and guardians, with the orders and decrees relating to the same; a memorandum of executions issued thereon, with a note of satisfaction when satisfied; also orders and decrees relating to the sale of real property and to the distribution of the proceeds thereof; and notices of all money or securities paid or deposited in court as proceeds of such sales or otherwise; and a statement showing the names of creditors, and the debts established and entitled to distribution, the amount to which each person is entitled out of such fund, and the amount actually paid to each person, and when paid;

Sixth. A record of the appointment of admeasurer of dower, with all orders and decrees relating to the same, and the admeasurer's report;

Seventh. An order book, in which shall be entered orders directing the conduct of executors, administrators, or guardians; orders for publication of notice to creditors; orders in behalf of creditors, directing debts to be paid or allowing an execution to be issued; appointments of special guardians, appraisers, and referees; orders relating to the production of a will, to removal of executors, administrators, or guard-

ians, or to sureties therefor; and, generally, all other orders not required to be entered in some other book.

Index to such books.

SEC. 767. To each of such books there shall be attached an index, securely bound in the volume, referring to the entries or records, in alphabetical order, under the name of the person to whose estate or business they relate, and naming the page of the book where the entry or record is made.

Costs and disbursements.

SEC. 768. Costs may be awarded in favor of one party against another, to be paid personally or out of the estate or fund, in any proceedings contested adversely, but such costs can not exceed those allowed in the trial of a civil action in the district court. Witness fees and other disbursements similar to those allowed on the trial of a civil action may also be allowed, to be paid in like manner.

Orders and decrees for the payment of money, how enforced.

SEC. 769. Orders, judgments, or decrees for the payment of money may be enforced, by execution or otherwise, in the same manner as orders, judgments, or decrees for the payment of money in the district court.

CHAPTER EIGHTY.

OF THE COMMISSIONERS' COSTS IN THE EXERCISE OF PROBATE JURISDICTION.

Sec.

770. Commissioners shall have seal and may appoint clerk.

Sec.

771. Fees of commissioners.

Commissioners, probate jurisdiction of, etc.

SEC. 770. In the exercise of the jurisdiction conferred upon commissioners by this code in the administration of the estates of deceased persons, and of minors, lunatics, and habitual drunkards, such commissioners shall sit as a probate court, which shall be always open for the transaction of business. Such court shall have a seal, upon which there shall be engraved the words "Probate court, district of Alaska, ——— precinct;" and such courts may appoint a clerk who shall have the authority to attest such seal when attached to the lawful orders and certificates of such court.

Fees of commissioners.

SEC. 771. For the services rendered in the administration of the estates of decedents and of minors, lunatics, and habitual drunkards, the commissioners shall receive fees as follows:

First. For the granting of letters of administration or guardianship, two dollars;

Second. For every other order made in the course of administration, fifty cents; allowance or disallowance of claims, fifty cents;

Third. For the hearing of any objection, one dollar;

Fourth. For making and certifying transcripts to the district court, ten cents per folio.

CHAPTER EIGHTY-ONE.

OF THE PROOF OF WILLS AND THE APPOINTMENT OF EXECUTORS AND ADMINISTRATORS.

Sec.

772. In what precinct will may be proven.

773. Letters testamentary with the will annexed.

774. Who entitled to letters of administration.

775. When persons entitled must apply.

776. Administration to be granted to the husband, unless.

777. Undertaking of executor or administrator.

778. Qualification and justification of sureties.

779. Nonresidents and minors as executors.

Sec.

780. Special administrator.

781. Petition to state facts.

782. When will found after administration granted.

783. Heir may apply for removal of executor or administrator.

784. Nonresident executor or administrator may be removed.

785. New undertaking when old insufficient.

786. Effect of new undertaking or failure to give it.

787. Effect of vacancy.

Sec.
 788. New administrator may maintain action against former one.
 789. Power of the court over an administrator.
 790. When deceased a member of a co-partnership.
 791. Partnership property may be administered by surviving partner.
 792. His power and duties in such cases.
 793. Undertaking of administrator of the partnership.

Sec.
 794. When administration of partnership property devolves upon the general administrator.
 795. Duty of surviving partner toward administrator.
 796. How last section may be enforced.
 797. Who not qualified to act as executor or administrator.
 798. Form of letters testamentary.
 799. Form of letters of administration.
 800. Resignation of executor or administrator.

SEC. 772. Proof of a will shall be taken by the commissioner as follows:

In what precinct will may be proven.

First. When the testator, at or immediately before his death, was an inhabitant of the precinct, in whatever place he may have died;

Second. When the testator, not being an inhabitant of the district, shall have died in the precinct, leaving assets therein;

Third. When the testator, not being an inhabitant of the district, shall have died out of the district, leaving assets in the precinct;

Fourth. When the testator, not being an inhabitant of the district, shall have died out of the district, not leaving assets therein, but where assets thereafter came into the precinct;

Fifth. When real property, devised by the testator, is situated in the precinct and no other commissioner has gained jurisdiction under either of the preceding subdivisions of this section.

SEC. 773. When a will is proven, letters testamentary shall be issued to the persons therein named as executors, or to such of them as give notice of their acceptance of the trust and are qualified. If all the persons therein named decline to accept or be disqualified, letters of administration, with the will annexed, shall be issued to the person to whom the administration would have been granted if there had been no will.

Letters testamentary with the will annexed.

SEC. 774. Administration of the estate of an intestate shall be granted by the commissioner authorized to take proof of a will as prescribed in section seven hundred and seventy-two in case such intestate had made a will. Administration shall be granted, and letters thereof issued, as follows:

Who entitled to letters of administration.

First. To the widow or next of kin, or both, in the discretion of the court;

Second. To one or more of the principal creditors; or

Third. To any other person competent and qualified whom the court may select.

SEC. 775. The persons named in the subdivisions of the last section, if qualified and competent for the trust, shall be entitled to the administration in the order therein named. If those named in subdivision one do not apply for the administration within thirty days from the decease of the intestate, they shall be deemed to have renounced their right thereto; but the commissioner in his discretion may, if they reside within the precinct, direct that a citation issue to them, requiring them within such period to apply for or renounce their right of administration; and if the persons named in subdivision two do not make such application within forty days from such decease, they shall be deemed to have renounced their right to the administration also.

When persons entitled must apply.

SEC. 776. If the deceased were a married woman the administration of her estate shall in all cases be granted to her husband, if he be qualified and competent for the trust and apply therefor within thirty days from her decease, unless by force of a marriage settlement or otherwise she shall have made some testamentary disposition of her property which shall render it necessary and proper to grant the administration to some other person.

Administration to be granted to the husband unless.

Undertaking of executor or administrator.

SEC. 777. No executor or administrator is authorized to act as such until he shall file with the commissioner having jurisdiction of the estate an undertaking in a sum not less than double the probable value of the estate, with one or more sufficient sureties, to be approved by the commissioner, to be void upon condition that such executor or administrator shall faithfully perform the duties of his trust according to law: *Provided*, When by the terms of his will a testator shall expressly declare that no bonds shall be required of his executor, such executor may act upon taking an oath to faithfully fulfill trust without filing the undertaking in this section mentioned: *Provided further*, Such executor shall be criminally and civilly liable as other executors and administrators are for any dereliction of duty.

Qualification and justification of sureties.

SEC. 778. Whenever the penal sum mentioned in the undertaking prescribed in the preceding section exceeds two thousand dollars, three or more sureties may become severally liable for portions of the sums if the aggregate sum for which such sureties became liable shall equal the penal sum required in the undertaking.

Nonresidents and minors as executors.

SEC. 779. If a person be named in a will as executor who is a non-resident of the district or a minor, upon the removal of such disability he is entitled to qualify as such executor, if he apply therefor within thirty days from the removal of such disability, if otherwise competent. If in the meantime an administrator with the will annexed has been appointed, his powers and duties cease with the qualification of such executor; but if another executor has qualified and is acting as such they thereby become joint executors.

Special administrator.

SEC. 780. When for any reason there shall be a delay in issuing letters testamentary or of administration, and the property of the deceased is in danger of being lost, injured, or depreciated, the commissioner may appoint a special administrator to take charge of the estate, who shall qualify in like manner and have the powers and perform the duties of an administrator generally, except that he is not authorized to pay the debts of or otherwise discharge any obligations against the deceased. Upon the issuing of letters testamentary or of administration the powers of the special administrator cease.

Petition to state facts.

SEC. 781. In an application to prove a will or for the appointment of an executor or administrator the petition shall set forth the facts necessary to give the court jurisdiction, and also state whether the deceased left a will or not, and the names, age, and residence, so far as known, of his heirs.

When will found after administration granted.

SEC. 782. If, after administration has been granted upon an estate, a will of the deceased be found and proven, the letters of administration shall be revoked and letters testamentary or of administration with the will annexed shall be issued; and if, after a will has been proven and letters testamentary or of administration with the will annexed have been issued thereon, such will should be set aside, declared void or inoperative, such letters shall be revoked and letters of administration issued.

Heir may apply for removal of executor or administrator.

SEC. 783. Any heir, legatee, devisee, creditor, or other person interested in the estate may apply for the removal of an executor or administrator who has become of unsound mind or been convicted of any felony or a misdemeanor involving moral turpitude, or who has in any way been unfaithful to or neglectful of his trust, to the probable loss of the applicant. Such application shall be by petition and upon notice to the executor or administrator, and if the court find the charge to be true it shall make an order removing such executor or administrator and revoke his letters.

Nonresident executor or administrator may be removed.

SEC. 784. If an executor or an administrator become a nonresident of the district he may be removed and his letters revoked in the manner prescribed in the last section, except that the notice may be given

by publication or posting for such time as the court or judge thereof may direct.

SEC. 785. Whenever the amount of an executor's or administrator's undertaking is insufficient, or the sureties therein, or either of them, have become nonresidents of the district, or are likely to or have become insolvent, such executor or administrator shall be required to give a new and sufficient undertaking. The application for such new undertaking may be made by any heir, legatee, devisee, creditor, or other person interested in the estate, and in the manner prescribed in section seven hundred and eighty-three for the removal of executors and administrators.

New undertaking when old insufficient.

SEC. 786. Such new undertaking, when given and received, shall discharge the sureties in the former undertaking from any liabilities on account of their principal arising from his acts or omissions subsequent thereto. When a new undertaking is ordered, if the executor or administrator fail to comply therewith within five days from the entry thereof, or such further time as the order may prescribe, thenceforward the authority of such executor or administrator shall cease, and he shall be deemed removed and his letters revoked.

Effect of new undertaking or failure to give it.

SEC. 787. Whenever an executor or administrator shall die, resign, or be removed, if there be a coexecutor or coadministrator, he shall thenceforward exercise the powers and perform the duties of the trust; and if all the executors or administrators shall die, resign, or be removed, administration of the estate remaining unadministered shall be granted to those next entitled, if they be competent and qualified.

Effect of vacancy.

SEC. 788. The surviving or remaining executor or administrator, or the new administrator, as the case may be, is entitled to the exclusive administration of the estate, and for that purpose may maintain any necessary and proper action or proceeding on account thereof, against the executor or administrator ceasing to act, or against his sureties or representatives.

New administrator may maintain action against former one.

SEC. 789. Whenever it appears probable to the commissioner that any of the causes for removal of an executor or administrator exist or have transpired, as specified in section seven hundred and eighty-three it shall be the duty of such commissioner to cite such executor or administrator to appear and show cause why he should not be removed, and if he fail to appear or show sufficient cause an order shall be made removing him and revoking his letters; and it is the duty of the commissioner to exercise a supervisory control over the executor or administrator, to the end that he faithfully and diligently perform the duties of his trust according to law.

Power of the court over an administrator.

SEC. 790. The executor or administrator of a deceased person who was a member of a copartnership shall include in the inventory of such person's estate, in a separate schedule, the whole of the property of such partnership; and the appraisers shall estimate the value thereof, and also the value of such person's individual interest in the partnership property after the payment or satisfaction of all the debts and liabilities of the partnership.

When deceased a member of a copartnership.

SEC. 791. After the inventory is taken the partnership property shall be in the custody and control of the executor or administrator for the purpose of administration unless the surviving partner shall, within five days from the filing of the inventory, or such further time as the commissioner may allow, apply for the administration thereof and give the undertaking therefor hereinafter prescribed.

Partnership property may be administered by surviving partner.

SEC. 792. If the surviving partner apply therefor, as provided in the last section, he is entitled to the administration of the partnership estate if he have the qualifications and competency required for a general administrator. He is denominated an administrator of the partnership, and his powers and duties extend to the settlement of the

His power and duties in such cases.

partnership business generally and the payment or transfer of the interest of the deceased in the partnership property remaining after the payment or satisfaction of the debts and liabilities of the partnership to the executor or general administrator within six months from the date of his appointment, or such further time, if necessary, as the commissioner may allow. In the exercise of his powers and the performance of his duties the administrator of the partnership is subject to the same limitations and liabilities and control and jurisdiction of the court as a general administrator.

Undertaking of administrator of the partnership.

SEC. 793. The undertaking of the administrator of the partnership shall be in a sum not less than double the value of the partnership property and shall be given in the same manner and be to the same effect as the undertaking of a general administrator.

When administration of partnership property devolves upon the general administrator.

SEC. 794. In case the surviving partner is not appointed administrator of the partnership, the administration thereof devolves upon the executor or general administrator; but, before entering upon the duties of such administration, he shall give an additional undertaking in double the value of the partnership property.

Duty of surviving partner toward administrator.

SEC. 795. Every surviving partner, on the demand of an executor or administrator of a deceased partner, shall exhibit and give information concerning the property of the partnership at the time of the death of the deceased partner, so that the same may be correctly inventoried and appraised; and in case the administration thereof shall devolve upon the executor or administrator, such survivor shall deliver or transfer to him on demand all the property of the partnership, including all books, papers, and documents pertaining to the same, and shall afford him all reasonable information and facilities for the performance of the duties of his trust.

How last section may be enforced.

SEC. 796. Any surviving partner who shall refuse or neglect to comply with the requirements of the last section may be cited to appear before the commissioner, and unless he show cause to the contrary the commissioner shall require him to comply with such section in the particular complained of.

Who not qualified to act as executor or administrator.

SEC. 797. The following persons are not qualified to act as executors or administrators: Nonresidents of the district; minors; judicial officers; persons of unsound mind, or who have been convicted of any felony, or of a misdemeanor involving moral turpitude.

Form of letters testamentary.

SEC. 798. Letters testamentary may be in the following form:

DISTRICT OF ALASKA, }
Precinct. } ss.

To all persons to whom these presents shall come, greeting:

Know ye, that the will of _____, deceased, a copy of which is hereto annexed, has been duly proven before the commissioner for the precinct aforesaid, and that _____, who is named executor therein, has been duly appointed such executor by the commissioner aforesaid. This, therefore, authorizes the said _____ to administer the estate of the said _____, deceased, according to law.

In testimony whereof I have hereunto subscribed my name and affixed the seal of this court said _____ day of _____, anno Domini 19—.

A B, Commissioner.

Form of letters of administration.

SEC. 799. Letters of administration may be in the following form:

DISTRICT OF ALASKA, }
Precinct. } ss.

To all persons to whom these presents shall come, greeting:

Know ye, that it appearing to the commissioner aforesaid that _____ has died intestate, leaving at the time of his death property in this district, such commissioner has duly appointed _____

administrator of the estate of such _____, deceased; this, therefore, authorizes the said _____, to administer the estate of said _____ according to law.

In testimony whereof, et cetera; the same as in letters testamentary. Letters to an administrator of the partnership with the will annexed, or to a special administrator, may be issued according to the foregoing forms, with such variations as may be proper in the particular case.

SEC. 800. The commissioner, in his discretion, may allow an executor or administrator to resign when it appears that such executor or administrator is not in default in any matter connected with the duties of his trust. Such executor or administrator shall pay the cost of the proceeding, and, if the application is allowed, he shall surrender his letters to be canceled, and his powers as such shall cease from that time forward.

Resignation of executor or administrator.

CHAPTER EIGHTY-TWO.

OF THE INVENTORY OF THE ESTATE.

- Sec. 801. When and how made and verified.
- 802. What to contain.
- 803. Appraisement and appointment of appraisers.
- 804. Oath of appraisers.
- 805. Appraisement of money and debts.
- 806. Debt due by person named in will as executor.
- 807. Discharge or bequest of a claim by will.
- 808. Property discovered after filing inventory.

- Sec. 809. Who entitled to possession and control of property.
- 810. When person charged with secreting property or writings.
- 811. Mode of examination of such persons.
- 812. Proceeding in case such person refuses to appear.
- 813. Proceeding to compel account.
- 814. Damages for conversion before administration.

SEC. 801. An executor or administrator shall within one month from the date of his appointment, or such further time as the commissioner may allow, make and file with the commissioner an inventory, verified by his oath, of all the real and personal property of the deceased which shall come to his possession or knowledge.

When and how made and verified.

SEC. 802. The inventory shall contain an account of all money belonging to the deceased, or a statement that none has come to the possession or knowledge of the executor or administrator; also a statement of all debts due the deceased, the written evidence thereof, and the security therefor, if any exist, specifying the name of each debtor, the date of each written evidence of debt, the security therefor, the sum originally payable, the indorsements thereon, if any, and their dates, and the sum appearing then to be due thereon.

What to contain.

SEC. 803. Before the inventory is filed the property therein specified shall be appraised at its true cash value by three disinterested and competent persons, who shall be appointed by the commissioner; but if any part of the property shall be in a precinct other than that wherein administration is granted, the appraisers thereof may be appointed by such commissioner or the commissioner of the precinct wherein the property shall be; in the latter case a certified copy of the order of appointment shall be filed with the inventory.

Appraisement and appointment of appraisers.

SEC. 804. Before making the appraisement the appraisers shall each make and subscribe an affidavit, to be filed with the inventory, to the effect that he will honestly and impartially appraise the property which shall be exhibited to him according to the best of his knowledge and ability.

Oath of appraisers.

SEC. 805. The appraisers shall appraise each article of property separately and set down the value thereof in dollars and cents opposite the entry of the article in the inventory. Money, of whatever nature.

Appraisement of money and debts.

that is a legal tender is to be appraised at its nominal value; but debts of all descriptions or kinds are to be appraised at that sum which, in the judgment of the appraisers, may be realized from them by due process of law. When the appraisement is completed, the inventory shall be signed by the appraisers.

Debt due by person named in will as executor.

SEC. 806. The naming anyone executor in a will shall not operate to discharge such executor from any claim which the testator had against him, but the claim shall be included in the inventory; and if the person so named afterward take upon himself the administration of the estate he shall be liable for such sum as for so much money in his hands at the time the claim became due and payable; otherwise he is liable for such claim as any other debtor of the deceased.

Discharge or bequest of a claim by will.

SEC. 807. The discharge or bequest in a will of any claim of the testator against a person named as executor therein, or against any other person, shall, as against the creditors of the deceased, be invalid. Such claim shall be included in the inventory, and for all purposes of administration is to be deemed and treated as a specific legacy of that amount.

Property discovered after filing inventory.

SEC. 808. If, after the filing of the inventory, property not mentioned therein shall come to the knowledge or possession of the executor or administrator, it is his duty immediately to make an inventory thereof and cause the same to be appraised in the manner prescribed in this title and file the same with the commissioner.

Who entitled to possession and control of property.

SEC. 809. The executor or administrator is entitled to the possession and control of the property of the deceased, both real and personal, and to receive the rents and profits thereof until the administration is completed, or the same is surrendered to the heirs or devisees by order of the court or judge thereof; but where such property, or any portion thereof, is in the possession of a third person, by virtue of a valid subsisting lease or bailment, the possession and control of the executor or administrator is subordinate to the right of the lessee or bailee. During the time the property is in the possession or control of the executor or administrator, it is his duty to keep the same in repair and preserve it from loss or decay as far as possible.

When person charged with secreting property or writings.

SEC. 810. Whenever it appears probable from the affidavit of an executor or administrator, or of an heir or other person interested in the estate, that any person has concealed or in any way secreted or disposed of any property of the estate, or any writing relating or pertaining thereto, or that such person has knowledge of any such property or writing being so concealed, secreted, or disposed of, and refuses to disclose the same to the executor or administrator, the commissioner, upon the application of such executor or administrator, may cite such person to appear and answer under oath concerning the matter charged.

Mode of examination of such persons.

SEC. 811. Such examination may be oral or upon written interrogatories filed by the applicant, but in either case the answers of the persons cited shall be reduced to writing and subscribed by him and filed. If such person be not in the precinct where administration is granted, the proceeding may be either before the commissioner of such precinct or before the commissioner of the precinct where such person resides or may be found. In the latter case a certified copy of the written interrogatories, if any, and the examination or other proceeding thereon, or connected therewith, shall be filed with the commissioner where administration is granted.

Proceeding in case such person refuses to appear.

SEC. 812. If the person so cited refuses to appear or answer such interrogatories as may be allowed to be put to him touching the matter charged, he may be punished for a contempt or may at once be committed, by the warrant of the commissioner, to jail, there to remain in close custody until he submits to the order of the commissioner.

Proceeding to compel account.

SEC. 813. The commissioner, upon the application of the executor or administrator, may cite any person who has been intrusted with any

of the property of the deceased to appear and answer concerning the same when it appears probable that such person refuses or neglects to render to the executor or administrator a true account thereof. The application shall be made and the proceeding conducted in a manner prescribed in sections eight hundred and ten, eight hundred and eleven, and eight hundred and twelve, concerning property or writings alleged to be concealed, and with like effect.

SEC. 814. If any person shall, before administration is granted, embezzle, alien, or in any way convert to his own use any of the property of a deceased person, he shall be liable to the executor or administrator in double the amount of damages which may be assessed therefor.

Damages for conversion before administration.

CHAPTER EIGHTY-THREE.

OF THE SUPPORT OF THE WIDOW AND MINOR CHILDREN.

Sec.
815. Provision for widow and minor children before administration.
816. Property to be set apart, and effect of.
817. Further order for support, when made.

Sec.
818. When the whole of estate to be set apart to widow and children.
819. When estate all deemed assets.

SEC. 815. Until administration of the estate has been granted and the inventory filed, the widow and minor children of the deceased are entitled to remain in possession of the homestead, all the wearing apparel of the family, and household furniture of the deceased, and also to have a reasonable provision allowed for their support during such period, to be allowed by the commissioner.

Provision for widow and minor children before administration.

SEC. 816. Upon the filing of the inventory the commissioner shall make an order setting apart for the widow or minor children of the deceased, if any, all the property of the estate by law exempt from execution. The property thus set apart, if there be a widow, is her property, to be used or expended by her in the maintenance of herself and minor children, if any; or if there be no widow, it is the property of the minor child, or if more than one, of the minor children, in equal shares, to be used and expended in the nurture and education of such child or children by the guardian thereof as the law directs.

Property to be set apart, and effect of.

SEC. 817. If the property so exempt is insufficient for the support of the widow and minor children, according to their circumstances and condition in life, for one year after the filing of the inventory, the commissioner may order that the executor or administrator pay to such widow, if any, and if not, then to the guardian of such minor children, an amount sufficient for that purpose.

Further order for support, when made.

SEC. 818. If from the inventory of an intestate's estate, who died leaving a widow or minor children, it appears that the value of the estate does not exceed one hundred and fifty dollars over and above property exempt from execution, upon the filing of the inventory the commissioner shall make a decree providing that the whole of the estate, after the payment of funeral expenses and expenses of administration, be set apart for such widow or minor children in like manner and with like effect as in case of property exempt from execution. There shall be no further proceeding in the administration of such estate unless further property be discovered.

When the whole of estate to be set apart to widow and children.

SEC. 819. If an intestate leave neither widow nor minor children all the property of the estate is assets in the hands of the administrator, for the payment of funeral expenses, expenses of administration, payment of the debts of the deceased, or distribution according to law.

When estate all deemed assets.

CHAPTER EIGHTY-FOUR.

OF CLAIMS AGAINST THE ESTATE.

<p>Sec. 820. Publication of notice and contents thereof. 821. Proof of publication; effect of not presenting claim. 822. Claim, how presented, and verification of. 823. Claim to be allowed or rejected; if barred, not to be allowed. 824. Effect of judgment against executor or administrator.</p>	<p>Sec. 825. Judgment against deceased in his lifetime. 826. When and how claim may be referred. 827. Proceeding by referee, and effect of. 828. Claim of executor or administrator. 829. How such claim may be determined.</p>
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Publication of notice and contents thereof.

SEC. 820. Every executor or administrator shall, immediately after his appointment, publish a notice thereof in some newspaper published in the precinct, if there be one, or otherwise in such paper as may be designated by the commissioner, as often as once a week for four successive weeks, and oftener if the commissioner shall so direct. In case of publication in a paper published without the precinct, the executor or administrator shall also post a notice in at least three public places, to be designated by the commissioner in his order, one of which shall be at or immediately adjacent to the post-office nearest the residence of the decedent at the time of his death. Such notice shall require all persons having claims against the estate to present them, with the proper vouchers, within six months from the date of such notice, to the executor or the administrator, at a place within the precinct therein specified.

Proof of publication; effect of not presenting claim.

SEC. 821. Before the expiration of the six months mentioned in the last section, a copy of the notice as published, with the proper proof of publication, shall be filed with the commissioner. A claim not presented within six months after the first publication of the notice is not barred, but it can not be paid until the claims presented within that period have been satisfied, and if the claim be not then due, or if it be contingent, it shall nevertheless be presented as any other claim. Until the administration has been completed a claim against the estate not barred by the statute of limitations may be presented, allowed, and paid out of any assets then in the hands of the executor or administrator not otherwise appropriated or liable.

Claim, how presented, and verification of.

SEC. 822. Every claim presented to the executor or administrator shall be verified by the affidavit of the claimant or some one on his behalf who has personal knowledge of the facts, to the effect that the amount claimed is justly due, that no payments have been made thereon, except as stated, and that there is no just counterclaim to the same, to the knowledge of the affiant. When it appears or is alleged that there is any written evidence of such claim, the same may be demanded by the executor or administrator, or that its nonproduction be accounted for.

Claim to be allowed or rejected; if barred, not to be allowed.

SEC. 823. When the claim is presented to the executor or administrator, as prescribed in the last section, if he shall be satisfied that the claim thus presented is just, he shall indorse upon it the words "examined and approved," with the date thereof, and sign the same officially, and shall pay such claim in due course of administration; but if he shall not be so satisfied, he shall indorse thereon the words "examined and rejected," with the date thereof, and sign the same officially. Every executor or administrator shall keep a list of all demands legally exhibited against the estate of the testator or intestate, and shall, every three months, file with the commissioner a statement of all such claims as have been presented, and whether the same have been allowed or rejected by him. If any executor or administrator shall refuse to allow

any claim or demand against the deceased after the same may have been exhibited to him in accordance with the provisions of this Act, the claimant may present his claim to the commissioner having jurisdiction or to the district court or the judge thereof for allowance, giving the executor or administrator thirty days' notice of such application to the court. The district court or the judge thereof shall have power to hear and determine in a summary manner all demands against any estate agreeably to the provisions of this chapter, and which have been so rejected by the executor or administrator, and shall cause a concise entry of the order of allowance or rejection to be made on the record, which order shall have the force and effect of a judgment, from which an appeal may be taken as in ordinary cases: *Provided*, No claim which shall have been rejected by the executor or administrator, as aforesaid, shall be allowed by any court, judge, referee, or jury, except upon some competent or satisfactory evidence other than the testimony of the claimant. No claim shall be allowed by the executor or administrator or the district court or judge which is barred by the statute of limitations.

SEC. 824. The effect of a judgment against an executor or administrator, on account of a claim against the estate of his testator or intestate, is only to establish the claim as if it had been allowed by him, so as to require it to be satisfied in due course of administration, unless it appear that the complaint alleged assets in his hands applicable to the satisfaction of such claim, and that such allegation was admitted or found to be true, in which case the judgment may be enforced against such executor or administrator personally.

Effect of judgment against executor or administrator.

SEC. 825. A claim established by judgment against the deceased in his lifetime need not be verified by affidavit, but it is sufficient to present a certified copy of the judgment docket thereof to the executor or administrator for allowance or rejection, as in other cases; but this section is not to be construed to prevent an execution from being issued upon such judgment, as elsewhere provided in this code.

Judgment against deceased in his lifetime.

SEC. 826. If the executor or administrator doubt the validity of any claim presented to him, he may agree, in writing, with the claimant that an order of reference be made by the commissioner thereof concerning the same. Upon the filing of such agreement, the commissioner shall make the order accordingly.

When and how claim may be referred.

SEC. 827. The referee shall proceed to hear and examine the matter, and report thereon to the commissioner, where the order of reference was made, in the same manner and with like effect as if the order was made in an action upon such claim.

Proceeding by referee, and effect of.

SEC. 828. If the executor or administrator is himself a creditor of the testator or intestate, his claim, duly verified, may be presented to the commissioner for allowance or rejection; but the allowance of such claim by such commissioner does not conclude a creditor, heir, or other person interested in the estate in any action or proceeding between such executor or administrator and such creditor, heir, or other person.

Claim of executor or administrator.

SEC. 829. If the commissioner reject the claim of the executor or administrator, either in whole or in part, or in case the same is not presented for allowance, as provided in the last section, the executor or administrator may retain the amount thereof until the final settlement of his accounts, when, if the same is controverted or objected to by any person interested in the estate, the right of the executor or administrator to have the allowance claimed shall be tried and determined by the court. If the claim is not presented to the commissioner, as provided in the section last preceding, before it is barred by the statute of limitations, such claim can not be allowed, retained, or recovered.

How such claim may be determined.

CHAPTER EIGHTY-FIVE.

OF THE SALE OF PROPERTY BY EXECUTORS OR ADMINISTRATORS.

<p>Sec. 830. Sale of property, how made, and application therefor. 831. Order of sale of personal property. 832. Sales of property thereunder. 833. May be sold at private sale. 834. When real property may be sold where specially devised. 835. Petition for order of sale of real property. 836. Citation to heirs and devisees to show cause. 837. Service of citation. 838. Hearing and order of sale. 839. Sale, how made; security for purchase money. 840. Return of sale, and objections thereto. 841. When sale confirmed and when vacated. 842. Recitals in conveyance and effect thereof. 843. When real property may be sold to pay legacy, etc. 844. Sale of property under will.</p>	<p>Sec. 845. Proceeding in case property appropriated insufficient. 846. Bequests and legacies, when liable for debts. 847. Sale of contract for the purchase of real property. 848. Sale subject to payments to be made on contract. 849. Assignment of contract and effect thereof. 850. Order to redeem mortgaged property. 851. Order for the sale of mortgaged property. 852. Application of proceeds of sale. 853. When mortgage foreclosed or suit commenced for that purpose. 854. When debt not due, how satisfied. 855. Effect of order confirming sale. 856. Fraudulent or void conveyance of judgments of the deceased. 857. Order allowing proceedings to vacate. 858. Disposition of property recovered on such proceeding.</p>
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Sale of property, how made, and application therefor.

SEC. 830. No sale of the property of an estate is valid unless made by order of the commissioner, as in this chapter prescribed, unless herein otherwise provided. The application for an order of sale shall be by the petition of the executor or administrator, and in case of real property a citation to the heirs and others interested in such property.

Order of sale of personal property.

SEC. 831. Upon the filing of the inventory the executor or administrator may make an application to sell the personal property of the estate for the purpose of paying the funeral charges, expenses of administration, the claims, if any, against the estate, and for the purposes of distribution; and it shall be the duty of the commissioner to grant such order, if in his judgment it is for the best interest of the estate, and to direct and prescribe the terms of sale upon which such property shall be sold, whether for cash or on credit.

Sales of property thereunder.

SEC. 832. Thereafter the executor or administrator shall sell such personal property from time to time for the purposes specified in the last section, and as often and as much thereof as may be necessary. Such sale shall be conducted in the same manner as a sale of personal property on execution, unless otherwise provided in this chapter.

May be sold at private sale.

SEC. 833. If, upon the application for an order of sale, or upon a subsequent application for that purpose, it appears to the commissioner that it would be for the interest of the estate, he may order that the executor or administrator may sell all the personal property of the estate or any article thereof at private sale. If any articles of personal property have been specially bequeathed, they are to be exempt from the operation of the order of sale so long as any property of the estate not specially devised or bequeathed remains unsold or appropriated to the purposes specified in section eight hundred and sixty-eight.

When real property may be sold where specially devised.

SEC. 834. When the proceeds of the sale of personal property have been exhausted, and the charges, expenses, and claims specified in section eight hundred and thirty-one have not all been satisfied, the executor or administrator shall sell the real property of the estate, or so much thereof as may be necessary for that purpose. If any of such real property have been specially devised, it shall be exempt from the operation of the order of sale in the same manner as personal property specially bequeathed.

SEC. 835. The petition for the order of sale of real property shall state the amount of the sales of personal property, the charges, expenses, and claims still unsatisfied, so far as the same can be ascertained, a description of the real property of the estate, the condition and probable value of the different portions or lots thereof, the amount and nature of any liens thereon, the names, ages, and residence of the devisees, if any, and of the heirs of the deceased, so far as known.

Petition for order of sale of real property.

SEC. 836. Upon the filing of the petition a citation shall issue to the devisees and heirs therein mentioned, and to all others unknown, if any such there be, to appear at a time therein mentioned, not less than thirty days after the service of such citation, to show cause, if any exist, why an order of sale should not be made as in the petition prayed for.

Citation to heirs and devisees to show cause.

SEC. 837. Upon an heir or devisee known and resident within the district such citation shall be served and returned as a summons, and upon an heir or devisee unknown or nonresident it may be served by publication or posting, or both, not less than four weeks, or for such further time as the commissioner may prescribe. When service is had by posting, the citation shall be posted at not less than three public places within the precinct, one of which shall be the post-office nearest to the place where the decedent resided at the time of his death. When service of the citation is made by publication or posting, there shall be given with it a brief description of the property described in the petition.

Service of citation.

SEC. 838. If, upon the hearing, the court find that it is necessary that the real property, or any portion thereof, should be sold, it shall make the order accordingly, and prescribe the terms thereof, whether of cash or credit, or both; and if such property can not be divided without probable injury and loss to the estate, it may order that it, or any specific lot or portion thereof, shall be sold wholly, whether otherwise necessary or not.

Hearing and order of sale.

SEC. 839. Upon the order being made, the executor or administrator shall sell the property therein specified upon the terms directed and in the manner herein otherwise provided. Such sale shall be made in the same manner as like property is sold on execution: *Provided, however,* The commissioner may, if thought best, order said property to be sold on the premises. When the sale is upon credit the executor or administrator shall take the note of the purchaser for the purchase money, with a mortgage upon the property to secure the payment thereof.

Sale, how made; security for purchase money.

SEC. 840. Within ten days after the sale of real property the executor or administrator shall make a return of his proceedings concerning such sale. Upon such return any of the persons cited to appear on the application for the order of sale may file his objections to the confirmation of such sale.

Return of sale, and objections thereto.

SEC. 841. Upon the hearing the court shall confirm the sale and decree that the executor or administrator make a conveyance to the purchaser, unless it appear that there were irregularities in the sale, or that the sum bidden for the property is disproportionate to the value thereof, and that a sum exceeding such bid at least ten per centum, exclusive of the expenses of a new sale, may be obtained therefor, in either of which cases the court shall make an order vacating the sale and directing that the property be resold; and upon such second sale the property, or any specific portion or lot thereof, ordered to be resold shall be sold as if no previous sale had taken place. In case no objections are made to the confirmation of the sale as provided in the section last preceding, the court shall nevertheless examine the proceedings concerning such sale, and, if it appear proper, may make the order of resale provided for in this section in the same manner and with like effect as if objections had been filed thereto.

When sale confirmed and when vacated.

Recitals in conveyance and effect thereof.

SEC. 842. A conveyance executed by an executor or administrator shall set forth the date of the order directing the sale, and the book, number thereof, and page containing the same, and the date of the order confirming the sale and directing the conveyance, and the book, number thereof, and page containing the same, and the title of the court making such orders, and shall operate to convey all the estate, right, and interest of the testator or intestate in the premises at the time of his death.

When real property may be sold to pay legacy, etc.

SEC. 843. When a testator shall have specially bequeathed any specific article of personal property, or given any legacy by will, and there shall not be sufficient personal property, besides such specific article or the value of such legacy, to pay the funeral charges, expenses of administration, and claims against the estate, the executor or administrator shall obtain an order to sell the real property sufficient to make up the deficiency, in the manner hereinbefore provided.

Sale of property under will.

SEC. 844. When the testator shall make provision in his will for the sale or disposition of all or any particular portion of his estate, for the payment of funeral charges, expenses of administration, or of claims against the estate, the property so appropriated may be sold or disposed of as directed by the executor or administrator with the will annexed, without an order of the court therefor; but he shall be bound to conduct the sale and make a return thereof in all respects as if it were made by order of the court, unless there are special directions in the will concerning the manner and terms of sale, in which case he shall be governed by such directions in such respects.

Proceeding in case property appropriated insufficient.

SEC. 845. If the provision made by the will or the property thereby appropriated be insufficient for the purpose intended, the remaining portion of the estate may be sold for that purpose, according to the provisions of this chapter.

Bequests and legacies, when liable for debts.

SEC. 846. The property, real and personal, given by the will to any devisee or legatee is liable for the payment of the funeral charges, expenses of administration, and of claims against the estate; and if there be more than one such devisee or legatee, then in proportion to the value or amount of the several devises and legacies; except that specific devises and legacies shall be exempt from such liability, if such appear to have been the intention of the testator and there be other sufficient property to satisfy such charges, expenses, and claims.

Sale of contract for the purchase of real property.

SEC. 847. If the deceased was, at the time of his death, a party to a contract for the purchase of real property, his interest in such real property by virtue of such contract may be sold in the same manner as if such contract had been executed in the lifetime of the deceased, by a conveyance to him of such property according to the legal effect and terms of such contract.

Sale subject to payments to be made on contract.

SEC. 848. If there be any payments due, or to become due, on such contract, to the vendor of the deceased, sale is made subject thereto, and before the same can be confirmed, or the contract assigned to the purchaser, such purchaser shall execute an undertaking, with one or more sufficient sureties in an amount not less than double the value of all the payments then due or to become due, for the benefit of whom it may concern, to be void upon the condition that such purchaser will make all such payments according to the terms of such contract, and indemnify the executor or administrator or others whom it may concern, against all damages, costs, and expenses by reason of any covenant or agreement contained in such contract.

Assignment of contract and effect thereof.

SEC. 849. The order of confirmation of such sale shall direct the executor or administrator to make an assignment of such contract to the purchaser, which assignment shall vest in the purchaser, his heirs and assigns, all the estate, right, and interest of the deceased at the time of his death in such real property, and give to the purchaser the same rights and remedies against the vendor thereof as the deceased would have had or been entitled to if living.

SEC. 850. If the deceased left any property, real or personal, under mortgage, and did not devise or provide for the redemption of the same by will, the commissioner, upon the application of the executor or administrator, or the application of an heir or creditor, or other person interested in the estate, may order the executor or administrator to redeem such property out of the proceeds of the other personal property, if it appear that such redemption would be for the interest of the estate, and not prejudicial to creditors.

Order to redeem mortgaged property.

SEC. 851. If, upon such application, such redemption be deemed not proper or inexpedient, the commissioner shall order such property to be sold in like manner and with like effect as is provided in other cases of the sale of real property by this chapter; and the conveyance to the purchaser shall operate to convey to him all the estate, right, and interest which the deceased would have had in the property had not the same been mortgaged by him.

Order for the sale of mortgaged property.

SEC. 852. Ten days before making an order for the application of the proceeds of such sale, the mortgagee or other person to whom the debt which is secured by such mortgage is payable shall be cited to appear and show the amount of his debt, and make his objections, if any, to the report of the expenses of the proceeding and sale as claimed by the executor or administrator; and thereupon the court shall order that the proceeds of the sale be first applied to the payment of the proper expenses of the proceeding and sale, and secondly, to the satisfaction of such debt, and the residue, if any, in due course of administration.

Application of proceeds of sale.

SEC. 853. The three sections last preceding shall not be construed to include a mortgage which has been foreclosed, or upon which a suit has been commenced for foreclosure before the application for the order of redemption or sale is made, nor to any other lien arising upon judgment or decree given against the deceased in his lifetime.

When mortgage foreclosed or suit commenced for that purpose.

SEC. 854. If the debt secured by the mortgage mentioned in section eight hundred and fifty be not due at the time of the making of the order for redemption or application of the proceeds of sale, the party to whom it is payable shall be entitled to receive in satisfaction thereof such sum as may be ascertained to be equal to the present value thereof.

When debt not due, how satisfied.

SEC. 855. The order of confirmation of sale in this chapter mentioned is conclusive as to the regularity of the sale and no further. All purchases of the property of the estate by an executor or administrator, however made, whether directly or indirectly, are prohibited, and if made are void.

Effect of order confirming sale.

SEC. 856. Whenever the assets of the estate are insufficient to satisfy the funeral charges, expenses of administration, and the claims against the estate, and the deceased shall in his lifetime have made or suffered any conveyance, transfer, or sale of any property, real or personal, or any right or interest therein, with intent to delay, hinder, or defraud creditors, or when such conveyance, transfer, or sale has been so made or suffered that the same is void in law as against creditors, or when the deceased in his lifetime has suffered, consented, or procured any judgment or decree to be given against him with such intent or in such manner as to be likewise void, it is the duty of such executor or administrator to make application by petition to the commissioner for leave to commence and prosecute to final judgment or decree the necessary and proper actions or proceedings to have such conveyance, transfer, sale, or judgment declared void, and the property affected thereby discharged from the effect thereof.

Fraudulent or void conveyance of judgments of the deceased.

SEC. 857. If upon the application it appear to such commissioner that the assets are insufficient for the purposes specified in the last section, and that it is probable that the conveyance, transfer, or judgment was made, suffered, consented to, or procured with the intent or in the manner specified in the last section, he shall make the order directing

Order allowing proceedings to vacate.

the proceedings to be commenced and prosecuted as to any or all of the matters alleged in the petition and necessary to supply the deficiency in the assets.

Disposition of property recovered on such proceedings.

SEC. 858. The property recovered by means of any proceeding in pursuance of the last two sections is to be sold and appropriated to supply the deficiency mentioned in section eight hundred and fifty-six in the same manner as other like property; but the right to or interest in the surplus, if any, remains as if such proceeding had not been allowed or commenced.

CHAPTER EIGHTY-SIX.

OF THE ACCOUNTS OF EXECUTORS AND ADMINISTRATORS.

Sec.	Sec.
859. When filed and what to contain.	865. Administrator chargeable with amount of inventory.
860. Proceeding if administrator neglect to file account.	866. For what administrator responsible.
861. Order for the payment of expenses, charges, and claims.	867. Expenses and compensation of administrator.
862. Final account, when filed and what to contain.	868. Same subject.
863. Objections to final account, by whom, and when made.	869. Amount of compensation.
864. Decree upon final account and effect thereof.	870. Proceeding in case of neglect to file final account.
	871. Administrator may compound for debt due estate.

When filed and what to contain.

SEC. 859. An executor or administrator shall, within six months from the date of the notice of his appointment, and every six months thereafter until the administration is completed and he is discharged from his trust, render an account, verified by his own oath, and file the same with the commissioner, showing the amount of the money received and expended by him, from whom received and to whom paid, with the proper vouchers for such payments, the amount of the claims presented against the estate and allowed or disallowed and the name of the claimants of each, and any other matter necessary to show the condition of the affairs thereof.

Proceeding if administrator neglect to file account.

SEC. 860. An executor or administrator who shall fail to file an account as required in the last section may be required by a citation or ordered by a commissioner to appear and do so, either upon the application of an heir or creditor, or other person interested in the estate, or without it. If the executor or administrator refuses or neglects to appear when cited, or to file the account as required, he may be punished as for a contempt, or by warrant of the commissioner be committed to close custody in jail until he consent to do so.

Order for the payment of expenses, charges, and claims.

SEC. 861. Within thirty days after the filing of the first semiannual account, and at each semiannual account thereafter, the commissioner shall ascertain and determine if the estate be sufficient to satisfy the claims allowed by the executor or administrator, within the first six months or any succeeding period of six months thereafter, after the date of the notice of his appointment, after paying the funeral charges and expenses of administration; and if so, he shall so order and direct; but if the estate be insufficient for that purpose, he shall ascertain what per centum of such claims it is sufficient to satisfy, and order and direct accordingly.

Final account, when filed and what to contain.

SEC. 862. When the estate is fully administered it shall be the duty of the executor or administrator to file his final account. Such account shall be verified and contain a detailed statement of the amount of money received and expended by him, from whom received and to whom paid, and refer to the vouchers for such payments, and the amount of money and property, if any, remaining unexpended or unappropriated. Upon the filing of the final account, the commis-

sioner shall make an order directing notice thereof to be given in the same manner as the notice of an appointment of an executor or administrator, and appoint a day not less than sixty days subsequent thereafter for the hearing of objections to such final account and the settlement thereof.

SEC. 863. An heir, creditor, or other person interested in the estate may, on or before the day appointed for such hearing and settlement, file his objections thereto, or to any particular item thereof, specifying the particulars of such objections; but no creditor shall be allowed to object to such account whose claim has been satisfied, as allowed by the executor or administrator or established by judgment.

Objections to final account, by whom, and when made.

SEC. 864. Upon the hearing the court shall give a decree allowing or disallowing the final account, either in whole or in part, as may be just and right; and such decree in any other action or proceeding between the parties interested or their representatives is primary evidence of the correctness of the account as thereby allowed and settled.

Decree upon final account and effect thereof.

SEC. 865. An executor or administrator is chargeable in his account with all the property of the estate which may come into his possession, at the value of the appraisement contained in the inventory, except as in this chapter otherwise provided.

Administrator chargeable with amount of inventory.

SEC. 866. He shall not make profit by the increase in value of the property of the estate, or suffer loss for the decrease in value or the destruction thereof, without his fault; and if any of the property of the estate sell for more than its appraised value he shall account for the excess, and if any such property sell for less than its appraised value he shall not be responsible for the loss, unless occasioned by his fault. He shall not be accountable for the debts due the estate if it appear that they remain uncollected without his fault. He shall not purchase any claim against the estate which he represents, and if he satisfies any such claim for less than its nominal value he is only entitled to charge in his account the sum actually paid.

For what administrator responsible.

SEC. 867. An executor or administrator shall be allowed, in the settlement of his account, all necessary expenses incurred in the care, management, and settlement of the estate, including reasonable attorney's fees in any necessary litigation or matter requiring legal advice or counsel. For his services he shall receive such compensation as the law provides; but when the deceased, by his will, has made special provision for the compensation of his executor, such executor is not entitled to any other compensation for his services unless he shall, within ten days after his appointment, subscribe and file with the commissioner a written declaration renouncing the compensation provided by the will.

Expenses and compensation of administrator.

SEC. 868. Notwithstanding the provision in the will for the compensation of an executor, if the estate be insufficient to satisfy the claims against it, the commissioner shall reduce such compensation, so far as may be necessary to satisfy such claims, to an amount equal to what the executor would have been entitled to if no such provision had been made.

Same subject.

SEC. 869. The compensation provided by law for an executor or an administrator is a commission upon the whole estate accounted for by him, as follows:

Amount of compensation.

First. For the first thousand dollars, or any less sum, at the rate of seven per centum thereof;

Second. For all above that sum and not exceeding two thousand dollars, at the rate of five per centum thereof;

Third. For all above two thousand and not exceeding four thousand dollars, at the rate of four per centum thereof;

Fourth. For all above the last-mentioned sum, at the rate of two per centum thereof.

In all cases, such further compensation as is just and reasonable may be allowed by the commissioner for any extraordinary and unusual services not ordinarily required of an executor or administrator in the discharge of his trust.

Proceeding in case of neglect to file final account.

SEC. 870. Before the time appointed for the hearing and settlement of a final account the executor or administrator shall file with the commissioner a copy of the notice thereof, with the proper proof of its publication or posting as directed. An executor or administrator who shall fail to file his final account as provided in section eight hundred and sixty-two may be proceeded against in like manner and with like effect as provided in section eight hundred and sixty in case of failure to file a semiannual account.

Administrator may compound for debt due estate.

SEC. 871. Whenever a debtor of a deceased person is unable to pay all his debts, an executor or administrator, by an order of the commissioner, may compound with him and give him a discharge upon receiving a fair and just proportion of his effects; but if such compounding is procured or produced by the fraudulent representations or conduct of such debtor, such payment shall only operate to discharge a like amount of the debt.

CHAPTER EIGHTY-SEVEN.

OF THE PAYMENT OF CLAIMS AND CHARGES.

<p>Sec. 872. Order of payment of charges and claims. 873. Proceeds of real property to be applied in satisfaction of lien. 874. How judgment or decree satisfied when given in lifetime of deceased. 875. If estate insufficient, payment to be in proportion. 876. Funeral charges, who may incur and when allowed. 877. Administrator may retain compensation and expenses. 878. Debts not due or contingent. 879. Administrator liable to creditor personally, when.</p>	<p>Sec. 880. Distribution and payment of legacies. 881. When real property discharged from administration. 882. Application of heir or other person for share of estate. 883. Notice and proceedings thereon. 884. Qualification of sureties in undertaking, and costs. 885. Application for decree to refund. 886. Proceedings thereon, and how decree enforced.</p>
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Order of payment of charges and claims.

SEC. 872. The charges and claims against the estate which have been presented and allowed, or presented and disallowed but subsequently established by judgment within the first six months after the date of the notice of appointment of the executor or administrator, shall be paid in the following order, and those presented and allowed or established in like manner with each succeeding period of six months thereafter during the continuance of the administration in the same manner: First, funeral charges; second, taxes of whatever nature due the United States; third, expenses of last sickness; fourth, all other taxes of whatever nature; fifth, debts preferred by the laws of the United States; sixth, debts which at the death of the deceased were a lien upon his property or any right or interest therein according to the priority of their several liens; seventh, debts due employee of decedent for wages earned within the ninety days immediately preceding the death of the decedent; eighth, all other claims against the estate.

Proceeds of real property to be applied in satisfaction of lien.

SEC. 873. The preference given by subdivision sixth of the last section shall extend only to the proceeds of the property upon which the lien exists, and as to such proceeds such debt is to be preferred to any of the classes mentioned in such section other than the taxes upon such property.

How judgment or decree satisfied when given in lifetime of deceased.

SEC. 874. If such debt has been established by judgment against the deceased in his lifetime, such judgment, if the proceeds of the personal property be not sufficient to satisfy it, may, in the discretion

of the commissioner, be either satisfied from the proceeds of the sale of the property by the executor or administrator upon which it is a lien, or enforced by execution against such property. Such sale by the executor or administrator discharges the property from the lien of the judgment, but the same attaches to the proceeds thereof, after deducting therefrom the expenses of sale.

SEC. 875. Except as specially provided in the last three sections, if the estate be insufficient to pay all the claims and charges of any one class, payable within any period of six months during the administration, as provided in section eight hundred and seventy-two, each creditor of such class shall be paid in proportion to the amount of his claim, and not otherwise.

If estate insufficient, payment to be in proportion.

SEC. 876. The executor named in the will, or if there be none, or if he do not attend to it, then the husband, widow, or next of kin, in the order herein named, are authorized to incur funeral charges on account of the estate in the burial of the deceased before administration of the estate is granted, and the burial of the deceased may be in a manner and at a cost according to his circumstances and condition in life; but no funeral charges, except those necessary to give the deceased a plain and decent burial, shall be allowed out of the estate where the assets are not sufficient to satisfy all other claims against it, including the legacies and devises, if there be any.

Funeral charges, who may incur and when allowed.

SEC. 877. The executor or administrator may retain in his hands, in preference to any claim or charge against the estate, the amount of his own compensation and the necessary expenses of administration.

Administrator may retain compensation and expenses.

SEC. 878. A debt due and payable is not entitled to preference over one of the same class not due if the latter be presented within the same period. A debt not due, whether contingent or absolute, upon being presented shall, if absolute, be satisfied by the payment of such sum as the commissioner may prescribe by order to be equal to its present value, and if contingent, by the payment into court for the benefit of the creditor, subject to the contingency, of a sum, to be ascertained in like manner, equal to its present value.

Debts not due or contingent.

SEC. 879. When, upon the filing of a semiannual account, an order is made determining and prescribing the amount of assets applicable to the claims then presented, as provided in section eight hundred and sixty-one, thereafter the executor or administrator is personally liable to each creditor included in such order for such amount.

When administrator liable to creditor personally.

SEC. 880. If all the charges and claims shall have been satisfied upon the first distribution of the assets, or as soon thereafter as they may be, the commissioner shall direct the payment of legacies and the distribution of the remaining proceeds of the personal property among the heirs or other persons entitled thereto.

Distribution and payment of legacies.

SEC. 881. The real property of the deceased is the property of those to whom it descends by law or is devised by will, subject to the possession of the executor or administrator, and to be applied to the satisfaction of claims against the estate, as by this chapter provided; but upon the settlement of the estate and the termination of the administration thereof so much of such real property as remains unsold or unappropriated is discharged from such possession and liability without any order or decree therefor. But if there be any surplus of the proceeds of sale of such real property, or any part thereof, the commissioner shall order and direct a distribution of such surplus among those who would have been entitled to such land if the same had not been sold.

When real property discharged from administration.

SEC. 882. At any time after the filing of the first semiannual account any heir, devisee, or legatee may apply to the commissioner by petition for an order that he have the possession and rents and profits thereof of the portion of the real property to which he may be entitled, and that payment be made to him of his legacy or distributive share of the personal property of such estate, as the case may be.

Application of heir or other person for share of estate.

Notice and proceedings thereon

SEC. 883. Notice of the application shall be given to the executor or administrator thirty days before the time at which it is made. If upon the hearing it appear that the estate is but little in debt, the commissioner may, in his discretion, grant the petition or some part thereof upon the condition that such applicant file with the commissioner, within a time in the order specified, an undertaking, with one or more sufficient sureties, for the benefit of whom it may concern, in a sum double the value of such real property, legacy, or distributive share, to be void upon the condition that such heir, legatee, or devisee will pay, when required, his portion toward satisfying any claim against the estate.

Qualification of sureties in undertaking, and costs.

SEC. 884. The sureties in such undertaking shall have the same qualifications as sureties in bail upon arrest, and shall justify before the commissioner in like manner. The costs of the proceeding shall be paid by the applicant.

Application for decree to refund.

SEC. 885. If after the giving of such undertaking it shall become necessary, to satisfy any claim against the estate, to require the payment of all or any part of the sum therein specified, it shall be the duty of the executor or administrator to apply by petition to the commissioner for a decree to that effect. Notice of the application shall be given to the party filing the undertaking twenty days before the time at which the application is made.

Proceedings thereon, and how decree enforced

SEC. 886. If upon the hearing it appear necessary and proper that such payment should be made, the commissioner shall decree accordingly, specifying therein the amount to be paid, and within what time; and if the amount be not paid within the time specified, the decree may be enforced against such party and the sureties in the undertaking, by execution, in the same manner as a judgment in the district court.

CHAPTER EIGHTY-EIGHT.

OF GUARDIANS AND WARDS.

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Next of kin to be guardian.

SEC. 887. Whenever it becomes the duty of a commissioner to appoint a guardian for a minor, the relatives of such minor, whether male or female, upon application to the commissioner, shall in all cases be appointed, the nearest relative having precedence: *Provided*, Said applicant shall be of good moral character and be otherwise competent to discharge the duties of guardian to such ward.

Commissioner to appoint guardian.

SEC. 888. The commissioner for each precinct, when it shall appear to him necessary or convenient, may appoint guardians to minors and

others being inhabitants or residents in such precinct, and also such as shall reside without the district and have any estate within the same.

SEC. 889. If the minor is under the age of fourteen years the commissioner may nominate and appoint his guardian, and if he be above that age he may nominate his own guardian, who, if approved by the commissioner having jurisdiction of the estate, shall be appointed accordingly; and if the guardian nominated by such minor shall not be approved by such commissioner, or if the minor shall reside without the district, or if, after having been cited by the commissioner, he shall neglect to nominate a suitable person, the commissioner may nominate and appoint the guardian in the same manner as if the minor were under fourteen years of age.

Who to nominate guardian.

SEC. 890. Every guardian so appointed shall have the custody and tuition of the minor and the care and management of his estate, and shall continue in office until the minor shall have arrived at the age of twenty-one years, or until the guardian shall have been discharged according to law: *Provided, however,* The father of the minor, if living, and in case of his death the mother, while she remains unmarried, being themselves respectively competent to transact their own business, shall be entitled to the custody of the person of the minor and to the care of his education.

Powers and duties of guardian.

SEC. 891. Every such guardian shall give bond, with surety or sureties, to the United States, in such sum as the commissioner may order, with conditions as follows:

Bond of guardian.

First. To make a true inventory of all the real estate, and of all goods, chattels, rights, and credits of the ward that shall come to his possession or knowledge, and to return the same to the commissioner at such time as the latter may order;

Second. To dispose of and manage all such estate and effects according to law and for the best interest of the ward, and faithfully to discharge his trust in relation thereto, and in relation to the custody, education, and maintenance of the ward;

Third. To render, on oath, an account of the property in his hands, including the proceeds of all real estate sold by him, and of the management and disposition of all such property, within a year after his appointment, and at such other times as the commissioner shall direct;

Fourth. At the expiration of his trust, to settle his accounts with the commissioner or with the ward or his legal representatives, and to pay and deliver over all the estate and effects remaining in his hands, or due from him on such settlement, to the person or persons who shall be legally entitled thereto.

SEC. 892. Every father may, by his last will in writing, appoint a guardian or guardians for any of his children, whether born at the time of making the will or afterwards, to continue during the minority of the child or for a less time. And every mother may, by her last will in writing, appoint a guardian or guardians for any of her children, to continue during the minority of the child or for a less time: *Provided,* The father of such child or children is dead and has not appointed a guardian, or whenever, by judgment of divorce between such father and mother, the custody of such child or children has been awarded to the mother; and every such testamentary guardian shall have the same powers and perform the same duties with regard to the person and estate of the ward as a guardian appointed by the commissioner: *Provided,* Nothing in this section shall be construed to deprive either the surviving father or mother of the custody of the person of his or her children, such surviving parent being competent to transact his or her own business.

Testamentary guardian.

SEC. 893. Every such testamentary guardian shall give bond in like manner and with like conditions as is before required of a guardian

Bond of testamentary guardian.

appointed by the commissioner: *Provided*, When the testator in a will appointing the guardian shall have ordered or requested that such bond shall not be given the bond shall not be required, unless from a change in the situation or circumstances of the guardian, or for other sufficient cause, the commissioner shall think proper to require it.

Guardian in judicial proceedings.

SEC. 894. Nothing contained in this chapter shall impair the power of the district court or courts of a justice of the peace to appoint a guardian to defend the interests of any minor impleaded in such courts or interested in any suit or matter therein pending, nor their power to appoint or allow any person as next friend for a minor to commence, prosecute, or defend any suit in his behalf.

Guardians for insane persons, etc.

SEC. 895. Commissioners in their respective precincts shall have power to appoint guardians to take care, custody, and management of the estates, real and personal, of all insane persons, idiots, and all who are incapable of conducting their own affairs, and the maintenance of their families and the education of their children.

Guardian for insane person.

SEC. 896. When the relatives or friends of any insane person, or any other persons inhabitants of the precinct in which such insane person resides, shall apply to the commissioner by petition in writing to have a guardian appointed for him, the commissioner shall cause notice to be given to the supposed insane person of the time and place appointed for hearing the case, not less than ten days before the time so appointed; and if, after a full hearing, it shall appear to the commissioner that the person in question is incapable of taking care of himself, the commissioner shall appoint a guardian of his person and estate, with the powers and duties hereinafter specified.

Powers and duties of guardians of insane person.

SEC. 897. Every guardian so appointed for an insane person shall have the care and custody of the person of the ward and the management of all his estate, and he shall give bond to the United States in like manner and in like conditions as is before prescribed with respect to the guardian of a minor, excepting that the provision relating to the education of the ward shall be omitted in the condition of the bond.

Guardian for spendthrift.

SEC. 898. When any person, by excessive drinking, gaming, idleness, or debauchery of any kind, shall so spend, waste, or lessen his estate as to expose himself or his family to want or suffering, the commissioner for such precinct of which such spendthrift is a resident or inhabitant shall cause notice to be given to such supposed spendthrift of the time and place appointed for hearing the case, not less than ten days before the time so appointed; and if, after a full hearing, it shall appear to the commissioner that the person complained of comes within the description contained in this section, he shall appoint a guardian of his person and estate, with the powers and duties hereinafter specified.

Order of notice to be filed with the clerk of district court.

SEC. 899. After the order of notice has been issued, the commissioner shall cause a copy of the same to be filed in the office of the clerk of the district court, and if a guardian shall be appointed on such application, all contracts, excepting for necessaries, and all gifts, sales, or transfers of real or personal estate made by such spendthrift after such filing of the order of notice in the office of the district court, and before the termination of the guardianship, shall be null and void.

Allowance for defense of ward.

SEC. 900. When a guardian shall be appointed for an insane person or spendthrift, the commissioner shall make an allowance, to be paid by the guardian, for all reasonable expenses incurred by the ward in defending himself against the proceeding.

Guardian for spendthrift, powers and duties.

SEC. 901. Every guardian so appointed for a spendthrift shall have the care and custody of the person of the ward and the management of all his estate until the guardian shall be legally discharged; and he shall give bond to the United States in like manner and with like condition as is before directed with respect to the guardian of an insane person.

SEC. 902. Every guardian appointed under the provisions of this chapter shall pay all just debts due from his ward out of his personal estate, if sufficient, and if not, out of his real estate, upon obtaining a license for the sale thereof, as provided by law; he shall also settle all accounts of the ward, and demand, sue for, and receive all debts due to him, or may, with the approbation of the commissioner, compound for the same, and give a discharge to the debtor upon receiving a fair and just dividend of his estate and effects, and he shall appear for and represent his ward in all legal actions and proceedings, unless when another person is appointed for that purpose as guardian or next friend.

Payment of debts in settlement of accounts.

SEC. 903. The guardian shall also manage the estate of his ward frugally and without waste, and apply the income and profits thereof, so far as may be necessary, for the comfortable and suitable maintenance and support of the ward and his family, if there be any; and if the income and profits be insufficient for that purpose, the guardian may sell the real estate, upon obtaining a license therefor as provided by law, and shall apply the proceeds of such sale, so far as may be necessary, for the maintenance and support of the ward and his family.

Management of ward's estate.

SEC. 904. Upon the taking of any inventory, as required by this chapter, the estate and effects comprised therein shall be appraised by three suitable persons, to be appointed and sworn in like manner as is required with respect to the inventory of a deceased testator or intestate; and every guardian shall account for and dispose of the personal estate of his ward in like manner as is directed with respect to executors and administrators.

Inventory and appraisal of the ward's estate.

SEC. 905. Commissioners in their respective precincts, on the application of a guardian or any person interested in the estate of any ward, after notice to all other persons interested, may authorize or require the guardian to sell and transfer any stock in the public funds, or in any bank, insurance company, or other corporation, or any other personal estate or effects held by him as guardian, and invest the proceeds of such sale, and also all of the moneys in his hands, in real estate, or in any other manner that shall be most for the interest of all concerned therein; and such commissioner may make such further order and give such directions as the case may require for managing, investing, and disposing of the estate and effects in the hands of the guardian.

Management and investment of property.

SEC. 906. When any guardian appointed either by a testator or by a commissioner shall become insane or otherwise incapable of discharging his trust, or be unsuitable therefor, the commissioner, after notice to such guardian and to all others interested, may remove him; and every guardian, upon his request, may be allowed to resign his trust when it shall appear to the commissioner proper to allow the same, and upon every such resignation or removal, and also upon the death of any guardian, the commissioner shall appoint another in his stead.

Removal or resignation of guardian.

SEC. 907. The marriage of any female who is under guardianship as a minor shall operate as a discharge of her guardian; and the guardian of any insane person or spendthrift may be discharged by the commissioner when it shall appear, on the application of the ward or otherwise, that such guardianship is no longer necessary.

Marriage of female ward.

SEC. 908. The commissioner may require a new bond to be given by any guardian, and may discharge the existing sureties from future responsibility, in the like case and upon the like terms as are prescribed with regard to executors or administrators.

New bond.

SEC. 909. No action shall be maintained against the sureties on any bond given by a guardian unless it be commenced within three years from the time when such guardian shall be discharged: *Provided*, If at the time of such discharge the person entitled to bring such action

Action against sureties on guardian's bond.

shall be out of the district the action may be commenced at any time within three years after his return to the district.

Proceedings in cases of suspected embezzlement.

SEC. 910. Upon complaint made to the commissioner by any guardian or by the ward, or by any creditor or other person interested in his estate, or by persons having claims thereto in expectancy, as heir or otherwise, against anyone suspected of having concealed, embezzled, or conveyed away any of the money, goods, or effects of the ward, the commissioner may cite and examine such suspected person and proceed with him as to such charge in the same manner as is provided respecting persons suspected of concealing or embezzling effects of a deceased testator or intestate.

Guardians for non-resident minors.

SEC. 911. When any minor or other person likely to be put under guardianship according to the provisions of this chapter shall reside without the district and shall have any estate therein, any friend of such person, or anyone interested in his estate, in expectancy or otherwise, may apply to the commissioner of any precinct in which there may be any estate of such absent person, and after notice to all persons interested, to be given in such manner as the commissioner shall order, and after a full hearing and examination, if it shall appear proper the commissioner may appoint a guardian for such absent person.

Powers and duties of such guardians.

SEC. 912. Every guardian appointed according to the provisions of the preceding section shall have the same powers and duties with respect to any estate of the ward that may be found within the district, and also with respect to the person of the ward if he shall come to reside therein, as are prescribed to any other guardian appointed by force of this chapter.

Bond of.

SEC. 913. Every such guardian shall give bond to the United States in like manner and with like condition as is above provided with respect to other guardians, excepting that the provisions respecting the inventory, the disposal of the estate, and the account to be rendered by the guardian shall be confined to such estate and effects which shall come to his hands in the district, and that the provisions respecting the custody of the ward shall not be applicable unless the ward shall come to reside in the district.

First guardianship exclusive.

SEC. 914. The guardianship which shall first be legally granted of any person residing without the district shall extend to all the estate of the ward within the same, and shall exclude the jurisdiction of the commissioner of any other precinct.

Expenses and compensation.

SEC. 915. Every guardian shall be allowed the amount of all his reasonable expenses incurred in the execution of his trust, and shall also have such compensation for his services as the commissioner before whom his accounts are settled shall consider just and reasonable.

Joint account.

SEC. 916. When an account is rendered by two or more joint guardians, the commissioner may, in his discretion, allow the same upon the oath of any one of them.

"Insane person" and "spendthrift" defined.

SEC. 917. The words "insane person" are intended to include every idiot, every person not of sound mind, every lunatic and distracted person; and the word "spendthrift" is intended to include any one who is liable to be put under guardianship on account of excessive drinking, gaming, idleness, or debauchery; and these words shall be so construed in all the provisions relating to guardians and wards contained in this code.

CHAPTER EIGHTY-NINE.

OF THE SALE OF LANDS BY GUARDIAN, AND DISPOSITION OF PROCEEDS.

<p>Sec. 918. When guardian may sell real property of ward. 919. Proceeds to be placed on interest. 920. Application of proceeds. 921. Investment of proceeds. 922. Residue, when considered as real estate. 923. Petition for license to sell. 924. Order to show cause. 925. Service of order. 926. When certificate of commissioners necessary. 927. Bond of guardian. 928. His oath. 929. Notice of sale. 930. License, how long in force.</p>	<p>Sec. 931. When foreign guardian may file copy of his appointment. 932. When foreign guardian may be licensed to sell. 933. Where proceedings may be instituted. 934. Disposition of residue of proceeds. 935. Costs, when to prevailing parties. 936. Limitation of suits to recover estates sold by guardian. 937. Certain irregularities not to avoid sale. 938. Liability of guardian for misconduct. 939. Sale, when not held void, although irregular.</p>
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SEC. 918. When the income of the estate of any person under guardianship, whether as a minor, insane person, or spendthrift, shall be insufficient to maintain the ward and his family, his guardian may sell his real estate for that purpose, upon obtaining a license therefor and proceeding therein in the manner hereinafter provided.

When guardian may sell real property of ward.

SEC. 919. When it shall appear upon the representation of any such guardian that it would be for the benefit of his ward that his real estate, or any part thereof, should be sold, and the proceeds thereof be put out on interest or invested in some productive stock, his guardian may sell the same accordingly, upon obtaining a license therefor and proceeding therein as hereinafter provided.

Proceeds to be placed on interest.

SEC. 920. If the estate be sold for the maintenance of the ward and his family, as provided in section nine hundred and eighteen, the guardian shall apply the proceeds of the sale for that purpose, so far as necessary, and shall put out the residue, if any, on interest, or invest it in the best manner in his power, until the capital shall be wanted for the maintenance of the ward and his family, in which case the capital may be used for that purpose, so far as may be necessary, in like manner as if it had been the personal estate of the ward.

Application of proceeds.

SEC. 921. If the estate is sold in order to put out and invest the proceeds as provided in section nine hundred and nineteen, the guardian shall make the investment according to his best judgment, or in pursuance of any order of the commissioner relating thereto.

Investment of proceeds.

SEC. 922. In every case of the sale of real estate as provided in this chapter, the residue of the proceeds, if any remain upon the final settlement of accounts of the guardianship, shall be considered as real estate of the ward and shall be disposed of among the same persons and in the same manner as the real estate would have been if it had not been sold.

Residue, when considered as real estate.

SEC. 923. In order to obtain a license for such sale the guardian shall present to the commissioner of the precinct in which he was appointed guardian a petition therefor, setting forth the condition of the estate of his ward and the facts and circumstances under which it is founded, tending to show the necessity or expediency of such a sale, which petition shall be verified by the oath of the petitioner.

Petition for license to sell.

SEC. 924. If it shall appear to the commissioner from such petition that it is necessary or would be beneficial to the ward that such real estate or some part of it should be sold, he shall thereupon make an order directing the next of kin of the ward and all persons interested in the estate to appear before him at a time and place to be therein specified, not less than four nor more than eight weeks from the time

Order to show cause.

of making such order, to show cause why a license should not be granted for the sale of such estate.

Service of order.

SEC. 925. A copy of such order shall be personally served on the next of kin of such ward, and on all persons interested in the estate, at least ten days before the hearing of the petition, or shall be published at least three successive weeks in a newspaper circulating in the district, to be specified by the commissioner.

When certificate of commissioners necessary.

SEC. 926. No such license shall be granted for the sale of any real estate of a ward, excepting that of a minor, unless the commissioner of the precinct of which the ward is an inhabitant shall certify in writing his approbation of the proposed sale.

Bond of guardian.

SEC. 927. Every guardian licensed to sell real estate as aforesaid shall, before the sale, give bond to the United States, with sufficient surety or sureties, with condition to sell the same in the manner prescribed for sales of real estate by executors or administrators, and to account for and dispose of the proceeds of the sale in the manner provided by law.

His oath.

SEC. 928. Such guardian shall also, before fixing on the time and place of sale, take and subscribe an oath before the commissioner or some other officer competent to administer the same, in substance as follows: That in disposing of the estate which he is licensed to sell he will use his best judgment in fixing the time and place of sale, and that he will exert his utmost endeavors to dispose of the same in such manner as will be most for the advantage of all persons interested therein.

Notice of sale.

SEC. 929. He shall also give public notice of the time and place of sale and shall proceed therein in like manner as is prescribed for executors and administrators; and the evidence of giving such notice may be perpetuated in the same manner and with the same effect as is provided in the case of sales of real estate by executors and administrators.

License, how long in force.

SEC. 930. No license granted in pursuance of this chapter shall be in force for more than one year after the time of granting the same.

When foreign guardian may file copy of his appointment.

SEC. 931. When any minor, insane person, or spendthrift residing out of the district shall be put under guardianship in the State or county in which he resides, and shall have no guardian appointed in the district, the foreign guardian may file an authenticated copy of his appointment with the commissioner of any precinct in which there may be real estate of the ward; after which he may be licensed by the commissioner to sell the real estate of the ward in any precinct in the same manner and upon the same terms and conditions as are prescribed in this chapter in the case of a guardian appointed in the district, except in the particulars hereinafter mentioned.

When foreign guardian may be licensed to sell.

SEC. 932. Every foreign guardian so licensed to sell real estate shall take and subscribe the oath in the like case of guardians appointed in the district, and shall give notice of the time and place of sale, and conduct the same in the same manner prescribed for guardians appointed in the district, and may perpetuate the evidence of the notice in the same manner.

Where proceedings may be instituted.

SEC. 933. All the proceedings required to be had before the commissioner in any precinct in the district respecting such sale by a foreign guardian shall be had before the commissioner for the precinct in which the authenticated copy of his appointment is filed.

Disposition of residue of proceeds.

SEC. 934. Upon every such sale by a foreign guardian the proceeds of sale, or as much thereof as may remain upon the final settlement of the accounts of guardianship, shall be considered as real estate of the ward, and shall be disposed of among the same persons and in the same proportions as the real estate would have been according to the laws of the district if it had not been sold; and the foreign guardian shall, in every case, before making the sale, give bond to the United States.

with sufficient surety or sureties, with condition to account for and dispose of the same according to law.

SEC. 935. If any person shall appear and object to the granting of any license prayed for under the provisions of this chapter, and it shall appear to the commissioner that either the petition or the objection is unreasonable, the commissioner shall give judgment for costs against the losing party in the cause.

Costs, when to prevailing parties.

SEC. 936. No action for the recovery of any estate sold by a guardian under the provisions of this chapter shall be maintained by the ward, or by any person claiming under him, unless it be commenced within five years next after the termination of the guardianship, excepting only that persons out of the district, and minors and others under legal disability to sue at the time when the cause of action shall accrue, may commence their action at any time within five years next after the removal of the disability or after their return to the district.

Limitation of suits to recover estates sold by guardian.

SEC. 937. In case of an action relating to any estate sold by a guardian under the provisions of this chapter, in which the ward, or any person claiming under him, shall contest the validity of the sale, the same shall not be avoided on account of any irregularity in the proceedings: *Provided*, It shall appear—

Certain irregularities not to avoid sale.

First. That the guardian was licensed to make the sale by a commissioner of competent jurisdiction;

Second. That he gave a bond that was approved by the commissioner;

Third. That he took the oath prescribed in this chapter;

Fourth. That he gave notice of the time and place of sale as prescribed by law; and

Fifth. That the premises were sold accordingly at public auction, and are held by one who purchased them in good faith.

SEC. 938. If, in relation to such sale, there should be any neglect or misconduct in the proceedings of the guardian, by which any person interested in the estate shall suffer damage, such aggrieved party may recover such damage in an action on the bond of such guardian or otherwise as the case may require.

Liability of guardian for misconduct.

SEC. 939. If the validity of any sale made by a guardian under this chapter shall be drawn in question by any person claiming adversely to the title of the ward, or claiming under any title that is not derived from or through the ward, the sale shall not be held void on account of any irregularity in the proceedings: *Provided*, The guardian was authorized to make the sale by the proper commissioner, and that he did accordingly execute and acknowledge, in legal form, a deed for the conveyance of the premises.

Sale, when not held void, although irregular.

CHAPTER NINETY.

OF APPEALS IN PROBATE CASES.

Sec.

940. Appeals to district court.

941. Exceptions and orders of commissioner.

Sec.

942. Duty of district judge.

943. Proceedings in such cases.

SEC. 940. There shall be an appeal to the district court of the district of Alaska from all orders of the commissioners exercising the jurisdiction of a court of probate.

Appeals to district court.

SEC. 941. In the case of decedents any heir, legatee, devisee, creditor, or other person interested in the estate, and in the case of minors, lunatics, and habitual drunkards, any creditor or relative within the third degree of consanguinity, may file with the commissioner exceptions to any order of such commissioner granting or revoking letters of administration or of guardianship, allowing semiannual or final

Exceptions and orders of commissioner.

accounts, allowing or rejecting claims, directing the payment of debts or legacies or the distribution of estates, ordering the sale or disposal of real or personal property, or other proceeding. Upon the filing of such exception the commissioner shall make a transcript of all files, papers, and evidence pertaining to such order or proceeding and forward the same to the clerk of the district court.

Duty of district judge.

SEC. 942. Upon the filing of such exceptions the district judge shall proceed on due notice to hear and determine the same at such time and in such manner as he shall prescribe by order, and for that purpose may receive and entertain affidavits and depositions or hear oral evidence.

Proceedings in such cases.

SEC. 943. Upon such hearing the district court or judge thereof shall determine the issues so raised according to the very right of the matter and make such order in the premises as he may see fit, which order shall be entered in a docket to be kept by the clerk of the court for that purpose, properly indexed, and a copy of the same shall be forwarded to the commissioner before whom the exceptions were filed, who shall thereupon proceed in accordance with such order. Such orders shall be deemed a judgment, subject to appeal in the manner provided for appeals from judgments in the district court.

CHAPTER NINETY-ONE.

OF THE RECORDS AND FILES OF A JUSTICE'S COURT.

- Sec. 944. Records and files of a justice's court, what constitutes.
- 945. Docket of justice, what entries to be made therein.

- Sec. 946. Docket and files, public writings.

Records and files of a justice's court, what constitutes.

SEC. 944. The records and files of a justice's court are the docket and all papers and process filed in or returned to such court concerning or belonging to any proceeding authorized to be had or taken therein or before the justice of the peace who holds such court.

Docket of justice, what entries to be made therein.

SEC. 945. The docket of a justice of the peace is a book in which he must enter—

First. The title of every action or proceeding commenced in his court or before him, with the names of the parties thereto and the time of the commencement thereof;

Second. The date of making or filing any pleading, and, when the same is made orally, a plain statement of the substance thereof and the verification thereto when one is required;

Third. An order allowing a provisional remedy, and the date of issuing and returning the summons or other process;

Fourth. The time when the parties, or either of them, appear, or their failure to do so;

Fifth. Every postponement of a trial or proceeding, and upon whose application, and to what time;

Sixth. The demand for a jury, if any, and by whom made; the order for a jury, and the time appointed for trial thereby;

Seventh. The return of an order for a jury, the names of the persons impaneled and sworn as a jury, and the names of all witnesses sworn, and at whose request;

Eighth. The verdict of the jury, and when given; and if the jury disagree and are discharged without giving a verdict, a statement of such disagreement and discharge;

Ninth. The judgment of the court, and when given;

Tenth. The fact of an appeal having been made and allowed, and the date thereof, with a memorandum of the undertaking thereof, and the justification of the sureties therein;

- Eleventh. Satisfaction of the judgment or any part thereof;
- Twelfth. A memorandum of all orders relating to the admission of bail, taking bail, or commitment for want thereof;
- Thirteenth. All other matters which may be material or specially required by any statute.

SEC. 946. The docket and files of a justice's court are to be safely and securely kept by the justice of the peace, and by him delivered to his successor in office when demanded. Such docket and files are public writings.

Docket and files public writings.

CHAPTER NINETY-TWO.

OF GENERAL PROVISIONS IN RELATION TO CIVIL ACTIONS IN JUSTICE'S COURT.

<p>Sec. 947. Code of Civil Procedure to govern. 948. Summons, by whom issued, and requirements of. 949. Same subject. 950. Service of summons. 951. When served and by whom. 952. Undertaking for costs, when may be required. 953. Sureties in such cases. 954. Provisional remedies. 955. Who may serve writ of arrest, attachment, and order for the delivery of personal property.</p>	<p>Sec. 956. Disposition of defendant arrested in civil action. 957. Defendant entitled to give bail. 958. Undertaking of bail. 959. Undertaking for delivery of personal property. 960. Real property can not be attached by process from a justice's court. 961. Justification of sureties.</p>
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SEC. 947. A civil action in a justice's court is commenced and prosecuted to final determination, and judgment enforced therein, in the manner provided in this code for similar actions in courts of record, except as otherwise provided: *Provided*, Necessary disbursements shall in all cases be allowed the prevailing party.

Code of Civil Procedure to govern.

SEC. 948. The summons shall be issued and signed by the justice, and must require the defendant to appear before such justice at a time and place to be named therein not less than six nor more than twenty days from the date thereof, to answer the complaint of the plaintiff, or judgment for want thereof will be taken against him.

Summons, by whom issued, and requirements of.

SEC. 949. The summons shall be issued and signed by the justice, and may be in the following form:

Same subject.

To the United States marshal of the district of Alaska or any deputy: In the name of the United States of America we command you to summon _____ to appear before the undersigned, a justice of the peace in _____ precinct in said district, on the _____ day of _____, 19____, at the hour of _____ o'clock, in the _____ of said day, at _____, in the said precinct, to answer the complaint of _____, founded upon an instrument of writing (or note or account, or for trespass or injury to property, or any similar statement, as the case may be), and wherein he demands _____ dollars. Given under my hand this _____ day of _____, 19____.

A B,
Commissioner and ex officio Justice of the Peace.

SEC. 950. The service of the summons may be made as follows: First, by delivering a copy thereof to the defendant; or, second, by leaving a copy of the summons at the usual place of abode of the defendant, with some person of the family above the age of fifteen years; and if a defendant shall refuse to hear the summons read, or to receive a copy thereof, at the offer of the officer to read the same or to deliver a copy thereof, such refusal shall be a sufficient service of the summons; or if

Service of summons.

the defendant be a corporation, then to the president, secretary, or a managing or local agent thereof.

SEC. 951. The summons must be served at least five days before the time therein required for the defendant to appear.

SEC. 952. If the plaintiff is a nonresident of the precinct, the justice may require him to give an undertaking, with one or more sureties, for the costs and disbursements of the action before issuing the summons, and if at any time before the commencement of the trial the defendant apply therefor, the justice must require such plaintiff to give such undertaking; but if the plaintiff is a resident of the precinct the justice may, in his discretion, upon a like application on the part of the defendant require such plaintiff to give such undertaking.

SEC. 953. The undertaking may be in substantially the following form: "I, A B," or "We, A B and C D, undertake to pay E F, the defendant in this action, all costs and disbursements that may be adjudged to him in this action." The sureties must possess the qualifications of bail upon arrest, and if required by the defendant must justify in a sum not less than fifty dollars. A deposit of fifty dollars with the justice, or such less sum as he may deem sufficient, is equivalent to giving the required undertaking; and if the undertaking or deposit in lieu thereof is not given or made upon the day the same is demanded the justice must dismiss the action as for want of prosecution.

SEC. 954. In a civil action in a justice's court a plaintiff is entitled to the benefit of the provisional remedies of arrest, attachment, and delivery of personal property claimed in the action, as in like cases in a court of record. All affidavits, orders, and undertakings for such remedies are to be taken or made and filed with the justice, and such process is to be issued by and made returnable before him.

SEC. 955. A writ of arrest, of attachment, and order for the delivery of personal property claimed in the action may be served and executed by any person authorized to serve a summons.

SEC. 956. A defendant who has been arrested in a civil action must, if he require it, be at once taken before the justice who issued the writ, for the purpose of giving bail. If he do not so require, the officer making the arrest shall keep him in his custody, and take him before such justice on the day and at the hour the defendant is required to appear and answer.

SEC. 957. Upon the defendant being brought before the justice, either on the day on which he is required to appear and answer or before, he must be allowed to give bail if he desire to.

SEC. 958. The undertaking of bail may be given with one or more sufficient sureties, and must be taken by the justice. The plaintiff may then and there except to the sufficiency of the bail, and unless he do so he shall be deemed to have accepted it.

SEC. 959. The undertaking for an order for the delivery of personal property claimed in the action shall be taken by the justice who makes the order, and he shall require the sureties therein to justify as bail upon arrest; and no exceptions to the sufficiency of such sureties shall thereafter be allowed.

SEC. 960. Real property or any interest therein can not be attached upon a writ of attachment in a civil action in a justice's court.

SEC. 961. Whenever sureties in an undertaking given in a provisional remedy by either party are required to justify, the justification shall be made before the justice in whose court the action is pending, and upon the notice prescribed in such cases by this code, or upon shorter notice, to be prescribed by order of the justice.

When served and by whom.

Undertaking for costs, when may be required.

Sureties in such cases.

Provisional remedies.

Who may serve writ of arrest, attachment, and order for the delivery of personal property.
Disposition of defendant arrested in civil action.

Defendant entitled to give bail.

Undertaking of bail.

Undertaking for delivery of personal property.

Real property can not be attached by process from a justice's court.
Justification of sureties.

CHAPTER NINETY-THREE.

OF THE PLEADINGS IN JUSTICE'S COURT.

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| <p>Sec.
962. No formal pleadings necessary.
963. Same subject.</p> | <p>Sec.
964. Action on lost instrument.</p> |
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SEC. 962. No formal pleadings on the part of either plaintiff or defendant shall be required in a justice's court; but before any process shall be issued in any action the plaintiff shall file with the justice the instrument sued on, and a statement of the account as of the facts constituting the cause of action upon which the action is founded; and the defendant shall, before the trial is commenced, file the instrument, account, or statement of his set-off or counterclaim relied upon.

No formal pleadings necessary.

SEC. 963. When the action is founded on any instrument of writing purporting to have been executed by the defendant, and the debt or damage claimed may be ascertained by such instrument, the same shall be filed with the justice, and no other statement or pleading shall be required. If the action be upon an account, a bill of the items constituting the account shall be filed. In all other cases a statement of the facts constituting the cause of action and the amount or sum demanded shall be filed with the justice; but no action shall be dismissed or discontinued for want of any such statement as cause of action, or for any defect or insufficiency thereof, if the plaintiff shall file the instrument or account as a sufficient statement before the jury is sworn or the trial commenced, or when required by the justice.

Same subject.

SEC. 964. If such instrument be alleged to be lost or destroyed, it shall be sufficient for the plaintiff to file with the justice the affidavit of himself, or some other credible person, stating such loss or destruction, and setting forth the substance of such instrument.

Action on lost instrument.

CHAPTER NINETY-FOUR.

OF THE POSTPONEMENT OF TRIALS IN JUSTICE'S COURT.

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| <p>Sec.
965. When postponement allowed.
966. When it discharges defendant from arrest.
967. When deposition to be taken.
968. Change of place of trial.</p> | <p>Sec.
969. Costs of the same. •
970. Change, when deemed completed.
971. Proceeding when title to land is in issue.</p> |
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SEC. 965. When a cause is at issue upon a question of fact the justice must, upon sufficient cause shown, on the application of either party, postpone the trial for a period not exceeding sixty days.

When postponement allowed.

SEC. 966. When the defendant is in custody a postponement of the trial granted upon the application of the plaintiff for a longer period than one day discharges the defendant from such arrest; and in such case the justice must indorse upon the writ of arrest, "The defendant is discharged from custody upon the within process," and sign the same with his name and office.

When it discharges defendant from arrest.

SEC. 967. An application for the postponement of a trial must be granted unless the party applying therefor, if required by the adverse party, consent to take the deposition of any witness of such adverse party then in attendance upon the court. If the consent is given, the justice must take such deposition, and the same may be read on the trial, subject to the same objections as if the witness were present and gave the testimony orally.

When deposition to be taken.

SEC. 968. The justice may change the place of trial, on notice of either party to the action, when it appears from the affidavit of such party either—

Change of place of trial.

First. That the justice is a party to, or directly interested in, the

event of the action, or connected by consanguinity or affinity, within the third degree, with the adverse party or those for whom he prosecutes or defends;

Second. That the justice is so prejudiced against the party making the motion that he can not expect an impartial trial before the justice;

Third. That the convenience of parties and witnesses would be promoted by such change, and that the motion is not made for the purpose of delay.

The motion for change of the place of trial can not be made or allowed in any action until after the cause is at issue on a question of fact only. If the motion is allowed, the change shall be made to the nearest justice. Neither party shall be entitled to more than one change of the place of trial, except for causes not in existence when the first change was allowed. When the place of trial has been changed, the justice shall forthwith transmit to the nearest justice a transcript of the proceedings had in such cause, with all the original papers filed therein.

Costs of the same.

SEC. 969. The costs of such change of venue shall be paid by the party applying therefor, and not taxed as a part of the costs in the case: *Provided*, It shall not be necessary to issue new subpoenas to witnesses; but the witnesses shall appear before the justice before whom the cause has been transferred without the issue of any other notice than the allowance of the motion to change the venue.

Change, when deemed completed.

SEC. 970. Upon the filing of the transcript and papers with the justice to whom the cause has been transferred, the change of venue shall be deemed complete, and thereafter the action shall proceed as though it had been commenced before such justice.

Proceeding when title to land is in issue.

SEC. 971. If it appear on the trial of any cause before a justice of the peace, from the evidence of either party, that the title to lands is in question, which title shall be disputed by the other party, the justice shall immediately make an entry thereof in his docket and cease all further proceedings in the cause, and shall certify and return to the district court a transcript of all the entries made in his docket relating to the case, together with all the process and other papers relating to the action, in the same manner and within the same time as upon an appeal; and thereupon the district court shall proceed in the cause to final judgment and execution in the same manner as if the action had been originally commenced therein; and the costs shall abide with the event of the action.

CHAPTER NINETY-FIVE.

OF TRIAL BY JURY IN JUSTICE'S COURT.

<p>Sec. 972. Demand for jury, how and when made.</p> <p>973. Trial by court, how judgment may be given.</p> <p>974. Order to summon jury.</p> <p>975. When to require jurors to appear.</p>	<p>Sec. 976. Officer to summon persons qualified to serve.</p> <p>977. Order for jury, how served.</p> <p>978. Deficiency, how supplied.</p> <p>979. Number of peremptory challenges.</p> <p>980. Qualifications of jurors in justice's court.</p>
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Demand for jury, how and when made.

SEC. 972. When a cause is at issue upon a question of fact, if either party then demand a jury trial, and deposit with the justice the trial fee, such issue must be tried by a jury and not the court; but otherwise it must be tried by the court.

Trial by court, how judgment may be given.

SEC. 973. When an issue of fact is tried by the justice it is not necessary that there should be any special statement of the facts found or law determined on such trial, but it is sufficient for the court to give judgment generally, as the law and the evidence may require, for the

plaintiff or the defendant, setting forth therein for what amount, or what relief, or to what effect the same is given.

SEC. 974. When a jury has been demanded by a party to an action in a justice's court, the justice must make an order in writing, directed to the marshal or any deputy, or to any person authorized to act as a constable therein, commanding him to summon six persons to serve as jurors in the action between the parties, naming them, at a time and place to be named therein.

Order to summon jury.

SEC. 975. The order shall require the jurors to appear before the justice forthwith, or at some time after it to which the trial of the issue may be postponed.

When to require jurors to appear.

SEC. 976. The officer serving the order for a jury must do so impartially, by selecting only such persons as he knows or has good reason to believe are qualified according to law to serve as jurors in the court to which they are summoned and in the particular action for which they are selected.

Officer to summon persons qualified to serve.

SEC. 977. The officer must serve the order by giving notice to each of the persons selected of the time and place he is required to appear, and for what purpose, and return the same according to the direction therein, with the names of the persons summoned, verified by his own certificate.

Order for jury, how served.

SEC. 978. If a sufficient number of jurors do not appear at the time and place required, or if any of those appearing are peremptorily challenged, or upon a challenge for cause found disqualified, the justice must order the proper officer to summon a sufficient number of other qualified persons, until the jury is completed.

Deficiency, how supplied.

SEC. 979. Each party is entitled to two peremptory challenges and no more.

Number of peremptory challenges.

SEC. 980. A person competent to act as a juror in a justice's court must possess the qualifications prescribed by this code for jurors in the district court, and must also be an inhabitant of the precinct in which the court is holden at the time he is summoned.

Qualifications of jurors in justice's court.

CHAPTER NINETY-SIX.

OF JUDGMENT AND EXECUTION IN JUSTICE'S COURT.

<p>Sec. 981. Docketing judgment in district court. 982. Effect of same. 983. Setting of mutual judgment. 984. Conditions of judgment proposed as set-off. 985. When transcript stays execution. 986. If judgments mutual, justice must set-off. 987. Judgment for difference. 988. Judgment does not affect title to real property.</p>	<p>Sec. 989. Execution to enforce judgment when against real property. 990. Execution, when returnable, and by whom served. 991. Filing transcript in another precinct. 992. Transcript of judgment, how enforced. 993. Execution, renewal of. 994. Justice may enforce judgment given by his predecessor.</p>
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SEC. 981. Whenever a judgment is given in a justice's court in favor of anyone, for the sum of ten dollars or more, exclusive of costs or disbursements, the party in whose favor such judgment is given may, within one year thereafter, file a certified transcript thereof with the clerk of the district court, and thereupon such clerk shall immediately docket the same in the judgment docket of the district court.

Docketing judgment in district court.

SEC. 982. From the time of docketing a judgment of a district court, as provided in the last section, the same shall be a lien upon the real property of the defendant, as if it were a judgment of the district court wherein it is docketed.

Effect of same.

SEC. 983. A party against whom a judgment is given in a justice's court may, upon three days' notice to the adverse party, apply to the

Setting off mutual judgment.

justice of such court to have another judgment given in a justice's court, between the same parties and against such adverse party, set off against such first-mentioned judgment.

Conditions of judgment proposed as set-off.

SEC. 984. There must be no existing right of appeal from the judgment proposed as a set-off; and if such judgment was given in another court than the one where the application is made, the party proposing such set-off must produce a transcript of such judgment, certified by the proper justice, which certificate shall also state how much of the judgment remains unsatisfied, and that the transcript is given for the purpose of being set off against the judgment to which it is proposed as a set-off.

When transcript stays execution.

SEC. 985. The justice making such transcript and certificate shall make an entry thereof in his docket, and thereafter all proceedings to enforce such judgment shall be stayed, unless the transcript be returned, with the certificate of the proper justice indorsed thereon, to the effect that it has not been allowed to be set off.

If judgments mutual, justice must set off.

SEC. 986. If, upon the hearing of the application, the justice finds that the judgments are mutual, he shall give judgment allowing the proposed set-off.

Judgment for difference.

SEC. 987. If there is any difference in the amount of the two judgments, judgment for the difference must be given in favor of the party owning the largest judgment. If the justice refuse to allow the set-off, he shall so certify on the transcript and return it to the party making the application.

Judgment does not affect title to real property.

SEC. 988. Although the title to real property may be controverted or questioned in an action in a justice's court, the judgment in such action in no way affects or determines such title as between the parties thereto or otherwise.

Execution to enforce judgment when against real property.

SEC. 989. Execution to enforce a judgment in a justice's court must not be issued against or levied upon the real property of the defendant; but when a judgment given by a justice has been duly docketed in the district court thereafter it must be enforced as a judgment of such district court.

Execution, when returnable, and by whom served.

SEC. 990. An execution issued by a justice must be made returnable in thirty days from the date thereof, and may be directed to the marshal or any deputy or other officer authorized to act as constable in such precinct, and must be executed by any of such officers when delivered to him.

Filing transcript in another precinct.

SEC. 991. When an execution is returned unsatisfied in whole or in part for want of goods and chattels of the defendant whereon to levy, the party entitled to the benefit of the judgment may have a certified transcript thereof and file the same with any justice in any other precinct.

Transcript of judgment, how enforced.

SEC. 992. Upon the filing of a transcript the justice must make an entry thereof in his docket, and thereafter execution may issue to enforce such judgment, or any part thereof remaining unsatisfied, as if it had been given by such justice with whom the transcript is filed.

Execution, renewal of.

SEC. 993. At any time before the expiration of the return day of the execution it may be renewed for another period of thirty days, at the request of the plaintiff, by an indorsement to that effect, made by the justice thereon. Such indorsement must be dated, and if any part of such execution has been satisfied, must state the amount then due thereon. An entry of such renewal must also be made in the docket of the justice.

Justice may enforce judgment given by his predecessor.

SEC. 994. A justice of the peace has authority and power to enforce a judgment given by his predecessor in office, or by a justice whose docket has been transferred to him, and to complete any unfinished business begun before such predecessor, or entered in such docket, as if the same had been given or begun before himself.

CHAPTER NINETY-SEVEN.

OF APPEALS FROM JUSTICE'S COURT IN CIVIL ACTIONS.

<p>Sec. 995. Appeal, who may take, and from what judgment. 996. To what court and within what time. 997. How taken. 998. Undertaking, when to stay proceedings. 999. When proceedings stayed by undertaking for costs. 1000. Allowance of appeal and return of execution.</p>	<p>Sec. 1001. Qualification and justification of sureties. 1002. Transcript, when filed and what constitutes. 1003. Appeal, how perfected and tried. 1004. Dismissal of appeal. 1005. Judgment in the appellate court. 1006. Defective undertaking, how cured. 1007. Amendment of pleadings in the appellate court.</p>
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SEC. 995. Either party may appeal from a judgment given in a justice's court, in a civil action, when the sum in controversy is not less than fifty dollars, or for the recovery of personal property of the value of not less than fifty dollars, exclusive of costs in either case, except when the sum is given by confession or for want of an answer, as prescribed in this chapter, and not otherwise.

Appeal, who may take, and from what judgment.

SEC. 996. The appeal is taken to the district court, and may be taken within thirty days from the date of the entry of the judgment. The party appealing is known as the appellant and the adverse party the respondent, but the title of the action is not thereby changed.

To what court and within what time.

SEC. 997. An appeal is taken by serving a notice thereof on the adverse party or his attorney and filing the original, with the proof of service indorsed thereon, with the justice, and by giving the undertaking for the costs of the appeal as hereinafter provided.

How taken.

SEC. 998. The undertaking of the appellant must be given, with one or more sureties, to the effect that the appellant will pay all costs and disbursements that may be awarded against him on the appeal; but such undertaking does not stay the proceedings unless the undertaking further provides to the effect following, that the appellant will satisfy any judgment that may be given against him in the appellate court on the appeal.

Undertaking, when to stay proceedings.

SEC. 999. If the judgment appealed from be in favor of the appellant, the proceedings thereon are stayed by the notice of appeal and the undertaking for the costs of the appeal.

When proceedings stayed by undertaking for costs.

SEC. 1000. When an appeal is taken the justice must allow the same and make an entry thereof in his docket, stating whether the proceedings are thereby stayed or not. When the proceedings are stayed, if an execution has been issued to enforce the judgment, the justice must recall the same by written notice to the officer holding the execution, and thereupon it must be returned and all property taken thereon and not sold released; and if the body of the defendant has been taken on execution he must be discharged from custody.

Allowance of appeal and return of execution.

SEC. 1001. All sureties in an undertaking under the provisions of this chapter must have the qualifications of bail upon arrest, and, if required by the adverse party, must justify before the justice in like manner.

Qualifications and justification of sureties.

SEC. 1002. Within twenty days after the allowance of the appeal the appellant must file with the clerk of the district court a transcript of the cause. The transcript must contain a copy of all the material entries in the justice's docket relating to the cause or the appeal, and must have annexed thereto all the original papers relating to the cause or the appeal and filed with the justice.

Transcript, when filed and what constitutes.

SEC. 1003. Upon the filing of the transcript with the clerk of the district court the appeal is perfected, and the action shall be deemed pending and for trial therein as if originally commenced in such court,

Appeal, how perfected and tried.

and the district court shall proceed to hear, try, and determine the same anew, without regarding any error or other imperfection in the original summons and the service thereof, or on the trial, judgment, or other proceeding of the justice or marshal in relation to the cause.

Dismissal of appeal.

SEC. 1004. The district court, on motion of the respondent, may, at any time before the action is called for trial, dismiss the appeal, if it satisfactorily appear that the transcript and original papers annexed are incomplete in any material particular, unless upon the cross motion of the appellent it makes a rule upon the justice to supply such omission, upon such terms against the appellent as may be just. At any time before the trial the court may dismiss the appeal upon the motion of the appellent.

Judgment in the appellate court.

SEC. 1005. When an appeal is dismissed the district court must give judgment as it was given in the court below, and against the appellent, for the costs and disbursements of the appeal. When judgment is given in the appellate court against the appellent, either with or without trial of the action, it must also be given against the sureties in his undertaking according to the nature and effect of it. If the appellent fail to file such transcript within the time required, the adverse party may file a transcript of the judgment of the justice, and the notice and undertaking on appeal, which, on demand, the justice shall deliver to him for that purpose, and thereupon have such appeal dismissed and judgment against the appellent and his sureties as provided in this section.

Defective undertaking, how cured.

SEC. 1006. An appeal can not be dismissed on the motion of the respondent, on account of the undertaking therefor being defective, if the appellent, before the determination of the motion to dismiss, will execute a sufficient undertaking, and file the same in the appellate court, upon such terms as may be deemed just.

Amendment of pleadings in the appellate court.

SEC. 1007. In all cases of appeal the bill of items of the account sued on, or filed as a counterclaim or set-off, or the abatement of the plaintiff's cause of action, or of the defendant's counterclaim or set-off, or other ground of defense filed before the justice, may be amended upon appeal in the appellate court to supply any defect, deficiency, or omission therein, by filing formal pleadings therein when by such amendment substantial justice will be promoted; and in all cases when required by the court, or by either party to the action, formal pleadings shall be filed on either side upon the trial of the cause on appeal; when either party requires such formal pleadings, he shall cause to be served on the opposite party a notice thereof in writing, and file the same in the court where the cause is pending by the first day of the term of such court at which such cause is to be tried; but no new item or cause of action not embraced or intended to be included in the original account or statement shall be added by such amendment.

CHAPTER NINETY-EIGHT.

OF MISCELLANEOUS PROVISIONS RELATING TO JUSTICE'S COURT.

Sec.
1008. Judgment of justices may be reviewed.
1009. Appeals, where jury is demanded.
1010. Who may act as attorney.

Sec.
1011. Special deputies.
1012. Party entitled to one hour.
1013. Proceedings for contempt.
1014. Punishment for contempt.

Judgment of justices may be reviewed.

SEC. 1008. No provision of this code in relation to appeals or the right of appeal must be construed so as to prevent either party to a judgment given in a justice's court from having the same reviewed in the district court for errors in law appearing upon the face of such judgment or the proceedings connected therewith, as provided in chapter fifty-five.

SEC. 1009. No appeal can be taken, by the party who demanded a jury, from a judgment in a justice's court given upon the verdict of such jury, unless the judgment be for an amount of money not less than fifty dollars or for the recovery of personal property of the value of not less than fifty dollars, exclusive of costs and disbursements in either case. Appeals, where jury is demanded.

SEC. 1010. Any person may act as attorney for another in a justice's court, except a person or officer serving any process in the action or proceeding other than a subpoena. Who may act as attorney.

SEC. 1011. Whenever it appears to the justice that any process or order authorized to be issued or made by this code will not be served for want of an officer, such justice may appoint any suitable person, not being a party to the action, to serve the same; such an appointment may be made by an indorsement on the process or order, in substantially the following form, and signed by the justice with his name of office: "I hereby appoint A B to serve the within process, or order," as the case may be. Special deputies.

SEC. 1012. A party is entitled to one hour in which to make his appearance after the time specified in the summons, and not otherwise; and if the justice be then actually engaged in other official business he may, on his own motion, postpone further proceedings in the case until such official business has been completed or he can be disengaged therefrom. Party entitled to one hour.

SEC. 1013. Chapter fifty-eight of this title, defining contempts, and the proceeding for punishing a party guilty of contempt, shall apply to justices' courts, except as in this chapter otherwise specially provided. Proceedings for contempt.

SEC. 1014. The punishment for a contempt in a justice's court shall be by fine or imprisonment, or both; but the fine shall in no case exceed twenty-five dollars, nor the imprisonment ten days. Punishment for contempt.

CHAPTER NINETY-NINE.

OF FORCIBLE ENTRY AND DETAINER.

<p>Sec. 1015. When entry upon real property allowed; not to be made with force. 1016. Action to recover possession of premises forcibly entered or held by force. 1017. Necessary averments and complaint. 1018. Action for, how conducted. 1019. Summons in, how served and returned. 1020. Continuance, for what time granted. 1021. Action for, trial by commissioner. 1022. Verdict of jury and judgment on. 1023. Form of execution. 1024. Appeal by defendant. 1025. Unlawful holding by force, what deemed to be.</p>	<p>Sec. 1026. Notice to quit must be in writing; service of. 1027. Notice to quit, how long served before action brought. 1028. Action can not be maintained before expiration of period for which rent paid. 1029. Crops sown, etc., before lease expires, tenant may cultivate and harvest. 1030. Merits of title not to be questioned in action; limitation of action. 1031. Notice to quit in action under Code of Civil Procedure. 1032. Precinct defined.</p>
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SEC. 1015. No person shall enter upon any land, tenement, or other real property, but in cases where entry is given by law; and in such cases the entry shall not be made with force, but only in a peaceable manner. When entry upon real property allowed; not to be made with force.

SEC. 1016. When a forcible entry shall be made upon any premises, or when an entry shall be made in a peaceable manner and the possession shall be held by force, the person entitled to the premises may maintain an action to recover the possession thereof before the commissioner of the precinct in which such real property is situated. Action to recover possession of premises forcibly entered or held by force.

Necessary averments and complaint.

SEC. 1017. In such action it shall be sufficient to state in the complaint a description of the premises with convenient certainty, that the defendant is in possession thereof, that he entered upon the same with force, or unlawfully holds the same with force, as the case may be, and that the plaintiff is entitled to the possession thereof.

Action for, how conducted.

SEC. 1018. Such action, except as hereinafter especially provided, shall be conducted in all respects as other actions before commissioners.

Summons in, how served and returned.

SEC. 1019. The summons shall be served and returned as in other cases; such service shall be not less than two nor more than four days before the day of trial appointed by the commissioner.

Continuance, for what time granted.

SEC. 1020. No continuance shall be granted for a longer period than two days, unless the defendant applying therefor shall give an undertaking to the adverse party, with good and sufficient security, to be approved by the commissioner, conditioned for the payment of the rent that may accrue if judgment be rendered against the defendant.

Action for, trial by commissioner.

SEC. 1021. If the action be tried by the commissioner without a jury, and after hearing the evidence he shall conclude that the complaint is not true, he shall enter judgment against the plaintiff for costs; if he find the complaint true, or if judgment be rendered by default, he shall render a general judgment against the defendant and in favor of the plaintiff for restitution of the premises and costs of action; if he find the complaint true in part, he shall render judgment for the restitution of such part only, and the costs shall be taxed as the commissioner shall deem just and equitable.

Verdict of jury and judgment on.

SEC. 1022. If the action be tried by a jury, and they shall find the complaint true, they shall render a general verdict of guilty against the defendant; if not true, then a general verdict of not guilty; if true in part, then a verdict setting forth the facts they find; and the commissioner shall render judgment according to the verdict.

Form of execution.

SEC. 1023. The execution, should judgment of restitution be rendered, may be in the following form:

DISTRICT OF ALASKA.

To the marshal of said district:

Whereas a certain action for the forcible entry and detention (or the forcible detention, as the case may be) of the following-described premises, to wit: ———, lately tried before me, wherein ——— was plaintiff and ——— was defendant, judgment was rendered on the ——— day of ———, anno Domini ———, that the plaintiff, ———, have restitution of said premises; and also that he recover costs in the sum of ———. In the name of the United States you are therefore hereby commanded to cause the defendant to be forthwith removed from said premises, said plaintiff to have restitution of the same; also, that you levy of the goods and chattels of said defendant, and make the costs aforesaid and all accruing costs; and of this writ make legal service and due return.

Witness my hand this ——— day of ———, anno Domini ———.

Commissioner.

Appeal by defendant.

SEC. 1024. If judgment be rendered against the defendant for the restitution of the real property described in the complaint, or any part thereof, no appeal shall be taken by the defendant from such judgment until he shall, in addition to the undertaking now required by law upon appeal, give an undertaking to the adverse party, with two sureties, who shall justify in like manner as bail upon arrest, for the payment to the plaintiff of twice the rental value of the real property of which restitution shall be adjudged from the rendition of such

judgment until final judgment in the action, if such judgment shall be affirmed upon appeal.

SEC. 1025. The following shall be deemed cases of unlawful holding by force within the meaning of this chapter: Unlawful holding by force, what deemed to be.

First. When the tenant or person in possession of any premises shall fail or refuse to pay any rent due on the lease or agreement under which he holds, or deliver up the possession of the premises for ten days after demand made in writing for such possession;

Second. When, after a notice to quit as provided in this chapter, any person shall continue in the possession of any premises at the expiration of the time limited in the lease or agreement under which such person holds, or contrary to any condition or covenant thereof, or without any written lease or agreement therefor.

SEC. 1026. A notice to quit must be in writing and must be served upon the tenant or person in possession by being delivered to him or left at the premises in case of his absence therefrom. Notice to quit must be in writing; service of.

SEC. 1027. An action for the recovery of the possession of the premises may be maintained in the cases specified in subdivision second of section one thousand and twenty-five when the notice to quit has been served upon the tenant or person in possession for the period of ten days before the commencement thereof, unless the leasing or occupation is for the purpose of farming or agriculture, in which case such notice must be served for the period of ninety days before commencement of such action. Notice to quit, how long served before action brought.

SEC. 1028. The service of a notice to quit upon a tenant or person in possession does not authorize an action to be maintained against him for the possession of the premises before the expiration of any period for which such tenant or person may have paid the rent of such premises in advance. Action can not be maintained before expiration of period for which rent paid.

SEC. 1029. When the leasing or occupation is for the purpose of farming or agriculture, the tenant or person in possession shall, after the termination of such lease or occupancy, have free access to the premises to cultivate and harvest or gather any crop or produce of the soil planted or sown by him before the service of notice to quit. Crops sown, etc., before lease expires, tenant may cultivate and harvest.

SEC. 1030. In an action to recover the possession of any land, tenement, or other real property, where the entry is forcible or when the possession thereof is unlawfully held by force, the merits of the title shall not be inquired into, and three years' quiet possession of the premises immediately preceding the commencement of such action by the party in possession, or those under whom he holds, may be pleaded in bar thereof, unless the estate of such party in the premises is ended. Merits of title not to be questioned in action; limitation of action.

SEC. 1031. In any action to recover the possession of real property, as provided in chapter thirty-two of the Code of Civil Procedure, notice to quit, when necessary, may be given as prescribed in this chapter, and nothing in this chapter shall be construed so as to prevent such action being maintained for the recovery of the possession of real property, although the entry of the defendant be forcible or his holding unlawful and with force. Notice to quit in action under Code of Civil Procedure.

SEC. 1032. That wherever the word "precinct" occurs in this Act it shall be construed to mean the neighborhood in which the commissioner resides, as designated in the order of his appointment, unless where the court by special order, duly made and entered, definitely prescribes the limits of the precinct. Precinct defined.

CHAPTER ONE HUNDRED.

OF WITNESSES. INSPECTION AND PROOF OF RECORDS AND OF PRIVATE SEALS.

Sec.	1033. Competent witnesses.	Sec.	1038. Competency of physician.
	1034. Incompetent witnesses.		1039. Inspection of public records.
	1035. Competency of husband and wife.		1040. Proof of public records.
	1036. Competency of attorney.		1041. Private seals abolished.
	1037. Competency of clergyman.		1042. Title by adverse possession.

Competent witnesses.

SEC. 1033. Neither parties nor other persons who have an interest in the event of an action or proceeding are excluded as witnesses; nor those who have been convicted of crime; nor persons on account of their opinions on matters of religious belief; although in every case, except the latter, the credibility of the witness may be drawn in question, according to the rules of the common law.

Incompetent witnesses.

SEC. 1034. The following persons shall not be witnesses: 1. Those of unsound mind at the time of the transaction and of their production for examination. 2. Children under ten years of age, who appear incapable of receiving just impressions of the facts respecting which they are examined, or of relating them truly.

Competency of husband and wife.

SEC. 1035. A husband shall not be examined for or against his wife, without her consent, nor a wife for or against her husband, without his consent; nor can either, during the marriage or afterwards be, without the consent of the other, examined as to any communications made by one to the other during marriage, but the exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other.

Competency of attorney.

SEC. 1036. An attorney shall not, without the consent of his client, be examined as to any communication made by his client to him, or his advice given thereon, in the course of his professional employment.

Competency of clergyman.

SEC. 1037. A priest or clergyman shall not, without the consent of the person making the confession, be examined as to any confession made to him in his professional capacity, in the course of discipline enjoined by the church to which he belongs.

Competency of physician.

SEC. 1038. A physician or surgeon shall not, against the objection of his patient, be examined in a civil action or proceeding as to any information acquired in attending the patient which was necessary to enable him to prescribe or act for the patient.

Inspection of public records.

SEC. 1039. Every person has a right to inspect any public writing or record in said district, and every public officer having the custody thereof is bound to permit such inspection, and to give on demand and on payment of the legal fees therefor, a certified copy of such writing or record, and such copy shall in all cases be evidence of the original.

Proof of public records.

SEC. 1040. A judicial, legislative, or executive record of said district, or of any State or Territory of the United States, or of any foreign country, or of any political subdivision of either, may be proved by the production of the original, or by a copy thereof, certified by the clerk or other person having the legal custody thereof, with the seal of the court or the official seal of such person affixed thereto, if it or he have a seal, or otherwise authenticated as required by sections nine hundred and five, nine hundred and six, and nine hundred and seven of the Revised Statutes of the United States.

Private seals abolished.

SEC. 1041. Private seals and scrolls as a substitute therefor are abolished and are not required to any instrument, but the effect thereof, when used, shall remain unchanged.

SEC. 1042. The uninterrupted adverse notorious possession of real property under color and claim of title for seven years or more shall be conclusively presumed to give title thereto except as against the United States.

Title by adverse possession.

CHAPTER ONE HUNDRED AND ONE.

OF INDISPENSABLE EVIDENCE.

Sec.
1043. Sale or transfer of personal property.
1044. Agreement not in writing, when void.
1045. As to representatives concerning third persons.

Sec.
1046. Sale or transfer of real property.
1047. When last section to affect certain cases.
1048. Sale or transfer of boat or vessel.

SEC. 1043. Every sale or assignment of personal property, unless accompanied by the immediate delivery and the actual and continued change of possession of the thing sold or assigned, shall be presumed prima facie to be a fraud against the creditors of the vendor or assignor, and subsequent purchasers in good faith and for a valuable consideration, during the time such property remains in the possession of said vendor or assignor.

Sale or transfer of personal property.

SEC. 1044. In the following cases an agreement is void unless the same or some note or memorandum thereof expressing the consideration be in writing and subscribed by the party to be charged, or by his lawfully authorized agent:

Agreement not in writing, when void.

(1) An agreement that by its terms is not to be performed within a year from the making thereof;

(2) An agreement to answer for the debt, default, or miscarriage of another;

(3) An agreement by an executor or administrator to pay the debts of his testator or intestate out of his own estate;

(4) An agreement made upon consideration of marriage, other than a mutual promise to marry;

(5) An agreement for the sale of personal property at a price not less than fifty dollars, unless the buyer accept and receive some part of such personal property, or pay at the time some part of the purchase price; but when the sale is made by auction, an entry by the auctioneer in his sale book, at the time of the sale, of the property sold, the terms of the sale, the price, and the names of the purchaser and person for whose account the sale is made, is a sufficient memorandum.

(6) An agreement for leasing for a longer period than one year, or for the sale of real property, or of any interest therein, or to charge or encumber the same.

(7) An agreement concerning real property made by an agent of the party sought to be charged, unless the authority of the agent be in writing.

SEC. 1045. No evidence is admissible to charge a person upon a representation as to the credit, skill, or character of a third person unless such representation or some memorandum thereof be in writing, and either subscribed by or in the handwriting of the party to be charged.

As to representatives concerning third persons.

SEC. 1046. No estate or interest in real property, other than a lease for a term not exceeding one year, nor any trust or power concerning such property, can be created, transferred, or declared otherwise than by operation of law, or by a conveyance or other instrument in writing subscribed by the party creating, transferring, or declaring the same, or by his lawful agent under written authority, and executed with such formalities as are required by law.

Sale or transfer of real property.

When last section to affect certain cases.

SEC. 1047. The last section shall not be construed to affect the power of a testator in the disposition of his real property by a last will and testament, nor to prevent a trust arising or being extinguished by implication or operation of law, nor to affect the power of a court to compel specific performance of an agreement in relation to such property.

Sale or transfer of boat or vessel.

SEC. 1048. A sale or transfer of a boat or vessel is not valid unless it be in writing and signed by the party making the transfer.

TITLE III.

CIVIL CODE FOR THE DISTRICT OF ALASKA.

CHAPTER ONE.

OF COMMISSIONERS' PRECINCTS.

Sec.

1. Judge to divide district into precincts.
2. Additional commissioners.

Sec.

3. Jurisdiction and authority of commissioners.
4. To be provided with blank books.

Judge to divide district into precincts.

SEC. 1. It shall be the duty of the judge of each division of the district court for the district of Alaska, by an order to be entered upon the journal of the court, to divide the respective divisions of the district into precincts, and he may thereafter, from time to time, alter the same and establish new precincts as the public convenience may require. He shall define the boundaries of such precincts by topographical lines or otherwise, as may be most convenient.

Additional commissioners.

SEC. 2. The boundaries of the precincts shall be so established that, considering distance and means of travel, public convenience may be promoted by requiring the appointment of commissioners by the division of the district court most readily accessible to the area embraced in the precinct. Precincts shall bear such name or number as the court in the order creating it may designate. The precinct lines shall only be regarded for purposes of convenience in fixing identity, but shall not be limitations on the jurisdiction of commissioners as established by law.

Jurisdiction and authority of commissioners.

SEC. 3. In the event of failure of the judges to include all of the district within precinct limits, the Attorney-General may, by order, cause the omitted area to be attached to or embraced in an established precinct or precincts.

To be provided with blank notes.

SEC. 4. The Attorney-General may, from time to time, make such rules and regulations, not in conflict with law, as he may deem necessary to insure the efficient administration of the law and to avoid conflicts of jurisdiction or of officials in the district.

CHAPTER TWO.

OF HUSBAND AND WIFE.

Sec.

5. Marriage a civil contract; at what age contracted.
6. Between what persons prohibited.
7. When voidable.
8. By whom solemnized.
9. How solemnized.
10. Certificate of marriage.
11. Marriages by the de facto clergymen or judicial officers.

Sec.

12. Ritual of religious bodies recognized.
13. Neither husband nor wife has interest in property of the other.
14. Civil remedies against each other.
15. Contracts between husband and wife.
16. May constitute each other attorney in fact.
17. Neither liable for the other's debts.

Marriage a civil contract; at what age contracted.

SEC. 5. Marriage is a civil contract, which may be entered into by males of the age of twenty-one years and females of the age of eighteen years who are otherwise capable.

SEC. 6. The following marriages are prohibited:

Between what persons prohibited.

(1) When either party thereto has a husband or wife living at the time of such marriage.

(2) When the parties thereto are related to each other within and not including the fourth degree of consanguinity, whether of the whole or half blood, computed according to rules of the civil law.

When voidable.

SEC. 7. When either party to a marriage shall be incapable of consenting thereto for want of legal age or sufficient understanding, or when the consent of either party shall be obtained by force or fraud, such marriage is voidable, but only at the suit of the party laboring under the disability or upon whom the force or fraud is imposed.

SEC. 8. Marriages may be solemnized by any minister or priest of any church or congregation in the district anywhere within the district, and by any judicial officer of the district anywhere within his jurisdiction, and commissioners as ex officio justices of the peace are to be deemed judicial officers of the district within the meaning of this section.

By whom solemnized.

SEC. 9. In the solemnization of marriage no particular form is required, except that the parties thereto shall assent or declare in the presence of each other and of the minister, priest, or judicial officer solemnizing the same, and in the presence of at least two attending witnesses, that they take each other to be husband and wife.

How solemnized.

SEC. 10. The person solemnizing the marriage shall give to each of the parties thereto a certificate thereof, specifying therein the names and residence of the parties and of at least two witnesses present at the time and place of such marriage.

Certificate of marriage.

SEC. 11. A marriage solemnized before any person professing to be a minister or priest of any church or congregation in the district or any judicial officer thereof is not void, nor shall the validity thereof be in any way affected, on account of any want of power or authority in such person, if such marriage be consummated with a belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage.

Marriages by de facto clergymen or judicial officers.

SEC. 12. Illegitimate children become legitimate by the subsequent marriage of their parents with each other; and all marriages to which there are no legal impediments solemnized before or in any religious organization or congregation, according to the established ritual or form commonly practiced therein, are valid.

Ritual of religious bodies recognized.

SEC. 13. When property is owned by either husband or wife, the other has no such interest as will make the same liable for the contracts or liabilities of either the husband or wife who is not the owner of the property, except as herein provided.

Neither husband or wife has interest in property of the other.

SEC. 14. Should either the husband or wife obtain possession or control of property belonging to the other, either before or after marriage, the owner of the property may maintain an action therefor, or for any right growing out of the same, in the same manner and to the same extent as if they were unmarried.

Civil remedies against each other.

SEC. 15. A conveyance, transfer, or lien executed by either husband or wife to or in favor of the other shall be valid to the same extent as between other persons.

Contracts between husband and wife.

SEC. 16. A husband or wife may constitute the other his or her attorney in fact, to control or dispose of his or her property, and may revoke the same to the same extent and manner as other persons.

May constitute each other attorney in fact.

SEC. 17. Neither husband nor wife is liable for the debts or liabilities of the other incurred before marriage, and, except as herein otherwise provided, they are not liable for the separate debts of each other, nor is the rent or income of such property liable for the separate debts of the other.

Neither liable for the other's debts.

CHAPTER THREE.

OF PARENTS AND CHILDREN.

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| <p>Sec.
18. Parents and children liable for each other's support.</p> | <p>Sec.
19. Maintenance of minor having property.
20. Power of mother over children.</p> |
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Parents and children liable for each other's support.

SEC. 18. Parents shall be bound to maintain their children when poor and unable to work to maintain themselves; and children shall be bound to maintain their parents in the like circumstances.

Maintenance of minor having property.

SEC. 19. If any minor who has a father living have property the income of which is sufficient for his maintenance and education in a manner more expensive than the father can reasonably afford, regard being had to the situation of the father's family and to all the circumstances of the case, the expenses of the maintenance and education of such child may be defrayed out of the income of his own property, in whole or in part, as shall be judged reasonable by the commissioner, and the charges therefor may be allowed accordingly in the settlement of the accounts of his guardian.

Power of mother over children.

SEC. 20. The power of the mother to bind her children, whether legitimate or illegitimate, shall cease in case of her subsequent marriage, and shall not be exercised during the continuance of such marriage, either by herself or her husband.

CHAPTER FOUR.

OF THE ADOPTION OF CHILDREN.

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| <p>Sec.
21. Application to adopt a child.
22. Consent of parents and guardian.
23. When parent insane, etc.
24. Notice to the parent.
25. Consent of child, when necessary.
26. Decree of adoption and effect of same.</p> | <p>Sec.
27. Status of adopted child.
28. Adoption terminates relation of parent and child.
29. Appeal from decrees of commissioners.
30. When appeal may be taken.
31. Change of name of adopted child.</p> |
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Application to adopt a child.

SEC. 21. Any inhabitant of the district may petition the commissioner in the precinct in which the child resides or may be found for leave to adopt a child not his own, and, if desired, for a change of the child's name; but the prayer of such petition by a person having a husband or wife shall not be granted unless the husband or wife joins therein.

Consent of parents and guardian.

SEC. 22. The parents of the child, or the survivor of them, shall, except as herein provided, consent in writing to such adoption. If neither parent is living, the guardian of the child, or, if there is no guardian, the next of kin in the district, may give such consent; or, if there is no next of kin, the commissioner may appoint some suitable person to act in the proceeding as guardian ad litem of the child, and to give or withhold such consent.

When parent insane, etc.

SEC. 23. If either parent is insane or imprisoned in a penitentiary under a sentence for a term not less than three years, or has willfully deserted and neglected to provide proper care and maintenance for the child for one year next preceding the time of filing the petition, or is an unfit person to have the care and custody of the child the commissioner may proceed as if such parent were dead, and in his discretion may appoint some suitable person to act in the proceeding as guardian ad litem of the child, and give or withhold the consent aforesaid; but in all cases notice to the parent not laboring under said disabilities of insanity or imprisonment mentioned in this section shall be required.

Notice to the parent.

SEC. 24. If a parent does not consent to the adoption of his or her

child the commissioner shall order a copy of the petition and order thereon served on him and the child personally, if found in the district, and, if not, that a notice thereof be published once a week for three successive weeks in such newspaper as the commissioner directs, the last publication to be at least four weeks before the time appointed for the hearing and in all cases a copy of the petition and order shall be served on the child. Like notice shall also be published when a child has no parent living and no guardian or next of kin in said district. The commissioner may order such further notice as he deems necessary or proper.

SEC. 25. If the child is of the age of fourteen years or upward the adoption shall not be made without his consent, given the commissioner on privy examination.

Consent of child, when necessary.

SEC. 26. If upon such petition so presented and consented to the commissioner is satisfied of the identity and relations of the persons, and that the petitioner is of sufficient ability and in all respects a proper person to bring up the child and furnish suitable nurture and education, having reference to the degree and condition of the parents, and that it is fit and proper that such adoption should take effect, a decree shall be made setting forth the facts and ordering that from the date of the decree the child shall, to all legal intents and purposes, be the child of the petitioner.

Decree of adoption and effect of same.

SEC. 27. A child so adopted shall be deemed, for the purposes of inheritance and all other legal consequences and incidents of the natural relation of parents and children, the child of the parents by adoption, the same as if he had been born to them in lawful wedlock, except that he shall not be capable of taking property expressly limited to heirs of the body or bodies of the parent by adoption, nor property from the lineal or collateral kindred of said parents by right of representation.

Status of adopted child.

SEC. 28. The parents of such child shall be deprived by the said proceedings of all legal rights as respects the child, and the child shall be freed from all obligations of maintenance and obedience as respects his parents.

Adoption terminates relation of parent and child.

SEC. 29. Any petitioner parent or other party to the proceedings may appeal to the district court from the judgment of the commissioner on such petition in like manner as appeals may be taken from judgments of such commissioner in proceedings respecting the administration of estates of decedents; and any child made the subject of such petition may, by his guardian ad litem, appeal in like manner; but no bond shall be required of, or costs awarded against such child or guardian ad litem.

Appeal from decrees of commissioners.

SEC. 30. A parent who has not, before the hearing of a petition for the adoption of his child, had personal notice thereof, may, at any time within one year after actual notice, apply to the district court to reverse the judgment and the court, after due notice, may, in its discretion, reverse or modify the same.

When appeal may be taken.

SEC. 31. If in a petition for the adoption of a child a change of the child's name is requested, the commissioner upon adjudging the adoption may also adjudge such change of name and grant a certificate thereof without the notice required by the following sections.

Change of name of adopted child.

CHAPTER FIVE.

OF THE CHANGE OF NAME.

Sec. 32. Application for change of name.

Sec. 33. Proceedings on application.

SEC. 32. Applications for change of names of other persons may be heard and determined by the district court. No lawful change of

Application for change of name.

the name of a person, except a woman upon her marriage or divorce, shall be made in the district unless for sufficient reasons not inconsistent with the public interest and satisfactory to the court.

Proceedings on application.

SEC. 33. Before adjudging a change of name, except as provided in section forty-nine, the court shall require public notice of the application therefor to be given, that all persons may offer and show cause, if they have any, why the same should not be granted. The court shall also require public notice to be given of the change adjudged, and on return of proof thereof may grant certificate, under the seal of the court, of the name the party is to have, and which shall thereafter be his legal name.

CHAPTER SIX.

OF THE AGE OF MAJORITY.

Sec.
34. Majority of males and females.

Sec.
35. Marriage of females equivalent to majority.

Majority of males and females.

SEC. 34. In the district all persons shall be deemed to have arrived at majority at the age of twenty-one years, and thereafter shall have control of their own actions and business, and have all the rights and be subject to all the liabilities of citizens of full age.

Marriage of females equivalent to majority.

SEC. 35. All female persons shall be deemed to have arrived at the age of majority upon their being married according to law.

CHAPTER SEVEN.

OF ESTATES IN DOWER.

Sec.
36. Dower of widow.
37. When dower shall be assigned by the district court.
38. Warrant for assignment of dower.
39. Proceedings and warrant of commissioner.
40. When property can not be divided.
41. Widow may occupy with heirs.
42. Dower, how barred by jointure.
43. Evidence of assent to jointure.
44. Pecuniary provision a bar to dower.
45. When widow may elect between jointure and dower.
46. When to elect between devise and dower.

Sec.
47. When widow deemed to have elected.
48. When widow to be endowed anew.
49. Alien or nonresident entitled to dower.
50. Widow may remain in dwelling house one year.
51. Damages for withholding dower.
52. Damages, how estimated.
53. Not to include use of permanent improvements.
54. Damages against heirs.
55. Collusive recovery of dower not to prejudice infant heirs.

Dower of widow.

SEC. 36. The widow of every deceased person shall be entitled to dower, or the use during her natural life of one-third part in value of all the lands whereof her husband died seized of an estate of inheritance.

When dower shall be assigned by the district court.

SEC. 37. When a widow is entitled to dower in the lands of which her husband died seized, it may be assigned to her by the district court upon application of the widow or any other person interested in the lands; notice of application shall be given to such heirs, devisees, or other persons in such manner as the court shall direct.

Warrant for assignment of dower.

SEC. 38. For the purpose of assigning such dower the district court shall direct a warrant to issue to three discreet and disinterested persons, as commissioners, authorizing and requiring them to set off the dower by metes and bounds, when it can be done without injury to the whole estate.

Proceedings and warrant of commissioner.

SEC. 39. The commissioners shall be sworn by any officer authorized to administer impartially oaths to discharge their duties, and shall, as soon as may be, set off the dower according to the command of such

warrant, and make return of their doings, with an account of their charges and expenses, in writing, to the district court; and the same being confirmed by the court and recorded, and an attested copy thereof filed in the office of the commissioner of the precinct where the lands are situated, the dower shall remain fixed and certain unless such confirmation be set aside or reversed; all costs to be apportioned in the discretion of the court.

SEC. 40. When the estate or any part thereof out of which dower is to be assigned can not be equitably divided by metes and bounds, the dower may be assigned of the rents, issues, and profits thereof, to be had and received by the widow as a tenant in common with the other owners of the estate.

When property can not be divided.

SEC. 41. When a widow is entitled to dower in the lands of which her husband died seized she may, if residing thereon, continue to occupy the same, and enjoy the rents, issues, and profits thereof with the children or other heirs of the deceased, or if not residing thereon may receive one-third part of the rents, issues, and profits thereof, so long as the heirs or others interested do not object, without having the dower assigned.

Widow may occupy with heirs.

SEC. 42. A woman may be barred of her dower in all the lands of her husband by jointure settled on her with her assent before the marriage: *Provided*, Such jointure consists of a freehold estate in lands, for the life of the wife at least, to take effect in possession or profit immediately on the death of her husband.

Dower, how barred by jointure.

SEC. 43. Such assent shall be expressed, if the woman be of the full age of twenty-one, by her becoming a party to the conveyance by which it is settled, and if she be under that age by her joining with her father or guardian in such conveyance.

Evidence of assent to jointure.

SEC. 44. Any pecuniary provision that shall be made for the benefit of an intended wife, and in lieu of dower, shall, if assented to as provided in the preceding section, bar her right of dower in all the lands of her husband.

Pecuniary provision a bar to dower.

SEC. 45. If any such jointure or pecuniary provision be made before marriage, and without the assent of the intended wife, or if it be made after marriage, she shall make her election after the death of her husband whether she will take such jointure or pecuniary provision or be endowed of the lands of her husband, but she shall not be entitled to both.

When widow may elect between jointure and dower.

SEC. 46. If any lands be devised to a woman, or other provision be made for her in the will of her husband, expressly in lieu of dower, she shall make her election whether she will take the land so devised or the provision so made, or whether she will be endowed of the lands of her husband; but she shall not be entitled to both unless it plainly appears by the will to have been so intended by the testator.

When to elect between devise and dower.

SEC. 47. When a widow shall be entitled to an election under either of the two sections last preceding she shall be deemed to have elected to take such jointure, devise, or other provision unless within one year after the death of her husband she shall file in the district court her election in writing to relinquish her rights under the jointure, devise or provision.

When widow deemed to have elected.

SEC. 48. If a woman be lawfully evicted of lands assigned to her as dower or settled upon her as jointure, or be deprived of the provision made for her by the will or otherwise in lieu of dower, she may be endowed anew in like manner as if such assignment, jointure, or other provision had not been made.

When widow to be endowed anew.

SEC. 49. A woman being an alien shall not on that account be barred of her dower; and any woman residing out of the district shall be entitled to dower of the lands of her deceased husband lying in the district of which her husband died seized of an estate of inheritance; and the same may be assigned to her, or recovered by her, in like man-

Alien or nonresident entitled to dower.

ner as if she and her deceased husband had been residents within the district at the time of his death.

Widow may remain in dwelling house one year.

SEC. 50. A widow may remain in the dwelling house of her husband one year after his death without being chargeable with the rent therefor, and shall have reasonable sustenance out of the estate for one year.

Damages for withholding dower.

SEC. 51. Whenever, in any action brought for the purpose, a widow shall recover her dower in lands of which her husband died seized, she shall be entitled also to recover damages for the withholding of such dower.

Damages, how estimated.

SEC. 52. Such damage shall be one-third of the annual value of the mesne profits of the lands in which she shall so recover her dower, to be estimated in an action against the heirs of her husband from the time of his death, and in actions against other persons from the time of demanding her dower of such persons.

Damages not to include use of permanent improvements.

SEC. 53. Such damages shall not be estimated for the use of any permanent improvements made after the death of her husband by his heirs, or by any other person claiming title to such lands.

Damages against heirs.

SEC. 54. When a widow shall recover her dower in any lands aliened by the heir of her husband she shall be entitled to recover of such heir, in a civil action, her damages for withholding such dower from the time of the death of her husband to the time of the alienation by the heir, not exceeding six years in the whole; and the amount which she shall be entitled to recover from such heir shall be deducted from the amount she would otherwise be entitled to recover from such grantee; and any amount recovered as damages from such grantee shall be deducted from the sum she would otherwise be entitled to recover from such heir.

Collusive recovery of dower not to prejudice infant heirs.

SEC. 55. When a widow not having a right of dower shall, during the infancy of the heirs of the husband, or any of them, or of any other person entitled to the lands, recover dower by the default or collusion of the guardian of such infant heirs, or such other person, such heir or other person so entitled shall not be prejudiced thereby, but when he comes of full age he shall have an action against such widow to recover the lands so wrongfully awarded for dower.

CHAPTER EIGHT.

OF ESTATE BY THE CURTESY.

Sec. 56. Husband's life estate.

Husband's life estate.

SEC. 56. When any man and his wife shall be seized in her right of any estate of inheritance in lands the husband shall, on the death of his wife, hold the lands for his life as tenant thereof by the curtesy, although such husband and wife may not have had issue born alive.

CHAPTER NINE.

OF GENERAL PROVISIONS CONCERNING ESTATES IN LANDS.

Sec. 57. Person in possession liable for rent.
58. Rent, how recovered.
59. Last two sections not to exclude other remedies.

Sec. 60. Determination of estates at will and by sufferance.
61. Action for injury to inheritance.
62. Remedy of tenants in common.

Person in possession liable for rent.

SEC. 57. Every person in possession of land out of which any rent is due, whether it was originally demised in fee, or for any other estate of freehold, or for any term of years, shall be liable for the

amount or proportion of rent due from the land in his possession, although it be only a part of what was originally demised.

SEC. 58. Such rent may be recovered in an action, and the deed or demise, or any other instrument in writing, if there be any, showing the provisions of the lease, may be used in evidence by either party to prove the amount due from the defendant.

Rent, how recovered.

SEC. 59. Nothing contained in the two preceding sections shall deprive landlords of any other legal remedy for the recovery of their rents, whether secured to them by their leases or provided by law.

Last two sections not to exclude other remedies.

SEC. 60. All estates at will or by sufferance may be determined by either party, by three months' notice in writing given to the other party; and when the rent reserved in a lease at will is payable at periods of less than three months the time of such notice shall be sufficient if it be equal to the interval between the times of payment; and in all cases of neglect or refusal to pay the rent due on a lease at will fourteen days' notice to quit, given in writing by the landlord to the tenant, shall be sufficient to determine the lease.

Determination of estates at will and by sufferance.

SEC. 61. A person seized of an estate in remainder or reversion may maintain a civil action for any injury done to the inheritance, notwithstanding any intervening estate for life or years.

Action for injury to inheritance.

SEC. 62. A tenant in common may maintain any proper action or proceeding against his cotenant for receiving more than his just proportion of the rents or profits of the estate owned by them in common; and joint tenancy is abolished, and all persons having an undivided interest in real property are to be deemed and considered tenants in common.

Remedy of tenants in common.

CHAPTER TEN.

OF THE PROPERTY OF MARRIED WOMEN.

- Sec.
- 63. Separate property of wife not subject to husband's debts.
 - 64. Property acquired during coverture.
 - 65. District court may adjudge that husband has abandoned wife; effect of.
 - 66. Return of husband not to abate action.

- Sec.
- 67. Liability for civil injuries.
 - 68. Wife's contracts binding upon her.
 - 69. Civil disabilities removed.
 - 70. Register of personal property.
 - 71. Effect of registration.
 - 72. Certified copies of register.

SEC. 63. The property and pecuniary rights of every married woman at the time of her marriage, or afterwards acquired by gift, devise, or inheritance, shall not be subject to the debts or contracts of her husband, and she may manage, sell, convey, or devise the same by will to the same extent and in the same manner that her husband can property belonging to him.

Separate property of wife not subject to husband's debts.

SEC. 64. All property, either real or personal, acquired by any married woman during coverture by her own labor shall not be liable for the debts, contracts, or liabilities of her husband, but shall in all respects be subject to the same exemptions and liabilities as property owned at the time of her marriage or afterwards acquired by gift, devise, or inheritance.

Property acquired during coverture.

SEC. 65. When any married man residing in the district shall abandon his wife without making suitable provision for her support for a period of one year the district court may, upon her petition setting up the facts of such abandonment, verified by her own oath, summarily proceed to hear the petition and adjudge the fact as to such abandonment, which adjudication shall be conclusive as to such fact as to third persons; and if such abandonment shall be adjudged thereupon, such married woman, during the absence of her husband, may in all respects contract in relation to, sell, convey, and deal with her separate property, real and personal, in the same manner as if she were a feme sole,

District court may adjudge that husband has abandoned wife: effect of.

and may in her own name, without being joined with her husband, sue and be sued in relation to her separate property on any contract made by her after such adjudication and before the return of her husband.

Return of husband
not to abate action.

SEC. 66. No action wherein a married woman shall be a party, under the provisions of this code, shall be abated on the return of her husband into the district, but he may, on his application, be admitted to prosecute or defend such action jointly with her.

Liability for civil
injuries.

SEC. 67. For all civil injuries committed by a married woman damages may be recovered from her alone, and her husband shall not be responsible therefor, except in case where he would be jointly responsible with her if the marriage did not exist.

Wife's contracts
binding upon her.

SEC. 68. Contracts may be made by a wife, and liabilities incurred, and the same enforced by or against her to the same extent and in the same manner as if she were unmarried.

Civil disabilities re-
moved.

SEC. 69. All laws which impose or recognize civil disabilities upon a wife which are not imposed or recognized as existing as to the husband are hereby repealed; and for any unjust usurpation of her property or natural rights she shall have the same right to appeal in her own name alone to all courts for redress that the husband has.

Register of personal
property.

SEC. 70. The commissioner for each precinct shall keep a register, in which he shall enter a description of the personal estates of married women, as hereinafter directed.

Effect of registra-
tion.

SEC. 71. A married woman possessed of or owning any personal property or pecuniary rights may make a descriptive list of the same, and make and subscribe on the said list an oath that the property and rights therein described belonged to her at the time of her marriage, or that she has acquired the same by her own labor, or by bequest, inheritance or by the gift of some person named other than her husband; and the list and affidavit shall be recorded in the register, and shall be prima facie evidence of the facts therein stated, and property not so registered shall be deemed prima facie to be the property of the husband rather than of the wife.

Certified copies of
register.

SEC. 72. A certified copy of the register shall be original evidence equally with the original list and affidavit, and the fees for recording and for making the certified copies of the register shall be the same as in the case of deeds.

CHAPTER ELEVEN.

OF CONVEYANCES OF REAL PROPERTY.

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| Sec. | 73. Conveyance, how made. | Sec. | 89. Proof of execution by subscribing witnesses. |
| | 74. Conveyance of wife's property. | | 90. Proof when witnesses dead or absent. |
| | 75. Effect of quitclaim. | | 91. Witness to execution of deed. |
| | 76. Word "heirs" not necessary to convey fee simple. | | 92. Penalty for refusing to appear or testify. |
| | 77. Conveyance by tenant for life or years. | | 93. Certificate of proof to be indorsed on deed. |
| | 78. Covenants not implied. | | 94. Deed proved may be read in evidence. |
| | 79. Mortgage not to imply covenant to pay money. | | 95. Record of deeds and mortgages. |
| | 80. Conveyance of lands held adversely by another. | | 96. Certificate on conveyance. |
| | 81. Joint conveyance to create cotenancy. | | 97. Index of records. |
| | 82. Execution and acknowledgment of deeds. | | 98. Unrecorded conveyance, when void as to third persons. |
| | 83. Same in States. | | 99. Record or transcript evidence. |
| | 84. Certificate of official character. | | 100. Record of deeds of defeasance. |
| | 85. Acknowledgment of deeds in foreign country. | | 101. Record of assignment of mortgage. |
| | 86. Acknowledgment by married women. | | 102. Discharge of mortgage by marginal entry. |
| | 87. Conveyance by married woman residing out of district. | | 103. Discharge upon certificate of mortgagee. |
| | 88. Officer taking acknowledgment must know grantor. | | 104. Certificate of mortgagee to be recorded. |

Sec.		Sec.	
105.	Penalty for refusing to discharge mortgage.	112.	Exceptions.
106.	Power of attorney and contract may be recorded.	113.	Other defective deeds cured.
107.	Instrument so recorded, how revoked.	114.	Judicial sales.
108.	Deeds heretofore made, etc.	115.	Defectively executed sales by executors and administrators.
109.	Patents, decrees, etc., affecting lands may be recorded.	116.	Records of such deeds receivable in evidence.
110.	Record of such instrument.	117.	Defective execution of conveyances by executors; decree in such cases.
111.	Defective acknowledgments cured.	118.	Transcribing records for new precinct to have the effect of the original.

SEC. 73. A conveyance of lands, or of any estate or interest therein, may be made by deed, signed and sealed by the person from whom the estate or interest is intended to pass, being of lawful age, or by his lawful agent or attorney, and acknowledged or proved, and recorded as directed in this chapter, without any other act or ceremony whatever.

Conveyance, how made.

SEC. 74. A husband and wife may, by their joint deed, convey the real estate of the wife, in like manner as she might do by her separate deed if she were unmarried.

Conveyance of wife's property.

SEC. 75. A deed of quitclaim and release of the form in common use shall be sufficient to pass all the real estate which the grantor could lawfully convey by a deed of bargain and sale.

Effect of quitclaim.

SEC. 76. The term "heirs," or other words of inheritance, shall not be necessary to create or convey an estate in fee simple; and any conveyance of any real estate hereafter executed shall pass all the real estate of the grantor, unless the intent to pass a less estate shall appear by express terms or be necessarily implied in the terms of the grant.

Word "heirs" not necessary to convey fee simple.

SEC. 77. A conveyance made by a tenant for life or years purporting to grant a greater estate than he possessed or could lawfully convey shall not work a forfeiture of his estate, but shall pass to the grantee all the estate which such tenant could lawfully convey.

Conveyance by tenant for life or years.

SEC. 78. No covenant shall be implied in any conveyance of real estate, whether such conveyance contain special covenants or not.

Covenants not implied.

SEC. 79. No mortgage shall be construed as implying a covenant for the payment of the sum thereby intended to be secured; and when there shall be no express covenant for such payment contained in the mortgage, and no bond or other separate instrument to secure such payment shall have been given, the remedies of the mortgagee shall be confined to the lands mentioned in the mortgage.

Mortgage not to imply covenant to pay money.

SEC. 80. No grant or conveyance of land or interest therein shall be void for the reason that at the time of the execution thereof such lands shall be in the actual possession of another claiming adversely.

Conveyance of lands held adversely by another.

SEC. 81. Every conveyance or devise of lands or interests therein made to two or more persons, other than to executors and trustees, as such, shall be construed to create a tenancy in common in such estate, unless it be expressly declared in such conveyance or devise that the grantees or devisees shall take the lands as joint tenants.

Joint conveyance to create cotenancy.

SEC. 82. Deeds executed within the district of lands or any interest in lands therein shall be executed in the presence of two witnesses, who shall subscribe their names to the same as such; and the persons executing such deeds may acknowledge the execution thereof before any judge, clerk of the district court, notary public, or commissioner within the district, and the officer taking such acknowledgment shall indorse thereon a certificate of the acknowledgment thereof and the true date of making the same, under his hand.

Execution and acknowledgment of deeds.

SEC. 83. If any deed shall be executed in any State, Territory, or District of the United States, such deed may be executed according to the laws of such State, Territory, or District, and the execution thereof may be acknowledged before any judge of a court of record, justice of the peace, or notary public, or other officer authorized by the laws of

Same in States.

such State, Territory, or District to take the acknowledgment of deeds therein, or before any commissioner appointed for such purpose.

Certificate of official character.

SEC. 84. In the cases provided for in the last section, unless the acknowledgment be taken before a commissioner appointed for that purpose, or before a notary public certified under his notarial seal, or before the clerk of a court of record certified under the seal of the court, such deed shall have attached thereto a certificate of the clerk or other proper certifying officer of a court of record of the county or district within which such acknowledgment was taken, under the seal of his office, that the person whose name is subscribed to the certificate of acknowledgment was at the date thereof such officer as he is therein represented to be, and that he believes the signature of such person subscribed thereto to be genuine, and that the deed is executed and acknowledged according to the laws of such State, Territory, or District.

Acknowledgment of deeds in foreign country.

SEC. 85. If such deed be executed in any foreign country it may be executed according to the laws of such country, and the execution thereof may be acknowledged before any notary public therein, or before any minister plenipotentiary, minister extraordinary, minister resident, chargé d'affaires, commissioner, or consul of the United States appointed to reside therein, which acknowledgment shall be certified thereon by the officer taking the same, under his hand; and if taken before a notary public his seal of office shall be affixed to such certificate.

Acknowledgment by married women.

SEC. 86. When a married woman residing in the district shall join with her husband in a deed of conveyance of real property situated within the district she shall acknowledge that she executed such deed freely and voluntarily.

Conveyance by married woman residing out of district.

SEC. 87. When any married woman not residing in the district shall join with her husband in any conveyance of real estate situated within the district the conveyance shall have the same effect as if she were sole, and the acknowledgment or proof of the execution of such conveyance by her may be the same as if she were sole.

Officer taking acknowledgment must know grantor.

SEC. 88. No acknowledgment of any conveyance having been executed shall be taken by any officer unless he shall know or have satisfactory evidence that the person making such acknowledgment is the individual described in and who executed such conveyance.

Proof of execution by subscribing witnesses.

SEC. 89. Proof of the execution of any conveyance may be made before any officer authorized to take acknowledgment of deeds, and shall be made by a subscribing witness thereto, who shall state his own place of residence and that he knew the person described in and who executed such conveyance; and such proof shall not be taken unless the officer is personally acquainted with such subscribing witness or has satisfactory evidence that he is the same person who was a subscribing witness to such instrument.

Proof when witnesses dead or absent.

SEC. 90. When any grantor is dead, out of the district, or refuses to acknowledge his deed, and all the subscribing witnesses to such deed shall also be dead or reside out of the district, the same may be proved before the district court, or any judge thereof, by proving the handwriting of the grantor and of any subscribing witness thereto.

Witness to execution of deed.

SEC. 91. Upon the application of any grantee, or of any person claiming under him, verified by the oath of the applicant, setting forth that the grantor is dead, out of the district, or refused to acknowledge his deed, and that any witness to such conveyance refuses to appear and testify touching the execution thereof, and that such conveyance can not be proven without his evidence, any officer authorized to take the acknowledgment or proof of conveyance, except a commissioner of deeds, may issue a subpoena requiring such witness to appear and testify before such officer touching the execution of such conveyance.

SEC. 92. Every person duly served with such subpoena who shall, without reasonable cause, refuse or neglect to appear, or appearing shall refuse to answer upon oath touching the matter aforesaid, shall forfeit to the injured party one hundred dollars, and may also be committed to prison as for a contempt by the officer who issued such subpoena, there to remain until he shall submit to answer on oath as aforesaid.

Penalty for refusing to appear or testify.

SEC. 93. Every officer who shall take the proof of any conveyance shall indorse his certificate thereon, signed by himself on the conveyance, and in such certificate shall set forth the things hereinbefore required to be done, known, or proved, together with the names of the witnesses examined before such officer, and their places of residence, and the substance of the evidence by them given.

Certificate of proof to be indorsed on deed.

SEC. 94. Every conveyance acknowledged or proved or certified in the manner hereinbefore prescribed by any of the officers before named may be read in evidence without further proof thereof, and shall be entitled to be recorded in the precinct in which the lands lie.

Deed proved may be read in evidence.

SEC. 95. Separate books shall be provided by the commissioner in each recording district or precinct for the recording of deeds and mortgages, in one of which books all deeds left with such commissioner shall be recorded at full length, with the certificates of acknowledgment or proof of the execution thereon, and in the other all mortgages left with the commissioner shall in like manner be recorded.

Record of deeds and mortgages.

SEC. 96. The commissioner shall certify upon each conveyance recorded by him the time when it was received and the reference to the book and the page where it is recorded, and every conveyance shall be considered as recorded at the time it was so received.

Certificate on conveyance.

SEC. 97. The commissioner shall also keep a proper index, direct and inverted, to the books for the recording of deeds, and also one to the books for the recording of mortgages, in which he shall enter alphabetically the name of every party to each and every instrument recorded by him, with a reference to the book and page where the same is recorded.

Index of records.

SEC. 98. Every conveyance of real property within the district hereafter made which shall not be filed for record as provided in this chapter shall be void against any subsequent innocent purchaser in good faith and for a valuable consideration of the same real property, or any portion thereof, whose conveyance shall be first duly recorded.

Unrecorded conveyance, when void as to third persons.

SEC. 99. The record of a conveyance duly recorded, or a transcript thereof duly certified by the commissioner in whose office the same may have been recorded, may be read in evidence in any court in the district with the like force and effect as the original instrument; but the effect of such evidence may be rebutted by other competent evidence.

Record or transcript evidence.

SEC. 100. When a deed purports to be an absolute conveyance in terms, but is made or intended to be made defeasible by force of a deed of defeasance or other instrument for that purpose, the original conveyance shall not be thereby defeated or affected as against any person other than the maker of the defeasance, or his heirs or devisees, or persons having actual notice thereof, unless the instrument of defeasance shall have been recorded in the office of the commissioner for the precinct where the lands lie.

Record of deeds of defeasance.

SEC. 101. The recording of the assignment of a mortgage shall not in itself be deemed notice of such assignment to the mortgagor, his heirs or personal representatives, so as to invalidate any payment made by them or either of them to the mortgagee.

Record of assignment of mortgage.

SEC. 102. Any mortgage that has been or may hereafter be recorded may be discharged by an entry in the margin of the record thereof, signed by the mortgagee or his personal representative or assignee,

Discharge of mortgage by marginal entry.

acknowledging the satisfaction of the mortgage, in the presence of the commissioner or a deputy, who shall subscribe the same as a witness, and such entry shall have the same effect as a deed of release duly acknowledged and recorded.

Discharge upon certificate of mortgagee.

SEC. 103. Any mortgage may also be discharged upon the record thereof by the commissioner in whose custody it shall be whenever there shall be presented to him a certificate executed by the mortgagee, his personal representatives or assigns, acknowledged or proved and certified as hereinbefore prescribed to entitle conveyances to be recorded, specifying that such mortgage has been paid or otherwise satisfied or discharged.

Certificate of mortgage to be recorded.

SEC. 104. Every such certificate and the proof or acknowledgment thereof shall be recorded at full length, and a reference shall be made to the book and page containing such record in the minute of the discharge of such mortgage made by the commissioner upon the record thereof.

Penalty for refusing to discharge mortgage.

SEC. 105. If any mortgagee, or his personal representative or assignee, as the case may be, after full performance of the condition of the mortgage, whether before or after a breach thereof, shall, for the space of ten days after being thereto requested in writing, and after tender of his reasonable charges, refuse or neglect to discharge the same as provided in this chapter, or to execute and acknowledge a certificate of discharge or release thereof, he shall be liable to the mortgagor, his heirs or assigns, in the sum of one hundred dollars damages, and also for all actual damages occasioned by such neglect or refusal, to be recovered in an action.

Power of attorney and contract may be recorded.

SEC. 106. Every letter of attorney or other instrument containing a power to convey lands as agent or attorney for the owner of such lands, and every executory contract for the sale or purchase of lands when acknowledged or proved in the manner prescribed in this title for the acknowledgment or proof of conveyances, may be recorded in the commissioner's office of any precinct in which the lands to which such power or contract relates may be situated; and when so acknowledged or proved and the record thereof when recorded, or the transcript of such record duly certified, may be read in evidence in any court in the district without further proof of the same.

Instrument so recorded, how revoked.

SEC. 107. No letter of attorney, or other instrument so recorded, shall be deemed to be revoked by any act of the party by whom it was executed unless the instrument containing such revocation be also recorded in the same office in which the instrument containing the power was recorded.

Deeds heretofore made, etc.

SEC. 108. All conveyances of real property heretofore made and acknowledged or proved in accordance with the laws of the district in force at the time of such making and acknowledgment of proof shall have the same force as evidence and be recorded in the same manner and with like effect as conveyances executed and acknowledged in pursuance of the provisions of this chapter.

Patents, decrees, etc., affecting lands may be recorded.

SEC. 109. Patents from the United States for lands within the district, notices of pending actions affecting title to real estate, judgments of courts in the district requiring the execution of a conveyance of real estate within the district, and approved lists of lands granted to the district or to corporations in the district, and conveyances executed by any officer of the district by authority of law of lands within said district, shall be entitled to be recorded in the office of the commissioner of the precinct in which the lands lie in like manner and with like effect as conveyances of land duly acknowledged, proved, or certified.

Record of such instrument.

SEC. 110. The record of any such patent, notice of pending action, judgment, approved lists, or deeds duly recorded, or a transcript thereof duly certified by the commissioner in whose office the same may have

been recorded, may be read in evidence in any court in the district with like force and effect as the original thereof.

SEC. 111. All defective and informal acknowledgments of deeds, powers of attorney, mortgages, or other instruments for the conveyance of land, or any interest therein, heretofore made by any person or persons in good faith, whether the acknowledgments were taken by or before any clerk, deputy clerk, or judge of any court of record within the district, or any commissioner or notary public of the district, shall be, and the same are hereby, legalized.

Defective acknowledgments cured.

SEC. 112. This chapter is not intended to interfere with vested rights in lands or premises, arising by adverse title, acquired in good faith since the date of such defective acknowledgments.

Exceptions.

SEC. 113. All deeds to real property heretofore executed in the district which shall have been signed by the grantors in due form shall be sufficient in law to convey the legal title to the premises therein described from the grantors to the grantees without any other execution or acknowledgment whatever; and such deeds so executed shall be received in evidence in all courts in the district and be evidence of the title to the lands therein described against the grantors, their heirs and assigns.

Other defective deeds cured.

SEC. 114. All judicial sales of real property heretofore made in the district on proceedings to satisfy valid judgments or decrees of any court, and the moneys bidden thereon paid to the officer making such sale, and such sale shall have been confirmed by an order of the proper court, such sale shall be valid and sufficient in law to sustain a deed based on such sale, and when no such deed has been executed shall entitle such purchaser to such deed; and such deed, when executed, shall be sufficient to convey all the title of the judgment debtor in the premises so sold to the purchaser at the sale; and all defects and irregularities in the issuance of execution or the manner of making or conducting such sale shall be disregarded.

Judicial sales.

SEC. 115. All sales heretofore made by executors and administrators of their decedents' real property in the district to purchasers for a valuable consideration, which has been paid by such purchasers to such executors or administrators or their successors in good faith, and such sales shall not have been set aside by the court, but shall have been confirmed or acquiesced in by such court, shall be sufficient to sustain an executor's or administrator's deed to such purchaser for such real property, and in case such deed shall not have been given shall entitle such purchaser to such deed; and such deed shall be sufficient to convey to such purchaser all the title that such decedent had in the real property; and all irregularities in obtaining the order of the court for such sale and all irregularities in making or conducting the same by such executor or administrator shall be disregarded.

Defectively executed sales by executors and administrators.

SEC. 116. When such deeds so executed shall have been recorded in the records of deeds in the proper precinct, such record, duly certified by the commissioner, shall be evidence in all courts, and have the same effect as the original.

Records of such deeds receivable in evidence.

SEC. 117. When any real estate has been heretofore or shall be hereafter sold by any executor or administrator under or by virtue of any license or order of any commissioner in the district, and the sale shall have been approved by the commissioner, and the purchaser shall have paid the purchase money for the same, and the sale shall have been made in good faith, in order to provide for payment of the claims against the estate, and the executor or administrator shall have failed or neglected to make or execute any deed conveying such real estate to such purchaser, or if from mistake or omission in the deed or defect in its execution the same shall be inoperative, and the period of five years shall have elapsed after the making of such sale, then in such case all such sales shall be, and are hereby, confirmed and

Defective execution of conveyances by executors; decree in such cases.

approved, notwithstanding any irregularities or informalities in the proceedings prior to the sale; and when such facts shall be made to appear in any action of an equitable nature brought to quiet title to such real property against the heirs or their assigns of the deceased person whose property shall have been thus sold, in the proper court for such suits, then such court shall make its decree quieting such title and compelling and ordering conveyances of the same to be made to such purchaser, his heirs or assigns, as if a valid contract to convey the real property had been made by such deceased person in his lifetime; and no action shall be maintained by such heirs, or their heirs or assigns, to dispossess any such purchaser, his heirs or assigns, after the expiration of five years from any such sale.

Transcribing records for new precinct to have the effect of the original.

SEC. 118. When a new precinct shall be organized in whole or in part from an organized precinct, or from territory attached to such organized precinct for judicial purposes, all the records of deeds or other instruments relating to real property in such new precinct may be transcribed into the proper books by the commissioner of such new precinct, which records, so transcribed, shall have the same effect in all respects as original records; and the commissioner shall be paid for transcribing the same such sum as the district court may deem just and reasonable.

CHAPTER TWELVE.

OF FRAUDULENT CONVEYANCES OF REAL PROPERTY.

<p>Sec. 119. Void as to whom. 120. Qualifications of last section. 121. Conveyance with power of revocation.</p>	<p>Sec. 122. Conveyances by one authorized to revoke former grants. 123. Same, when conveyance before power of revocation vested.</p>
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Void as to whom.

SEC. 119. Every conveyance of interest in lands, or the rents or profits thereof, and every charge upon lands or upon the rents and profits thereof, made or created with the intent to defraud prior or subsequent purchasers for a valuable consideration of the same lands, rents, or profits, as against such purchasers shall be void.

Qualifications of last section.

SEC. 120. No such conveyance or charge shall be deemed fraudulent in favor of a subsequent purchaser who shall have actual or legal notice thereof at the time of his purchase, unless it shall appear that the grantee in such conveyance, or person to be benefited by such charge, was privy to the fraud intended.

Conveyance with power of revocation.

SEC. 121. Every conveyance or charge of or upon any estate or interest in lands containing any provision for the revocation, determination, or alteration of such estate or interest, or any part thereof, at the will of the grantor, shall be void as against subsequent purchasers from such grantor for a valuable consideration of any estate or interest so liable to be revoked or determined, although the same be not expressly revoked, determined, or altered by such grantor by virtue of the power reserved or expressed in such prior conveyance or charge.

Conveyances by one authorized to revoke former grants.

SEC. 122. Where a power to revoke the conveyance of any lands, or the rents and profits thereof, and to reconvey the same, shall be given to any person other than the grantor in such conveyance, and such person shall thereafter convey the same lands, rents, or profits to a purchaser for a valuable consideration, such subsequent conveyance shall be valid in the same manner and to the same extent as if the power of revocation were recited therein and the intent to revoke the former conveyance expressly declared.

Same, when conveyance before power of revocation vested.

SEC. 123. If a conveyance to a purchaser under either of the last two preceding sections shall be made before the person making the same shall be entitled to execute his power of revocation, it shall never-

theless be valid from the time the power of revocation shall actually vest in such person, in the same manner and to the same extent as if then made.

CHAPTER THIRTEEN.

OF FRAUDULENT CONVEYANCES OF PERSONAL PROPERTY.

- Sec. 124. What transfers void.
- 125. Filing of chattel mortgages.
- 126. Index of chattel mortgage.

- Sec. 127. Mortgage to become invalid at the end of one year, unless.
- 128. Affidavit may be renewed.
- 129. Copy in evidence, what it proves.

SEC. 124. All deeds of gift, all conveyances, and transfers of assignments, verbal or written, of goods and chattels or things in action, made in trust for the person making the same, shall be void as against the creditors, existing or subsequent, of such person.

What transfers void.

SEC. 125. It shall be the duty of the commissioner, upon the presentation for that purpose of any mortgage or conveyance intended to operate as a mortgage of goods and chattels, or a copy of any such instrument, and the payment of his fees, to indorse thereon the time of receiving the same, and to deposit such instrument or copy in his office, to be kept for the inspection of all persons interested.

Filing of chattel mortgages.

SEC. 126. Such commissioner shall enter in a book, to be provided by him for that purpose, the names of all the parties to such instrument, arranging the names of the mortgagors alphabetically, and shall note thereon the time of filing each instrument or copy.

Index of chattel mortgage.

SEC. 127. Every such mortgage shall cease to be valid as against the creditors of the person making the same, or subsequent purchasers or mortgagors in good faith, after the expiration of one year from the filing of the same or a copy thereof, unless within thirty days next preceding the expiration of the year the mortgagee, his agent or attorney, shall make and annex to the instrument or copy on file, as aforesaid, an affidavit setting forth the interest which the mortgagee has, by virtue of such mortgage, in the property therein mentioned, upon which affidavit the commissioner shall indorse the time when the same was filed.

Mortgage to become invalid at the end of one year, unless.

SEC. 128. The effect of any such affidavit shall not continue beyond one year from the time when such mortgage would otherwise cease to be valid as against the creditors of the person making such mortgage, or subsequent purchasers or mortgagees in good faith; but within thirty days next preceding the time when any such mortgage would otherwise cease to be valid, as aforesaid, a similar affidavit may be filed and annexed as provided in the preceding section, and with like effect.

Affidavit may be renewed.

SEC. 129. A copy of any such instrument, or a copy of any copy thereof so filed as aforesaid, including any affidavits annexed thereto in pursuance of this chapter, certified by the commissioner in whose office the same shall be filed, shall be received in evidence, but only of the fact that such instrument, copy, or affidavit was received and filed according to the indorsement of the commissioner thereon, and of no other fact.

Copy in evidence, what it proves.

CHAPTER FOURTEEN.

OF GENERAL PROVISIONS CONCERNING FRAUDULENT CONVEYANCES AND CONTRACTS.

- Sec. 130. Conveyance with intent to defraud creditors.
- 131. Grant of trust to be in writing.
- 132. What conveyances void against heirs.

- Sec. 133. Fraudulent intent a question of fact.
- 134. Purchaser, when not affected.
- 135. Definition of lands, etc.
- 136. Definition of conveyances.

SEC. 130. Every conveyance or assignment, in writing or otherwise, of any estate or interest in lands, or in goods, or things in action, or of

Conveyance with intent to defraud creditors.

any rents or profits issuing therefrom, and every charge upon lands, goods, or things in action, or upon the rents or profits thereof, made with the intent to hinder, delay, or defraud creditors or other persons of their lawful suits, damages, forfeitures, debts, or demands, and every bond or other evidence of debt given, action commenced, decree or judgment suffered, with the like intent, as against the persons so hindered, delayed, or defrauded shall be void.

Grant of trust to be in writing.

SEC. 131. Every grant or assignment of any existing trust in lands, goods, or things in action, unless the same shall be in writing, subscribed by the party making the same, or by his agent lawfully authorized, shall be void.

What conveyances void against heirs.

SEC. 132. Every conveyance, charge, instrument, or proceeding declared by law to be void as against the creditors, purchasers, or mortgagees shall be equally void as against the heirs, successors, personal representatives, or assigns of such creditors, purchasers, or mortgagees.

Fraudulent intent a question of fact.

SEC. 133. The question of fraudulent intent in all cases arising under the provisions of this code shall be deemed a question of fact, and not of law.

Purchaser, when not affected.

SEC. 134. The provisions of chapters thirteen, fourteen, and fifteen of this title shall not be construed in any manner to affect or impair the title of a purchaser for a valuable consideration unless it shall appear that such purchaser had previous notice of the fraudulent intent of his immediate grantor, or of the fraud rendering void the title of such grantor.

Definition of lands, etc.

SEC. 135. The term "lands" as used in chapters thirteen, fourteen, and fifteen of this title shall be construed as coextensive in meaning with "lands, tenements, and hereditaments," and the term "estate and interest in lands" shall be construed to embrace every interest, freehold, and chattel, legal and equitable, present and future, vested and contingent in lands as above defined.

Definition of conveyances.

SEC. 136. The term "conveyance," as used in chapters thirteen, fourteen, and fifteen of this title shall be construed to embrace every instrument in writing except a last will and testament, whatever may be its form and by whatever name it may be known in law, by which any estate or interest in lands is created, aliened, assigned, or surrendered.

CHAPTER FIFTEEN.

OF THE DISPOSITION OF PROPERTY BY WILL.

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| 138. | Will, how executed. |
| 139. | When will revoked by marriage and birth of issue. |
| 140. | Marriage of woman revokes will. |
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Disposition of property by will.

SEC. 137. Every person of twenty-one years of age and upwards, of sound mind, may by last will devise all his or her property, real or

personal, saving in the case of a married man to the widow her dower, and saving in the case of a married woman any rights which her husband may have as tenant by the curtesy.

SEC. 138. Every will shall be in writing, signed by the testator, or by some other person under his direction, in his presence, and shall be attested by two or more competent witnesses, subscribing their names to the will in the presence of the testator.

Will, how executed.

SEC. 139. If, after making a will disposing of the whole estate of the testator, such testator shall marry and die, leaving issue by such marriage living at the time of his death, or shall leave issue of such marriage born to him after his death, such will shall be deemed revoked unless provision shall have been made for such issue by some settlement, or unless such issue shall be provided for in the will, and no evidence shall be received to rebut the presumption of such revocation.

When will revoked by marriage and birth of issue.

SEC. 140. A will made by an unmarried person shall be deemed revoked by his or her subsequent marriage.

Marriage of woman revokes will.

SEC. 141. A bond, covenant, or agreement made for a valuable consideration by a testator, to convey any property devised or bequeathed in any last will previously made, shall not be deemed a revocation of such previous devise or bequest; but such property shall pass by the devise or bequest, subject to the same remedies on such bond, covenant, or agreement, for the specific performance or otherwise, against devisees or legatees, as might be had by law against the heirs of the testator, or his next of kin, if the same had descended to them.

Bond, etc., to convey property devised.

SEC. 142. A charge or incumbrance upon any real or personal estate for the purpose of securing the payment of money or the performance of any covenant or agreement shall not be deemed a revocation of any will relating to the same estate previously executed. The devises and legacies therein contained shall pass and take effect subject to such charge or incumbrance.

Charge or incumbrance upon property devised.

SEC. 143. If any person make his last will and die, leaving a child or children, or descendants of such child or children, in case of their death, not named or provided for in such will, although born after the making of such will, or the death of the testator, every such testator, so far as shall regard such child or children, or their descendants not provided for, shall be deemed to die intestate; and such child or children, or their descendants, shall be entitled to such proportion of the estate of the testator, real and personal, as if he had died intestate, and the same shall be assigned to them; and all the other heirs, devisees, and legatees shall refund their proportional part.

Children, etc., to have portion of estate.

SEC. 144. If such child or children, or their descendants, shall have an equal proportion of the testator's estate bestowed on them in the testator's lifetime by way of advancement, they shall take nothing by virtue of the provisions of the preceding section.

Effect of advancement.

SEC. 145. When any estate shall be devised to any child or grandchild, or other relative of the testator, and such devisee shall die before the testator, leaving lineal descendants, such descendants shall take the estate, real and personal, as such devisee would have done in case he had survived the testator.

When issue of deceased devisee to take estate.

SEC. 146. If after making any will the testator shall duly make and execute a second will, the destruction, canceling, or revocation of such second will shall not revive the first will, unless it appear by the terms of such revocation that it was his intention to revive and give effect to the first will, or unless he shall duly republish his first will.

Canceling of second will, when to revive first.

SEC. 147. Any mariner at sea, or soldier in the military service, may dispose of his wages or other personal property as he might have done by common law, or by reducing the same to writing.

Mariner or soldier may dispose of wages.

SEC. 148. No proof shall be received of any nuncupative will unless it be offered within six months after speaking the testamentary words, nor unless the words, or the substance thereof, were reduced to writing within thirty days after they were spoken.

Nuncupative will.

Probate of nuncupative will.

SEC. 149. No probate of any nuncupative will shall be granted for fourteen days after the death of the testator, nor shall any nuncupative will be at any time proved, unless the testamentary words, or the substance thereof, be first committed to writing, and a citation issued, accompanied with a copy thereof, to call the widow or next of kin to the deceased that they may contest the will if they think proper.

Law of the place, when to govern and when not.

SEC. 150. Any person not an inhabitant of, but owning property, real or personal, in the district may devise or bequeath such property by last will executed according to the laws in force in the district, State, or Territory in which the will may be executed.

Copies of foreign wills.

SEC. 151. If such will be probated in any State, Territory, or other district of the United States, or in any foreign country or State, copies of such will and of the probate thereof, certified by the clerk of the court in which such will was probated, with the seal of the court affixed thereto, if there be a seal, together with a certificate of the chief judge or presiding magistrate, that the certificate is in due form, and made by the clerk or other person having the legal custody of the record, shall be recorded in the same manner as wills executed and proved in the district, and shall be admitted in evidence in the same manner and with like effect.

Foreign will, how contested.

SEC. 152. Any such will may be contested and annulled within the same time and in the same manner as wills executed and proven in the district.

Devisee or legatee may prove.

SEC. 153. If any person has attested or shall attest the execution of any will to whom any beneficial devise, legacy, estate, interest, gift, or appointment of or affecting real or personal estate other than or except charges in lands, tenements, or hereditaments for the payment of any debt or debts shall be thereby given or made, such devise, legacy, estate, gift, or appointment shall, so far only as concerns such person attesting the execution of such will or any person claiming under him, be void, and such person shall be admitted as a witness to the execution of such will.

When such witness to have share of estate.

SEC. 154. If any such witness would be entitled to any share in the testator's estate in case the will should not be established, then so much of the estate as would have descended or would have been distributed to such witness shall be saved to him as will not exceed the value of the devise or bequest made to him in the will; and he may recover the same from the devisees or legatees named in the will in proportion to and out of the parts devised and bequeathed to him.

If sufficient other witnesses, devisee may take.

SEC. 155. If the execution of such will be attested by a sufficient number of other competent witnesses, as required by this code, then such devise, legacy, interest, estate, gift, or appointment shall be valid.

Creditor may be witness.

SEC. 156. If by any will any real estate be charged with any debt, and any creditor whose debt is so charged has attested the execution of such will, every such creditor shall be admitted as a witness to the execution of such will.

Legatee, how made competent.

SEC. 157. If any person has attested or shall attest the execution of any will to whom any legacy or bequest is thereby given, and such person, before giving testimony concerning the execution of such will, shall have released such bequest or legacy and renounced without valuable consideration all benefits under said will, such person shall be admitted as a witness to the execution of such will.

Deceased legatee, when deemed legal witness.

SEC. 158. If any legatee or devisee who has attested or shall attest the execution of any will shall have died or die in the lifetime of the testator, or before he shall have received or released the legacy or bequest so given to him, and before he shall have refused to receive such legacy or bequest on a tender made thereof, such legatee or devisee shall be deemed a legal witness to the execution of such will.

Legatee, when not entitled to legacy.

SEC. 159. No person to whom any estate, gift, or appointment shall be given or made which is hereby declared to be null and void, or who shall have refused to receive such legacy or bequest on tender made,

and who shall have been examined as a witness concerning the execution of such will, shall, after he shall have been so examined, demand or receive, except as provided in section one hundred and seventy-three any profit or benefit of or from such estate, interest, gift, or appointment so given or made to him by any such will, or demand, receive, or accept from any person any such legacy or bequest, or any satisfaction or compensation for the same.

SEC. 160. If any person by last will devise any real estate to any person for the term of such person's life, and after his death, to his or her children or heirs, or right heirs in fee, such devise shall vest an estate for life only in such devisee, and remainder in fee simple in such children.

Estate for life, remainder in fee.

SEC. 161. A devise of real property shall be deemed and taken as a devise of all the estate or interest of the testator therein subject to his disposal, unless it clearly appears from the will that he intended to devise a less estate or interest; and any estate or interest in real property acquired by anyone after the making of his or her will shall pass thereby, unless it clearly appear therefrom that such was not the intention of the testator; nor shall any conveyance or disposition of real property by anyone after the making of his or her will prevent or affect the operation of such will upon any estate or interest therein subject to the disposal of the testator at his or her death.

When fee passes.

SEC. 162. When any testator in his last will shall give any chattel or real estate to any person, and the same shall be taken in execution for the payment of the testator's debts, then all the other legatees, devisees, and heirs shall refund their proportional part of such loss to such person from whom the bequest shall be taken.

Contribution among legatees.

SEC. 163. The term "will," as used in this chapter, shall be so construed as to include all codicils as well as wills.

Definition of will.

SEC. 164. All courts and others concerned in the execution of last wills shall have due regard to the directions of the will and the true intent and meaning of the testator in all matters brought before them.

Construction of wills.

SEC. 165. Where any estate, real or personal is given by deed or will to any person for his life, and after his death to his heirs, or to the heirs of his body, the conveyance shall be construed to vest an estate for his life only in such person, and a remainder in fee simple in his heirs or the heirs of his body.

Life estate by will with remainder to heirs.

SEC. 166. A last will and testament, except when made by a soldier in actual military service or by a mariner at sea, is invalid unless it be in writing and executed with such formalities as are required by law.

When will must be in writing.

SEC. 167. A written will can not be revoked or altered otherwise than by another written will, or another writing of the testator, declaring such revocation or alteration, and executed with the same formalities required by law for the will itself; or unless the will be burnt, torn, canceled, obliterated, or destroyed with the intent and for the purpose of revoking the same by the testator himself, or by another person in his presence, by his direction and consent; and when so done by another person the direction and consent of the testator, and the fact of such injury or destruction shall be proved by at least two witnesses.

How written will may be revoked or altered.

CHAPTER SIXTEEN.

OF THE DESCENT OF REAL PROPERTY.

Sec.

168. Real property, to whom it descends.

SEC. 168. When any person shall die seized of any real property, or any right thereto, or entitled to any interest therein in fee simple or for the life of another, not having lawfully devised the same, such real property shall descend, subject to his debts, as follows:

Real property, to whom it descends.

(1) In equal shares to his or her children and to the issue of any

deceased child by right of representation; and if there be no child of the intestate living at the time of his or her death, such real property shall descend to all his or her other lineal descendants; and if all such descendants are in the same degree of kindred to the intestate, they shall take such real property equally; or otherwise, they shall take according to the right of representation.

(2) If the intestate shall leave no lineal descendants, such real property shall descend to his wife, or if the intestate be a married woman and leave no lineal descendants, then such real property shall descend to her husband; and if the intestate leave no wife nor husband, then such real property shall descend to his or her father.

(3) If the intestate shall leave no lineal descendants, neither husband nor wife, nor father, such real property shall descend in equal shares to the brothers and sisters of the intestate, and to the issue of any deceased brother or sister by right of representation: but if the intestate shall leave a mother also, she shall take an equal share with such brothers and sisters.

(4) If the intestate shall leave no lineal descendants, neither husband nor wife, nor father, brother, nor sister, living at his or her death, such real property shall descend to his mother, to the exclusion of the issue of the deceased brothers or sisters of the intestate.

(5) If the intestate shall leave no lineal descendants, neither husband nor wife, nor father, mother, brother, nor sister, such real property shall descend to his or her next of kin in equal degree, excepting that when there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestor shall be preferred to those claiming through a more remote ancestor.

(6) If the intestate shall leave one or more children, and the issue of one or more deceased children, and any of such surviving children shall die under age without having been married, all such real property that came to such deceased child by inheritance from such intestate shall descend in equal shares to the other children of such intestate, and to the issue of any other children of such intestate who shall have died, by right of representation. But if all the other children of such intestate shall be also dead, and any of them shall have left issue, such real property so inherited by such deceased child shall descend to all the issue of such other children of the intestate in equal shares, if they are in the same degree of kindred to such deceased child; otherwise, they shall take by right of representation.

(7) If the intestate shall leave no lineal descendants or kindred, such real property shall escheat to the United States.

CHAPTER SEVENTEEN.

OF THE DISTRIBUTION OF PERSONAL PROPERTY.

Sec.	Sec.
169. Distribution of personal property.	170. Advancement to widow.

SEC. 169. When any person shall die possessed of any personal property, or of any right to or interest therein, not having lawfully bequeathed the same, such personal property shall be applied and distributed as follows:

(1) If the intestate shall leave a widow, she shall be allowed all articles of her apparel and ornament, according to the degree and estate of the intestate, and such property and provisions for the use and support of herself and minor children as shall be allowed and ordered in pursuance of chapter eighty-three of the Code of Civil Procedure; and this allowance shall be made as well when the widow waives the provision made for her in the will of her husband as when he dies intestate.

(2) The personal property of the intestate remaining after such allowance shall be applied to the payment of the debts of the deceased and the charges and expenses of administration as provided by law.

(3) The residue, if any, of the personal property shall be distributed among the persons who would be entitled to the real property of the intestate, as provided in this code, and in the like proportion or share, except as herein otherwise provided.

(4) If the intestate shall leave a husband and issue, such husband shall be entitled to receive one-half of such residue of the personal property; but if the intestate leave a husband and no issue, such husband shall receive the whole of such residue of personal property.

(5) If the intestate leave a widow and issue, such widow shall be entitled to receive one-half of such residue of the personal property; but if the intestate leave a widow and no issue, such widow shall be entitled to receive the whole of such residue of the personal property.

(6) If there be no husband, widow, or kindred of the intestate, the whole of such residue shall escheat to the United States.

SEC. 170. If the intestate leave a widow and issue, and any of such issue shall have received an advancement from the intestate in his lifetime, the value of such advancement shall not be taken into consideration in computing the part to be given to the widow, but such widow shall only be entitled to receive the one-half the personal property owned by the husband at the time of his death.

Advancement to widow.

CHAPTER EIGHTEEN.

OF MISCELLANEOUS PROVISIONS CONCERNING THE DESCENT AND DISTRIBUTION OF PROPERTY.

<p>Sec. 171. Status of illegitimate children. 172. Mother heir to illegitimate child; effect of marriage of parents. 173. Degrees of kindred, how computed. 174. Advancement to issue. 175. When advancement greater or less than share. 176. Rule for computing value of advancement, etc.</p>	<p>Sec. 177. Grants and gifts to heir. 178. When value of advancement expressed. 179. Advancement to heirs. 180. Estates by courtesy and dower not affected. 181. Certain terms defined. Posthumous children.</p>
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SEC. 171. An illegitimate child shall be considered an heir of its mother, and shall inherit or receive her property, real or personal, in whole or in part, as the case may be, in like manner as if such child had been born in lawful wedlock; but such child shall not be entitled to inherit or receive, as representing his mother, any property, real or personal, of the kindred, either lineal or collateral, of such mother: *Provided*, When the parents of such child have formally married, such child shall not be regarded as illegitimate within the meaning of this code, although such formal marriage shall be adjudged to be void.

Status of illegitimate children.

SEC. 172. If an illegitimate child shall die intestate, without leaving a widow, husband, or lawful issue, the property, real and personal, of such intestate shall descend to or be received by the mother; but if after the birth of an illegitimate child the parents thereof shall intermarry, such child shall be considered legitimate to all intents and purposes.

Mother heir to illegitimate child; effect of marriage of parents.

SEC. 173. The degrees of kindred shall be computed according to the rules of the civil law; and the kindred of the half blood shall inherit or receive equally with those of the whole blood in the same degree.

Degrees of kindred, how computed.

SEC. 174. Any property, real or personal, that may have been given by the intestate in his lifetime as an advancement to any child or other lineal descendant shall be considered a part of the intestate's estate, so far as regards the division and distribution thereof among his issue, and shall be taken by such child or other descendant toward his share of the intestate's estate.

Advancement to issue.

When advancement greater or less than share.

SEC. 175. If the amount of such advancement shall exceed the share of the heir so advanced, such heir shall be excluded from any further share or portion in the division or distribution of the estate, but shall not be required to refund any part of such advancement; and if the amount so received shall be less than his share, such heir shall be entitled to so much more as will give him his full share or portion of the estate of the intestate.

Rule for computing value of advancement, etc.

SEC. 176. If any such advancement is made in real property the value thereof shall, for the purposes of the last section, be considered as part of the real property to be divided; and if the advancement be either in real or personal property, and shall in either case not exceed the share or portion of such real or personal property that would come to the heir so advanced, such heir shall not refund any part of it, but shall take or receive so much less out of the whole part of the estate, as the case may be, as will make the whole share equal to those of the other heirs who are in the same degree with the heir so advanced.

Grants and gifts to heir.

SEC. 177. All grants and gifts shall be deemed to be made in advancement if so expressed in the grant or gift, or if so charged, in writing, by the intestate, or acknowledged, in writing, to be so made by the child or other descendant to whom it is made, and not otherwise.

When value of advancement expressed.

SEC. 178. If the value of the property, real or personal, so advanced be expressed in the conveyance or writing whereby the same is granted or given, or in the charge thereof made by the intestate, or in the acknowledgment made by the party receiving it, in the division and distribution of the estate, such advancement shall be considered of the value so expressed; otherwise, it shall be estimated at its value when granted or given.

Advancement to heirs.

SEC. 179. If any child or lineal descendant to whom an advancement is made shall die before the intestate, leaving issue, such advancement shall be deemed made to such issue, and the division and distribution of the estate shall be made accordingly.

Estates by courtesy and dower not affected.

SEC. 180. Nothing contained in this chapter shall affect or impair the estate of a husband as tenant by the courtesy, nor that of a widow as tenant in dower.

Certain terms defined.

SEC. 181. The word "issue," as used in this chapter, includes all the lawful lineal descendants of the ancestor; and the term "real property" includes all lands, tenements, and hereditaments, and rights thereto, and all interests therein, whether in fee simple or for the life of another. The term "personal property" includes all goods and chattels, moneys, credits, and effects of whatever nature not included in the term "real property." Inheritance "by right of representation" takes place when the lineal descendant of any deceased heir takes the same share or portion of the estate of an intestate that the parent of such descendant would have taken if living. For the purposes of this code, a posthumous child is to be deemed living at the death of its parent.

Posthumous children.

CHAPTER NINETEEN.

OF ESCHEATS.

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| <p>Sec.
182. When property escheats.
183. Proceedings to obtain possession.
184. Governor must take steps to recover.
185. Court may appoint receiver.
186. All persons claiming interest may defend.</p> | <p>Sec.
187. Persons may claim proceeds, when; proceedings thereon.
188. Proceedings in case of personal property.
189. Escheated property held by bank.</p> |
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When property escheats.

SEC. 182. When any person shall die without heirs, leaving any real or personal property in the district, the same shall escheat to and become the property of the United States.

SEC. 183. The United States may maintain any action or proceeding necessary to recover the possession of any such property, or for the enforcement or protection of its rights thereto or on account thereof, in like manner and with like effect as any natural person. Such action or proceeding shall be prosecuted by the United States attorney, by the leave and under the direction of the Attorney-General, and not otherwise.

Proceedings to obtain possession.

SEC. 184. When the governor is informed or has reason to believe that any real or personal property has escheated to the United States, he shall direct the United States attorney to file an information in behalf and in the name of the United States in the district court, setting forth a description of the estate, the name of the person last seized, the name of the occupant or the person in possession and claiming such estate, if known, and the facts and circumstances in consequence of which the estate is claimed to have been escheated, with an allegation that by reason thereof the United States has right by law to such estate. Upon such information a summons must issue to such person, requiring him to appear and answer the information within the time allowed by law in civil actions, and the court must make an order setting forth briefly the contents of the information and requiring all persons interested in the estate to appear and show cause, if any they have, within such time as the court making such order may fix, why the title should not vest in the United States, which order must be published for at least six consecutive weeks from the date thereof, in a newspaper published in the precinct, if one be published therein, and in case no newspaper is published in the precinct, then in such newspaper in the district as the court by order may direct.

Governor must take steps to recover.

SEC. 185. The court, upon the information being filed, with and upon the application of the United States attorney, either before or after answer, upon notice to the party claiming such estate, if known, may, upon sufficient cause therefor being shown, appoint a receiver to take charge of such estate, and receive the rents and profits of the same, until the title to such estate is finally settled.

Court may appoint receiver.

SEC. 186. All persons named in the information may appear and answer, and may traverse or deny the facts stated in the information, the title of the United States to the lands and tenements therein mentioned at any time before the time for answering expires; and any other person claiming an interest in such estate may appear and be made a defendant by motion for that purpose in open court within the time allowed for answering; and if no person appears and answers within the time, then judgment must be rendered that the United States be seized of the lands and tenements in such information claimed. But if any person appears and denies the title set up by the United States, or traverses any material fact set forth in the information, the issue of the fact must be tried as issues of facts are tried in civil actions. If, after the issues are tried, it appears from the facts found that the United States has good title to the estate in the information mentioned, or any part thereof, judgment must be rendered that the United States be seized thereof, and recover costs of action against the defendant. In any judgment rendered, or that has heretofore been rendered, by any court of competent jurisdiction, escheating real property to the United States, on motion of the United States attorney the court shall make an order that the real property be sold by the marshal at public sale, and upon such terms, whether for cash or credit, or both, as shall be deemed for the best interests of the United States. And if such court shall deem it most advantageous for the United States, it may direct that the lands be surveyed into lots and sold in specific portions, upon such terms as to payments therefor as may be deemed best for the United States. After giving such notice of the time and place of

All persons claiming interest may defend.

sale as may be prescribed by the court in the order, the marshal shall, within ten days after such sale, make a report thereof to the court, and, upon hearing the report, the court may examine the same and witnesses in relation thereto, and if the proceedings of such sale are unfair, or the sum or sums bid are disproportionate to the value of the portion sold, and if it appear that a greater sum can be obtained for the property, or any portion thereof, exceeding such bid at least ten per centum, exclusive of the expense of a new sale, the court may vacate the sale and direct another sale to be had, and the new sale shall be conducted in all respects as if no previous sale had taken place. But if it appears to the court that the sale was legally made and fairly conducted, and that the sum bid is not disproportionate to the value of the property sold, and that a greater sum than ten per centum, exclusive of the expense of a new sale, can not be obtained, the court must make an order confirming the sale and directing the marshal in the name of the United States to execute to the purchaser or purchasers a conveyance of the property sold; and the conveyance shall vest in the purchaser or purchasers all the right and title of the United States therein; and also directing that the purchaser or purchasers shall execute and deliver to the marshal his or their note or notes, payable to the United States for the deferred payments with a first mortgage upon the property conveyed, to secure the deferred payments. And the marshal shall, out of the proceeds of such sale, pay the cost of the proceedings incurred on behalf of the United States, including the expense of making such sale, and the remainder, together with the notes and mortgages, he shall deliver to the United States attorney, taking his receipt therefor, and the United States attorney shall deposit the sum with the clerk of the district court, who shall pay the same into the Treasury of the United States in the manner provided by law for other moneys recovered in actions by the United States.

Persons may claim proceeds, when; proceedings thereon.

SEC. 187. Within ten years after judgment in any proceeding had under this chapter, a person not a party or privy to such proceeding may file a petition in the district court showing his claim or right to the property or the proceeds thereof. A copy of such petition must be served upon the United States attorney at least twenty days before the hearing of the petition, who must answer the same; and the court thereupon must try the issue as issues are tried in civil actions, and if it be determined that such person is entitled to the property or the proceeds thereof, it must order the property, if it has not been sold, to be delivered to him; or if it has been sold and the proceeds paid into the Treasury of the United States, then it must order that a copy of the judgment be forwarded to the Secretary of the Treasury. All persons who fail to appear and file their petition within the time limited by law are forever barred, saving, however, to infants, and persons of unsound mind, the right to appear and file their petitions at any time within the time limited, or one year after their respective disabilities cease.

Proceedings in case of personal property.

SEC. 188. In all cases of personal estate, the court shall direct by order that the same be sold by the marshal, as upon execution, and the proceeds be applied to the payment of the costs incurred by the United States and the costs and charges of making such sale, and the residue to the district attorney, who shall pay the same to the clerk of the court as hereinbefore provided.

Escheated property held by bank.

SEC. 189. When the governor is informed or has reason to believe that any bank, banker, or banking institution in the district now has or holds on deposit or otherwise any fund, funds, or other property of any kind or nature which has escheated to the district, he shall direct the United States attorney to file in the district court an information or bill of discovery, with proper interrogatories to be answered

by the owner, agent, or manager of such bank or banking institution, and upon the filing of such information or bill the court shall order and direct, at a time to be designated in the bill, that the owner, agent, or manager of such bank or banking institution shall, under oath, file an answer to the information and interrogatories, and shall specially answer each and every interrogatory contained in such information or bill. If it appears to the court from such answer that the bank, banker, or banking institution has any property in its possession which has or may escheat to the United States, it shall direct the bank, banker, or banking institution forthwith to bring the same into such court, and the court shall proceed to dispose of the property as provided elsewhere in this chapter.

CHAPTER TWENTY.

OF PROMISSORY NOTES AND BILLS OF EXCHANGE.

<p>Sec. 190. Promissory notes in writing payable to bearer, effect of. 191. Action by payees, indorsees, and holders, nature and extent of. 192. Note to the order of maker or fictitious person, effect of.</p>	<p>Sec. 193. Grace, when allowed. 194. Qualification of last section. 195. Acceptance to be in writing. 196. Damages on foreign bills. 197. Damages on inland bills of exchange.</p>
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SEC. 190. All notes in writing, made and signed by any person, whereby he shall promise to pay to any other person or his order, or unto the bearer, any sum of money therein mentioned, shall be due and payable as therein expressed, and shall have the same effect and be negotiable in like manner as inland bills of exchange, according to the custom of merchants.

Promissory notes in writing payable to bearer, effect of.

SEC. 191. The payee and indorsee of every such note payable to him or his order, and the holder of every such note payable to bearer, may maintain an action for the sum of money therein mentioned, in like manner as in case of an inland bill of exchange and not otherwise.

Action by payees, indorsees, and holders, nature and extent of.

SEC. 192. Such note made payable to the order of the maker thereof, or to the order of a fictitious person, shall, if negotiated by the maker, have the same effect and be of the same validity, as against the maker and all persons having knowledge of the facts, as if payable to bearer.

Note to the order of maker or fictitious person, effect of.

SEC. 193. On all bills of exchange payable at a future day certain within the district, and on all negotiable promissory notes, orders, and drafts payable at a future day certain within the district, in which there is not an express stipulation to the contrary, grace shall be allowed, except as provided in the following section, in like manner as it is allowed by the custom of merchants on foreign bills of exchange payable at the expiration of a certain period after date or after sight.

Grace, when allowed.

SEC. 194. The provisions of the preceding section shall not extend to any bill of exchange, note, or draft payable at sight or on demand.

Qualification of last section.

SEC. 195. No person within the district shall be charged as an acceptor of a bill of exchange unless his acceptance shall be in writing, signed by himself or his lawful agent.

Acceptance to be in writing.

SEC. 196. Whenever any bill of exchange drawn or indorsed within the district and payable without the limits of the United States shall be duly protested for nonacceptance or nonpayment, the party liable for the contents of such bill shall, on due notice and demand thereof, pay the same at the current rate of exchange at the time of demand, and damages at the rate of ten per centum upon the contents thereof, together with interest on the contents, to be computed from the date of the protest; and the amount of contents, damages, and interest shall be in full of all damages, charges, and expenses.

Damages on foreign bills.

Damages on inland
bills of exchange.

SEC. 197. If any bill of exchange drawn upon any person, firm, or body corporate out of the district, but within some State or Territory of the United States, for the payment of money, shall be duly presented for acceptance or payment and protested for nonacceptance or nonpayment, the drawer or indorser thereof, due notice being given of such nonacceptance or nonpayment, shall pay the bill, with legal interest, according to its tenor, and five per centum damages, together with costs and charges of protest.

CHAPTER TWENTY-ONE.

INCORPORATION OF TOWNS.

Sec. 198. Filing petition. 199. Electors and their qualifications. 200. Election board and canvass of votes.	Sec. 201. Powers of town council. 202. Officers. 203. Treasurer, bond and qualifications.
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Filing petition.

SEC. 198. Any community having three hundred permanent inhabitants may incorporate as provided in this Act. A petition shall first be presented to the judge of the United States district court presiding over the division wherein the community is located, signed by at least sixty bona fide residents of such community, which petition shall set forth the boundaries of the proposed corporation, and state the number of inhabitants therein, and such other facts as the court may require. The judge, by an order, shall prescribe the time and manner of giving notice of such incorporation. Such notice having been given, the court shall hear objections to the incorporation made by interested parties, and, if satisfied that the public interests require the incorporation, by order, may make changes in the boundaries, and shall set forth the name thereof and give due notice of an election for the purpose of determining whether the same shall be incorporated. At such election the qualified electors of the community may elect a common council of seven members, who shall have the qualifications of electors, such election to be under the control of a board of election composed of three bona fide residents and property owners in the corporation, to be appointed by the court or judge.

Electors and their
qualifications.

SEC. 199. The qualification of an elector for the first and all subsequent municipal elections shall be as follows: He shall be a male citizen of the United States or one who has declared his intention to become such, and of the age of twenty-one years, and shall have been a bona fide resident of Alaska for one year and of the proposed corporation for six months next prior to the date of election, or any subsequent one: *Provided*, There shall be added to the foregoing qualification in any election to determine whether or not a community shall incorporate the following qualification: Every elector shall be the owner of substantial property interests in the corporation.

Election board and
canvass of votes.

SEC. 200. The election board shall canvass the votes cast, and if a two-thirds majority are for incorporation they shall declare the community duly incorporated under the name and style of ———, and shall declare the seven persons receiving the highest number of votes duly elected councilmen of the corporation. The board shall file a certified copy of the order with the clerk of the district court, the secretary of the district, and the commissioner residing in the corporation. After filing such orders the corporation shall be deemed complete and the councilmen shall, after duly qualifying before the United States commissioner residing in the corporation, enter upon the duties of their office, and shall hold the same for one year or until their successors shall be elected and qualified.

SEC. 201. The council shall have the following powers:

Power of town council.

First. To provide suitable rules governing their own body, and to elect one of their members president, who shall be ex officio mayor.

Second. They may appoint, and at their pleasure remove, a clerk, treasurer, assessor, and such other officers as they deem necessary.

Third. To make rules for all municipal elections: *Provided*, No officer shall be elected for a longer term than one year.

Fourth. By ordinance to provide for necessary street improvements, fire protection, water supply, lights, wharfage, sewerage, maintenance of public schools, protection of public health, police protection, and the expense of assessment and collection of taxes.

Fifth. To impose and collect a poll tax on electors, tax on dogs, a general tax on real and personal property, possessory rights and improvements, and such license tax on business conducted within the corporate limits as the council may deem reasonable: *Provided*, No such tax shall exceed one per centum on the assessed valuation of property, and all assessments made by the corporation assessor shall be subject to review by the council, and appeals may be taken from their decisions to the district court: *Provided further*, No bonded indebtedness whatever shall be authorized for any purpose.

SEC. 202. In addition to the officers heretofore provided by this Act, there shall be elected a school board of three directors, who shall have the exclusive supervision, management, and control of the public schools and school property within said corporation, and shall be elected in the same manner and for the same term as the council.

Officers.

SEC. 203. The treasurer of the corporation shall be ex officio treasurer of the school board, and shall, before entering upon the duties of his office, take the oath prescribed by law and execute bonds to the corporation in an amount to be determined by the judge of the district court, which bond shall be approved by the council and the judge of the district court and filed in the office of the recorder of the corporation, and he shall give such additional bond as the council or judge of the district court may from time to time direct, but in no event shall such bonds be less than twice the amount of money in the hands of the treasurer at any one time, to be determined by the tax rolls and license books of the corporation, of the corporation clerk, and the clerk of the district court: *Provided*, That fifty per cent of all license moneys provided for by Act of Congress approved March third, eighteen hundred and ninety-nine, entitled "An Act to define and punish crimes in the district of Alaska and to provide a code of criminal procedure for said district," and any amendments made thereto, required to be paid by any resident, person, or corporation for business carried on within said corporation, shall be paid over by the clerk of the United States district court receiving the same to the treasurer of said corporation, upon taking his receipt therefor in duplicate, one of which duplicate receipts shall be forwarded to the Secretary of the Treasury of the United States by the clerk as a voucher in lieu of cash, and the other receipt shall be retained by the clerk. The money received by the treasurer of the corporation shall be used, under the direction of the council, for school purposes.

Treasurer, bond and qualifications.

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CHAPTER TWENTY-TWO.

OF EMINENT DOMAIN.

Sec.	Sec.
204. Purposes for which it may be exercised.	213. Appointment of commissioners, etc.
205. What estates in land may be acquired by condemnation.	214. Meeting of commissioners.
206. Private property defined; classes enumerated.	215. Date with respect to which compensation shall be assessed, and measure of damages.
207. Facts necessary to be found before condemnation.	216. Report of commissioners.
208. Parties may make location and enter to make surveys.	217. Appeal.
209. Jurisdiction of the district court.	218. New proceedings to cure defective title.
210. The complaint and its contents.	219. Payment of damages.
211. Summons, what to contain; how issued and served.	220. To whom paid.
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Purposes for which it may be exercised.

SEC. 204. Subject to the provisions of this chapter, the right of eminent domain may be exercised in behalf of the following public uses:

(1) All public uses authorized by the Government of the United States.

(2) Public buildings and grounds for the use of the district, and all other public uses authorized by Congress or other legislative authority of the district.

(3) Public buildings and grounds for the use of any precinct, city, town, village, school district, or other municipal division, whether incorporated or unincorporated; canals, aqueducts, flumes, ditches, or pipes conducting water, heat, or gas for the use of the inhabitants of any precinct, city, town, or other municipal division, whether incorporated or unincorporated; raising the banks of streams, removing obstructions therefrom, and widening, deepening, or straightening their channels; roads, streets, and alleys, and all other public uses for the benefit of any precinct, city, town, or other municipal division, whether incorporated or unincorporated, or the inhabitants thereof, which may be authorized by Congress or other legislative authority of the district.

(4) Wharves, docks, piers, chutes, booms, ferries, bridges of all kinds, private roads, plank and turnpike roads, railroads, canals, ditches, flumes, aqueducts, and pipes for public transportation, supplying mines and farming neighborhoods with water, and draining and reclaiming lands, and for floating logs and lumber on streams not navigable, and sites for reservoirs necessary for collecting and storing water.

(5) Roads, tunnels, ditches, flumes, pipes, and dumping places for working mines; also outlets, natural or otherwise, for the flow, deposit, or conduct of tailings or refuse matter from mines; also an occupancy in common by the owners or possessors of different mines of any place for the flow, deposit, or conduct of tailings or refuse matter from their several mines, and sites for reservoirs necessary for collecting and storing water.

(6) Private roads leading from highways to residences, mines, or farms.

(7) Telephone or electric-light lines.

(8) Telegraph lines.

(9) Sewerage of any precinct, city, town, village, or other municipal village, whether incorporated or unincorporated, or any subdivision thereof, or of any settlement consisting of not less than ten families, or of any public buildings belonging to the district or to any college or university.

- (10) Tramway lines.
- (11) Electric power lines.

SEC. 205. That the following is a classification of the estates and rights in lands subject to be taken for public use:

What estates in land may be acquired by condemnation.

(1) A fee simple, when taken for public buildings or grounds, or for permanent buildings, for reservoirs and dams, and permanent flooding occasioned thereby, or for an outlet for a flow, or a place for the deposit of débris or tailings of a mine.

(2) An easement when taken for any other use.

(3) The right of entry upon and occupation of lands, and the right to take therefrom such earth, gravel, stones, trees, and timber as may be necessary for some public use.

SEC. 206. The private property which may be taken under this chapter includes:

Private property defined; classes enumerated.

(1) All real property belonging to any person.

(2) Lands belonging to the district, or to any precinct, city, town, village, or other municipal division, whether incorporated or unincorporated, not appropriated to some public use.

(3) Property appropriated to public use; but such property must not be taken unless for a more necessary purpose than that to which it has already been appropriated.

(4) Franchises for roads, bridges, and ferries, and all other franchises; but such franchises must not be taken unless for free highways, free bridges, railroads, or other more necessary public use.

(5) All rights of way for any and all the purposes mentioned in section two hundred and four, and any and all structures and improvements thereon, and the lands held and used in connection therewith, must be subject to be connected with, crossed, or intersected by any other right of way or improvements or structures thereon. They must also be subject to a limited use, in common with the owner thereof, when necessary; but such uses, crossings, intersections, and connections must be made in manner most compatible with the greatest public benefit and least private injury.

(6) All classes of private property not enumerated may be taken for public use, when such taking is authorized by law.

SEC. 207. Before property can be taken it must appear:

Facts necessary to be found before condemnation.

(1) That the use to which it is to be applied is a use authorized by law.

(2) That the taking is necessary to such use.

(3) If already appropriated to some public use that the public use to which it is to be applied is a more necessary public use.

The plaintiff or defendant or any party interested in the proceedings can appeal to the United States circuit court of appeals for the ninth circuit from any finding or judgment made or rendered under this chapter, as in other cases. Such appeal does not stay any further proceedings under this chapter.

SEC. 208. In all cases where land is required for public use, the district, or its agents in charge of such use, may survey and locate the same; but it must be located in the manner which will be most compatible with the greatest public good and the least private injury, and subject to the provisions of section two hundred and thirteen. The district, or its agents in charge of such public use, may enter upon the land and make examination, surveys, and maps thereof, and such entry shall constitute no cause of action in favor of the owners of the land, except from injuries resulting from negligence, wantonness, or malice.

Parties may make location and enter to make surveys.

SEC. 209. All proceedings under this chapter must be brought in the district court of the district. They must be commenced by filing a complaint and issuing a summons thereon.

Jurisdiction of the district court.

SEC. 210. The complaint must contain:

The complaint and its contents.

(1) The name of the corporation, association, commission, or person

in charge of the public use for which the property is sought, who must be styled plaintiff.

(2) The names of all owners and claimants of the property, if known, or a statement that they are unknown, who must be styled defendants.

(3) A statement of the right of the plaintiff.

(4) If a right of way be sought, the complaint must show the location, general route, and termini, and must be accompanied with a map thereof, so far as the same is involved in the action or proceeding.

(5) A description of each piece of land sought to be taken, and whether the same includes the whole or only a part of the entire parcel or tract. All parcels lying in the precinct and required for the same public use may be included in the same or separate proceedings, at the option of the plaintiff, but the court may consolidate or separate them to suit the convenience of parties. When application for the condemnation of a right of way for the purposes of sewerage is made on behalf of a precinct, town, or settlement, the chief executive officer of the same, or, if the same be unincorporated, any three citizens authorized thereunto by a written instrument, signed by not less than one-half of the whole number of male inhabitants of such precinct, town, or settlement over the age of twenty-one years, which fact shall be set forth in the complaint, may be named as plaintiff.

Summons, what to contain; how issued and served.

SEC. 211. Upon the filing of such complaint a summons shall be issued, which shall contain the names of the parties, a description of the lands proposed to be taken, a statement of the public use for which it is sought, and a notice to the defendants to appear before the court or judge, at a time and place therein specified, and show cause why the property described should not be condemned, as prayed for in the complaint. Such summons shall, in other particulars, be in the form of a summons in a civil action, and shall be served in like manner upon each defendant named therein at least twenty days previous to the time designated in such notice for the hearing, and no copy of the complaint need be served. But the failure to make such service upon a defendant does not affect the right to proceed against any or all other of the defendants upon whom service of the summons had been made.

Who may defend.

SEC. 212. All persons named in the complaint in occupation of, or claiming an interest in, any of the property described in the complaint, or in the damages for the taking thereof, though not named, may appear, answer, or demur, each in respect to his own property or interest.

Appointment of commissioners, etc.

SEC. 213. The court or judge has power:

(1) To regulate and determine the place and manner of making the connections and crossings and enjoying the common uses mentioned in subdivision five of section two hundred and six of this chapter, and of the occupying of canyons, passes, and defiles for railroad purposes, as permitted and regulated by law.

(2) To determine whether or not the use for which the property is sought to be appropriated is a public use within the meaning of the laws relating to the district.

(3) To limit the amount of property sought to be appropriated, if in the opinion of the court or judge the quantity sought to be appropriated is not necessary.

(4) If the court or judge is satisfied that the public interests require the taking of such lands, it or he must make an order appointing three competent persons, resident in the precinct, commissioners to ascertain and determine the amount to be paid by the plaintiffs to each owner or other person interested in such property as damages, by reason of the appropriation of such property, and specifying the time and place of the first meeting of such commissioners, and fixing their compensation. Any party may object to the appointment of any per-

son as a commissioner on the same grounds that he might object to him as a trial juror.

SEC. 214. The commissioners mentioned in the last section must, before entering upon their duties, severally take and subscribe an oath before some person qualified to administer oaths, to faithfully and impartially discharge the duties of their appointment. The commissioners must meet at the time and place mentioned in the order appointing them, and proceed to examine the lands sought to be appropriated, and shall hear the allegations and evidence of all persons interested in each of the several parcels of land, and shall ascertain and assess:

Meeting of commissioners.

(1) The value of the property sought to be appropriated, and all improvements thereon, pertaining to the realty and each and of every separate estate and interest therein; if it consists of different parcels, the value of each parcel and each estate or interest therein must be separately assessed.

(2) If the property sought to be appropriated constitutes only a part of a larger parcel, the damages which will accrue to the portion not sought to be condemned by reason of its severance from the portion sought to be condemned, and the construction of the improvements in the manner proposed by the plaintiff.

(3) Separately, how much the portion not sought to be condemned, and each estate or interest therein will be benefited, if at all, by the construction of the improvements proposed by the plaintiff, and if the benefit shall be equal to the damages assessed under subdivision two the owner of the parcel shall be allowed no compensation except the value of the portion taken; but if the benefits shall be less than the damages assessed the former shall be deducted from the latter, and the remainder shall be the only damages allowed in addition to the value.

(4) If the property sought to be condemned be for a railroad, the cost of good and sufficient fences along the line of such railroad, and the cost of cattle guards where fences may cross the line of such railroad.

(5) As far as practicable compensation must be assessed for each source of damage separately.

SEC. 215. For the purpose of assessing compensation and damages, the right thereto shall be deemed to have accrued at the date of the summons, and its actual value at that date shall be the measure of compensation of all property to be actually taken, and the basis of damages to property not actually taken but injuriously affected. If an order be made letting the plaintiff into possession, as provided in section two hundred and twenty-two, the compensation and damages awarded shall draw lawful interest from the date of such order. No improvements put upon the property subsequent to the date of the service of summons shall be included in the assessment of compensation or damages.

Date with respect to which compensation shall be assessed, and measure of damages.

SEC. 216. Within thirty days after giving their appraisal and the assessment of damages, the commissioners must file a report of their proceedings, accompanied by a map, if a right of way be sought, showing the route, location, and termini thereof, in the office of the clerk of the court, and the clerk must notify the parties interested that such report has been filed, which notice must be served upon all the parties interested in the same manner as a summons.

Report of commissioners.

SEC. 217. An appeal from any assessment made by the commissioners may be taken and prosecuted in the court where the report of the commissioners is filed, by any party interested. Such appeal must be taken within the period of thirty days after the service upon appellant of the notice of the filing of the award by the service of notice of such

Appeal.

appeal upon the plaintiff or his attorney in such proceedings, and the same shall be brought on for trial upon the same notice and in the same manner as other civil actions; and unless a jury shall be waived by the consent of all parties to such appeal, the same shall be tried by jury, and the damages to which appellant may be entitled by reason of the appropriation of his property, shall be reassessed upon the same principle as hereinbefore prescribed for the assessment of such damages by commissioners. Upon any verdict or assessment by commissioners becoming final, judgment shall be entered declaring that upon payment of such verdict or assessment, together with the interest and costs allowed by law, if any, the right to construct and maintain such railroad, or other public work or improvement, and to take, use, and appropriate the property described in such verdict or assessment, for the use and purposes for which the land has been condemned, shall, as against the parties interested in such verdict or assessment, be and remain in the plaintiff, and his or its heirs, successors, or assigns forever. In case the party appealing from the award of commissioners in any proceeding as aforesaid, shall not succeed in increasing the amount of damages finally awarded to him in such proceeding, he shall not recover the costs of such appeal; but all the costs of the appellee upon such appeal shall be taxed against and recovered from the appellant: *Provided*, Upon the trial of such appeal the plaintiff may contest the right of any party or parties thereto to any of the property mentioned and set forth or involved in the appeal, which was located after the preliminary survey of any such railroad seeking to condemn its right of way under and pursuant to the provisions of this Act: *Provided*, Such condemnation proceedings are begun within one year after such preliminary survey.

New proceedings to cure defective title.

SEC. 218. If the title attempted to be acquired is found to be defective from any cause, the plaintiff may again institute proceedings to acquire the same, as in this chapter prescribed.

Payment of damages.

SEC. 219. The plaintiff must, within thirty days after final judgment, pay the sum of money assessed; but may, at the time of or before the payment, elect to build the fences and cattle guards; and if he so elect shall execute to the defendant a bond, with sureties to be approved by the court, in double the assessed cost of the same, to build such fences and cattle guards within eight months from the time the railroad is built on the land taken; and if such bond be given, need not pay the cost of such fences and cattle guards. In an action on such bond the plaintiff may recover reasonable attorney's fees.

To whom paid.

SEC. 220. The payment may be made to the defendants entitled thereto, or the money may be deposited in court for the defendants, and be distributed to those entitled thereto. If the money be not so paid or deposited, the defendants may have execution as in civil cases; and if the money can not be made on execution, the court or judge, upon a showing to that effect, must set aside and annul the entire proceedings and restore possession of the property to the defendant, if possession has been taken by the plaintiff.

Final order of condemnation.

SEC. 221. When payments have been made, and the bond given, if the plaintiff elects to give one, as required by the last two sections, the court or judge must make a final order of condemnation, which must describe the property condemned and the purposes of condemnation. A copy of the order must be filed in the office of the commissioner of the recording district wherein the land is located, and thereupon the property described therein shall vest in the plaintiff for the purposes therein specified.

Putting plaintiff in possession.

SEC. 222. At any time after the report and assessment of damages of the commissioners has been made and filed in the court, and either before or after appeal from such assessment, or from any other order

or judgment in the proceedings, the court or any judge thereof at chambers, upon application of the plaintiffs, shall have power to make an order that upon payment into court for the defendant entitled thereto of the amount of damages assessed, either by the commissioners or by the jury, as the case may be, the plaintiff be authorized, if already in possession of the property of such defendant sought to be appropriated, to continue in such possession; or, if not in possession, that the plaintiff be authorized to take possession of such property and use and possess the same during the pendency and until the final conclusion of the proceedings and litigation; and that all actions and proceedings against the plaintiff on account thereof be stayed until such time: *Provided, however,* Where an appeal is taken by such defendant, the court or judge may in its or his discretion require the plaintiff, before continuing or taking such possession, in addition to paying into court the amount of damages assessed, to give a bond or undertaking, with sufficient sureties, to be approved by the judge, and to be in such sum as the court or judge may direct, conditioned to pay defendant any additional damages and costs over and above the amount assessed, which it may finally be determined that defendant is entitled to for the appropriation of the property, and all damages which defendant may sustain if for any cause such property shall not be finally taken for public uses. The amount assessed as damages by the commissioners, or by the jury on appeal, as the case may be, shall be taken and considered, for the purposes of this section, until reassessed or changed in the further proceedings, as just compensation for the property appropriated; but the plaintiff, by payment into court of the amount assessed, or by giving security, as above provided, shall not be thereby prevented or precluded from appealing from such assessment, but may appeal in the same manner and with the same effect as if no money had been deposited or security given; and in all cases where the plaintiff deposits the amount of the assessment and continues in possession or takes possession of the property, as herein provided, the defendant entitled thereto, if there be no dispute as to the ownership of the property, may at any time demand and receive from the court the money so deposited, and shall not by such demand or receipt be barred or concluded from his right of appeal from such assessment, but may, notwithstanding, take and prosecute such appeal from such assessment: *Provided,* If the amount of such assessment is finally reduced on appeal by either party, such defendant who has received the amount of the assessment deposited shall be liable to the plaintiff for any excess of the amount so received by him over the amount finally assessed, with legal interest on such excess from the time such defendant received the money deposited, and the same may be recovered by action: *And provided further,* Upon any appeal from the assessment of damages by the commissioners or a jury, the jury may find as compensation or damages a less as well as an equal or greater amount than that assessed by the commissioners.

SEC. 223. Costs may be allowed, or, if not so allowed, may be so apportioned between the parties on the same or adverse sides, in the discretion of the court.

SEC. 224. Except as otherwise provided in this chapter, the provisions of title two of this Act are applicable to and constitute the rules of practice of the proceedings mentioned in this Act.

Bond.

Liability for excess over amount finally assessed, etc.

Appeal, etc.

Payment of costs.

Rules of practice.

CHAPTER TWENTY-THREE.

OF FOREIGN CORPORATIONS.

Sec. 225. To file copy of charter and appoint agent. 226. Consent of agent, etc. 227. Death or removal of agent.	Sec. 228. Penalty for failure to comply. 229. Annual reports to be filed. 230. Existing corporations to comply. 231. Penalty for failure to comply.
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To file copy of charter and appoint agent.

SEC. 225. All corporations or joint stock companies organized under the laws of the United States, or the laws of any State or Territory of the United States, shall, before doing business within the district, file in the office of the secretary of the district and in the office of the clerk of the district court for the division wherein they intend to carry on business, a duly authenticated copy of their charter or articles of incorporation, and also a statement, verified by the oath of the president and secretary of such corporation, and attested by a majority of its board of directors, showing—

(1) The name of such corporation and the location of its principal office or place of business without the district; and, if it is to have any place of business or principal office within the district, the location thereof;

(2) The amount of capital stock;

(3) The amount of its capital stock actually paid in in money;

(4) The amount of its capital stock paid in in any other way, and in what;

(5) The amount of the assets of the corporation, and of what the assets consist, with the actual cash value thereof;

(6) The liabilities of such corporation, and if any of its indebtedness is secured, how secured, and upon what property.

Such corporation or joint stock company shall also file, at the same time and in the same offices, a certificate, under the seal of the corporation and the signature of its president, vice-president, or other acting head, and its secretary, if there be one, certifying that the corporation has consented to be sued in the courts of the district upon all causes of action arising against it in the district, and that service of process may be made upon some person, a resident of the district, whose name and place of residence shall be designated in such certificate, and such service, when so made upon such agent, shall be valid service on the corporation or company, and such agent shall reside at the principal place of business of such corporation or company in the district.

Consent of agent, etc.

SEC. 226. The written consent of the person so designated to act as such agent shall also be filed in like manner, and such designation shall remain in force until the filing in the same offices of a written revocation thereof, or of the consent, executed in like manner. A certified copy of the designation so filed, accompanied with a certificate that it has not been revoked, is presumptive evidence of the execution thereof, and conclusive evidence of the authority of the officer executing it.

Death or removal of agent.

SEC. 227. In case of the death, removal from the district, or disqualification of the person so designated, or of the revocation of his consent, it shall be the duty of the clerk of the district court to notify such corporation or company; and it shall be the duty of such corporation or company, within sixty days thereafter, to designate another person in the manner hereinbefore provided.

Penalty for failure to comply.

SEC. 228. If any such corporation or company shall attempt or commence to do business in the district without having first filed said statements, certificates, and consents required by this chapter, it shall forfeit the sum of twenty-five dollars for every day it shall so neglect to file the same; and every contract made by such corporation, or any

agent or agents thereof, during the time it shall so neglect to file such statements, certificates, or consents, shall be voidable at the election of the other party thereto. It shall be the duty of the United States attorney for the district to sue for and recover, in the name of the United States, the penalty above provided, and the same, when so recovered, shall be paid into the Treasury of the United States.

SEC. 229. Every such corporation or company shall annually, and within thirty days from the first day of July of each year, make a report, which shall be in the same form and contain the same information as required in the statement mentioned in section two hundred and twenty-five, of this chapter, which report shall be filed in the office of the secretary of the district, and a duplicate thereof in the office of the clerk of the district court for the division wherein the business of the corporation is carried on. Annual reports to be filed.

SEC. 230. Any such corporation or company that has heretofore engaged in business, performed acts, or made contracts in the district, may, within ninety days from the time this Act goes into effect, comply with the provisions hereof, and thereupon all its acts and contracts done and made before this Act goes into effect shall be valid and enforceable. Existing corporations to comply.

SEC. 231. If any such corporation or company shall fail to comply with any of the provisions of this chapter, all its contracts with citizens of the district shall be void as to the corporation or company, and no court of the district, or of the United States, shall enforce the same in favor of the corporation or company so failing. Penalty for failure to comply.

CHAPTER TWENTY-FOUR.

OF THE INCORPORATION OF CEMETERIES.

Sec. 232. Cemetery association may be formed. 233. How formed. 234. Succession of trustees. 235. Association may describe terms of membership, etc. 236. General powers and management of such associations.	Sec. 237. May sell unsuitable lands. 238. Burial lots exempt from execution and taxation. 239. Association may have plat recorded.
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SEC. 232. It shall be lawful for any number of persons, not less than five, who are residents of the precinct in which they desire to form themselves into an association, to form themselves into a cemetery association, and to elect any number of their members, not less than three, to serve as trustees, and one member as clerk, who shall continue in office during the pleasure of the society. Cemetery association may be formed.

SEC. 233. The clerk to be elected, as provided in section two hundred and thirty-two, shall forthwith make out a true record of the proceedings of the meetings provided for by the preceding section, certify to and file a copy of the same with the commissioner of the precinct in which such meeting shall be held, and another copy of the same in the office of the clerk of the district court, together with the name by which such association desires to be known, and from and after filing such record the trustees and their associated members and successors shall be invested with the powers, privileges, and immunities incident to aggregate corporations. How formed

SEC. 234. The trustees who may be elected under the provisions of section two hundred and thirty-two shall have perpetual succession, and shall be capable in law of contracting and of prosecuting and defending actions. Succession of trustees.

SEC. 235. All such associations shall have power to prescribe the terms on which members may be admitted, the number of its trustees Association may describe terms of membership, etc.

and officers, and the time and manner of their election or appointment and the time and place of meeting for the trustees and for the association, and to pass all such other by-laws as may be necessary for the good government of such association.

General powers and management of such associations.

SEC. 236. Such association shall be authorized to purchase, or to take by gift or devise, and hold, land exempt from execution and from any appropriation to public purposes, for the sole purpose of a cemetery, not exceeding eighty acres, which shall be exempt from taxation if intended to be used exclusively for burial purposes and in no wise with a view to the profit of the members of such association. Such association may by its by-laws provide that a stated percentage of the moneys realized from the sale of lots, donations, and other sources of revenue shall constitute an irreducible fund, which fund may be invested in such manner or loaned upon such securities as the association or the trustees thereof deem proper. The interest or income arising from the irreducible fund provided for in any by-law, or so much thereof as may be necessary, shall be devoted exclusively to the preservation and embellishment of the cemetery, and, where any by-law has been enacted for the creation of an irreducible fund as herein provided for, it can not thereafter be amended in any manner whatsoever except for the purpose of increasing such fund. After paying for the land, all the future receipts and income of such association subject to the provisions herein for the creation of an irreducible fund, whether from the sale of lots, from donations, rents, or otherwise, shall be applied exclusively to laying out, preserving, protecting, and embellishing the cemetery and the avenues leading thereto, and in the erection of such buildings as may be necessary or convenient for the cemetery purposes, and to paying the necessary expenses of the association. No debts shall be contracted in anticipation of any future receipts, except for originally purchasing, laying out, and embellishing the grounds and avenues, for which debts so contracted such association may issue bonds or notes, and secure the same by way of mortgage upon any of its lands, excepting such lots as shall have been conveyed to the members thereof; and such association shall have power to adopt such rules and regulations as they shall deem expedient for disposing of and for conveying burial lots.

May sell unsuitable lands.

SEC. 237. It shall be lawful for said trustees whenever, in their opinion, any portion or portions of their lands are unsuitable for burial purposes to sell such portion or portions and apply the avails thereof to the general purposes of such association.

Burial lots exempt from execution and taxation.

SEC. 238. Burial lots sold by such association shall be for the sole purpose of interment and shall be exempt from taxation, execution, attachment, or any other claims, lien, or process whatsoever if used, as intended, exclusively for burial purposes and in no wise with a view to profit.

Association may have plat recorded.

SEC. 239. All such associations shall cause a plan of their grounds and of the lots by them laid out to be made and recorded in a book kept for that purpose by the clerk of such association, such lots to be numbered by regular consecutive numbers, and shall have power to inclose, improve, and adorn the grounds and avenues, to erect buildings for the use of the association, and to prescribe rules for the designation and adornment of lots, and for erecting monuments in the cemetery, and to prohibit any use, division, improvement, or adornment of a lot which they may deem improper. An annual statement of the financial affairs of such association shall be made by the clerk thereof.

CHAPTER TWENTY-FIVE.

OF CONTAGIOUS DISEASE AMONG ANIMALS.

<p>Sec. 240. Penalty for bringing diseased animals into said district. 241. Diseased animals to be kept away from others. 242. Procedure against persons violating this code.</p>	<p>Sec. 243. Proceedings in case of violation of this law. 244. Certain words defined. 245. Officers must prosecute. 246. Jurisdiction.</p>
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SEC. 240. Any person, persons, company, or corporation who shall bring, or cause to be brought, or aid in bringing, into the district any sheep, hog, horse, or cattle of any kind, or any domestic animal of any kind, knowing the same to be affected with any contagious or infectious disease, shall be guilty of a misdemeanor, and on conviction be punished by a fine of not less than one hundred dollars nor more than one thousand dollars.

Penalty for bringing diseased animals into said district.

SEC. 241. If any person or persons, company, or corporation owning or having possession or control of any animal affected by any such contagious or infectious disease shall fail to keep the same within an inclosure, or herd the same in some place where it will be secure from contact with other animals not so affected, or shall suffer such infected animal to range where it will be likely to come in contact with another animal not so affected, shall be guilty of a misdemeanor, and, on conviction, punished by a fine of not more than one thousand dollars for each offense.

Diseased animals to be kept away from others.

SEC. 242. Any person, company, or corporation violating any of the provisions of this chapter shall be liable for all damages sustained by any other person, company, or corporation through such violation.

Procedure against persons violating this code.

SEC. 243. Any person or persons found violating the provisions of this chapter may be arrested and held without warrant in the same manner as in cases of persons found breaking the peace; and the person or persons making the arrest, with or without warrant, shall use reasonable diligence to give notice thereof to the owner or owners of the animal or animals found in the charge of the person or persons arrested, and shall properly care and provide for such animal or animals until the owner or owners of such animal or animals, or a duly authorized agent of the same, shall take charge of the same: *Provided*, Such owner or owners or agent shall claim and take charge of the same within sixty days of the date of the notice; and the person or persons making such arrest shall have a lien upon such animal or animals for the expense of such care and provisions.

Proceedings in case of violation of this law.

SEC. 244. In this chapter the word "animal" or "animals" shall be held to include all brute creatures, and the words "owner," "owners," "person," "persons," and "whoever" shall be held to include corporations as well as individuals, and the knowledge and acts of agents of and persons employed by corporations in regard to the treatment of animals transported, owned, or employed by or in the custody of such corporation or corporations shall be held to be acts and knowledge of such corporation or corporations.

Certain words defined.

SEC. 245. It shall be the duty of any marshal or deputy marshal to arrest any violator or violators of the provisions of this chapter, and to prosecute any violator or violators of its provisions which shall come to his knowledge or notice; and all fines and forfeitures which shall be collected for violations of any of the provisions hereof shall be paid into the office of the clerk of the district court, and such clerk shall turn the same, according to law, into the Treasury of the United States.

Officers must prosecute.

Jurisdiction.

SEC. 246. Commissioners within their respective precincts shall have jurisdiction over all offenses committed under the provisions of this chapter.

CHAPTER TWENTY-SIX.

OF ESTRAYS.

Sec.	Sec.
247. Commissioners to keep record of estrays.	251. When description of estray to be published in newspaper.
248. Householder may take up estray and post notices thereof.	252. Claim of owner after appraisal.
249. Owner to recover estray on proof and payment of costs.	253. Sale of estray if not proven within six months.
250. Statement of taking up, etc.	254. Penalty for violating above provisions.

Commissioners to keep record of estrays.

SEC. 247. It shall be the duty of the commissioner of each precinct in the district to keep a book of suitable dimensions to be called the record of estrays.

Householder may take up estray and post notices thereof.

SEC. 248. Any householder about whose premises any estray may be running at large may take up the same, and shall immediately post notices in three public places in the district, one of which shall be in the precinct in which the estray was taken up, giving as correct a description as may be of natural and artificial marks, probable age, size, and so forth.

Owner to recover estray on proof and payment of costs.

SEC. 249. If, previous to the expiration of ten days from taking up, the owner shall prove the estray to be his, he shall be entitled to the same by paying charges, which shall be one dollar for taking up, posting, and so forth, and a reasonable rate for keeping the same. And if the owner shall further prove that the person so posting an estray knew to whom such estray belonged and yet did not notify the owner of his intention to post the estray, the person so taking and posting shall not recover for either posting or keeping.

Statement of taking up, etc.

SEC. 250. If at the expiration of ten days no one shall have made his claims known to the taker-up, it shall be his duty to make a statement to the nearest commissioner of the precinct in which such estray is taken up, under oath, of the taking up of such estray, post, and so forth, according to law; whereupon the commissioner shall appraise the estray and immediately make record of the same in the record of estrays. And such commissioner shall receive for each appraisal one dollar.

When description of estray to be published in newspaper.

SEC. 251. If the amount of such appraisement shall exceed fifteen dollars the person taking up such estray shall be further required to cause to be published, in a newspaper published in the precinct, or, if there be none, then in a newspaper of general circulation in the district, a description of the same, giving marks as above specified, the name and residence of the finder, and, as near as may be, the time at which the estray was taken up.

Claim of owner after appraisal.

SEC. 252. If the owner, or any person entitled to the possession of an estray, shall appear and make out his title thereto and pay the charges thereon within six months from the time the notice is filed with the commissioner, as provided in section two hundred and fifty, and make out his right thereto, he shall have such estray restored to him upon paying all lawful charges which have been incurred in relation to the same.

Sale of estray if not proven within six months.

SEC. 253. If the person entitled to the possession of any estray shall not appear and make out his title thereto within six months from the time of entry thereof by the commissioner, such estray shall be sold, at the request of the finder, by the marshal or any deputy marshal of the district, at public auction, upon first giving public notice thereof in writing by posting up the same in three public places in the precinct, one of which shall be at or adjoining the post-office, at least ten days before such sale, and the finder may bid therefor at such sale;

and after deducting all the lawful charges of the finder as aforesaid, and the fees of the marshal or deputy marshal, which shall be the same as upon a sale on an execution, the remaining proceeds of such sale shall be deposited with the clerk of the district court; and if the owner of the property sold, or his legal representatives, shall not, within one year after the money shall have been so deposited with the clerk of the district court, furnish satisfactory evidence to the district judge of the ownership of such property the amount so deposited with the clerk of the district court shall be paid into the Treasury of the United States.

SEC. 254. If any person shall take up, keep, or use any estray without complying with the provisions of this code he shall be liable to a penalty of double the value of such estray, to be sued for and recovered in the district court at the suit of the United States; and it is hereby made the duty of the district attorney to prosecute an action against such offender for the violation of the provisions of this code when the same shall be within his personal knowledge or when complaint in writing, under oath, be filed with him alleging the violation of this code.

Penalty for violating above provisions.

CHAPTER TWENTY-SEVEN.

OF INTEREST AND USURY.

Sec.
255. Legal rate of interest.
256. Illegal interest not to be taken.
257. May recover usurious interest paid.
258. Illegal interest, contract for.
259. Assignee of usurious contract may recover amount paid for same.

Sec.
260. Mortgagor and mortgagee may agree which shall pay taxes, when.
261. Assessment, how made in such cases.

SEC. 255. The rate of interest in the district shall be eight per centum per annum, and no more, on all moneys after the same become due; on judgments and decrees for the payment of money; on money received to the use of another and retained beyond a reasonable time without the owner's consent, expressed or implied, or on money due upon the settlement of matured accounts from the day the balance is ascertained; on money due or to become due where there is a contract to pay interest and no rate specified. But on contracts interest at the rate of twelve per centum may be charged by express agreement of the parties, and no more.

Legal rate of interest.

SEC. 256. No person shall, directly or indirectly, receive in money, goods, or things in action, or in any other manner, any greater sum or value for the loan or use of money, or upon contract founded upon any bargain, sale, or loan of wares, merchandise, goods, chattels, lands, and tenements, than in this chapter prescribed.

Illegal interest not to be taken.

SEC. 257. If usurious interest, as defined by the preceding sections, shall hereafter be received or collected the person or persons paying the same, or their legal representatives, may, by action brought in any court of competent jurisdiction, within two years after such payment, recover from the person, firm, or corporation receiving the same double the amount of the interest so received or collected.

May recover usurious interest paid.

SEC. 258. If it shall be ascertained in any action brought on any contract that a rate of interest has been contracted for greater than is authorized by this chapter, either directly or indirectly, in money, property, or other valuable thing, or that any gift or donation of money, property, or other valuable thing has been made or promised to be made to a lender or creditor, or to any person for him, directly or indirectly, either by the borrower or debtor, or any person for him, the design of which is to obtain for money so loaned, or for debts due or to become due, a rate of interest greater than that specified by the provisions of this chapter, the same shall be deemed to be usurious

Illegal interest, contract for.

and shall work a forfeiture of the entire interest on the debt. The court before which such action is prosecuted shall render judgment for the amount due, without interest, on the sum loaned or the debt contracted, against the defendant and in favor of the plaintiff and against the plaintiff for costs of action, whether such action be contested or not.

Assignee of usurious contract may recover amount paid for same.

SEC. 259. Nothing in this code shall be construed to prevent the proper bona fide assignee of any usurious contract recovering against his immediate assignor, or the original usurer, the full amount paid by him for such contract, but the same may be recovered by proper action in any court having competent jurisdiction: *Provided*, Such assignee had no notice of the usury affecting the contract.

Mortgagor and mortgagee may agree which shall pay taxes, when.

SEC. 260. All contracts made and entered into in the district by and between borrower and lender, debtor, and creditor, or mortgagor and mortgagee, on which the rate of interest is eight per centum or under, whereby one party shall agree to pay the taxes on the debt, credit, or mortgage existing or entered into between such parties, be, and the same are hereby, declared legal and valid and shall not be deemed or taken to be usurious.

Assessment, how made in such cases.

SEC. 261. All contracts entered into under section two hundred and sixty, may be enforced by the parties thereto in the courts of the district: *Provided*, In making the assessments of credits, loans, or mortgages the same shall be assessed to the holder thereof.

CHAPTER TWENTY-EIGHT.

OF THE LIENS OF MECHANICS, LABORERS, AND OTHERS.

- Sec. 262. Lien, to whom given.
- 263. Lien extends to the land.
- 264. Priority between liens and mortgages.
- 265. Owner of land charged as owner of building, when.
- 266. Claim of lien must be filed.
- 267. Commissioner must record liens.
- 268. Foreclosure must be commenced in six months.
- 269. Lien for grading street, etc.

- Sec. 270. Suits to enforce liens must be before commissioner.
- 271. Payment by owner of building does not prevent lien, when.
- 272. Amount of recovery not to exceed amount due on contract; exception.
- 273. Building materials, when not subject to attachment.
- 274. Definitions.
- 275. Existing liens and proceedings thereunder not impaired.

Lien, to whom given.

SEC. 262. Every mechanic, artisan, machinist, builder, contractor, lumber merchant, laborer, teamster, drayman, and other persons performing labor upon or furnishing material, of any kind to be used in the construction, development, alteration, or repair, either in whole or in part, of any building, wharf, bridge, flume, mine, tunnel, fence, machinery, or aqueduct, or any structure or superstructure, shall have a lien upon the same for the work or labor done or material furnished at the instance of the owner of the building or other improvement or his agent; and every contractor, subcontractor, architect, builder, or other person having charge of the construction, alteration, or repair, in whole or in part, of any building or other improvement as aforesaid shall be held to be the agent of the owner for the purposes of this code.

Lien extends to the land.

SEC. 263. The land upon which any building or other improvement as aforesaid shall be constructed, together with a convenient space about the same, or so much as may be required for the convenient use and occupation thereof (to be determined by the judgment of the court at the time of the foreclosure of such lien), and the mine on which the labor was performed or for which the material was furnished shall also be subject to the liens created by this code if, at the time the work was commenced or the materials for the same had been commenced to be furnished, the land belonged to the person who caused the building or other improvement to be constructed, altered, or repaired; but if such person owned less than a fee-simple estate in such land, then only his interest therein shall be subject to such lien: and in case such inter-

est shall be a leasehold interest, and the holder thereof shall have forfeited his rights thereto, the purchaser of such building or improvement and leasehold term, or so much thereof as remains unexpired at any sale under the provisions of this code, shall be held to be the assignee of such leasehold term, and as such shall be entitled to pay the lessor all arrears of rent or other money and costs due under the lease, unless the lessor shall have regained possession of the land and property, or obtained judgment for the possession thereof, prior to the commencement of the construction, alteration, or repair of the building or other improvement thereof; in which event the purchaser shall have the right only to remove the building or other improvement within thirty days after he shall have purchased the same; and the owner of the land shall receive the rent due him, payable out of the proceeds of the sale, according to the terms of the lease, down to the time of such removal.

SEC. 264. A lien created by this code upon any parcel of land shall be preferred to any lien, mortgage, or other incumbrance which may have attached to the land subsequent to the time when the building or other improvement was commenced, or the materials were commenced to be furnished and placed upon or adjacent to the land; also to any lien, mortgage, or other incumbrance which was unrecorded at the time when the building, structure, or other improvement was commenced, or other materials for the same were commenced to be furnished and placed upon or adjacent to the land; and all liens created by this code upon any building or other improvements shall be preferred to all prior liens, mortgages, or other incumbrances upon the land upon which the building or other improvement shall have been constructed or situated when altered or repaired; and in enforcing such lien, such building or other improvement may be sold separately from the land, and when so sold the purchaser may remove the same, within a reasonable time thereafter, not to exceed thirty days, upon the payment to the owner of the land of a reasonable rent for its use from the date of its purchase to the time of removal: *Provided*, If such removal be prevented by legal proceedings, the thirty days shall not begin to run until the final determination of such proceedings in the court of first resort or the appellate court if appeal be taken.

Priority between liens and mortgages.

SEC. 265. Every building, or other improvement mentioned in section two hundred and sixty-two, constructed upon any lands with the knowledge of the owner or the person having or claiming any interest therein, shall be held to have been constructed at the instance of such owner or person having or claiming any interest therein; and the interest owned or claimed shall be subject to any lien filed in accordance with the provisions of this code, unless such owner or person having or claiming an interest therein shall, within three days after he shall have obtained knowledge of the construction, alteration, or repair, give notice that he will not be responsible for the same, by posting a notice in writing to that effect in some conspicuous place upon the land, or upon the building or other improvement situated thereon.

Owner of land charged as owner of building, when.

SEC. 266. It shall be the duty of every original contractor, within sixty days after the completion of his contract, and of every mechanic, artisan, machinist, builder, lumber merchant, laborer, or other person, save the original contractor, claiming the benefit of this code, within thirty days after the completion of the alteration or repair thereof, or after he has ceased to labor thereon from any cause, or after he has ceased to furnish materials therefor, to file with the recorder of the precinct in which such building or other improvement, or some part thereof, shall be situated, a claim containing a true statement of his demand, after deducting all just credits and offsets, with the name of the owner or reputed owner, if known, and also the name of the person by whom he was employed or to whom he furnished the materials, and also a description of the property to be charged with the lien suf-

Claim of lien must be filed.

ficient for identification, which claim shall be verified by the oath of himself or of some other person having knowledge of the facts.

Commissioner must record liens.

SEC. 267. The recorder shall record the claim in a book kept for that purpose, which records shall be indexed as deeds and other conveyances are required by law to be indexed, and for which he shall receive the same fees as are allowed by law for recording deeds and other instruments.

Foreclosure must be commenced in six months.

SEC. 268. No lien provided for in this code shall bind any building, structure, or other improvement for a longer period than six months after the same shall have been filed, unless suit be brought before the proper court within that time to enforce the same, or, if a credit be given, then six months after the expiration of such credit; but no lien shall be continued in force for a longer time than one year from the time the work is completed by any agreement to give credit.

Lien for grading street, etc.

SEC. 269. Any person who shall, at the request of the owner of any lot in the district, grade, fill in, or otherwise improve the same or the street in front of or adjoining the same, shall have a lien upon such lot for his work done and materials furnished in the grading, filling in, or otherwise improving the same; and all the provisions of this code respecting the securing and enforcing the mechanic's lien shall apply thereto.

District court to try suits to enforce liens.

SEC. 270. Actions to enforce the liens created by this code shall be brought before the district court, and the pleadings, process, practice, and other proceedings shall be the same as in other cases. In case the proceeds of any sale under this code shall be insufficient to pay all lien holders under it, the liens of all persons other than the original contractor (and subcontractors) shall first be paid in full, or pro rata if the proceeds be insufficient to pay them in full; and out of the remainder, if any, the subcontractor shall be paid in full, or pro rata if the remainder be insufficient to pay them in full, and the remainder, if any, shall be paid to the original contractor; and each claimant shall be entitled to execution for any balance due him after such distribution, such execution to be issued by the clerk of the district court, upon demand, after the return of the marshal or other officer making the sale showing such balance due.

In all actions under this chapter the district court shall, upon entering judgment for the plaintiff, allow as a part of the costs all moneys paid for the filing and recording of the lien, and also a reasonable amount as attorney's fees. All actions to enforce any lien created by this code shall have preference upon the calendar of civil actions brought before the district court and shall be tried without unnecessary delay.

In all actions to enforce any lien created by this chapter all persons personally liable and all lien holders whose claims have been filed for record under the provisions of section two hundred and sixty-six shall, and all other persons interested in the matter in controversy or in the property sought to be charged with the lien may, be made parties; but such as are not made parties shall not be bound by such proceedings. The proceedings upon the foreclosure of the liens created by this code shall be, as nearly as possible, made to conform to the proceedings of a foreclosure of a mortgage lien upon real property.

Payment by owner of building does not prevent lien, when.

SEC. 271. No payment by the owner of the building or structure to any original contractor or subcontractor, made before thirty days from the completion of the building, shall be valid for the purpose of defeating or discharging any lien created by this chapter in favor of any workman, laborer, lumber merchant, or material man, unless such payment so made by the owner of the building or structure to such original contractor or subcontractor has been distributed among such workmen, laborers, lumber merchants, or material men, or, if distributed in part only, then the same shall be valid only to the extent the same has been so distributed.

SEC. 272. Any contractor shall be entitled to recover upon a lien filed by him only such amount as may be due to him according to the terms of his contract, after deducting all claims of other parties for work done and materials furnished as aforesaid; and in all cases where a lien shall be filed under this chapter for work done or materials furnished to any contractor he shall defend any action brought thereupon at his own expense, and during the pendency of such action the owner may withhold from the contractor the amount of money for which such lien is filed; and in case of judgment against the owner or his property upon the liens the owner shall be entitled to deduct from any amount due or about to become due by him to the contractor the amount of such judgment and costs; and if the amount of such judgment and costs shall exceed the amount due by him to the contractor, or if the owner shall have settled with the contractor in full, he shall be entitled to recover back from the contractor any amount so paid by him, the owner, in excess of the contract price, and for which the contractor was originally the party liable.

Amount of recovery not to exceed amount due on contract; exception.

SEC. 273. Whenever any mechanic, artisan, machinist, builder, lumber merchant, contractor, laborer, or other person shall have furnished or procured any materials for use in the construction, alteration, or repair of any building or other improvement, such materials shall not be subject to attachment, execution, or other legal process to enforce any debt due by the purchaser of such materials except a debt due for the purchase money thereof, so long as in good faith the same have been or are about to be applied to the construction, alteration, or repair of such building, structure, or other improvement.

Building materials, when not subject to attachment.

SEC. 274. The words "building or other improvement," wherever the same are used in this chapter, shall be held to include and apply to any wharf, bridge, ditch, flume, tunnel, fence, machinery, aqueduct to create hydraulic power, or for mining or other purposes, and all other structures and superstructures, whenever the same can be made applicable thereto; and the words "construction, alteration, or repair," wherever the same are used herein, shall be held to include partial construction, and all repairs done in and upon any building or other improvement.

Definitions.

SEC. 275. Nothing contained in this chapter shall affect any lien heretofore acquired, but the same may be enforced by the provisions of this chapter; and where actions are now pending the proceedings, after this chapter goes into effect, may be conducted according to this chapter.

Existing liens and proceedings thereunder not impaired.

CHAPTER TWENTY-NINE.

OF LIENS ON PERSONAL PROPERTY.

- Sec. 276. Liens for labor on personal property.
- 277. Lien of carriers, storers of merchandise, and agisters of cattle.
- 278. Proceedings to enforce such liens.
- 279. Agreements not to be interfered with.
- 280. Lien for labor on logs.
- 281. Lien on lumber for labor performed thereon.
- 282. Lien for stumpage.
- 283. Preferred liens.
- 284. Limitation of lien for labor.
- 285. Limitation of lien for stumpage.

- Sec. 286. Filing claim and form thereof.
- 287. Filing claim for stumpage.
- 288. Record of claim.
- 289. Limitation for bringing action.
- 290. Jurisdiction.
- 291. Against what timber lien may be enforced.
- 292. Joinder of liens.
- 293. Judgment lien; execution.
- 294. Sale when property is subject to loss or destruction.
- 295. Preventing the identification of timber subject to lien.

SEC. 276. Any person who shall make, alter, repair, or bestow labor on any article of personal property at the request of the owner or lawful possessor thereof shall have a lien upon such property so made, altered, or repaired, or upon which labor has been bestowed, for his just and reasonable charges for the labor he has performed and the

Liens for labor on personal property.

material he has furnished, and such person may hold and retain possession of the same until such just and reasonable charges shall be paid.

Lien of carriers, storers of merchandise, and agisters of cattle.

SEC. 277. Any person who is a common carrier, or who shall, at the request of the owner or lawful possessor of any personal property, carry, convey, or transport the same from one place to another, and any person who shall safely keep or store any grain, wares, merchandise, and personal property at the request of the owner or lawful possessor thereof, and any person who shall pasture or feed any horses, cattle, hogs, sheep, or other live stock, or bestow any labor, care, or attention upon the same at the request of the owner or lawful possessor thereof, shall have a lien upon such property for his just and reasonable charges for the labor, care, and attention he has bestowed and the food he has furnished, and he may retain possession of such property until such charges be paid.

Proceedings to enforce such liens.

SEC. 278. If such just and reasonable charges be not paid within three months after the care, attention, and labor shall have been performed or bestowed, or the materials or food shall have been furnished, the person having such lien may proceed to sell at public auction the property mentioned in the last two sections, or a part thereof sufficient to pay such just and reasonable charges. Before selling, he shall give notice of such sale by advertisement for three weeks in a newspaper published in the precinct, if there be such publication, or by posting up notice of such sale in three public places in the precinct, one of which shall be the post-office, or adjacent thereto, for three weeks before the time of such sale, and the proceeds of such sale shall be applied, first, to the discharge of such lien, and the costs of keeping and selling such property, and the remainder, if any, shall be paid over to the owner thereof: *Provided*, Nothing herein contained shall be construed as to authorize any warehouseman to sell more of any wool, wheat, oats, or other grain than sufficient to pay charges due the warehouseman on such wool, wheat, oats, or other grain: *And provided further*, If any such warehouseman shall sell, loan, or dispose of in any manner, contrary to the provisions of this chapter, without the consent of the owner thereof, any such wool, wheat, oats, or other grain, he shall, for each and every offense, forfeit and pay to the owner of such wool, wheat, oats, or other grain a sum equal to the market value thereof, and fifty per centum of the market value in addition as a penalty, the market value to be the price such article or articles bore at the time the owner thereof made demand on the warehouseman for the same.

Agreements not to be interfered with.

SEC. 279. The provisions of the last three sections shall not interfere with any special agreement of the parties.

Lien for labor on logs.

SEC. 280. Every person performing labor upon, or who shall assist in obtaining or securing, saw logs, spars, piles, or other timber shall have a lien upon the same for the work or labor done upon or in obtaining or securing the same, whether such work or labor was done at the instance of the owner of the same or his agent. The cook in a logging camp and any and all others who may assist in or about a logging camp shall be regarded as a person who assists in obtaining or securing the saw logs, spars, piles, or other timber mentioned herein.

Lien on lumber for labor performed thereunder.

SEC. 281. Every person performing labor upon or who shall assist in manufacturing saw logs or other timber into lumber has a lien upon such lumber while the same remains at the yard wherein manufactured, whether such work or labor was done at the instance of the owner of such lumber or his agent.

Lien for stumpage.

SEC. 282. Any person who shall permit another to go upon his timber land and cut thereon saw logs, spars, piles, or other timber has a lien upon such logs, spars, piles, and timber for the price agreed to be paid for such privilege, or for the price such privilege or the stumpage thereon would be reasonably worth, in case there was no express agreement fixing the price.

SEC. 283. The liens provided for in this chapter are preferred liens and are prior to any and all other liens, and no sale, transfer, mortgage, or assignment of any saw logs, spars, piles, or other timber or manufactured lumber shall defeat the lien thereon as herein provided.

Preferred liens.

SEC. 284. The person rendering the service or doing the work or labor named in sections two hundred and seventy-six and two hundred and seventy-seven of this chapter is only entitled to the liens as provided herein for services, work, or labor for the period of six months, or any part thereof next preceding the filing of the claims as provided in section two hundred and eighty-six of this title.

Limitation of lien for labor.

SEC. 285. The person granting the privilege mentioned in section two hundred and eighty-two of this title is only entitled to the lien as provided therein for saw logs, spars, piles, and other timber cut during the six months next preceding the filing of the claim as provided in section two hundred and eighty-six.

Limitation of lien for stumpage.

SEC. 286. Every person, within thirty days after the rendition of the services, or after performing the work or labor mentioned in sections two hundred and seventy-six and two hundred and seventy-seven of this title, who shall claim the benefit hereof must file for record with the recorder of the precinct in which such saw logs, spars, piles, and other timber was cut, or in which such lumber was manufactured, a claim containing a statement of his demand, and the amount thereof, after deducting, as near as possible, all just credits and offsets, with the name of the person by whom he was employed, with a statement of the terms and conditions of his contract, if any; and in case there is no express contract, the claim shall state what such service, work, or labor is reasonably worth, and shall also contain a description of the property to be charged with the lien sufficient for identification with reasonable certainty, which claim must be verified by the oath of himself or some other person for him to the effect that the affiant believes the same to be true, which claim shall be substantially in the following form:

Filing claim.

_____, claimant, vs. _____, defendant.

Notice is hereby given that _____ claims a lien upon (describing property), being about _____ more or less, which were (cut or manufactured) in _____ precinct, District of Alaska, are marked thus _____, and are now lying in _____, for labor performed upon and assistance rendered in (cutting or manufacturing logs or lumber).

-form.

That the name of the owner, or reputed owner, is _____; that _____ employed said _____ to perform such labor and render such assistance upon the following terms and conditions (state contract, if any, or reasonable value); that said contract has been faithfully performed and fully complied with on the part of said _____, who performed labor and assisted in (cutting or manufacturing) for the period of _____; that said labor and assistance were so performed and rendered upon said property between the _____ day of _____ and the _____ day of _____, and the rendition of said service was closed on the _____ day of _____, and thirty days have not elapsed since that time; that the amount of claimant's demand for said services is _____; that no part thereof has been paid (except _____), and there is now due and remaining unpaid thereon, after deducting all just credits and offsets, the sum of _____, in which amount he claims a lien upon said property.

DISTRICT OF ALASKA, }
Precinct of _____, } ss:

I, _____, being first duly sworn, on oath say that I am the _____ named in the foregoing claim; that I have heard the same read, know the contents thereof, and believe the same to be true.

Subscribed and sworn to before me this _____ day of _____.

Filing claim for stumpage.

SEC. 287. Every person mentioned in section two hundred and eighty claiming the benefit thereof must file for record with the recorder of the precinct in which such saw logs, spars, piles, and other timber were cut a claim, in substance the same as provided in section two hundred and eighty-six, and verified as therein provided.

Record of claim.

SEC. 288. The recorder must record every claim filed under the provisions of this title in books kept by him for that purpose, which records must be indexed as deeds and other conveyances are required by law to be indexed, and for which he may receive the same fees as are allowed by law for recording deeds or other instruments.

Limitation for bringing action.

SEC. 289. No lien provided for in this chapter shall bind any saw logs, spars, piles, lumber, or other timber for a longer period than six months after the claim, as herein provided for, has been filed, unless an action be commenced within that time to enforce the same; and no lien of any kind or character shall be had upon any lumber or logs after the same shall have been placed in any building or upon any spars or piles after the same shall have been put in use for the purpose for which they were intended.

Jurisdiction.

SEC. 290. The liens provided for in this chapter shall be enforced by an action and shall be governed by the laws regulating the proceeding relating to the mode and manner of trial and the proceedings and laws to secure property so as to hold it for the satisfaction of any lien that may be against it.

Against what timber lien may be enforced.

SEC. 291. Any person who shall bring an action to enforce a lien herein provided for, or any person having a lien as herein provided for, who shall be made a party to any such action, has a right to demand that such lien be enforced against the whole or any part of the saw logs, spars, piles, or other timber or manufactured lumber upon which he has performed labor, or which he has assisted in obtaining or securing, or which has been cut on his timber land during the six months mentioned in sections two hundred and eighty-four and two hundred and eighty-five, for all his labor upon or for all his assistance in obtaining or securing the logs, spars, piles, or other timber, or in manufacturing said lumber during the whole or any part of the six months mentioned in section two hundred and eighty-four, or for timber cut during the whole or any part of the six months mentioned in section two hundred and eighty-five.

Joinder of liens.

SEC. 292. Any number of persons claiming liens under this title may join in the same action, and when separate actions are commenced the court may consolidate them. The court may also allow, as part of the costs, the moneys paid for filing and recording the claim, and a reasonable attorney's fee for each person claiming a lien.

Judgment lien: execution.

SEC. 293. In such action judgment must be rendered in favor of each person having a lien for the amount due him, and the court shall order any property subject to the lien herein provided for to be sold by the marshal in the same manner that personal property is sold on execution, and the court shall apportion the proceeds of such sale to the payment of each judgment pro rata, according to the amount of such judgment.

Sale when property is subject to loss or destruction.

SEC. 294. The judge of the court may, in vacation, upon motion, supported by affidavit, showing that the property is liable to loss or destruction, order any property subject to a lien as in this title provided to be sold by the marshal as personal property is sold on execution before the judgment is rendered, as provided in section two hundred and ninety-three, and the proceeds of such sale must be retained by the marshal until judgment, to be applied as in the section directed.

Preventing the identification of timber subject to lien.

SEC. 295. Any person, firm, or corporation who shall injure, impair, or destroy, or who shall render difficult, uncertain, or impossible of identification any saw logs, spars, piles, or other timber knowing the

same to be subject to a lien, as herein provided, without the express consent of the person entitled to such lien, shall be liable to the lien holder for damages to the amount secured by his lien, which sum may be recovered by an action against such person, firm, or corporation, without bringing the suit as provided for in section three hundred and two of this code: *Provided*, In all such actions the principal debtor shall be made a codefendant.

Principal debtor to be made codefendant.

CHAPTER THIRTY.

OF UNCLAIMED PROPERTY.

<p>Sec. 296. Consignee or depository to enter receipt of property in book. 297. When bailee to notify owner of receipt of property. 298. When bailee may sell property. 299. Notice of sale, when to be given personally to owner. 300. Proceeding when property not claimed. 301. Inventory and order of sale. 302. Sale by marshal, notice of.</p>	<p>Sec. 303. Return of marshal, and fees. 304. Commissioner to pay charges; balance to clerk of court. 305. Clerk to make entry. 306. Owner may claim and receive deposit from clerk within five years. 307. If proceeds not claimed. 308. Sale of decaying and perishable property. 309. Fees of commissioner and marshal.</p>
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SEC. 296. Whenever any personal property shall be consigned to or deposited with any forwarding merchant, wharf, warehouse, or tavern keeper, or the keeper of any depot for the reception and storage of trunks, baggage, merchandise, or other personal property, such consignee or bailee shall immediately cause to be entered in a book kept by him a description of such property, with the date of reception thereof.

Consignee or depository to enter receipt of property in book.

SEC. 297. If such property shall not have been left with such consignee or bailee for the purpose of being forwarded, disposed of, or kept according to directions received by such consignee or bailee at or before the time of the reception thereof, and if the name and residence of the owner of such property be known to the person having such property in his possession, he shall immediately notify the owner, by letter directed to him and deposited in the post-office, of the reception of such property.

When bailee to notify owner of receipt of property.

SEC. 298. If any such property shall not be claimed and taken away within one year after the time it shall have been so received, the person having possession thereof may, at any time thereafter, proceed to sell the same in the manner provided in this chapter.

When bailee may sell property.

SEC. 299. Before any such property shall be sold, if the name and residence of the owner thereof be known, at least sixty days' notice of such sale shall be given him, either personally or by leaving a notice at his residence or place of doing business; but if the name and residence of the owner be not known, or if service can not be made as above provided, the person having the possession of such property shall cause a notice to be published, containing a description of the property, for the space of six weeks successively in a newspaper if there be one published in the same precinct; if there be no newspaper published in the same precinct, then the notice shall be published in a newspaper nearest thereto in the district; the last publication of such notice shall be at least eighteen days previous to the time of sale.

Notice of sale, when to be given personally to owner.

SEC. 300. If the owner or person entitled to such property shall not take the same away and pay the charges thereon within sixty days from the first publication or service of notice as above provided, it shall be the duty of the person having possession thereof, his agent or attorney, to make and deliver to the commissioner of the same precinct an affidavit setting forth a description of the property remain-

Proceeding when property not claimed.

ing unclaimed, the time of its reception, the publication or service of the notice, and whether the owner of such property be known or unknown.

Inventory and order of sale.

SEC. 301. Upon the delivery to him of such affidavit the commissioner shall cause such property to be opened and examined in his presence, and a true inventory thereof to be made, and shall annex to such inventory an order under his hand that the property therein described be sold by the marshal at public auction.

Sale by marshal, notice of.

SEC. 302. It shall be the duty of the marshal receiving such inventory and order to give ten days' notice of the sale, by posting up written notices thereof in three or more public places in such precinct, one of which shall be the post-office, or immediately adjacent thereto, and to sell such property at public auction to the highest bidder, in the same manner as provided by law for sales under execution from commissioners.

Return of marshal, and fees.

SEC. 303. Upon completing the sale the marshal making the same shall indorse upon the order aforesaid a return of his proceedings thereon, and return the same to the commissioner, together with the inventory and the proceeds of sale, after deducting his fees.

Commissioner to pay charges; balance to clerk of court.

SEC. 304. From the proceeds of such sale the commissioner shall pay all legal charges that have been incurred in relation to such property, or a ratable proportion of each charge if the proceeds of the sale shall not be sufficient to pay all the charges; and the balance, if any there be, he shall immediately pay over to the clerk of the district court, and deliver a statement therewith containing a description of the property sold, the gross amount of such sale, and the amount of costs, charges, and expenses paid to each person.

Clerk to make entry.

SEC. 305. The clerk of the district court shall make an entry of the amount received by him and the time when received, and shall file in his office such statement so delivered to him by the commissioner.

Owner may claim and receive deposit from clerk within five years.

SEC. 306. If the owner of the property sold, or his legal representatives, shall, at any time within five years after such moneys shall have been deposited with the clerk of the district court, furnish satisfactory evidence of the ownership of such property, he or they shall be entitled to receive from him the amount so deposited in his office.

If proceeds not claimed.

SEC. 307. If the amount so deposited with the clerk of the district court shall not be claimed by the owner thereof or his legal representatives within the five years, the same shall belong to the United States.

Sale of decaying and perishable property.

SEC. 308. Property of a perishable kind and subject to decay by keeping, consigned or left in manner before mentioned, if not taken away within thirty days after it shall have been left, may be sold by giving ten days' notice thereof, as provided in section three hundred and two, the sale to be conducted and the proceeds of the same to be applied in the manner before provided in this chapter: *Provided*, Any property in a state of decay, or that is manifestly liable immediately to become decayed, may be summarily sold by order of a commissioner, after inspection thereof, as provided in section three hundred and two of this chapter.

Fees of commissioner and marshal.

SEC. 309. The fees allowed to any commissioner under the provisions of this chapter shall be three dollars for each day's service, and to any marshal the same fees as are allowed by law for sales upon execution, and ten cents a folio for making an inventory of property.

CHAPTER THIRTY-ONE.

OF MORTGAGES OF PERSONAL PROPERTY.

<p>Sec. 310. Chattels may be mortgaged. 311. Requisite to validity of chattel mortgage. 312. Mortgage by partnership. 313. Acknowledgment. 314. Filing of mortgage and duty of recorder. 315. When and how mortgage to be renewed. 316. Rights of subsequent mortgagee.</p>	<p>Sec. 317. Mode of attachment of mortgaged chattels. 318. Certified copy in case of loss of original. 319. Extent of provisions of this chapter. 320. Foreclosure. 321. Satisfaction of mortgage. 322. Penalty for selling mortgaged chattels. 323. Mortgage on growing crops.</p>
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SEC. 310. Any interest in personal property which is capable of being transferred may be mortgaged.

Chattels may be mortgaged.

SEC. 311. A mortgage of personal property is void as against creditors of the mortgagor and subsequent purchasers and incumbrancers of the property in good faith for value, unless—

Requisite to validity of chattel mortgage.

(1) The possession of such property be delivered to and retained by the mortgagee; or

(2) The mortgage provide that the property may remain in the possession of the mortgagor and be accompanied by an affidavit of all the parties thereto, or, in case any party is absent from the precinct where such mortgage is executed, at the time of the execution thereof, an affidavit of those present and of the agent or attorney in fact of such absent party, that the same is made in good faith to secure the amount named therein, and without any design to hinder, delay, or defraud creditors, and be acknowledged and filed as hereinafter provided.

SEC. 312. Subject to the provisions of the next preceding section, one member of a firm of general partners may alone execute a mortgage of personal property and make the affidavit therein required on behalf of the firm, and the mortgage so executed and the affidavit so made is as valid as if executed and made by all the partners or their agent or attorney in fact. In case of a corporation the president, secretary, or managing agent thereof may make the affidavit on its behalf.

Mortgage by partnership.

SEC. 313. Every mortgage of personal property shall be acknowledged by the mortgagor or person executing the same, in the manner provided for the acknowledgment of conveyances of real property, before some officer authorized by law to take acknowledgments of deeds.

Acknowledgment.

SEC. 314. Every mortgage of personal property, together with the affidavits of the parties thereto or a copy thereof, certified to be correct by the person before whom the acknowledgment has been made, must be filed in the office of the recorder of the precinct where the mortgagor resides, and of the precinct where the property is at the time of the execution of the mortgage, or, in case he is not a resident of the district, then in the office of the recorder of the precinct where the property is at the time of the execution of the mortgage; and the recorder must, on receipt of such mortgage or copy, indorse thereon the time of receiving the same, and file and keep the same in his office for the inspection of all persons, and shall enter in a book, properly ruled and kept for that purpose, the names of all the parties—the names of the mortgagors to be alphabetically arranged—the consideration thereof, the date of its maturity, and the time of filing the same.

Filing of mortgage and duty of recorder.

SEC. 315. Every mortgage filed as provided in this chapter shall be void as against the creditors of the person making the same, or against subsequent purchasers or mortgagees in good faith, after the expiration of one year from the filing thereof, unless within thirty days next preceding the expiration of the term of one year a true copy of such

When and how mortgage to be renewed.

mortgage, with a verified statement exhibiting the interest of the mortgagee in the property at the time the same is renewed, as claimed by virtue of such mortgage, is again filed in the office where the original was filed; and the effect of such renewal shall be to extend the lien of the mortgage as against the creditors, purchasers, and incumbrancers of the property for the further term of one year.

Rights of subsequent mortgagee.

SEC. 316. Any subsequent mortgagee of personal property upon which a prior mortgage exists, which has been extended or renewed as provided in section three hundred and fifteen of this title, may, at any time during the existence of such mortgage, pay the amount of the debt and interest owing and secured thereby, as shown by such verified statement and mortgage, or deposit the full amount thereof with the recorder of the precinct wherein such verified statement and mortgage are filed, subject to the order of the mortgagee, his legal representatives or assigns, and the receipt or duplicate receipt for such payment or deposit shall be filed in the office and attached to said mortgage, and thereby such subsequent mortgagee shall be subrogated to all the rights of the prior mortgagee under such mortgage.

Mode of attachment of mortgaged chattels.

SEC. 317. Personal property mortgaged may be taken on attachment or execution issued at the action of a creditor of the mortgagor; but before the property is so taken the officer must pay or tender to the mortgagee or the assignee thereof the amount of the mortgaged debt and interest, or must deposit the amount thereof with the recorder of the precinct in which the mortgage is filed, payable to the order of the mortgagee or the assignee thereof; and when the property then taken is sold under process the officer must apply the proceeds of the sale as follows:

(1) To the repayment of the sum paid to the mortgagee or the assignee of said mortgage, with interest from the date of such payment; and

(2) The balance, if any, in like manner as the proceeds of sale under execution are applied in other cases.

Certified copy in case of loss of original.

SEC. 318. A copy of any mortgage of personal property made, acknowledged, and filed as provided in this chapter, certified by the recorder in whose office the same shall be filed, may be read in evidence in any court in the district without further proof of the execution of the original, if the original be lost or out of the power of the person wishing to use it.

Extent of provisions of this chapter.

SEC. 319. The provisions of the foregoing sections of this chapter shall extend to all such bills of sale, deeds of trust, and other conveyances of goods, chattels, or personal property as shall have the effect of a mortgage or lien upon such property.

Foreclosure.

SEC. 320. An action for the foreclosure of a mortgage of personal property, or the enforcement of any lien thereon, of whatever nature, may be commenced and conducted in the same manner as provided by law for the foreclosure of mortgages and liens upon real property, and the same may be joined in an action for the recovery of the possession of the property mortgaged; but it is lawful for the mortgagor of personal property to insert in his mortgage a clause authorizing the marshal to execute the power of sale therein granted to the mortgagee, his legal representative and assigns, in which case the marshal, at the time of default, at the request of the mortgagee, must, and it is hereby made his duty to, advertise and sell the whole or any part of the mortgaged property, wherever it may be, and the mortgagee or his representative or assigns may, in good faith, purchase the property so sold, or any part thereof. The marshal may require an indemnity bond from the mortgagee or his assigns before taking possession of or selling the mortgaged property.

Satisfaction of mortgage.

SEC. 321. Whenever the debt or obligation secured by any mortgage of personal property which has been filed in the office of the recorder

as provided in this chapter shall be paid or discharged, an acknowledgment of satisfaction, signed by the mortgagee, his legal representative or assigns, must be indorsed upon the mortgage or copy thereof filed as aforesaid, and the fact of such discharge or satisfaction noted by the recorder in the book kept by him, as provided in section three hundred and fourteen of this title, opposite the names of the parties to such mortgage.

SEC. 322. Any person having conveyed any goods, chattels, or personal property to another by mortgage who shall, during the existence of the lien or title created by such mortgage, sell the property or any part thereof to a third party for a valuable consideration without informing him of the existence and effect of such mortgage shall forfeit and pay to the purchaser twice the value of such property so sold, which forfeiture may be recovered in an action of debt in any court having jurisdiction thereof.

Penalty for selling mortgaged chattels.

SEC. 323. The lien of a mortgage on a growing crop continues on the crop after severance, whether remaining in its original state or converted into another product, so long as the same remains on the land of the mortgagor.

Mortgage on growing crops.

CHAPTER THIRTY-TWO.

OF LIMITED PARTNERSHIPS:

<p>Sec. 324. Limited partnerships, for what purpose formed. 325. General and special partners, their liability and definition of. 326. Certificate for limited partnership, what to contain and where filed. 327. Certificate to be published; effect of false statement therein. 328. Limited partnership, how continued and renewed.</p>	<p>Sec. 329. Effect of using name of special partner. 330. Capital stock not to be reduced during partnership. 331. Actions, etc., by and against members of partnership. 332. Dissolution of partnership, notice, how filed and published. 333. When to be considered general partners.</p>
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SEC. 324. Limited partnerships for the transaction of mercantile, mechanical, or manufacturing business may be formed within the district by two or more persons, upon the terms and subject to the conditions and limitations contained in this chapter.

Limited partnerships, for what purpose formed.

SEC. 325. A limited partnership may consist of one or more persons, who are known and called general partners, and are jointly and severally liable as general partners now are by law, and of one or more persons who shall contribute to the common stock a specific sum in actual money as capital, and are known and called special partners, and are not personally liable for any debts of the partnership except as in this chapter specially provided.

General and special partners, their liability and definition of.

SEC. 326. The persons forming such partnerships shall make and severally subscribe a certificate in duplicate and file one of such certificates with the recorder of the precinct in which the principal place of business of the partnership is to be. Before being filed the execution of such certificate shall be acknowledged by each partner subscribing it before some officer authorized to take acknowledgments of deeds; and such certificate shall contain the name assumed by the partnership and under which its business is to be conducted, the names and respective places of residence of all the general and special partners, the amount of capital which each special partner has contributed to the common stock, the general nature of the business to be transacted, and the time when the partnership is to commence and when it is to terminate.

Certificate for limited partnership, what to contain and where filed.

SEC. 327. Such partnership can not commence before the filing of the certificate of partnership; and if a false statement is made in such

Certificate to be published; effect of false statement therein.

certificate all the persons subscribing thereto are liable as general partners for all the debts of the partnership. The partners shall, for four successive weeks immediately after the filing of the certificate of partnership, publish a copy of the same in some newspaper published in the precinct where the principal place of business of the partnership is, or, if no such paper be published therein, then in some newspaper in general circulation therein, and until such publication is made and completed the partnership is to be deemed general.

Limited partnership, how continued and renewed.

SEC. 328. A limited partnership may be continued or renewed by making, acknowledging, filing, and publishing a certificate thereof in the same manner provided in this chapter for the formation of such partnership originally; and every such partnership not renewed or continued as herein provided from and after the expiration thereof according to the original certificate shall be deemed a general partnership.

Effect of using name of special partner.

SEC. 329. The business of the partnership shall be conducted under a name in which the names of the general partners only shall be inserted, without the addition of the word "company" or any other general term. If the name of any special partner is used in such firm with his consent or privity, he shall be deemed and treated as a general partner; or if he personally makes any contract respecting the concerns of the partnership with any person except the general partners, he shall be deemed and treated as a general partner in relation to such contract, unless he makes it appear that in making such contract he acted and was recognized as a special partner only.

Capital stock not to be reduced during partnership.

SEC. 330. During the continuance of any partnership formed under this chapter no part of the capital stock thereof shall be withdrawn nor any division of interests or profits be made so as to reduce such capital stock below the sum stated in the certificate of partnership before mentioned; and if at any time during the continuance or at the termination of such partnership the property or assets thereof are not sufficient to satisfy the partnership debts, then the special partners shall be severally liable for all sums or amounts by them in any way received or withdrawn from such capital stock, with interest thereon from the time they were so received or withdrawn respectively.

Actions, etc., by and against members of partnership.

SEC. 331. All actions or proceedings respecting the business of such partnership shall be prosecuted by and against the general partners only, except in those cases where special partners or partnerships are to be deemed general partners or partnerships, in which case all the partners deemed general partners may join or be joined therein; and excepting also those cases where special partners are severally liable on account of sums or amounts received or withdrawn from the capital stock as provided in the preceding section.

Dissolution of partnership, notice, how filed and published.

SEC. 332. No dissolution of a limited partnership shall take place except by operation of law before the time specified in the certificate of partnership, unless a notice of such dissolution, subscribed by the general and special partners, is filed with the original certificate of partnership, or, the certificate, if any, renewing or continuing such partnership, nor unless a copy of such notice be published for the time and in the manner prescribed for publication of the certificate of partnership.

When to be considered general partners.

SEC. 333. In all cases not otherwise provided for in this chapter all the members of limited partnerships shall be subject to all the liabilities and entitled to all the rights of general partners.

CHAPTER THIRTY-THREE.

INJURY TO LIVE STOCK BY RAILROADS.

Sec.
 334. Railway companies liable for killing stock, when.
 335. What is lawful fencing of track.
 336. Notice of animal killed or injured.
 337. Penalty for failing to file notice.

Sec.
 338. Proof of killing or injury to be deemed conclusive evidence of negligence.
 339. Service of summons in cases arising under the provisions of this chapter. Legal fence, definition of.

SEC. 334. Any person, persons, company, or corporation, or lessee or agent thereof, owning or operating any railroad within the district, shall be liable for the value of any horses, mules, colts, cows, bulls, calves, hogs, or sheep killed, and for reasonable damages for any injury to any such live stock upon or near any unfenced track of any railroad in the district, wherever such killing or injury is caused by any moving train or engine or cars upon such track. A substantial wire fence four feet high, constructed with four strands of wire or its equivalent, shall be a legal fence.

Railway companies liable for killing stock, when.

SEC. 335. No railroad track shall be deemed to be fenced within the meaning of this chapter unless such track is guarded by such fence against the entrance thereon of any such live stock on either side of the track, and not more than one hundred feet distant therefrom: *Provided*, Complete natural defenses against the entrance of such stock upon the track, such as natural walls or deep ditches, shall be deemed and held to be a fence within the meaning of this chapter when the same, in connection with other and ordinary lawful fences, form a continuous guard and defense against the entrance of such live stock upon the track.

What is lawful fencing of track.

SEC. 336. Whenever any such live stock mentioned in section three hundred and thirty-four is so killed or injured upon the unfenced railroad track of any railroad in the district, the person, persons, company, or corporation owning or operating such railroad, or his or their lessees or agents, or some proper and authorized agent or employee thereof, shall immediately cause to be filed a notice of such killing or injury by filing a concise description of the animal or animals so killed or injured, including any and all brands, earmarks, or other marks of ownership, and, if only injured, the nature of such injury, with the railroad agents at the two extremities of the section on which such killing or injury took place; the description shall be open to inspection at all reasonable hours of each week day for one month after such killing or injury took place.

Notice of animal killed or injured.

SEC. 337. Any person, persons, company, or corporation, or his or their lessees or authorized agents, owning or operating any railroad within the district, who shall neglect or fail to file or cause to be filed the notice provided for in the preceding section, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not exceeding two hundred dollars for each offense.

Penalty for failing to file notice.

SEC. 338. In every action for the recovery of the value of any live stock mentioned in section three hundred and thirty-four so killed, or for damages for injury to the same, as hereinbefore provided, proof of such killing or injury shall of itself be deemed and held to be conclusive evidence of negligence upon the part of the person, persons, company, or corporation, or his or their lessees or agents, owning or operating such railroad: *Provided*, Contributory negligence on the part of the plaintiff in such action may be set up as a defense: *But provided further*, The allowing of stock to run at large upon common unfenced range or upon inclosed land owned or in possession of the owner of such stock shall not be deemed or held to be such contributory

Proof of killing or injury to be deemed conclusive evidence of negligence.

negligence: *Provided further*, In any such action proof of willful intent on the part of the plaintiff therein to procure the killing or injury of any such stock in the manner aforesaid shall defeat the recovery of any damages for such killing or injury.

Service of summons in cases arising under the provisions of this chapter.

SEC. 339. In any action authorized by this code service of summons or any other necessary process may be made upon any person, persons, company, or corporation, or his or their lessees or agents, owning or operating any railroad in the district, by personal service upon any authorized agent thereof residing or stationed in the precinct where such action is brought.

CHAPTER THIRTY-FOUR.

OF THE ESTABLISHMENT AND REGULATION OF FERRIES.

<p>Sec. 340. Ferry license. 341. Payment therefor. 342. To whom license granted. 343. Notice of application for license. 344. Undertaking of applicant. 345. General duties of ferry keepers. 346. Commissioner to fix regular fare; penalty for illegal fare. 347. Commissioners may alter rates of fare.</p>	<p>Sec. 348. List of rates to be posted up near ferry. 349. Persons to be ferried in the order of arrival; penalty for not. 350. Ferry keeper, exclusive right to transport. 351. How licenses to keep ferry forfeited. 352. Penalty for keeping ferry without license.</p>
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Ferry license.

SEC. 340. The commissioner of any precinct in the district may grant a license to any person applying therefor to keep a ferry across any lake or stream within his precinct, upon being satisfied that a ferry is necessary at the point applied for, which license shall continue in force for a term to be fixed by the commissioner, not exceeding five years: *Provided, however*, Nothing in this chapter shall be so construed as to empower the commissioner of any precinct in the district to grant a license for a ferry across any bay or arm of the sea.

Payment therefor.

SEC. 341. The commissioner shall tax such sum as shall appear reasonable, not less than one nor more than one hundred dollars per annum, for such license; and the person to whom such license shall be granted shall pay to such commissioner the tax for one year in advance, taking his receipt therefor; and upon the payment of such license tax the commissioner shall issue such license under the seal of his office, and deposit the sum so received with the clerk of the district court, who shall turn the same, according to law, into the Treasury of the United States.

To whom license granted.

SEC. 342. Unless otherwise provided by law no such license shall be granted to any person other than the owner of the land embracing or adjoining such lake or stream where the ferry is proposed to be kept, unless the landing place of such proposed ferry shall be on government land at the end of a street in an incorporated city or town, or unless the owner shall neglect to apply for such license; and whenever application shall be made for a license by any person other than such owner, the commissioner shall not grant the same unless proof be made that the applicant caused notice, in writing, of his intention to make such application to be given to such owner, if residing in the precinct, at least thirty days before the application before the commissioner is made, unless the landing place of such proposed ferry shall be at the end of a street in an incorporated city or town as aforesaid.

Notice of application for license.

SEC. 343. Every person intending to apply for a license to keep a ferry at any place shall give notice of such intention by posting up notices in at least three public places in the neighborhood where the ferry is proposed to be kept thirty days prior to the time when appli-

cation shall be made: *Provided*, When application shall be made for the renewal of the license, where the former license has expired, the same may be granted or renewed without previous notice or petition.

SEC. 344. Every person applying for a license to keep a ferry shall, before the same is issued, enter into a bond or undertaking to the United States, with one or more sureties, to be approved by the commissioner, in a sum not less than one hundred nor more than five hundred dollars, conditioned that such person will keep the ferry according to law, the bond to be filed in the office of the commissioner; and if default shall at any time be made in the condition of such bond or undertaking, damages, not exceeding the penalty, may be recovered by any person aggrieved.

Undertaking of applicant.

SEC. 345. Every person obtaining a license to keep a ferry shall provide and keep in good and complete repair the necessary boat or boats for the safe conveyance of all persons and property, and furnish such boats at all times with suitable oars, setting poles, and other implements necessary for the service thereof, and shall keep a sufficient number of discreet and skillful men to attend and manage the same; and he shall also at all times keep the place of embarking and landing in good order and repair by cutting away the bank of the lake or stream so that persons and property may be embarked and landed without danger or unnecessary delay.

General duties of ferry keepers.

SEC. 346. Whenever the commissioner of any precinct shall grant a license to keep a ferry across any lake or stream he shall establish the rates of ferriage which may be lawfully demanded for the transportation of persons and property across the same, having due regard to the breadth and situation of the stream and the dangers and difficulties incident thereto, and the publicity of the place at which the same shall have been established; and every keeper of a ferry who shall at any time demand and receive more than the amount so designated for ferrying shall forfeit and pay to the party aggrieved for every such offense the sum of five dollars over and above the amount which shall have been illegally received, to be recovered before any commissioner having jurisdiction.

Commissioner to fix regular fare; penalty for illegal fare.

SEC. 347. The commissioners of the several precincts be, and they are hereby, authorized to fix, alter, and establish from time to time the rates of ferriage to be levied and collected at all ferries now established or hereafter to be established by law within or bordering upon the precinct lines of any of the precincts in said district.

Commissioners may alter rates of fare.

SEC. 348. Every person licensed to keep a ferry shall post up in some conspicuous place near his ferry landing a written or printed list of the rates of ferriage which are chargeable by law at the ferry, which list of rates shall at all times be written in a plain, legible manner and posted up so near the place where persons shall pass across such ferry that the same may be easily read; and if at any time such keeper shall neglect or refuse to post and keep up such list it shall not be lawful to charge or take any ferriage or compensation at such ferry during the time of such delinquency.

List of rates to be posted up near ferry

SEC. 349. All persons shall be received into the ferryboats and conveyed across the stream over which such ferry shall be established according to their arrival at the same; and if any keeper of a ferry shall act contrary to this regulation he shall forfeit and pay the sum of three dollars for every such offense to the party aggrieved, to be recovered before any commissioner having jurisdiction: *Provided*, Public officers on urgent business, postriders, couriers, physicians, surgeons, and midwives shall in all cases be first carried over where all can not go at the same time.

Persons to be ferried in the order of arrival; penalty for not.

SEC. 350. Every person licensed to keep a ferry according to the provisions of this chapter shall have the exclusive privilege of transporting all persons and property over and across the stream where

Ferry keeper, exclusive right to transport.

such is established, and shall be entitled to all the fare arising by law therefrom: *Provided*, Nothing herein contained shall be construed to prevent any person from crossing over such stream at such ferry in his own boat, or to take in and carry over any person, when the same is done without fee or charge, and not with intent to injure any person licensed to keep a ferry.

How licenses to keep ferry forfeited.

SEC. 351. If any person licensed to keep a ferry shall fail to pay the tax assessed thereon when due, or shall not provide and keep in good and complete repair the necessary boat or boats, with the oars, setting poles, and other necessary implements for the service thereof, or shall neglect to employ a sufficient number of skillful and discreet ferrymen, as is provided in section three hundred and forty-five of this title, within three months from the time license shall be granted; or if such ferry shall not at any time be kept in good condition and repair, agreeably to the provisions of this chapter; or if the same shall be abandoned, disused, or unfrequented for the space of six months at any one time, it shall be lawful for the commissioner of the proper precinct, on complaint being made in writing, to summon the person licensed to keep such ferry to show cause why such license should not be revoked, and to decide thereon according to the testimony adduced and the laws of the district, which decision when made shall be valid to all intents and purposes, subject to be reviewed by the district court: *Provided*, If any ferry shall be disused by reason of the stream over which the same is established being frozen or fordable at certain seasons of the year, or by reason of the travel being subject to periodical fluctuations, it shall not work a forfeiture within the meaning of this section.

Penalty for keeping ferry without license.

SEC. 352. Any person who shall maintain any ferry and receive ferrriage without first obtaining a license for the same shall pay a fine of ten dollars for each offense, to be collected for the use of the district by action before any commissioner having jurisdiction; and any person is hereby authorized to bring such action: *Provided*, It shall not be considered unlawful for any person to transport any other person or his property over any stream for hire when it shall be made evident that there is no ferry, or that the ferry established at such place was not in actual operation at the time or in sufficient repair to have afforded to such person or his property a safe and speedy passage.

CHAPTER THIRTY-FIVE.

OF TRAVEL ON PUBLIC HIGHWAYS.

<p>Sec. 353. Persons meeting on highway to turn to the right.</p> <p>354. Penalty and damage for violation of preceding section.</p> <p>355. Employer liable for wrongdoing of servant; action against the one a bar, etc.</p>	<p>Sec. 356. Rules of travel for traction engines, etc.</p> <p>357. Whistles not to be blown on highways and streets.</p> <p>358. Driving steam engines over public bridge.</p> <p>359. Penalty.</p>
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Persons meeting on highway to turn to the right.

SEC. 353. Whenever any persons driving any vehicles shall meet on any public highway in the district, whether owned or kept by a corporation or private person, the persons so meeting shall seasonably turn their vehicles to the right of the center of the road, so as to permit each vehicle to pass without interfering with or interrupting the other.

Penalty and damage for violation of preceding section.

SEC. 354. If any person shall willfully violate the provisions of the preceding section he shall forfeit and pay the sum of five dollars for every such violation to the party injured, to be recovered by a civil action, and such further damage in the same action as such party may directly sustain by reason of such violation.

SEC. 355. Whenever any person driving a vehicle who shall violate the provisions of section three hundred and fifty-three is at the time in the employ of another, such other person is liable for the penalty herein provided the same as if he were the driver of such vehicle at the time of such violation; but an election to sue either the driver or employer is a bar to an action against the other.

Employer liable for wrongdoing of servant; action against the one a bar, etc.

SEC. 356. It shall be the duty of any person or persons running or propelling or in charge of any portable or traction engine over the public highways in the district to bring the portable or traction engine to a stop when within one hundred yards of any person or persons going in the opposite direction with a team or teams, and remain stationary until the team or teams shall have passed by.

Rules of travel for traction engines, etc.

SEC. 357. It shall be unlawful to blow the whistle of such portable or traction engines while upon the public highway or while passing over the streets of any city, town, or village in the district.

Whistles not to be blown on highways and streets.

SEC. 358. It shall be unlawful for any person or persons to drive any traction or portable engine of over two tons weight over any bridge or culvert on any public street or highway within the district without using on such bridge or culvert, for the purpose of securing its safety, four stout pieces of plank, each of which shall be at least ten feet in length, one foot in width, and two inches in thickness, two of the pieces of plank to be always under the wheels of the traction or portable engine while it shall be crossing the bridge or culvert.

Driving steam engines over public bridge.

SEC. 359. The penalty for the violation of any of the provisions of the three preceding sections shall be a fine of not less than one dollar nor more than fifty dollars for each offense, and in addition to such fine any person causing damage to the bridge or culvert shall be liable for all damages which may result from the crossing of such traction or portable engine.

Penalty.

CHAPTER THIRTY-SIX.

OF INSURANCE.

<p>Sec. 360. What companies, etc., may transact business. 361. Service of process on insurance companies. 362. Fraternal and beneficial societies. 363. To whom above provisions apply.</p>	<p>Sec. 364. Penalty for violations. 365. Fees for filing. 366. Form of oath. 367. Common law made applicable. 368. Conflicting acts repealed.</p>
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SEC. 360. No company, corporation, or association, or firm, or individual shall be permitted to transact a life, fire, or marine insurance business in the district until he or it has filed in the office of the secretary of the district a certificate by the secretary of state or other proper officer of some State of the United States, setting forth that the said company, corporation, association, firm, or individual has been qualified to carry on the business of insurance in such State in accordance with the laws thereof.

What companies etc., may transact business.

SEC. 361. No insurance company, corporation, association, firm or individual shall be permitted to transact a life, fire, or marine insurance business in the district until it shall have filed with the clerk of each division of the district court a power of attorney which shall set forth that such company is a corporation or duly organized insurer (naming the principal place of business of the company and principal place of business for the Pacific coast), which power of attorney shall authorize a citizen and resident of the district to receive and accept service in any proceeding in a court of justice of the district. If any attorney of any insurance company appointed under the provisions of this section shall remove from the district or become disqualified in

Service of process on insurance companies.

any manner from accepting service, and if any citizen or resident of the district shall have any claim by virtue of any insurance policy issued by any such company not represented by attorney in the district, valid service may be made on such company by service on the clerk of the district court or any division thereof: *Provided*, In such case the clerk of the district court shall immediately notify such company and the principal agent for the Pacific coast, inclosing a copy of the service by mail, postpaid: *And provided further*, In such case no proceedings shall be had within sixty days after such service on the clerk.

Fraternal and bene-
ficial societies.

SEC. 362. All orders or secret societies, such as Masons, Odd Fellows, Druids, Knights of Pythias, Ancient Order of United Workmen, Modern Woodmen of America and other benevolent, fraternal, or cooperative societies associated or incorporated for the sole purpose of mutual protection and relief of its members only, and for the payment of stipulated sums of money to the families of deceased members, or for property of its members only destroyed by fire, are hereby declared not to be fire or insurance companies in the sense and meaning of this chapter, and they are exempt from the provisions hereof.

To whom above pro-
visions apply.

SEC. 363. The provisions of this chapter, under either term or designation of company, corporation, association, firm, or individual in either case, where either term or designation is used, shall apply to any insurer, company, corporation, association, firm, or individual engaged as insurers or who may hereafter engage as insurers in the district, or who may engage in offering or affording indemnity against the casualties of fire or life.

Penalty for viola-
tions.

SEC. 364. Any officer, agent, or employee of any insurance company or other person violating any of the provisions of this chapter shall be fined not less than one hundred nor more than five hundred dollars, and in default of payment of such fine shall be imprisoned not less than ten days nor more than six months.

Fees for filing.

SEC. 365. The secretary of the district shall collect from each company or person for the service provided in this chapter the following fees: For filing certificate of qualification, five dollars; for filing power of attorney, five dollars; and the secretary shall account for the same in the manner provided by law in the case of other fees collected or received by them.

Form of oath.

SEC. 366. Every officer in the district for whom a special oath is not provided by law shall, before entering upon the duties of his office, take and subscribe to the following oath:

I, _____, do solemnly swear (or affirm) that I will defend and support the Constitution of the United States, and perform all the duties of the office on which I am about to enter, and therein do equal right and justice to all men, so help me God.

Common law made
applicable.

SEC. 367. So much of the common law as is applicable and not inconsistent with the Constitution of the United States or with any law passed or to be passed by the Congress is adopted and declared to be law within the district of Alaska.

Interpretation of
words of singular
number, etc.

SEC. 368. That in the interpretation of this Act words of the singular number shall be deemed to include their plurals, and that words of the masculine gender shall be deemed to include the feminine, as the case may be. Whenever a section of this Act refers to another section, a section of the same title is intended, unless the contrary clearly appears.

Existing rights un-
affected.

No person shall be deprived of any existing legal right or remedy by reason of the passage of this Act, and all civil actions or proceedings commenced in the courts of the district before or within sixty days after the approval of this Act may be prosecuted to final judgment under the law now in force in the district, or under this Act. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Pending actions.

Repeal.

Approved, June 6, 1900.

CHAP. 787.—An Act To authorize the city of Tucson, Arizona, to issue bonds for waterworks, and for other purposes.

June 6, 1900.

Whereas the mayor and common council of the city of Tucson, Arizona, acting under the authority of the Act of Congress entitled "An Act to amend an Act to prohibit the passage of local or special laws in the Territories, to limit Territorial indebtedness, and so forth," approved March fourth, eighteen hundred and ninety-eight, caused an election to be held in the city of Tucson on the fifth day of May, eighteen hundred and ninety-eight, on the question of issuance of one hundred thousand dollars fifty-year five per centum interest-bearing bonds of the said city of Tucson for the construction of a water and sewerage system in the said city, and notice of said election was duly given as prescribed in the said Act of Congress, and at said election more than two-thirds of the voters qualified, as in the said Act of Congress prescribed, voted for the issuance of said bonds; and

Tucson, Ariz.
Preamble.
Vol. 30, p. 252.

Whereas afterwards the said city of Tucson appointed a water and sewerage commission to investigate the question of water supply and waterworks for said city, and the said commission recommended to the said mayor and common council the purchase of the existing water plant instead of the construction of a wholly new plant for said city, and the mayor and common council thereupon and after consideration voted to purchase such existing water plant and to issue the said one hundred thousand dollars of bonds for that purpose: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the mayor and common council of the city of Tucson, Arizona, be, and they are hereby, authorized, upon the passage of an ordinance or resolution to that effect, to issue one hundred thousand dollars fifty-year five per centum interest-bearing bonds of said city for the purchase for said city of the existing water plant which supplies the said city and its inhabitants with water. Said bonds may be made payable in gold coin of the United States of America of the present standard weight and fineness. Said bonds shall be in such form and denominations, and payable at such time and place, and interest thereon shall be payable annually or semi-annually, as the mayor and common council of said city shall provide in said ordinance or resolution. Said bonds shall be signed by the mayor, have the corporate seal of the city affixed, attested by the city recorder, and the coupons may bear the engraved or lithographed signatures of the mayor and recorder, or be signed by them in person. The purchaser of the said bonds shall not be bound to see to the application of the purchase money. The said one hundred thousand dollars of bonds may be issued in whole or in part payment for said existing water plant, and the city may, in addition to such bonds, assume as part of the purchase money of any water plant so purchased any mortgage existing thereon, not exceeding in amount the sum of ten thousand dollars, and may provide for the payment of the same by the issue of like bonds of the city, or in such other manner as the mayor and common council shall by ordinance or resolution determine.

Issue of bonds authorized to purchase existing water plant.

Form, etc., of bonds.

Purchaser not bound to see to application of purchase money.

Further issue to pay existing mortgage.

Levy of tax to pay interest on bonds.

SEC. 2. That the mayor and common council of said city of Tucson are hereby required and directed to levy and collect, in addition to all other taxes in said city, an ad valorem tax upon all the taxable property in said city sufficient to pay the interest on the said bonds as the same becomes due, and also at or before the time when the principal of the said bonds becomes due, a further ad valorem tax upon all the taxable property in said city sufficient to pay the same or to provide for the payment thereof. Such taxes shall be levied and collected at the same time and in the same manner as other taxes upon the property in said city. But the city may use and apply the net revenues of the water plant to pay interest on the bonds issued under this Act, and to the extent that such revenues are actually so used and applied may

—use of net revenues of water plant.

omit the levy and collection of said tax, or the city may use such net revenues or any part thereof for the extension of said water plant.

Control of water-works, etc.

SEC. 3. That the mayor and common council of the said city are hereby authorized to operate, manage, and control the said waterworks so authorized to be purchased, and for this purpose to appoint such agents, servants, and employees as they may deem proper, and to pay the same out of the revenues from the said waterworks or from any other revenues of the said city not otherwise appropriated.

Repeal.

SEC. 4. That all Acts and parts of Acts, general and special, so far as they are in conflict with the provisions of this Act, are hereby repealed, and no proceedings for the issue of the bonds in this Act authorized or for the assumption of the mortgage debt in this Act authorized shall be necessary other than those in this Act provided for.

Further proceedings as to bond issue unnecessary.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 788.—An Act To authorize the President to place Andrew Geddes on the retired list with the rank of captain.

Andrew Geddes. May be placed on retired list of Army.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President be, and he is hereby, authorized to revoke his order of December third, eighteen hundred and eighty, confirming the sentence of dismissal in the case of Captain Andrew Geddes, Twenty-fifth United States Infantry, and to disapprove the sentence and to revoke and set aside General Court-Martial Orders Numbered Sixty-four, Headquarters of the Army, Adjutant-General's Office, Washington, December fourth, eighteen hundred and eighty, approving the pending sentence in the said case and ordering his dismissal to take effect December thirty-first, eighteen hundred and eighty, and to order and cause to be issued to said Geddes an honorable discharge as of date December thirty-first, eighteen hundred and eighty, and to nominate and, by and with the advice and consent of the Senate, appoint said Geddes a captain of infantry in the United States Army, and place him upon the retired list with the rank of captain, the retired list being increased for that purpose only: *Provided,* That no pay, compensation, or allowance shall accrue by reason of this Act for any cause prior to its passage.

Proviso. No pay, etc.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 789.—An Act Making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

District of Columbia. Appropriations. Half from District revenues.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the half of the following sums named, respectively, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, and the other half out of the revenues of the District of Columbia, for the purposes following, being for the expenses of the government of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and one, namely:

General expenses.

GENERAL EXPENSES.

Executive office. Commissioners, secretary, etc.

FOR EXECUTIVE OFFICE: For two Commissioners, at five thousand dollars each; Engineer Commissioner, one thousand seven hundred and sixty-eight dollars (to make salary five thousand dollars); secretary, two thousand one hundred and sixty dollars; two assistant secretaries to Commissioners, at one thousand dollars each; clerk, one

thousand five hundred dollars; clerk, one thousand four hundred dollars; three clerks, one of whom shall be a stenographer and typewriter, at one thousand two hundred dollars each; messenger clerk, six hundred dollars; messenger, six hundred dollars; stenographer and typewriter, seven hundred and twenty dollars; two drivers, at four hundred and eighty dollars each; laborer, three hundred and sixty-five dollars; veterinary surgeon for all horses in the departments of the District government, one thousand two hundred dollars; inspector of buildings, two thousand four hundred dollars; principal assistant inspector of buildings, one thousand six hundred dollars; two assistant inspectors of buildings, at one thousand two hundred dollars each; four assistant inspectors of buildings, at one thousand dollars each; clerk, nine hundred dollars; messenger, four hundred and eighty dollars; janitor, nine hundred dollars; steam engineer, nine hundred dollars; two firemen, at four hundred and eighty dollars each; two elevator operators, at three hundred and sixty dollars each; messenger, four hundred and eighty dollars; three watchmen, at four hundred and eighty dollars each; two laborers, at three hundred and sixty dollars each; property clerk, one thousand six hundred dollars; deputy property clerk, one thousand two hundred dollars; clerk, seven hundred and twenty dollars; messenger, six hundred dollars; inspector of plumbing, two thousand dollars; five assistant inspectors of plumbing, one at one thousand two hundred dollars and four at one thousand dollars each; five members of the plumbing board, at three hundred dollars each; harbor master, one thousand two hundred dollars; boiler for harbor boat, one thousand five hundred dollars; in all, sixty thousand two hundred and ninety-three dollars.

FOR ASSESSOR'S OFFICE: For assessor, three thousand five hundred dollars; three assistant assessors, at three thousand dollars each; two assistant assessors, at one thousand six hundred dollars each; two clerks, at one thousand four hundred dollars each; four clerks, at one thousand two hundred dollars each; draftsman, one thousand two hundred dollars; three clerks, at one thousand dollars each; assistant or clerk, nine hundred dollars; clerk in charge of records, one thousand dollars; clerk to board of assistant assessors, one thousand two hundred dollars; two clerks, at nine hundred dollars each; license clerk, one thousand two hundred dollars; inspector of licenses, one thousand two hundred dollars; messenger and driver, for board of assistant assessors, six hundred dollars; in all, thirty-five thousand four hundred dollars.

Assessor's office.

FOR COLLECTOR'S OFFICE: For collector, four thousand dollars; deputy collector, one thousand eight hundred dollars; cashier, one thousand eight hundred dollars; bookkeeper, one thousand six hundred dollars; two clerks, at one thousand four hundred dollars each; two clerks, at one thousand two hundred dollars each; clerk and messenger, one thousand dollars; messenger, six hundred dollars; in all, sixteen thousand dollars.

Collector's office.

FOR AUDITOR'S OFFICE: For auditor, three thousand six hundred dollars; chief clerk, one thousand nine hundred dollars; bookkeeper, one thousand eight hundred dollars; clerk, one thousand six hundred dollars; disbursing officer, two thousand five hundred dollars; deputy disbursing officer, who shall hereafter, in the absence of the disbursing officer, be authorized to transact all duties pertaining to said disbursing officer, and who shall be required to give bond to the said disbursing officer in the sum of twenty-five thousand dollars, conditioned on the faithful performance of the duties of his office, but said disbursing officer to be responsible to the United States, District of Columbia, and the people whom he pays, as now required by law, one thousand five hundred dollars; three clerks, at one thousand four hundred dollars each; two clerks, at one thousand two hundred dollars

Auditor's office.

each; clerk, one thousand dollars; messenger, six hundred dollars; in all, twenty-one thousand one hundred dollars.

Attorney's office.

FOR ATTORNEY'S OFFICE: For attorney, four thousand dollars; assistant attorney, two thousand dollars; special assistant attorney, one thousand six hundred dollars; law clerk, one thousand two hundred dollars; messenger, two hundred dollars; in all, nine thousand dollars.

Sinking-fund office.

FOR SINKING-FUND OFFICE, UNDER CONTROL OF THE TREASURER OF THE UNITED STATES: For clerk, one thousand six hundred dollars; clerk, nine hundred dollars; in all, two thousand five hundred dollars.

Coroner's office.

FOR CORONER'S OFFICE: For coroner, one thousand eight hundred dollars.

Market masters.

FOR MARKET MASTERS: For two market masters, at one thousand two hundred dollars each; one market master, nine hundred dollars; for hire of laborers for cleaning markets, one thousand two hundred dollars; in all, four thousand five hundred dollars.

Sealer of weights and measures.

FOR OFFICE OF SEALER OF WEIGHTS AND MEASURES: For sealer of weights and measures, two thousand five hundred dollars; assistant sealer of weights and measures, one thousand two hundred dollars; clerk, nine hundred dollars; laborer, three hundred and sixty dollars; in all, four thousand nine hundred and sixty dollars.

Engineer's office.

FOR ENGINEER'S OFFICE: Record division: For chief clerk, one thousand nine hundred dollars; two clerks, at one thousand six hundred dollars each; one clerk, one thousand four hundred dollars; three clerks, at one thousand two hundred dollars each; clerk, seven hundred and twenty dollars; two messengers, at four hundred and eighty dollars each; computing engineer, two thousand seven hundred and fifty dollars; assistant engineer, one thousand six hundred dollars; two assistant engineers at one thousand five hundred dollars each; three rodmen, at seven hundred and eighty dollars each; three chainmen, at six hundred and fifty dollars each; draftsman, one thousand two hundred dollars; inspector of streets, one thousand two hundred dollars; two assistant inspectors of streets, at one thousand two hundred dollars each; superintendent of streets, two thousand dollars; superintendent of county roads, one thousand five hundred dollars; superintendent of parking, one thousand three hundred dollars; assistant superintendent of parking, nine hundred dollars; clerk, nine hundred dollars; inspector of asphalt and cements, two thousand four hundred dollars; inspector of gas and meters, two thousand dollars; assistant inspector of gas and meters, one thousand dollars; assistant inspector of gas and meters, seven hundred and twenty dollars; messenger, four hundred and eighty dollars; inspector of sewers, one thousand two hundred dollars; superintendent of sewers, two thousand seven hundred and fifty dollars; general inspector of sewers, one thousand three hundred dollars; two assistant engineers, at one thousand five hundred dollars each; draftsman, one thousand two hundred dollars; leveler, one thousand two hundred dollars; three rodmen, at seven hundred and eighty dollars each; three chainmen, at six hundred and fifty dollars each; clerk, one thousand four hundred dollars; two clerks, at one thousand dollars each; two inspectors of property, at nine hundred and thirty-six dollars each; two sewer tappers, at one thousand dollars each; permit clerk, one thousand four hundred dollars; assistant permit clerk, eight hundred and forty dollars; in all, sixty-five thousand eight hundred and seventy-two dollars.

Special assessment office.

SPECIAL ASSESSMENT OFFICE: For special assessment clerk, one thousand seven hundred dollars; seven clerks, at one thousand two hundred dollars each; two clerks, at nine hundred dollars each; in all, eleven thousand nine hundred dollars.

Street sweeping office.

STREET SWEEPING OFFICE: For superintendent, two thousand two hundred dollars; assistant superintendent and clerk, one thousand six hundred dollars; clerk, nine hundred dollars; four inspectors, at one

thousand two hundred dollars each; ten inspectors, at one thousand one hundred dollars each; three assistant inspectors, at nine hundred dollars each; foreman of public dumps, nine hundred dollars; messenger and driver, six hundred dollars; in all, twenty-four thousand seven hundred dollars.

BOARD OF EXAMINERS, STEAM ENGINEERS: For compensation for board of examiners of steam engineers in the District of Columbia, three, at three hundred dollars each, nine hundred dollars.

Board of examiners.
steam engineers.

That overseers, inspectors, and other employees temporarily required in connection with sewer, street, or road work, or the construction and repair of buildings and bridges, or any work authorized by appropriations, and all expenses incidental to or necessary for the proper execution of said work shall be paid from and equitably charged against the sums appropriated for said work; and the Commissioners of the District, in their annual report to Congress, shall report the number of such overseers, inspectors, and other employees, and their work, and the sums paid to each, and out of what appropriation.

Payment of temporary employees; report.

SUPERINTENDENT OF CHARITIES: For superintendent of charities, three thousand dollars; messenger, eight hundred and forty dollars; traveling expenses, one hundred and fifty dollars; in all, three thousand nine hundred and ninety dollars.

Superintendent of charities.

FOR SURVEYOR'S OFFICE: For surveyor, three thousand dollars; assistant surveyor, one thousand eight hundred dollars; for such employees as may be required, in accordance with the provisions of the Act of Congress making the surveyor of the District of Columbia a salaried officer, seven thousand dollars; in all, eleven thousand eight hundred dollars.

Surveyor's office.

FREE PUBLIC LIBRARY: For librarian, one thousand six hundred dollars; assistant librarian, nine hundred dollars; assistant, seven hundred and twenty dollars; assistant, six hundred dollars; cataloguer, six hundred dollars; janitor, four hundred and eighty dollars; attendant, three hundred and sixty dollars; purchase of books, one thousand dollars; binding, one thousand five hundred dollars; rent, fuel, light, fitting up rooms, and other contingent expenses, three thousand five hundred dollars; in all, eleven thousand two hundred and sixty dollars.

Free Public Library.

CONTINGENT AND MISCELLANEOUS EXPENSES.

For contingent expenses of the government of the District of Columbia, namely: For printing, checks, books, law books, books of reference and periodicals, stationery; detection of frauds on the revenue; repairs of market houses, painting; surveying instruments and implements; drawing materials; binding, rebinding, repairing, and preservation of records; maintaining and keeping in good order the laboratory and apparatus in the office of the inspector of asphalt and cement; damages; care of horses not otherwise provided for, horse-shoeing; fuel, ice, gas, repairs, insurance, repairs to pound and vehicles, and other general necessary expenses of District offices, including the sinking-fund office, office of the superintendent of charities, harbor master, health department, surveyor's office, sealer of weights and measures' office, and police court, twenty-three thousand five hundred dollars; and the Commissioners shall so apportion this sum as to prevent a deficiency therein: *Provided*, That horses and vehicles appropriated for in this Act shall be used only for official purposes: *Provided further*, That the accounting officers of the Treasury are hereby authorized to audit and allow in the accounts of the District Commissioners expenditures made for law books, books of reference, and periodicals from appropriations made for contingent and miscellaneous expenses of the District for the fiscal years eighteen hundred and ninety-nine and nineteen hundred.

Contingent expenses.

Provisos.
Horses, etc.

Allowance in Commissioners' accounts for books, etc.

Engineer department, stables.	For contingent expenses of stables of the engineer department, including forage, livery of horses, shoeing, purchase and repair of vehicles, purchase and repair of harness, blankets, lap robes, purchase of horses, whips, oil, brushes, combs, sponges, chamois skins, buckets, halters, jacks, rubber boots and coats, medicines, and other necessary articles and expenses, five thousand dollars; and no expenditure on account of the engineer department for the items named in this paragraph shall be made from any other fund.
Rent.	For rent of District offices, nine thousand dollars. For rent of old record vault, six hundred dollars. For rent of property yards, three hundred dollars.
Collection personal taxes.	For necessary expenses in the collection of overdue personal taxes by distraint and sale and otherwise, and for other necessary items, one thousand five hundred dollars.
Judicial expenses.	For judicial expenses, including procurement of chains of title, the printing of briefs in the court of appeals of the District of Columbia and witness fees in District cases before the supreme court of said District, one thousand dollars.
Coroner's expenses.	For livery of horse or horse hire for coroner's office, jurors' fees, removal of deceased persons, making autopsies, ice, disinfectants, and other necessary supplies for the morgue, and the necessary expenses of holding inquests, including stenographic services in taking testimony, and photographing unidentified bodies, one thousand two hundred dollars.
Advertising.	For general advertising, authorized and required by law, and for tax and school notices and notices of changes in regulations, two thousand five hundred dollars.
Notice of arrears of taxes. Vol. 26, p. 24.	For advertising notice of taxes in arrears July first, nineteen hundred, as required to be given by Act of March nineteenth, eighteen hundred and ninety, three thousand dollars, to be reimbursed by a charge of fifty cents for each lot or piece of property advertised: <i>Provided</i> , That in lieu of the notice now required to be given by the Commissioners of the District of Columbia of the pamphlet containing the list of taxes in arrears, the said Commissioners shall give notice, by advertising twice a week, for three successive weeks, beginning on the third Monday in March of each year hereafter, in the regular issue of two or more daily newspapers published in said District, that the said pamphlet has been printed and that a copy thereof will be delivered to any taxpayer applying therefor at the office of the collector of taxes of said District; and all Acts or parts of Acts inconsistent herewith are hereby repealed.
<i>Proviso.</i>	
Notice of printing of pamphlet containing list of taxes in arrears.	
Repairs, market houses.	For special repairs to market houses, two thousand two hundred and fifty dollars.
Enforcing game and fish laws.	For the enforcement of the game and fish laws of the District of Columbia, to be expended under the direction of the Commissioners, five hundred dollars.
Register of wills.	To enable the register of wills to continue the work of comparing, correcting, and reproducing certain records, or will books, in his office, including clerical service, purchase of books, and necessary equipments, two thousand dollars.
Reproduction, etc., certain records.	
Recorder of deeds. Purchase of book typewriters. Vol. 30, p. 769.	To enable the recorder of deeds of the District of Columbia to purchase twenty Elliott & Hatch book typewriters for recording deeds and other instruments of writing in his office, as authorized by the Act of Congress approved December twenty-first, eighteen hundred and ninety-eight, three thousand five hundred dollars.
Restoring portraits.	For restoration and preservation of portraits belonging to the District of Columbia, nine hundred dollars.

PLATS OF SUBDIVISIONS OUTSIDE OF WASHINGTON.

To pay the expenses of such surveys as may be necessary to enable the Commissioners of the District to determine whether plats of subdivisions of land within said District offered for record have been made in conformity to the "Act to regulate subdivision of land within the District of Columbia," approved August twenty-seventh, eighteen hundred and eighty-eight, two thousand dollars.

Surveys and plats of outside subdivisions.

Vol. 25, p. 451.

PERMANENT SYSTEM OF HIGHWAYS.

To pay the expenses of carrying out the plan for the extension of a permanent system of highways in conformity with the "Act to provide a permanent system of highways in that part of the District of Columbia lying outside of cities," approved March second, eighteen hundred and ninety-three, two thousand five hundred dollars; to be paid wholly out of the revenues of the District of Columbia.

Extension of highways.
Vol. 27, p. 532.

ASSESSMENT AND PERMIT WORK.

For assessment and permit work, one hundred and forty thousand dollars.

Assessment and permit work.

For paving roadways under the permit system, ten thousand dollars.

IMPROVEMENTS AND REPAIRS.

For work on streets and avenues named in Appendix X, Book of Estimates, nineteen hundred and one, one hundred and sixty thousand dollars, to be expended in the discretion of the Commissioners upon streets and avenues specified in the schedules named in said appendix and in the aggregate for each schedule as stated herein, namely:

Improvements and repairs.

Streets and avenues.

GEORGETOWN SCHEDULE: Ten thousand and eighty dollars.

Allotment.

NORTHWEST SECTION SCHEDULE: Forty-nine thousand one hundred and twenty dollars.

SOUTHWEST SECTION SCHEDULE: Twenty thousand dollars.

SOUTHEAST SECTION SCHEDULE: Thirty-nine thousand and forty dollars.

NORTHEAST SECTION SCHEDULE: Forty-one thousand seven hundred and sixty dollars.

Provided, That the streets and avenues shall be contracted for in the order in which they appear in said schedules, and be completed in such order as nearly as practicable, and shall be paved, in the discretion of the Commissioners, instead of being graded and regulated.

Proviso
Order of precedence.

Under appropriations contained in this Act no contract shall be made for making or relaying asphalt pavement at a higher price than one dollar and eighty cents per square yard for a quality equal to the best laid in the District of Columbia prior to July first, eighteen hundred and eighty-six, and with same depth of base: *Provided*, That these conditions as to price and depth of base shall not apply to those streets on which, in the judgment of the Commissioners, by reason of heavy traffic, poor foundation, or other causes, a pavement of more than ordinary strength is required, in which case the limit of price may be increased to two dollars per square yard. And hereafter, when as many streets and entire blocks of streets in any section have been paved as the amount allotted to that section will permit, and there still remains a balance insufficient to pave an entire block of the street provided for pavement upon the schedule, such balance shall remain available and be added to the allotment for that section for the next succeeding year.

Limit for contracts for asphalt pavements.

—increase for certain streets.

Available balance.

For widening and paving roadway of G street northwest, between Sixth and Fifteenth streets, nineteen thousand dollars.

G street NW.

Fifteenth street.	For paving Fifteenth street from V to W streets, three thousand five hundred dollars.
Grading.	GRADING STREETS, ALLEYS, AND ROADS: For purchase and repair of cars, carts, tools, or the hire of the same and horses, to be used by the inmates of the Washington Asylum in the work of grading and pay of dump men needed to carry out the work, eight thousand dollars.
Condemnation of streets, etc.	CONDEMNATION OF STREETS, ROADS, AND ALLEYS: For purchase or condemnation of streets, roads, and alleys, one thousand dollars.
Sewers.	SEWERS.
Cleaning.	For cleaning and repairing sewers and basins, fifty thousand dollars.
Replacing.	For replacing obstructed sewers, twenty-five thousand dollars.
Main, pipe, etc.	For main and pipe sewers and receiving basins, fifty thousand dollars.
Suburban.	For suburban sewers, fifty thousand dollars.
Condemnation of rights of way, etc.	For purchase or condemnation of rights of way for construction, maintenance, and repair of public sewers, one thousand dollars, or so much thereof as may be necessary.
Automatic flushing tanks.	For automatic flushing tanks, one thousand dollars.
Tiber Creek, etc.	For completing contract on the Tiber Creek and New Jersey avenue high-level intercepting sewer, twenty-five thousand dollars. For damages and losses occasioned by the construction of the Tiber Creek and New Jersey avenue high-level intercepting sewer, through Arthur place, between B and C streets northwest, eighteen thousand dollars, to be immediately available; said amount to cover and be in full of all damages and losses on account of such construction.
Pumping plant, etc.	For so much of the permanent pumping plant at the foot of New Jersey avenue southeast, including outlet chambers, gates, connections, and so forth, as is immediately necessary for the purpose of draining the intercepting sewer already constructed, one hundred and ten thousand dollars; and the Commissioners of the District of Columbia are authorized to use for such purpose any unexpended balance of the appropriation for the preparation of plans and acquiring land for said pumping station.
Extension of boundary sewer.	Any unexpended balance of the appropriation for the extension of the boundary sewer to the vicinity of Twenty-second and A streets northeast shall remain available during the fiscal year ending June thirtieth, nineteen hundred and one. And the Commissioners of the District of Columbia are authorized to enter into contract for the extension of the boundary sewer to the vicinity of Twenty-second and A streets northeast, at a cost not to exceed two hundred and thirty thousand dollars, to be paid from time to time as appropriations may be made by law.
East side intercepting sewer.	For continuing the construction in part of the east side intercepting sewer between Twenty-second and A streets northeast and Twelfth street southeast, now under contract, forty thousand dollars. For continuing the construction in part of the east side intercepting sewer from Twelfth street southeast to the pumping station at the foot of New Jersey avenue, now under contract, forty thousand dollars.
Arizona avenue sewer.	For construction in part of the Arizona avenue sewer, fifty thousand dollars.
L street sewer.	For constructing the L street sewer from near Twenty-first and L streets northwest to the east side of Sixteenth street, thirty thousand dollars.
Plans for sewage-disposal system.	For preparation of detailed plans and specifications for sewage-disposal system complete, twenty-thousand dollars.

Streets.

STREETS.

Repairs.

REPAIRS STREETS, AVENUES, AND ALLEYS: For current work of repairs of streets, avenues, and alleys, including resurfacing and repairs to concrete pavements with the same or other not inferior material,

two hundred thousand dollars; and this appropriation shall be available for repairing the pavements of street railways when necessary. The amounts thus expended shall be collected from such railroad company as provided by section five of "An Act providing a permanent form of government for the District of Columbia," approved June eleventh, eighteen hundred and seventy-eight, and shall be deposited to the credit of the appropriation for the fiscal year in which they are collected.

Street railways.
Vol. 20, p. 106.

For replacing and repairing sidewalks and curbs around public reservations and municipal buildings, ten thousand dollars.

Sidewalks, etc.

REPAIRS COUNTY ROADS: For current work of repairs of county roads and suburban streets, sixty thousand dollars.

County roads.

CONSTRUCTION OF COUNTY ROADS: For construction of county roads and suburban streets, as follows:

For macadamizing Kenesaw avenue and Park drive, ten thousand dollars;

Kenesaw avenue,
etc.

For macadamizing Michigan avenue, ten thousand dollars;

Michigan avenue.

For paving Eighteenth street (extended) and Cincinnati street from Columbia road to Rock Creek and completing paving of Twentieth street between Baltimore and Cincinnati streets, seventeen thousand dollars;

Eighteenth street
extended.
Cincinnati street.

For grading and regulating Blagden avenue, five thousand dollars;

Blagden avenue.

For grading and regulating Quincy street, Petworth, from Brightwood avenue to Eighth street, two thousand dollars;

Quincy street.

For improving Bladensburg road from Fifteenth street northward, fifteen thousand dollars;

Bladensburg road.

For grading and macadamizing Frankfort, Twenty-second, and Twenty-fourth streets, Langdon, three thousand dollars;

Langdon.

For improving Connecticut avenue west of Rock Creek, seven thousand five hundred dollars;

Connecticut ave-
nue.

For grading and regulating streets in Woodridge subdivision, two thousand five hundred dollars;

Woodridge.

For completing the paving of Nineteenth street extended, between Florida avenue and Columbia road, five thousand six hundred dollars, to be immediately available;

Nineteenth street
extended.

For grading and macadamizing Eleventh street extended, between Florida avenue and Lydecker avenue, twenty thousand dollars;

Eleventh street ex-
tended.

For grading, repairing, pavement of gutters, and improving Thirty-seventh street between New Cut road and Tennallytown road and other streets in Burleith addition, four thousand dollars;

Thirty-seventh
street.

For grading and regulating Cathedral avenue from Connecticut avenue to Woodley road and the highway along the west border of the Zoological Park from Woodley road to Cathedral avenue, as shown on the plan of the permanent system of highways, third section, twenty-one thousand dollars: *Provided*, That parties interested first deposit with the collector of taxes of the District of Columbia an equal sum to be used toward defraying the cost of the work: *And provided*, That the full width of the highway bordering the Zoological Park be donated to the District of Columbia whenever it lies within the limits of Woodley Park.

Cathedral avenue.

Proviso.
—conditions: deposit.
—donation.

And the Commissioners of the District of Columbia are hereby authorized to use as a highway so much of the Zoological Park as lies within the lines of said proposed highway;

Driveway east side
of Rock Creek, etc.

To construct a masonry retaining wall between Cincinnati street and Woodley road to define the limits of a new driveway which the Commissioners of the District of Columbia are hereby authorized to lay out along the east side of Rock Creek from Connecticut avenue to Zoological Park, four thousand dollars: *Provided*, That all the land within the limits of said highway between Cincinnati street and Woodley road shall first be dedicated to the District of Columbia;

Proviso.
—dedication.

Crescent street. Benning's road, etc.	For grading and improving Crescent street, two thousand dollars; For grading and regulating Benning's road and Anacostia road east of Eastern Branch, ten thousand dollars; in all, one hundred and thirty-eight thousand six hundred dollars.
District quarry. Bids for operating.	The Commissioners of the District of Columbia are hereby authorized to invite bids and make contract for operating the District quarry for such term of years, not exceeding five, as may be determined by them to be most advantageous to the District.
Sprinkling, sweeping, etc., streets.	SPRINKLING, SWEEPING, AND CLEANING: For sprinkling, sweeping, and cleaning streets, avenues, alleys, and suburban streets, including necessary incidental expenses, one hundred and fifty-five thousand dollars: <i>Provided</i> , That the Commissioners of the District shall make specifications for the manner of sweeping and cleaning the streets by machinery and by hand labor, and shall advertise to let the work to the lowest responsible bidder, according to such specifications, and if the same, or any part thereof, can not be procured to be done at a price not exceeding twenty cents for hand work and twenty cents for machine work per thousand square yards, then they may do said work under their immediate direction, but the same shall be done according to the said specifications: <i>Provided further</i> , That the specifications for bids shall provide that the payment for labor in the execution of said contract shall not be less than that now paid by the Commissioners of the District of Columbia for cleaning the streets by hand: <i>And provided further</i> , That of the amount hereby appropriated, twenty-five thousand dollars, or such part thereof as the Commissioners may deem advisable, may be expended under the immediate direction of the Commissioners without contract.
<i>Provisos.</i> Specifications for bids.	
—limit of price under.	
—expenditure without contract.	
Cleaning snow and ice. Vol. 28, p. 809.	For cleaning snow and ice from crosswalks and gutters, and so forth, under the Act approved March second, eighteen hundred and ninety-five, one thousand dollars.
Parking commission.	FOR THE PARKING COMMISSION: For contingent expenses, including laborers, cart hire, trees, tree boxes, tree stakes, tree straps, planting and care of trees on city and suburban streets, whitewashing, care of parks, and miscellaneous items, twenty-two thousand five hundred dollars.
Addition public park on Eighteenth street.	For the purchase of lot twelve, block eight, in Commissioners' subdivision of Washington Heights, so as to cause the public park on Eighteenth street extended to front on Eighteenth street, eleven thousand eight hundred dollars.
Lighting.	LIGHTING: For illuminating material, lighting, extinguishing, repairing, and cleaning public lamps on avenues, streets, roads, and alleys; purchasing and expense of erecting and maintaining new lamp-posts, street designations, lanterns, and fixtures; moving lamp-posts, painting lamp-posts and lanterns; replacing and repairing lamp-posts and lanterns damaged or unfit for service; for rent of storeroom, cartage of material, and other necessary items and services, one hundred and seventy-eight thousand dollars: <i>Provided</i> , That no more than twenty dollars per annum for each street lamp shall be paid for gas and no more than twenty-four dollars for oil, lighting, extinguishing, repairing, painting, and cleaning, under any expenditure provided for in this Act: <i>Provided</i> , That all of said lamps shall burn every night, on the average, from fifteen minutes after sunset to forty-five minutes before sunrise: <i>Provided further</i> , That before any expenditures are made from the appropriations herein provided for the contracting gas companies shall equip each street lamp with a self-regulating burner and tip, so combined and adjusted as to secure, under all ordinary variations of pressure and density, a consumption of five cubic feet of gas per hour: <i>And provided further</i> , That not more than five thousand dollars of said appropriation may be expended for lighting, extinguishing, repairing, painting, and cleaning public lamps of a higher candle-
<i>Provisos.</i> Limit per lamp.	
—to burn every night.	
—self-regulating burner and tip.	
Amount available for lamps of higher candlepower, etc.	

power than those provided for above, which lamps shall not be subject to the restrictions of this paragraph excepting as to the time of burning.

For electric arc lighting, including necessary inspection, and for extensions of such service, not exceeding sixty-three thousand dollars: *Provided*, That not more than seventy-two dollars per annum shall be paid for any electric arc light burning every night from fifteen minutes after sunset to forty-five minutes before sunrise, and operated wholly by means of underground wire; and each arc light shall be of not less than one thousand actual candlepower, and no part of this appropriation shall be used for electric lighting by means of wires that may exist on or over any of the streets or avenues of the city of Washington: *Provided further*, That hereafter the Commissioners of the District of Columbia are hereby authorized to grant permits for the repair, enlargement, and extension, under proper regulations, of existing electric-lighting conduits, and in every conduit constructed or to be constructed under the provisions of this paragraph, three ducts shall be reserved for the use of the United States and the District of Columbia, and as a condition for the right to use conduits heretofore built, or to be built under the provisions of this Act, the electric-lighting companies shall be required at all times to furnish to the public and to private consumers in all parts of the District of Columbia standard arc lights of not less than one thousand actual candlepower, at a rate not exceeding seventy-two dollars per annum for each arc light; and on and after the first day of June, nineteen hundred, the maximum price of electric current sold or furnished to any consumer in the District of Columbia shall not exceed ten cents per kilowatt hour. That if consumers other than the Government shall not pay monthly electric bills within ten days after the same shall have been presented, said companies may charge and collect from said consumer so failing to pay said bill as aforesaid eleven cents per kilowatt hour for the electric current furnished to said consumer during said month: *And provided further*, That the right to amend, modify, or repeal the privileges herein granted, and to further limit the prices herein specified, is hereby expressly reserved; any company charging or collecting an amount in excess of the rates herein prescribed shall be deemed guilty of a misdemeanor, and shall pay to the District of Columbia the sum of fifty dollars for each and every offense, to be collected as other fines are now collected in the District of Columbia.

HARBOR AND RIVER FRONT: For the improvement and protection of the harbor and river front, the enforcement of laws and regulations, construction and maintenance of wharves and buildings, and for other necessary items and services, three thousand dollars.

BATHING BEACH: For the improvement, care, and repair of the public bathing beach in the Potomac River, in the District of Columbia, two thousand dollars; five hundred dollars of which shall be immediately available.

FOR PUBLIC SCALES: For repair and replacement of public scales, two hundred dollars.

FOR PUBLIC PUMPS: For the purchase, replacement, and repair of public pumps, cleaning and protecting public wells, filling abandoned or condemned public wells, five thousand dollars.

BRIDGES.

For ordinary care of bridges, including keepers, oil, lamps, and matches, four thousand dollars.

For construction and repairs of bridges, fifteen thousand dollars.

For continuing the construction of a bridge across Rock Creek on the line of Massachusetts avenue extended, fifty thousand dollars: *Provided*, That the Commissioners of the District of Columbia are hereby authorized to purchase or condemn so much of the land within the lines

Electric lighting.
Provisos.
 Limit of price, etc.
 Enlargement, etc., of existing conduits.
 Reservation of ducts for city, etc.
 Rates.
 —increase for failure to pay bill.
 Amendment.
 Penalty excessive rates.
 Harbor and river front.
 Bathing beach.
 Public scales.
 Pumps.
 Bridges.
 Care.
 Repairs.
 Rock Creek bridge, Massachusetts avenue, extended.
Provisos.
 —condemnation proceedings.

of Massachusetts avenue extended to which the District does not now possess title, and such adjacent land for side slopes, embankments, and so forth, as may be necessary, and to use for such purpose so much of the sum hereby appropriated as may be necessary; and the proceedings for condemnation, if the same be necessary, shall be in accordance with the provisions relating to the condemnation of land as contained in section three of the Act approved August thirtieth, eighteen hundred and ninety, entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-one, and for other purposes;" and the Commissioners of the District of Columbia, upon the confirmation by the court of the award of the commissioners appointed to appraise the land to be taken, and after payment into said court of the amount thereof, may enter upon said land and proceed with the construction of said bridge, notwithstanding any appeal or other proceeding at law or in equity, of any person interested in the proceedings: *Provided, however,* That the Commissioners of the District of Columbia may, within fifteen days after the filing of the award of said commissioners, reject the same, in which event new commissioners shall be summoned to appraise the land to be taken, and the same proceedings shall be had as in the case of the first commission.

Vol. 26, p. 412.

—construction not-withstanding appeal.

—rejection of award.

Bridge, Connecticut avenue, extended.

Toward the construction of a bridge across Rock Creek on the line of Connecticut avenue extended, forty thousand dollars.

Washington Aqueduct.

WASHINGTON AQUEDUCT.

Maintenance, etc.

For operation, maintenance, and repair of the aqueduct and its accessories, including Conduit road, twenty-two thousand dollars.

For protection to the inlet to the conduit at Great Falls, five thousand dollars.

For repairing the by-conduit, Dalecarlia reservoir, ten thousand dollars.

Filtering plant.

For establishing those portions of a filtration plant which are essential to the operation of either system of filtration adopted, including necessary land, grading, masonry, and appurtenances, two hundred thousand dollars, to be available immediately and until expended.

INCREASING THE WATER SUPPLY.

Washington Aqueduct tunnel.

For completing the work on the Washington Aqueduct tunnel and Howard University reservoir, one hundred and thirty-nine thousand and thirty-four dollars and thirty-four cents.

Public schools.

PUBLIC SCHOOLS.

Board of education, appointment, etc.

The Commissioners of the District of Columbia are hereby authorized to appoint seven persons, bona fide residents and taxpayers of the District of Columbia, and who have been such for five years immediately preceding their appointment, who shall constitute a board of education, and whose term of office shall be seven years, except that the terms of the persons first appointed shall terminate as follows:

—term of office, etc.

One each year, to be determined by lot among the seven members of the board first appointed. The compensation of members of the board shall be ten dollars each for personal attendance at each meeting, but shall not exceed for any member five hundred dollars per annum.

—duties, etc.

The board shall have complete jurisdiction over all administrative matters connected with the public schools of the District of Columbia, except that all expenditures of public funds for such school purposes shall be made and accounted for as now provided by law under the

direction and control of the Commissioners of the District of Columbia. The board shall make all needful rules and regulations which may be proper for the government and control of said schools, and shall make annual report to the Commissioners of the District of Columbia, who shall transmit the same to Congress, of the condition and operations of said schools, and the sanitary and structural condition of all buildings in use as well as those in course of construction, with recommendations as respects needed changes.

The board shall have power to appoint one superintendent for all the public schools of the District of Columbia, two assistant superintendents, one of whom, under the direction of the superintendent, shall have charge of schools for colored children; a secretary, and three clerks, and to remove said officers at its pleasure, and shall also have power to employ and remove all teachers, officers, and other employees connected with the public schools not already specified: *Provided*, That the graduates of the normal schools shall have preference in all cases when appointments of teachers for the grade schools are to be made. The superintendent shall annually submit to the board for its approval the course of studies and list of text-books and other apparatus to be used in said schools.

Superintendent, secretary, clerks, etc.

Proviso.
Preference to normal school graduates as teachers.

Text-books.

The board shall annually transmit to the Commissioners of the District of Columbia an estimate in detail of the amount of money required for the public schools for the ensuing year, and said Commissioners shall include the same in their annual estimate of appropriations for the District of Columbia with such recommendations as they may deem proper.

Annual estimate of money required.

The foregoing provisions under the head of "Public schools" shall take effect on the first day of July, nineteen hundred, and all Acts and parts of Acts in conflict herewith are hereby repealed.

Effect.
Repeal.

FOR OFFICERS: For seven members of the board of education, at five hundred dollars each, three thousand five hundred dollars, not more than one thousand seven hundred and fifty dollars of which shall be used during the first half of the fiscal year; one superintendent of public schools, four thousand dollars; two assistant superintendents, at two thousand five hundred dollars each; one secretary, one thousand eight hundred dollars; one clerk, one thousand four hundred dollars; two clerks, at one thousand dollars each; and one messenger, seven hundred and twenty dollars; in all, eighteen thousand four hundred and twenty dollars.

Salaries.

FOR TEACHERS: For one thousand two hundred and twenty-four teachers, to be assigned as follows:

Teachers.

For director of high schools, two thousand five hundred dollars;

For eleven supervising principals, at two thousand dollars each;

For five principals of high schools, at one thousand six hundred dollars each;

For principal of White Normal School, and principal of Colored Normal School, at one thousand six hundred dollars each;

For director of primary instruction, director of manual training, three heads of departments of high schools, head of high school manual training shop, and two grammar school principals, eight in all, at one thousand five hundred dollars each;

For five principals of buildings, at one thousand three hundred dollars each;

For director of music, two directors of drawing, director of physical culture, director of manual training, first assistant teacher of manual training, two normal training teachers, twelve high school teachers, and ten principals of buildings, thirty in all, at one thousand two hundred dollars each;

For director of primary work, high school teacher, and principal of building, three in all, at one thousand one hundred dollars each;

For eighty-five, at one thousand dollars each;
 For eighteen, at nine hundred and fifty dollars each;
 For twenty-one, at nine hundred dollars each;
 For fourteen, at eight hundred and seventy-five dollars each;
 For sixteen, at eight hundred and fifty dollars each;
 For eighty-five, at eight hundred and twenty-five dollars each;
 For thirty-one, at eight hundred dollars each;
 For eighty-eight, at seven hundred and seventy-five dollars each;
 For seventeen, at seven hundred and fifty dollars each;
 For one hundred and twenty-seven, at seven hundred dollars each;
 For four, at six hundred and seventy-five dollars each;
 For one hundred and thirty-one, at six hundred and fifty dollars each;
 For twenty-four, at six hundred dollars each;
 For seven, at five hundred and seventy-five dollars each;
 For one hundred and sixty, at five hundred and fifty dollars each;
 For three, at five hundred and twenty-five dollars each;
 For one hundred and thirty-one, at five hundred dollars each;
 For thirty-nine, at four hundred and seventy-five dollars each;
 For fifty, at four hundred and fifty dollars each;

Proviso.
 No sex discrimination.
 Designated salaries not to be changed.

For one hundred and eight, at four hundred and twenty-five dollars each; in all, eight hundred and fifty-three thousand four hundred dollars: *Provided*, That in assigning salaries to teachers, no discrimination shall be made between male and female teachers employed in the same grade of school and performing a like class of duties; and it shall not be lawful to pay, or authorize or require to be paid, from any of the salaries of teachers herein provided, any portion or percentage thereof for the purpose of adding to salaries of higher or lower grades.

Night schools.

For teachers of night schools, who may also be teachers in the day schools, eight thousand eight hundred dollars.

For contingent and other necessary expenses of night schools, five hundred dollars.

Kindergarten

For kindergarten instruction, twenty-five thousand dollars.

Janitors.

FOR JANITORS AND CARE OF BUILDINGS AND GROUNDS: For care of the High School and annex, of the first eight divisions, two thousand dollars;

Of the Jefferson Building and the Western High School, at one thousand four hundred dollars each;

Of the Eastern High School, Business High School, High School of the ninth, tenth, and eleventh divisions, and Stevens School buildings, five, at one thousand two hundred dollars each;

Of the Franklin Building, one thousand one hundred dollars;

Of the Wallach Building, one thousand dollars;

Of the Curtis, Dennison, Force, Gales, Garnet, Grant, Henry, Peabody, Seaton, Sumner, Webster, and O Street Manual Training School, twelve, at nine hundred dollars each;

Of the Lincoln, Miner, and Mott buildings, three, at eight hundred dollars each;

Of the Abbott, Berrett, John F. Cook, and Randall buildings, four, at seven hundred dollars each;

Of the Adams, Addison, Ambush, Amidon, Anthony Bowen, Arthur, Banneker, Bell, Blair, Blake, Bradley, Brent, Briggs, Brightwood, Brookland, Bruce, Buchanan, Carbery, Congress Heights, Corcoran, Cranch, Douglass, Fillmore, Garrison, Giddings, Eckington, Greenleaf, Harrison, Hayes, Hilton, Jackson, Johnson, Jones, Lenox, Logan, Lovejoy, McCormick, Madison, Magruder, Maury, Monroe, Morse, Patterson, Payne, Phelps, Phillips, Pierce, Polk, Slater, Smallwood, Taylor, Tenley, Toner, Towers, Twining, Tyler, Van Buren, Weightman, Wilson, Wormly, building in third division, building in sixth division, and two new eight-room buildings, sixty-four in all, at five hundred dollars each;

Of the Garfield, Hillsdale, Thompson, Van Buren annex, and Woodburn buildings, four, at two hundred and fifty dollars each;

Of the Bennings (white), Bennings (colored), Birney, Chevy Chase, Hamilton, High Street, Langdon, Potomac, Reservoir, Takoma Park, and Threlkeld buildings, eleven, at one hundred and sixty-five dollars each;

For care of smaller buildings and rented rooms, including cooking and manual training schools wherever located, at a rate not to exceed forty-eight dollars per annum for the care of each schoolroom, four thousand six hundred and seventy-six dollars; in all, sixty-seven thousand four hundred and forty-one dollars.

MISCELLANEOUS: For rent of school buildings and repair shop, seven thousand dollars.

Rent.

For repairs and improvements to school buildings and grounds, fifty thousand dollars.

Repairs.

For necessary repairs to and changes in plumbing in existing school buildings, twenty-five thousand dollars.

For the purchase and repair of tools, machinery, material, and apparatus to be used in connection with instruction in manual training, and for incidental expenses connected therewith, ten thousand dollars.

Fuel.

Furniture.

For fuel, thirty-seven thousand dollars.

For furniture for new school buildings and additions to buildings, as follows:

For two new eight-room buildings, at one thousand five hundred dollars each; for one new four-room building, seven hundred and fifty dollars;

New buildings.

In all, three thousand seven hundred and fifty dollars.

For contingent expenses, including furniture, books, books of reference, and periodicals, stationery, printing, insurance, and other necessary items not otherwise provided for, including maintenance of horse and carriage for the superintendent, thirty thousand six hundred dollars.

Contingent expenses.

For text-books and school supplies for use of pupils of the first eight grades, who at the time are not supplied with the same, to be distributed by the superintendent of public schools under regulations to be made by the board of education of the District of Columbia, and for the necessary expenses of the purchase, distribution, and preservation of said text-books and supplies, forty-five thousand dollars.

Free text-books.

For purchase of United States flags, one thousand dollars.

Flags.

Buildings and sites.

BUILDINGS AND GROUNDS: For site for and toward the construction of one twelve-room building (Eckington and vicinity), second division, twenty thousand dollars; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor shall not exceed sixty-six thousand dollars.

For site for and toward the construction of one eight-room building to relieve the Greenleaf School, fourth division, twenty thousand dollars; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed fifty-two thousand five hundred dollars.

For site for and toward the construction of one eight-room building, Washington Heights, seventh division, twenty thousand dollars; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed fifty-six thousand dollars.

For one four-room building and site, Petworth, seventh division, twenty-five thousand dollars.

For one four-room building and site, eighth division, twenty thousand dollars.

For one four-room building and site, Kenilworth, eighth division, eighteen thousand dollars.

For completing manual-training high school, ninth, tenth, and eleventh divisions, one hundred thousand dollars.

For site for and toward the construction of one eight-room building, tenth division, twenty thousand dollars; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed fifty-two thousand five hundred dollars.

For site for and toward the construction of one eight-room building, eleventh division, twenty thousand dollars; and the total cost of said building, including cost of site, under a contract which is hereby authorized therefor, shall not exceed forty-seven thousand five hundred dollars.

The total cost of the fireproof manual-training school building, including cost of site, first eight divisions, and the total amount of contracts heretofore authorized therefor, is hereby increased by the amount of forty-five thousand dollars.

Toward furniture for and equipment of the Manual Training School for the first eight divisions, twenty thousand dollars.

For construction of a fence around the Western High School, one thousand eight hundred dollars.

For additional amount for one eight-room school building, northeast, twelve thousand dollars.

For additional amount for rebuilding the Lovejoy School building, eight thousand dollars.

For additional amount for one eight-room school building, southeast, eight thousand dollars.

For additional amount for one eight-room school building, Hillsdale, eight thousand dollars.

For additional amount for four-room school building, Takoma Park, eight thousand dollars.

For improving and inclosing grounds of the Hubbard School, Columbia Heights, two thousand five hundred dollars.

For the purchase and improvement of lot eleven, block thirteen, for the enlargement of the playgrounds of the Brookland School, one thousand five hundred dollars, or so much thereof as may be necessary.

Limit of cost.

That the total cost of the site and of the several and respective buildings herein provided for, when completed upon plans and specifications to be previously made and approved, shall not exceed the several and respective sums of money herein respectively appropriated or authorized for such purposes.

Preparing plans,
etc.

That the plans and specifications for each of said buildings, and for all other buildings provided for in this Act, shall be prepared under the supervision of the inspector of buildings of the District of Columbia, and shall be approved by the Architect of the Capitol and the Commissioners of the District, and said building shall be constructed by the Commissioners in conformity therewith: *Provided*, That hereafter in the purchase of sites and in preparing plans for new school buildings proper regard shall be had for future enlargement of said buildings.

Proviso.
—future enlargement
of building to be con-
sidered.

Police.

FOR METROPOLITAN POLICE.

Salaries.

For major and superintendent, three thousand three hundred dollars; captain, one thousand eight hundred dollars; three lieutenants, inspectors, at one thousand five hundred dollars each; chief clerk, who shall also be property clerk, two thousand dollars; clerk, one thousand five hundred dollars; clerk, nine hundred dollars; two clerks, at six hundred dollars each; four surgeons of the police and fire departments, at five hundred and forty dollars each; additional compensation for fourteen privates detailed for special service in the detection and prevention of crime, three thousand three hundred and sixty dollars, or as

much thereof as may be necessary; nine lieutenants, at one thousand three hundred and twenty dollars each; thirty-two sergeants, at one thousand one hundred and forty dollars each; three hundred and twenty-five privates, class one, at nine hundred dollars each; two hundred and fifteen privates, class two, at one thousand and eighty dollars each; three telephone operators, at six hundred dollars each; twenty-one station keepers, at seven hundred and twenty dollars each; eleven laborers, at four hundred and eighty dollars each; laborer in charge of the morgue, six hundred and eighty dollars; messenger, seven hundred dollars; messenger, five hundred dollars; major and superintendent, mounted, two hundred and forty dollars; captain, mounted, two hundred and forty dollars; forty-nine lieutenants, sergeants, and privates, mounted, at two hundred and forty dollars each; twenty-four drivers, at five hundred and ten dollars each; and three police matrons, at six hundred dollars each; in all, six hundred and forty-four thousand one hundred and forty dollars.

MISCELLANEOUS: For rent of substation at Anacostia, three hundred and sixty dollars;

Rent, Anacostia.

For fuel, two thousand dollars;

Fuel.

For repairs to stations, five thousand dollars;

Repairs.

For miscellaneous and contingent expenses, including stationery, books, books of reference, and periodicals, telegraphing, photographing, printing, binding, gas, ice, washing, meals for prisoners, furniture and repairs thereto, beds and bedclothing, insignia of office, purchase and care of horses, bicycles, police equipments and repairs of same, harness, forage, repairs to vehicles, van, ambulances, and patrol wagons, and expenses incurred in the prevention and detection of crime, and other necessary items, twenty-two thousand five hundred dollars;

Contingent expenses.

For flags and halyards for station houses, one hundred and twenty-five dollars;

Flags.

For purchase of site and erection of station house, north of Florida avenue, twenty-nine thousand dollars;

New building.

For rent of police department headquarters and property store-rooms, one thousand eight hundred dollars;

Rent.

In all, sixty thousand seven hundred and eighty-five dollars.

To enable the Commissioners of the District of Columbia to provide transportation and a suitable place for the reception, transportation, and detention of the children under sixteen years of age and (in the discretion of the Commissioners) of girls and women over sixteen years of age, arrested by the police on charge of offense against any law in force in the District of Columbia, or held as witnesses, or held pending investigation, examination, or otherwise, eight thousand dollars, or so much thereof as may be necessary: *Provided*, That all such persons held or detained under public authority prior to the adjudication of cases in which they may be involved shall be held at the place so provided.

Place for detention of children, etc.

Proviso.
—detention of other persons.

FOR THE FIRE DEPARTMENT.

Fire department.

For chief engineer, two thousand dollars; two assistant chief engineers, at one thousand two hundred dollars each; clerk, one thousand dollars; fire marshal, one thousand dollars; machinist, one thousand dollars; twenty-three foremen, at one thousand dollars each; fourteen engineers, at one thousand dollars each; fourteen firemen, at eight hundred and forty dollars each; six tillermen, at eight hundred and forty dollars each; twenty-three hostlers, at eight hundred and forty dollars each; one hundred and fifty-eight privates, at eight hundred dollars each; eight watchmen, at six hundred dollars each; in all, two hundred and eleven thousand seven hundred and twenty dollars.

Salaries.

MISCELLANEOUS: For repairs to engine houses, four thousand five hundred dollars;

Miscellaneous

For repairs of apparatus, and new appliances, four thousand five hundred dollars;

For purchase of hose, nine thousand dollars;

For fuel, four thousand dollars;

For purchase of horses, ten thousand five hundred dollars;

For forage, nine thousand dollars;

For contingent expenses, horseshoeing, furniture, fixtures, washing, oil, medical and stable supplies, harness, blacksmithing, labor, gas, and other necessary items, twelve thousand dollars;

For flags and halyards, two hundred dollars;

In all, fifty-three thousand seven hundred dollars.

Increase.

INCREASE FIRE DEPARTMENT: For additional amount for house and furniture for a chemical engine company, in Tennallytown, seven thousand dollars;

For additional amount for house and furniture for a truck company in Columbia Heights, seven thousand dollars;

For two combination chemical and hose wagons for Georgetown and Brookland, at one thousand eight hundred dollars each, three thousand six hundred dollars;

For one water tower, seven thousand five hundred dollars;

For house, lot, and furniture for a combination chemical and hose company to be located in Brookland, District of Columbia, fifteen thousand dollars;

For the purchase of a chemical fire engine to be located at Cleveland Park, seven hundred dollars.

In all, forty thousand eight hundred dollars.

Telegraph and telephone service.

TELEGRAPH AND TELEPHONE SERVICE.

Salaries.

For superintendent, one thousand six hundred dollars; electrician, one thousand two hundred dollars; inspector of lamps, one thousand dollars; three inspectors, at nine hundred dollars each; three telegraph operators, at one thousand dollars each; three telephone operators, at six hundred dollars each; expert repairman, nine hundred and sixty dollars; three repairmen, at seven hundred and twenty dollars each; two laborers, at four hundred dollars each; in all, fifteen thousand two hundred and twenty dollars.

Supplies.

For general supplies, repairs, new batteries, and battery supplies, telephone rental and purchase, wire for extension of the telegraph and telephone service, repairs of lines and instruments, purchase of poles, tools, insulators, brackets, pins, hardware, cross arms, ice, record books, stationery, printing, purchase of horse and harness, washing, blacksmithing, forage, extra labor, new boxes, rent of stable and store-room, and other necessary items, twelve thousand dollars.

Fire-alarm telegraph, etc.

For placing wires of fire-alarm telegraph and police telephone service under ground in existing conduits, including cost of cables, terminal boxes, and posts, connections to existing conduits, manholes, hand-holes, posts for fire-alarm and police boxes, extra labor, and other necessary items, six thousand dollars.

For purchase and erection of the necessary poles, cross arms, insulators, pins, braces, wire, cable, conduit connections, extra labor, and other necessary items, five thousand dollars.

Extension police-patrol system.

For extension of police-patrol system, including purchase of twenty new boxes, purchase and erection of the necessary poles, cross arms, insulators, pins, braces, wire, cable, conduit connections, extra labor, and other necessary items, five thousand dollars.

Health department.

HEALTH DEPARTMENT.

Salaries.

For health officer, three thousand dollars; fourteen sanitary and food inspectors, who shall also oversee the collection of garbage and

dead animals, at one thousand two hundred dollars each; sanitary and food inspector, who shall also inspect dairy products, and shall be a practical chemist, one thousand six hundred dollars; sanitary and food inspector, who shall be a veterinary surgeon, and act as inspector of live stock and dairy farms, one thousand two hundred dollars; inspector of marine products, one thousand two hundred dollars; chief clerk and deputy health officer, one thousand eight hundred dollars; clerk, one thousand four hundred dollars; four clerks, two of whom may act as sanitary and food inspectors, at one thousand two hundred dollars each; two clerks, at one thousand dollars each; clerk, six hundred dollars; messenger and janitor, six hundred dollars; pound master, one thousand two hundred dollars; laborers, at not exceeding forty dollars per month, one thousand nine hundred and twenty dollars; ambulance driver, four hundred and eighty dollars; sanitary and food inspector, who shall be a veterinary surgeon, nine hundred dollars; in all, thirty-nine thousand five hundred dollars.

MISCELLANEOUS: For rent of stable, one hundred and twenty dollars.

For the enforcement of the provisions of the Act to prevent the spread of scarlet fever and diphtheria in the District of Columbia, approved December twentieth, eighteen hundred and ninety, and the Act to prevent the spread of contagious diseases in the District of Columbia, approved March third, eighteen hundred and ninety-seven, under the direction of the health officer of the District, ten thousand dollars.

For maintaining the disinfecting service, three thousand dollars.

For abatement of nuisances under section twenty-six of an ordinance to revise, consolidate, and amend the ordinances of the board of health, and so forth, legalized by the Act of August seventh, eighteen hundred and ninety-four, the cost of such abatement, when collected from the responsible party, to be deposited in the Treasury to the credit of the United States and the District of Columbia in equal parts, two hundred dollars.

Enforcement of section sixteen of an Act to regulate in the District of Columbia the disposal of certain refuse, and for other purposes, approved January twenty-fifth, eighteen hundred and ninety-eight, five hundred dollars.

For enforcement of the provisions of an Act to cause the removal of weeds from lands in the city of Washington, District of Columbia, and for other purposes, approved March first, eighteen hundred and ninety-nine, five hundred dollars.

For emergency fund for the enforcement of the provisions of section four of an Act to provide for the drainage of lots in the District of Columbia, approved May nineteenth, eighteen hundred and ninety-six, two thousand dollars.

DISPOSAL OF CITY REFUSE.

For the collection and disposal of garbage, miscellaneous refuse, and ashes, in the city of Washington and the more densely populated suburbs, for collecting and disposing of dead animals and night soil in the District of Columbia, and for the payment of necessary inspection and incidental expenses, one hundred and fifteen thousand dollars, of which sum five hundred dollars shall be immediately available: *Provided*, That the Commissioners may, on and after the passage of this Act, enter into a contract or contracts for the collection and disposal of garbage, miscellaneous refuse, ashes, night soil, and dead animals, under such regulations and specifications as they may establish, for a period not exceeding five years, after advertisement and the receipt of proposals.

Said Commissioners shall definitely fix the collection districts in the city of Washington and District of Columbia and stipulate in said

Rent.
Scarlet fever and diphtheria.
Vol. 26, p. 691.
Vol. 29, p. 635.

Disinfecting service
Abating nuisances.

Vol. 28, p. 257.

Disposal of refuse.
Vol. 30, p. 233.

Removal of weeds.
Vol. 30, p. 959.

Drainage of lots.
Vol. 29, p. 128.

Collection and disposal of city refuse.

Proviso.
Contracts.

Collection districts.

regulations and specifications the number of collections to be made, whether daily, semi-weekly, or tri-weekly in said districts, so that efficient collections may be enforced, and to require that all bidders shall stipulate in their proposals the increased compensation they will require if semi-weekly collections are required to be made tri-weekly or tri-weekly collections are to be made daily in any of said districts or portions of such districts, and the reduction in compensation said bidders will concede if daily collections are changed to tri-weekly or tri-weekly collections are changed to semi-weekly in any of said districts or portions of such districts: *Provided further*, That all garbage collected under the provisions of this Act shall be disposed of through a reduction or consumption process in such a manner as to entail no damage or claim against the District of Columbia for such disposal, and subject to the sanitary inspection and approval of the Commissioners. All contracts shall expressly provide that no garbage or other vegetable or animal matter shall be dumped into the Potomac River or any other waters, fed to animals or exposed to the elements upon lands: *Provided further*, That said Commissioners may, either with or without advertisement, enter into a contract or contracts for the collection and disposal of garbage and dead animals, at a rate not exceeding seventy thousand dollars per annum, from the first day of July nineteen hundred until such time as the plant necessary for the collection and disposal of garbage, miscellaneous refuse, ashes, night soil, and dead animals, under the five-year contract hereinbefore authorized, shall be ready for operation; and said Commissioners are hereby authorized to make all regulations necessary for the collection and disposal of miscellaneous refuse, ashes, dead animals, and night soil, and to annex to such regulations such penalties as may, in the judgment of said Commissioners, be necessary to secure the enforcement thereof.

—specifications in bids.

Proviso.
Manner of disposal, etc.

Contract for temporary service.

Regulations, penalties.

Courts.

COURTS.

Police court.

FOR THE POLICE COURT: For two judges, at three thousand dollars each; compensation of two justices of the peace, acting as judges of the police court during the absence of said judges, not exceeding three hundred dollars each; clerk, two thousand dollars; two deputy clerks, at one thousand five hundred dollars each; two deputy clerks, at one thousand dollars each; three bailiffs, at nine hundred dollars each; one deputy marshal, nine hundred dollars; doorkeeper, five hundred and forty dollars; engineer, nine hundred dollars; janitor, three hundred and sixty dollars; in all, nineteen thousand dollars.

Miscellaneous.

MISCELLANEOUS: For witness fees, four thousand dollars;
For repairs of police-court building, seven hundred dollars;
For repairs to police-court furniture and replacing same, two hundred dollars;
For feeding jurors, two hundred dollars;
For rent of property adjoining police-court building, for police court and other purposes, six hundred dollars;
For compensation of jury, eight thousand dollars;
In all, thirteen thousand seven hundred dollars.

Defending suits in claims.

Proviso.
Congress to authorize payment of judgments.
Vol. 21, p. 284.

DEFENDING SUITS IN CLAIMS: For defending suits in the United States Court of Claims, two thousand dollars: *Provided*, That no judgment heretofore or hereafter rendered under the Act of June sixteenth, eighteen hundred and eighty, entitled "An Act to provide for the settlement of all outstanding claims against the District of Columbia, and conferring jurisdiction on the Court of Claims to hear the same, and for other purposes," shall be paid by the Secretary of the Treasury until said judgment shall have been reported to, and specific authority for payment thereof granted by, Congress.

Lunacy writs.

WRITS OF LUNACY: To defray the expenses attending the execution of writs de lunatico inquirendo and commitments thereunder, in all

cases of indigent insane persons committed or sought to be committed to the Government Hospital for the Insane by order of the executive authority of the District of Columbia under the provisions of the Act approved January thirty-first, eighteen hundred and ninety-nine, six hundred dollars: *Provided*, That the appropriation of six hundred dollars for writs of lunacy, for the service of the fiscal year nineteen hundred, is hereby made available for the execution of the provisions of the Act approved January thirty-first, eighteen hundred and ninety-nine.

Vol. 30, p. 811.

Proviso.
Unexpended bal-
ance available.

INTEREST AND SINKING FUND.

Interest and sink-
ing fund.

For interest and sinking fund on the funded debt, exclusive of water bonds, one million two hundred and thirteen thousand nine hundred and forty-seven dollars and ninety-seven cents.

EMERGENCY FUND.

Emergency fund.

To be expended only in case of emergency, such as riot, pestilence, public insanitary conditions, calamity by flood or fire, and of like character, and in all cases of emergency not otherwise sufficiently provided for, eight thousand dollars: *Provided*, That in the purchase of all articles provided for in this Act no more than the market price shall be paid for any such articles, and all bids for any of such articles above the market price shall be rejected.

Proviso.
Purchases.

ROCK CREEK PARK.

Rock Creek Park.

For care and improvement of Rock Creek Park, to be expended under the direction of the board of control of said park, fifteen thousand dollars; and for the purpose of securing better alignment of boundaries the Commissioners of the District of Columbia and the board of control of Rock Creek Park are hereby authorized to adjust and change the boundary between said park and the tract of land near Brightwood, District of Columbia, recently purchased by the District of Columbia for a reservoir site: *Provided*, That the area of Rock Creek Park shall not be diminished by such adjustment or change.

Care and improve-
ment.

Alignment of
boundaries near
Brightwood author-
ized.

Proviso.
—not to diminish
park area.

FOR REFORMATORIES AND PRISONS.

Reformatories.

SUPPORT OF CONVICTS: For support, maintenance, and transportation of convicts transferred from the District of Columbia, to be expended under the direction of the Attorney-General, forty-eight thousand dollars.

Support of convicts.

COURT-HOUSE, DISTRICT OF COLUMBIA: For the following force necessary for the care and protection of the court-house in the District of Columbia, under the direction of the United States marshal of the District of Columbia: One engineer, one thousand two hundred dollars; three watchmen, at seven hundred and twenty dollars each; three firemen, at seven hundred and twenty dollars each; five laborers, at four hundred and eighty dollars each; and seven assistant messengers, at seven hundred and twenty dollars each; in all, twelve thousand nine hundred and sixty dollars, to be expended under the direction of the Attorney-General.

Court-house.

WARDEN OF THE JAIL: For warden of the jail of the District of Columbia, two thousand dollars, to be paid under the direction of the Attorney-General.

Warden of jail.

SUPPORT OF PRISONERS: For expenses for maintenance of the jail of the District of Columbia, and for support of prisoners therein, to be expended under the direction of the Attorney-General, forty-three thousand dollars.

Support of prison-
ers.

Transporting paupers, etc.

TRANSPORTATION OF PAUPERS AND PRISONERS: For transportation of paupers, two thousand dollars.

For conveying prisoners to the workhouse, two thousand dollars.

Washington Asylum.

FOR WASHINGTON ASYLUM: For intendant, one thousand two hundred dollars; visiting physician, one thousand and eighty dollars; resident physician, four hundred and eighty dollars; matron, six hundred dollars; clerk, seven hundred and eighty dollars; property clerk, seven hundred and eighty dollars; baker, four hundred and twenty dollars; principal overseer, one thousand dollars; seven overseers, at six hundred dollars each; engineer, six hundred dollars; assistant engineer, three hundred and fifty dollars; second assistant engineer, three hundred dollars; engineer at hospital for seven and one-half months, at fifty dollars per month; five watchmen, at three hundred and sixty-five dollars each; night watchman, five hundred and forty-eight dollars; blacksmith and woodworker, five hundred dollars; carpenter, five hundred dollars; driver for dead wagon, three hundred and sixty-five dollars; hostler and ambulance driver, two hundred and forty dollars; keeper at female workhouse, three hundred dollars; keeper at female workhouse, one hundred and eighty dollars; two female attendants at almshouse, at one hundred and fifty dollars each; hospital cook, three hundred and sixty-five dollars; four cooks, at one hundred and twenty dollars each; two cooks, at sixty dollars each; trained nurse, who shall act as superintendent of nursing, four hundred and eighty dollars; graduate nurse, three hundred and sixty-five dollars; pupil nurses, not less than nine in number, nine hundred dollars; registered pharmacist, who shall act as hospital clerk, seven hundred and twenty dollars; in all, twenty thousand three hundred and fifty-three dollars.

For contingent expenses, including improvements and repairs, provisions, fuel, forage, lumber, gas, ice, shoes, clothing, dry goods, tailoring, hardware, medicines, repairs to tools, cars, tracks, steam-heating and cooking apparatus, painting, and other necessary items and services, fifty-five thousand dollars.

For continuing erection of a workhouse for males, fifty thousand dollars.

For repairs to buildings, painting, lumber, hardware, cement, lime, oil, removal of floors, and repairs to plumbing, steam-heating and cooking apparatus, two thousand dollars.

For erection of a deadhouse, one thousand two hundred dollars.

For building and furnishing a receiving ward that will protect the hospital from contagion and disturbances of all kinds, fifteen thousand dollars.

For repair of water-closets in the female wards of the hospital, one thousand dollars.

For bathroom fixtures and plumbing in nurses' home, one hundred dollars.

For erection of a porch to the north wing of the almshouse, one thousand two hundred dollars.

Reform school.

FOR REFORM SCHOOL: For superintendent, one thousand five hundred dollars; assistant superintendent, nine hundred dollars; teachers and assistant teachers, five thousand and forty dollars; matron of school, six hundred dollars; four matrons of families, at one hundred and eighty dollars each; three foremen of workshops, at six hundred and sixty dollars each; farmer, four hundred and eighty dollars; engineer, three hundred and ninety-six dollars; assistant engineer, three hundred dollars; baker, cook, shoemaker, and tailor, at three hundred dollars each; laundress, one hundred and eighty dollars; two dining-room servants, seamstress, and chambermaid, at one hundred and forty-four dollars each; florist, three hundred and sixty dollars; watchmen, not exceeding six in number, one thousand six hundred and twenty dollars; secretary and treasurer of board of trustees, six hun-

dred dollars; in all, sixteen thousand four hundred and fifty-two dollars.

For support of inmates, including groceries, flour, feed, meats, dry goods, leather, shoes, gas, fuel, hardware, furniture, tableware, farm implements, seeds, harness and repairs to same, fertilizers, books, stationery, plumbing, painting, glazing, medicines and medical attendance, stock, fencing, repairs to buildings, and other necessary items, including compensation, not exceeding nine hundred dollars, for additional labor or services, and for transportation and other necessary expenses incident to securing suitable homes for discharged boys, not exceeding five hundred dollars, all under the control of the Commissioners, twenty-six thousand dollars.

For additional amount for construction of assembly hall, five thousand six hundred dollars.

REFORM SCHOOL FOR GIRLS: Superintendent, one thousand dollars; treasurer, six hundred dollars; matron, six hundred dollars; two teachers, at four hundred and eighty dollars each; overseer, seven hundred and twenty dollars; four teachers of industries, at two hundred and fifty dollars each; engineer, four hundred and eighty dollars; assistant engineer, three hundred and sixty dollars; night watchman, three hundred and sixty-five dollars; laborer, three hundred dollars; in all, six thousand three hundred and eighty-five dollars.

For groceries, provisions, light, fuel, soap, oil, lamps, candles, clothing, shoes, forage, horseshoeing, medicines, medical attendance, hack hire, transportation, labor, sewing machines, fixtures, books, stationery, horses, vehicles, harness, cows, pigs, fowls, sheds, fences, repairs, and other necessary items, eight thousand dollars.

For furnishing and equipping new building, five thousand dollars.

FOR THE SUPPORT OF THE INSANE.

For support of the indigent insane of the District of Columbia in the Government Hospital for the Insane in said District as provided in sections forty-eight hundred and forty-four and forty-eight hundred and fifty of the Revised Statutes, one hundred and twenty-seven thousand dollars.

Support of insane.
R. S., secs. 4844, 4850,
pp. 939, 940.

For deportation from the District of Columbia of nonresident insane persons, in accordance with the Act of Congress "To change the proceedings for admission to the Government Hospital for the Insane in certain cases, and for other purposes," approved January thirty-first, eighteen hundred and ninety-nine, one thousand dollars.

Deporting nonresident insane.
Vol. 30, p. 811.

FOR INSTRUCTION OF THE DEAF AND DUMB.

For expenses attending the instruction of deaf and dumb persons admitted to the Columbia Institution for the Deaf and Dumb from the District of Columbia, under section forty-eight hundred and sixty-four of the Revised Statutes, ten thousand five hundred dollars, or so much thereof as may be necessary.

Columbia Institution for Deaf and Dumb.
R. S., sec. 4864, p. 942.

FOR CHARITIES.

PUBLIC CHARITIES: For relief of the poor, thirteen thousand dollars. For the Freedmen's Hospital and Asylum, as follows:
For subsistence, twenty-two thousand five hundred dollars;
For salaries and compensation of the surgeon in chief, not to exceed three thousand dollars; two assistant surgeons, clerk, assistant clerk, pharmacist, assistant pharmacist, steward, engineer, matron, nurses, laundresses, cooks, teamsters, watchmen, and laborers, sixteen thousand dollars;

Charities.

Relief of poor.
Freedmen's Hospital.

For rent of hospital buildings and grounds, four thousand dollars;

For fuel and light, clothing, bedding, forage, transportation, medicine, medical and surgical supplies, surgical instruments, electric lights, repairs, furniture, and other absolutely necessary expenses, eleven thousand five hundred dollars;

In all, fifty-four thousand dollars.

Site for municipal hospital.

For the purchase by the Commissioners of the District of Columbia of a suitable site in the District of Columbia for a municipal hospital, one hundred thousand dollars, or so much thereof as may be necessary;

Columbia Hospital, etc.

For the Columbia Hospital for Women and Lying-in Asylum, maintenance, twenty thousand dollars.

For repairs, one thousand dollars.

For municipal lodging house and wood and stone yard, including rent, four thousand dollars.

Industrial Home school.

FOR THE INDUSTRIAL HOME SCHOOL: For maintenance, thirteen thousand dollars.

For repairs and improvements to buildings, fences, and grounds, two thousand dollars.

For enlargement and improvement of plant for industrial training, two thousand dollars.

For erection of new four-room school building, twenty thousand dollars.

Board of Children's Guardians.
Vol. 27, p. 268.

BOARD OF CHILDREN'S GUARDIANS: For the Board of Children's Guardians, created under the Act approved July twenty-six, eighteen hundred and ninety-two, namely: For administrative expenses, including salaries of agents, not to exceed two thousand four hundred dollars, expenses in placing and visiting children, and all office and sundry expenses, seven thousand dollars;

Care of children.

For care of feeble-minded children; board and care of all children committed to the guardianship of said board by the courts of the District, and for the temporary care of children pending investigation or while being transferred from place to place, forty thousand dollars;

In all, forty-seven thousand dollars.

Private charities.
Soldiers and Sailors' Home, etc.

PRIVATE CHARITIES: For temporary Home for ex-Union Soldiers and Sailors, Grand Army of the Republic, two thousand five hundred dollars, to be expended under the direction of the Commissioners of the District of Columbia.

For the Women's Christian Association, maintenance, four thousand dollars.

For Young Women's Christian Home, maintenance, one thousand dollars.

For Hope and Help Mission, maintenance, two thousand dollars.

For the Washington Hospital for Foundlings, maintenance, six thousand dollars.

For Saint Ann's Infant Asylum, maintenance, five thousand four hundred dollars.

For the German Orphan Asylum, maintenance, one thousand eight hundred dollars.

For the National Association for the Relief of Destitute Colored Women and Children, maintenance, including repairs, nine thousand nine hundred dollars.

For steam heating plant, two thousand five hundred dollars.

For the Newsboys and Children's Aid Society, maintenance, one thousand dollars.

For Eastern Dispensary, maintenance, one thousand five hundred dollars.

For Central Dispensary and Emergency Hospital, maintenance, fifteen thousand dollars.

For the Women's Clinic, maintenance, one thousand dollars.

For the Children's Hospital, maintenance, ten thousand dollars.

For the National Homeopathic Hospital Association of Washington,

District of Columbia, for maintenance, eight thousand five hundred dollars.

For the Washington Home for Incurables, maintenance, two thousand dollars.

For the instruction and employment of the blind who are actual residents of the District of Columbia, and for the purchase and repair of machinery and tools which may be needed to equip a workshop for the blind of said District, five thousand dollars, to be expended under the direction of the Commissioners of the District of Columbia.

Instruction, etc., resident blind.

Garfield and Providence Hospitals: For isolating wards for minor contagious diseases at Garfield and Providence hospitals, maintenance, each, three thousand dollars, six thousand dollars.

Garfield and Providence hospitals.

MILITIA OF THE DISTRICT OF COLUMBIA.

Militia.

For the following, to be expended under the authority of the Commissioners of the District of Columbia, namely:

For rent, fuel, light, care, and repair of armories, and practice ships, and for telephone service, fourteen thousand four hundred and seventy-five dollars.

Rent, etc.

For lockers, furniture, and gymnastic apparatus for armories, four hundred dollars.

For printing and stationery, five hundred dollars.

For cleaning and repairing uniforms, arms, and equipments, and contingent expenses, one thousand dollars.

For custodian in charge of United States property and storerooms, nine hundred dollars.

For expenses of drills and parades, one thousand dollars.

For expenses of rifle practice and matches, three thousand six hundred dollars.

For expenses of camps and instruction, practice marches, and practice cruises, thirteen thousand six hundred dollars.

Pay.

For pay of troops, other than Government employees, to be disbursed under the direction of the commanding general, seventeen thousand six hundred dollars: *Provided*, That members of the National Guard of the District of Columbia who receive compensation for their services as such shall not be held or construed to be officers of the United States, or persons 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 within the provision of section fifty-four hundred and ninety-eight of the Revised Statutes of the United States.

Provide.
Members of National Guard not deemed officers of United States.

R. S., sec. 5498, p. 1065.

For general incidental expenses of the service, three hundred dollars.

And no contract shall be made or liability incurred under appropriations for the militia of the District of Columbia beyond the sums herein appropriated.

WATER DEPARTMENT.

Water department.

The following sums are hereby appropriated to carry on the operations of the water department, to be paid wholly from its revenues, namely:

Appropriations payable from its revenues.

For revenue and inspection branch: For water registrar, who shall also perform the duties of chief clerk, one thousand eight hundred dollars; two clerks, at one thousand four hundred dollars each; two clerks, at one thousand dollars each; chief inspector, nine hundred and thirty-six dollars; eight inspectors, at nine hundred dollars each; messenger, six hundred dollars.

Revenue and inspection branch.

For distribution branch: For superintendent, two thousand four hundred dollars; draftsman, one thousand five hundred dollars; fore-

Distribution branch.

man, one thousand two hundred dollars; two clerks, at one thousand dollars each; timekeeper, eight hundred dollars; assistant foreman, nine hundred dollars; tapper and machinist, nine hundred dollars; three steam engineers, at one thousand one hundred dollars each; property keeper, six hundred dollars; driver, four hundred and eighty dollars; hostler, four hundred and eighty dollars; calker, seven hundred and twenty dollars; in all, thirty thousand six hundred and sixteen dollars.

Contingent expenses. For contingent expenses, including books, blanks, stationery, forage, advertising, printing, and other necessary items and services, two thousand five hundred dollars.

Fuel, etc. For fuel, repairs to boilers, machinery, and pumping stations, pipe distribution to high and low service, material for high and low service, including public hydrants and fire plugs, and labor in repairing, replacing, raising, and lowering mains, laying new mains and connections, and erecting and repairing fire plugs and public hydrants, ninety thousand dollars.

For purchase of water meters, to be placed in such private residences as desired, and installed at the expense of the property owner, and said meters shall at all times remain and be the property of the water department, five thousand dollars.

Interest and sinking fund. For interest and sinking fund on water-stock bonds, six thousand and twenty-five dollars.

Extending high-service system. For continuing the extension of the high-service system of water distribution, to include all necessary land, machinery, buildings, mains, and appurtenances, so much as may be available in the water fund, during the fiscal year nineteen hundred and one, after providing for the expenditures hereinbefore authorized, is hereby appropriated.

Limit of requisitions on the Treasury. SEC. 2. That said Commissioners shall not make requisitions upon the appropriations from the Treasury of the United States for a larger amount during the fiscal year nineteen hundred and one than they make on the appropriations arising from the revenues, including drawback certificates, of said District.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 790.—An Act Making provision for emergencies in river and harbor works, for certain surveys, and for the diversion of certain appropriations or modification of provisions heretofore made.

Appropriations for emergencies in river and harbor works, etc. Amount. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the sum of two hundred and fifty thousand dollars be, and the same is hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, to be immediately available, and to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers, for the following purposes, to wit:

Expenditure. (1) To provide for the restoration of channels, or river and harbor improvements, heretofore established or made by the Government, where, by reason of emergency occurring since the passage of the river and harbor Act of March third, eighteen hundred and ninety-nine, the usual depth of such channels, or customary use of such improvement, can not be maintained, and there is no sufficient fund available for such restoration. The amount herein provided, or so much thereof as is not required for the surveys hereinafter mentioned, shall be allotted by the Secretary of War: *Provided,* That in no case shall such allotment be made unless recommended by the local engineer having such channel or improvement in charge, and the Chief of Engineers, respectively: *Provided further,* That for no single channel or improvement shall a sum greater than ten thousand dollars be

Provisos. Recommendation of local engineer, etc., requisite.

Limit for single channel.

allotted; and in expending any such allotment advertisement for bids may be dispensed with on the recommendation of the local engineer.

(2) For the necessary cost of the surveys herein directed to be made: *Provided*, That the necessary expenses for such examinations and surveys on rivers, or at harbors where work is being carried on by the United States, may be paid from available funds where the unexpended balances of former appropriations for such works are sufficient for such purpose.

Surveys,
—unexpended bal-
ances available.

SEC. 2. That the Secretary of War is hereby authorized to cause preliminary examinations and surveys to be made at the localities named in this section, as hereinafter provided. In all cases a preliminary examination shall first be made, which shall embrace information concerning the commercial importance, present and prospective, of the river or harbor mentioned, and a report as to the advisability of its improvement. If upon such preliminary examination the proposed improvement is not deemed advisable no further action shall be taken thereon without the further direction of Congress; but in case the report shall be to the effect that such river or harbor is worthy of improvement, the Secretary of War is hereby authorized, at his discretion, to authorize surveys to be made and the cost of improving such river or harbor to be estimated and to be reported to Congress, to wit:

Preliminary exam-
inations and surveys
directed.
—scope of, etc.

ARKANSAS.

Arkansas.

Red River, in the States of Louisiana, Arkansas, and Texas, and in the Indian Territory, from the city of Shreveport, in the State of Louisiana, to the city of Denison, in the State of Texas: With a view to ascertaining whether the navigation of said river can be permanently improved by a system of cut-offs, levees, locks, and dams, or by any other plan; the cost of said examination and survey, if made, to be paid out of the unexpended balance of the appropriation made for continuing the improvement of said river by the Act of March third, eighteen hundred and ninety-nine.

Vol. 30, p. 1140.

The river and harbor front of the city of Camden, Arkansas, on the Ouachita River: With a view to improving said harbor and grading and protecting the river bank in front of said city, the expenses of said examination and survey to be paid out of any fund now available for the improvement of the Ouachita River.

ALABAMA.

Alabama.

Mobile Harbor: With a view to obtaining channels of a width of three hundred feet at the bottom across the bar below Fort Morgan, with appropriate side slopes, and with mean depths of twenty-five and thirty feet respectively.

Warrior and Tombigbee rivers: With a view to the construction of locks and dams numbered one, two, and three, between the mouth of said rivers and Tuscaloosa; and an amount sufficient for such survey or surveys may, in the discretion of the Secretary of War, be diverted from any appropriation heretofore made for said rivers.

CALIFORNIA.

California.

San Joaquin River, above the mouth of the Stanislaus River: With a view of determining the advisability of closing the mouths of the more important blind sloughs leading from said San Joaquin River and tributaries, especially those known as Finegan, Amphlet, and Walden sloughs, that the water in the main channel of the said San Joaquin River may be retained therein and more effectually promote navigation thereof.

The San Joaquin River and the waterways connecting the same with the Straits of Carquines, extending from the town of Antioch to Suisun Point.

Oakland Harbor: With a view to the improvement of said harbor to meet the needs of present and prospective commerce from the western end of the tidal canal to deep water in San Francisco Bay, including the excavation of a tidal basin.

Connecticut.

CONNECTICUT.

Branford Harbor:

Delaware.

DELAWARE.

Smyrna River: With a view to securing two short crosscuts to shorten the distance from the head of navigation to Delaware Bay.

Mispillion River, from its mouth to the head of navigation.

Florida.

FLORIDA.

Carrabelle Harbor:

Georgia.

GEORGIA.

Savannah Harbor: With a view to a reexamination of the plan for deepening said harbor as submitted in the Report of the Chief of Engineers for eighteen hundred and eighty-eight, page ten hundred and fifty-nine, and a report as to what changes or modifications, if any, are necessary to carry out said plan.

Skiddaway Narrows:

Preliminary examination and survey of the Skiddaway Narrows, connecting the Isle of Hope River with Burnside River, for a channel seventy-five feet wide and six feet deep at mean low water.

Illinois.

ILLINOIS.

Upper Illinois, etc.,
rivers.
Further surveys,
etc., by Board of En-
gineers authorized.
Vol. 30, p. 1146.

Upper Illinois River and Des Plaines River:

That the board of three engineers, appointed by the Secretary of War, in pursuance of a paragraph in the river and harbor Act approved March third, eighteen hundred and ninety-nine, to make a survey and estimates of cost of the improvement of the Upper Illinois River and the lower Des Plaines River in Illinois, with a view to the extension of navigation from the Illinois River to Lake Michigan at or near the city of Chicago, is hereby authorized to report the estimates of cost for a channel ten feet deep, and for a channel twelve feet deep, and for a channel fourteen feet deep through said proposed route, and that the said estimates cover and include a proper connection at Lockport with the sanitary and ship canal which has been constructed by the sanitary district of Chicago. The said board of engineers is also further authorized to make a survey and estimate of cost for the improvement of the Lower Illinois River from the end of said proposed route to the mouth of said river, for channels ten, twelve, and fourteen feet deep, respectively, and to report the estimates of cost thereof: *And provided further*, That surveys and estimates of cost shall be made in pursuance of the provisions contained in the Act aforesaid, and especially in accordance with section twenty-two of said Act: *And provided further*, That said surveys shall be commenced and the expenses for said surveys and reports shall be paid as follows: Any unexpended balance of the appropriation of thirty thousand dollars not required for the completion of the survey already contained in said Act shall be first applied and used, and no further expense shall be incurred for such estimates and surveys without the further direction of Congress, and the Secretary of War shall ascertain and report

Provision,
—how made.

Vol. 30, p. 1155.
Expenses, etc.

to Congress what amount of money shall be required to complete said surveys and estimates of costs.

Rock River, at the head of the feeder for the Illinois and Mississippi Canal: With a view to the construction of a lock and a dam in Rock River in connection with said canal.

The harbor of Harrisonville, in the Mississippi River: With a view of restoring it.

KENTUCKY AND TENNESSEE.

Kentucky and Tennessee.

The east bank of the Mississippi River between the highlands near the city of Hickman, in the State of Kentucky, and Slough Landing, in Lake County, in the State of Tennessee, with a view to constructing such works as may be required to prevent overflows along said section of the river, such examination and survey to be made under the direction of the Mississippi River Commission, the cost thereof to be paid out of the unexpended balance authorized to be expended by said commission.

MAINE.

Maine.

Portland Harbor: With a view to removing so much of Witch Rock as endangers navigation.

MARYLAND.

Maryland.

Harbor of Havre de Grace: With a view to the removal of rocks near the entrance.

MASSACHUSETTS.

Massachusetts.

Boston Harbor: With a view to providing channels two thousand feet wide, or such width as may be necessary, and thirty-five feet deep from the navy-yard at Charlestown and the Chelsea Bridge and Charles River Bridge to President Roads, and from President Roads through Broad Sound Channel to the ocean.

Lynn Harbor: With a view of securing a channel two hundred feet wide and fifteen feet deep at mean low water, including the basin extending beyond the inner ship channel, and the removal of a small point on the eastern bank of the channel near to said basin.

Beverly Harbor: With a view to the straightening, widening, deepening, and otherwise improving the entrance to the harbor and the approaches to the wharves and docks therein.

MICHIGAN.

Michigan.

Muskegon Harbor: With a view to obtaining a channel of the depth of twenty feet and a uniform width of three hundred feet from the exterior to the interior lake; the plan to provide for sheet piling to prevent erosion along the banks not protected by cribs.

Saint Clair Flats Canal, in Lake Saint Clair: With a view to doubling the capacity of the so-called Saint Clair Flats Canal.

Detroit River: With a view to obtaining a sufficient depth of water in the channel on the west side of Grosse Isle.

MINNESOTA.

Minnesota.

Burlington Bay, Lake County: With a view to improving said bay and the construction of a harbor therein.

Warroad Harbor and Warroad River.

MONTANA.

Montana.

Kootenai River between Jennings, Montana, and the international boundary line, with a view to removing obstructions to navigation.

New Hampshire.

NEW HAMPSHIRE.

Hendersons Point, Portsmouth Harbor: With a view of removing a portion of said point for the purpose of improving navigation to the navy-yard.

New Jersey.

NEW JERSEY.

Beach Thoroughfare:

New York.

NEW YORK.

Lake Erie entrance to Black Rock Harbor and Erie Basin.

Grasse River from its confluence with the Saint Lawrence River to Massena: With a view to obtaining a depth of twenty-one feet.

Saint Lawrence River, at the head of Long Sault Island: With a view of removing the rock obstruction in the south branch of said river, so as to give a navigable depth of twenty feet of water.

Buttermilk Channel, New York Harbor: With a view to obtaining a channel of the same width and depth as those contemplated by the project adopted for Bay Ridge and Red Hook channels.

Fire Island Inlet, in Great South Bay, to Patchogue River: With a view to obtaining a channel not less than ten feet in depth and two hundred feet in width at mean low water.

Nevada.

NEVADA.

Colorado River: Between El Dorado Canyon and Rioville, Nevada, with a view to the extension of navigation to Rioville.

North Carolina.

NORTH CAROLINA.

Trent River from the junction of Trent River with Neuse River up to Trenton: With a view to obtaining a depth of eight feet at mean low water at the city of Newbern and up to the wharves and freight depots of said city, and a channel fifty feet wide and eight feet deep from Newbern through Foy's Flats to Pollokville, and a channel thirty feet wide and four feet deep at mean low water from Pollokville to Trenton.

Wilmington Harbor: With a view to providing a sufficient width and depth to permit vessels now using said harbor to turn or swing around therein, Cape Fear River, with a view to obtaining a navigable channel from Wilmington to Fayetteville of four, six, or eight feet at mean low water.

Pasquotank River: With the view of obtaining a navigable depth of sixteen feet at mean low water from South Mills, on the Pasquotank River, thence down the Pasquotank River, through Albemarle Sound, Croatan Sound, Pamlico Sound, and Core Sound, to Beaufort Inlet, including also cost of procuring a navigable depth of eighteen feet through Beaufort Inlet and eighteen feet through Ocracoke Inlet, respectively.

Scuppernong River: With the view of improving the bar at the mouth of Scuppernong River, emptying into Albemarle Sound, North Carolina, to the end that the channel be dredged one thousand two hundred feet long, one hundred and fifty feet wide, with nine feet depth of water at mean low tide.

Ohio.

OHIO.

Cleveland Harbor: With a view to the further improvement of said harbor: First, by such additional construction or extension as may be necessary to provide a safer and better entrance for vessels at the main

entrance to the breakwater in said harbor. Second, to provide such additional harbor room as may be found necessary by an extension eastward of the breakwater now under construction in said harbor.

Sandusky Harbor: With a view to obtaining and maintaining a channel twenty-one feet deep at mean lake level, with a width of four hundred feet in the approaches to harbor front and three hundred feet in the harbor channels.

OHIO RIVER (IN KENTUCKY).

Ohio River, Kentucky.

With a view to the construction of a pier for a harbor of refuge on the south shore at or near the city of Maysville, Kentucky.

With a view to ascertaining the desirability of acquiring the island immediately below the Louisville and Portland Canal in the Ohio River, known as Sand Island, and probable cost of purchasing the same.

OHIO RIVER.

Ohio River.

Continuing and completing the survey of the Ohio River from Marietta to the mouth of the Big Miami River in accordance with the provisions of the river and harbor Act of March third, eighteen hundred and ninety-nine, the expense thereof to be paid out of any moneys already appropriated and not expended for the general improvement of the Ohio River.

OREGON.

Oregon.

Columbia River between the foot of The Dalles Rapids and the head of Celilo Falls, Oregon and Washington; with a view to the construction of a canal and locks to overcome the obstructions to navigation.

RHODE ISLAND.

Rhode Island.

Ohio Reef, located in the east passage of Narragansett Bay: With a view to determining the advisability of removing said reef as a dangerous obstruction to the navigation of said bay.

Sakonnet Harbor: To ascertain the advisability and cost of removing rocks which are an obstruction to navigation.

Pawtucket River: With a view to securing a channel two hundred feet wide and eighteen feet deep from the mouth of the river at Providence to the lower wharves in the city of Pawtucket.

SOUTH CAROLINA.

South Carolina.

Great Pedee River between Cheraw and the Wilmington, Columbia and Augusta Railroad bridge.

Ashley River from the city of Charleston to the head of navigation.

SOUTH DAKOTA.

South Dakota.

For a survey of the Sioux River and an estimate of the cost of constructing a dam for the storage of the water of said stream in Lake Kempeska and Lake Ponsett, together with an estimate of the capacity of said reservoir and the feasibility of utilizing the same.

TEXAS.

Texas.

Trinity River from the city of Dallas to the city of Fort Worth: With a view to securing a navigable depth of four, five, and six feet respectively.

Galveston Bay: With a view to widening, deepening, and extending the present channel from a point where it now is of sufficient width and depth to a point opposite Twentieth street; thence to a point opposite Thirty-fifth street; thence to a point opposite Fifty-first street, with a report as to the relative importance of the respective sections.

Also for survey and making plans for improvement of inner harbor of Galveston.

Sabine Pass: With a view to widening and straightening the main ship channel and increasing the depth, if necessary, from a point one thousand feet north of the United States life-saving station to Sabine Lake.

Brazos River from its mouth to the city of Waco: With a view to procuring a navigable depth of four, five, and six feet, first, from its mouth to the town of old Washington, in Washington County; second, from said town of old Washington to the city of Waco. In case a survey is made, the report thereon shall show the most advantageous depth to each point, and whether a system of locks and dams will be necessary, and if so, the cost and location of same.

Virginia.

VIRGINIA.

Quantico Creek:

Norfolk: To remove bar and secure depth of twenty-eight feet at point between the twenty-eight foot channel and the pier of the Southern Railway Company near Norfolk, Virginia.

Appomattox River: Resurvey and estimate for the deflection of the river at Petersburg.

Pagan River from Smithfield, Virginia, to James River, with a view to securing a channel eighty feet wide and ten feet deep at mean low tide, or such improvement as may be found expedient.

Chesconnessex Creek, an estuary of the Chesapeake Bay running up into land on the western side of Accomac County, Virginia, with a view to dredging the same.

Washington.

WASHINGTON.

Tacoma Harbor:

Snake River, in the States of Idaho and Washington, from the head of navigation on said river to the point of junction with the Columbia River, with a view to improving said river.

Wisconsin.

WISCONSIN.

Manitowoc Harbor: With a view of making a harbor of refuge with a depth of not less than twenty feet.

Sturgeon Bay and Lake Michigan Ship Canal: With a view to deepening the Sturgeon Bay and Lake Michigan Ship Canal to eighteen feet; said improvement to begin at the Lake Michigan end of said waterway and to continue throughout the length of said canal and in the waters of Sturgeon Bay so far as is necessary to secure a navigable channel having a depth of eighteen feet of water from Lake Michigan to the waters of Green Bay.

Milwaukee Harbor: With a view to necessary enlargement and suitable protection therefor: *Provided, however,* That at the following named localities preliminary examinations only shall be made: Mahon Harbor, Delaware; Long Prairie River, and its sources; Sioux River, South Dakota.

Milwaukee Harbor.
Provided,
—preliminary exam-
inations only.

Channel, South Pass.
Mississippi River.
Termination of Eads
contract authorized.

SEC. 3. That the Secretary of War is hereby authorized, in his discretion, to terminate the contract heretofore entered into with the late James B. Eads for the maintenance of the channel through the South Pass of the Mississippi River, in pursuance of an Act of Congress approved March third, eighteen hundred and seventy-five, entitled "An Act authorizing James B. Eads and others to construct

jetties, and so forth, and to maintain channels between South Pass of Mississippi River and Gulf of Mexico," and of an Act of Congress approved June nineteenth, eighteen hundred and seventy-eight, entitled "An Act to amend an Act entitled 'An Act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes,'" approved March third, eighteen hundred and seventy-five, and of an Act of Congress approved March third, eighteen hundred and seventy-nine, entitled "An Act to amend an Act entitled 'An Act making appropriations for the repair, preservation, and completion of certain public works on rivers and harbors, and for other purposes,'" approved March third, eighteen hundred and seventy-five. The Secretary of War is also authorized, in his discretion, to purchase from the heirs or legal representatives of the said James B. Eads the dredges and other plant including real estate now used by them for the maintenance of said channel, or such portion of said plant as he may deem desirable; and in case the Secretary of War and the heirs or legal representatives of the estate of James B. Eads, deceased, are unable to agree upon the price to be paid for said dredges and plant, including real estate, or so much thereof as the Secretary of War may deem necessary to purchase, then such price shall be assessed by a board of three appraisers to be appointed as follows: One appraiser to be appointed by the Secretary of War, one by the heirs or legal representatives of James B. Eads, deceased, and in case these two fail to agree, they shall jointly choose a third appraiser, and the three so appointed shall, by a majority vote, duly appraise the price to be paid for said dredges and plant, including real estate, and in case such appraisal is approved by the Secretary of War, the same shall be deemed to be the price which the Secretary of War is authorized to pay for said dredges and plant including real estate or so much thereof as the Secretary of War may deem necessary to purchase: *Providing*, That in no event shall more than two hundred thousand dollars be paid for all the dredges, plant and real estate owned or possessed by the heirs or legal representatives of James B. Eads, deceased, at or about the South Pass. And in case the Secretary of War shall terminate said contract the sum of two hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available, for the purchase of the whole or a part of said plant, or for otherwise providing a proper plant for the maintenance of said Pass. In case of the termination of said contract, by virtue of the provisions hereof or by expiration of said contract the Secretary of War is hereby directed to take charge of said channel, including the jetties, and all auxiliary works connected therewith, and thereafter to maintain with the utmost efficiency said South Pass Channel; and for that purpose he is hereby authorized to draw his warrants from time to time on the Treasurer of the United States, until otherwise provided for by law, for such sums of money as may be necessary, not to exceed in the aggregate for any one year one hundred thousand dollars. In the event that the Secretary of War shall elect to terminate said contract, any sum which shall at that time have been appropriated by Congress to pay what would be due to the heirs or legal representatives of said James B. Eads at the expiration of said contract may be used by him in making such payment, when he shall terminate the same, anything in the law making such appropriation to the contrary notwithstanding.

Vol. 20, p. 168.

Vol. 20, p. 376.

Purchase of dredges etc., authorized.

—board to assess price.

Proviso.
—limit of payment.

—appropriation.

Secretary of War to maintain channel if contract is terminated.

—appropriation.

Payment of available funds to Eads heirs authorized.

Diversion of appropriations authorized.

SEC. 4. That the Secretary of War is authorized in his discretion to direct diversions from appropriations heretofore made or to make modifications in projects heretofore included in river and harbor bills as follows:

Cumberland Sound: The sum of fifty thousand dollars, or so much

Cumberland Sound.

- thereof as may be necessary, may be diverted from the sums of money heretofore appropriated and now standing to the credit of the existing project for jetty work in Cumberland Sound, in the States of Florida and Georgia, to be used for sluicing and dredging at the mouth of said sound or elsewhere in said sound, and belonging to said project, where sluicing and dredging may be needed or required; but nothing herein contained shall be construed to increase the limit of cost of said project or improvement beyond the amount fixed by the Acts making appropriation for said project and fixing the ultimate sum which may finally be devoted to said project: *And provided further*, That any changes in the location of the jetties which the Secretary of War may consider for the interest of the work are authorized.
- Vol. 30, p. 1106, etc.
- Proviso.*
Change of jetties.
- Lake George Channel, Mich., etc.
- Lake George Channel and connecting waters below Sault Sainte Marie, Michigan: So as to restore and make available a channel formerly used through said lake of a depth and a width not less than formerly employed, an amount not exceeding one hundred thousand dollars may be diverted from the balance remaining from the amounts heretofore appropriated for the Saint Marys River at the Falls in Michigan.
- Buffalo Harbor, N. Y.
- Buffalo Harbor, New York: The sum of ten thousand dollars, or so much thereof as may be necessary, may be diverted from amounts now available for maintenance of Buffalo Harbor, in deepening the entrance to Buffalo Harbor and the City Ship Canal.
- Milford Haven, Va.
- Milford Haven, Virginia: The unexpended balance of the appropriation for the improvement of the harbor at Milford Haven, Virginia, or any part thereof, may, in the discretion of the Secretary of War, be used for the improvement of the bar within said harbor.
- Charleston, S. C.
- Charleston Harbor, South Carolina: The amounts heretofore authorized for a contract or contracts for materials and work, or so much thereof as may be necessary, may be expended in the work of dredging in accordance with the approved project.
- Winyah Bay, S. C.
- Winyah Bay, South Carolina: The dredge or dredges employed in connection with the work of improvement at the entrance to Winyah Bay, and such other dredges owned or controlled by the Government as are used on Winyah Bay River systems and canals, may be used in dredging the shoal places between the entrance and the city of Georgetown, South Carolina, the places at which and depths to which such dredging shall be done to be determined by the Secretary of War, upon the recommendation of the Chief of Engineers, United States Army; and any expense so caused shall be paid from amounts heretofore appropriated for said Winyah Bay.
- California.
Purchase of sites for
débris dams, etc.
Vol. 29, p. 232.
- Provisos.*
State to pay half.
Limit of cost.
- Construction in sections, etc.
- Land for débris dams and impounding works in California: From the funds appropriated by the river and harbor Act of eighteen hundred and ninety-six for the construction of débris dams and impounding works in California, the sum of ten thousand dollars may be expended for the purchase of lands necessary for the construction of said works: *Provided*, That an equal amount is paid by the State of California: *And provided further*, That the Secretary of War may proceed at once with the construction of said works and that the gross expenditure for lands in the construction of said works shall not exceed in the aggregate twenty thousand dollars: *And provided further*, That where in such works more than one dam or impounding work is embraced within a project the Secretary of War may proceed to construct the said works in parts or sections and submit the plans and specifications for such parts or sections to the State board of examiners of said State for approval under the laws thereof: *And provided further*, That in all cases one-half of the expense of such works shall be paid by the State of California.
- State to pay half.
- Lorain Harbor, Ohio.
Vol. 30, p. 1129.
- Lorain Harbor, Ohio: The Secretary of War may enter into a contract or contracts for portions of the work authorized by the Act of March third, eighteen hundred and ninety-nine, without regard to the estimate heretofore made in the report of the Chief of Engineers for

the completion of said work: *Provided*, That the total amount contracted for shall not exceed the sum heretofore authorized: *Provided*, That the cost of any portion of such work shall not exceed by more than one-tenth the estimate of cost as heretofore made in the Report of Chief of Engineers.

Proviso.
Limit of cost.

Upper White River, Arkansas, Lock and Dam Numbered Two: That the provision in the river and harbor Act approved March third, eighteen hundred and ninety-nine, making appropriation for improving Upper White River, Arkansas, is hereby amended to read as follows:

Upper White River,
Ark.

“Improving Upper White River, Arkansas: For the construction of Lock and Dam Numbered One, on Upper White River, at or near Batesville, according to the project, plans, and specifications submitted in report printed in House Document Numbered Seventy-eight, Fifty-fourth Congress, second session, to complete said lock and dam, one hundred and sixty thousand dollars; and the Secretary of War may also expend toward the construction of Lock and Dam Numbered Two, according to the same plan, by contract or in any manner that in his judgment may be most economical and advantageous to the Government, a sum not to exceed one hundred and fifty thousand dollars, to be paid for as appropriations may from time to time be made by law.”

Vol. 30, p. 1142,
amended.

Ocmulgee River, Georgia: The provision in the river and harbor Act approved March third, eighteen hundred and ninety-nine, authorizing contracts to be made for improving Ocmulgee River, is hereby amended to read as follows: “*Provided*, That a contract or contracts may be entered into by the Secretary of War to complete the present project of improvement, or the required materials may be purchased and the work of improvement be carried on otherwise than by contract, to be paid for as appropriations may from time to time be made by law, not to exceed in the aggregate one hundred and thirty-six thousand dollars, exclusive of amounts herein and heretofore appropriated.”

Ocmulgee River, Ga.
Vol. 30, p. 1138,
amended.

Proviso.
Contracts

Yaquina Bay, Oregon: The balance remaining of twenty-five thousand dollars appropriated by the river and harbor Act of eighteen hundred and ninety-six for said Yaquina Bay, or so much thereof as may be necessary, may be expended in removing the cluster of rocks on one side of the channel, located about two thousand feet beyond the end of the south jetty, in accordance with the recommendation of a board of engineers made November fourteenth, eighteen hundred and ninety-nine, in House Document Numbered One hundred and ten, Fifty-sixth Congress, first session.

Yaquina Bay, Oreg.
Vol. 29, p. 214.

Ashland Harbor, Wisconsin: That in lieu of completing the shore end of the breakwater at Ashland, Wisconsin, as provided for in the river and harbor Act of March third, eighteen hundred and ninety-nine, there shall be substituted a breakwater, starting at a point on the shore about two thousand six hundred feet east of the point at which the existing shore arm of breakwater would meet shore if prolonged, and running in a direction parallel to existing breakwater for a distance of four thousand seven hundred feet, or of such a length as may be necessary to fully protect the harbor of Ashland.

Ashland Harbor,
Wis.
Vol. 30, p. 1132.

Warroad River, Minnesota: The following paragraph in an Act entitled “An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes,” approved March third, eighteen hundred and ninety-nine, to wit:

Warroad River,
Minn.
Vol. 30, p. 1145,
amended.

“For removing a sand bar at the mouth of Warroad River, Minnesota, three thousand dollars, or so much thereof as may be necessary,” is hereby amended so as to read as follows:

“For improving the mouth of Warroad River, Minnesota, three thousand dollars, or so much thereof as may be necessary.”

Mississippi River,
Vol. 30, p. 1127,
amended.

Outlet of Mississippi River: Section one of the Act entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," approved March third, eighteen hundred and ninety-nine, be, and the same is hereby, amended as follows: In the paragraph beginning "Improving outlet of the Mississippi River," strike out the word "two" before the word "dredges" and insert in lieu thereof the words "one or more."

East Channel, New
York Harbor, re-
named Ambrose
Channel.
Vol. 30, p. 1123.
Post, p. 627.

SEC. 5. That the so-called East Channel across Sandy Hook Bar, New York Harbor, for the improvement of which provision was made by the river and harbor Act approved March third, eighteen hundred and ninety-nine, shall hereafter be known as Ambrose Channel.

Guam.
Harbor improve-
ment board author-
ized.

SEC. 6. That the Secretary of the Navy is hereby authorized and directed to appoint two naval officers, and the Secretary of War one engineer officer, to constitute a board whose duty it shall be, under the direction of the Secretary of the Navy, to make a survey, plan, and estimates for the improvement of a harbor at the island of Guam; and the sum of ten thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for this purpose.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 791.—An Act Making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

Appropriations for
sundry civil expenses.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, for the objects hereinafter expressed, for the fiscal year ending June thirtieth, nineteen hundred and one, namely:

Treasury Department.

UNDER THE TREASURY DEPARTMENT.

Public buildings.

PUBLIC BUILDINGS.

Altoona, Pa.

For court-house and post-office at Altoona, Pennsylvania: The Secretary of the Treasury is hereby authorized to enter into a contract or contracts for the completion of said building within its present limit of cost.

Albany, N. Y.

For custom-house and post-office at Albany, New York: For making cellar water-tight and for special necessary repairs to building and approaches, twenty-five thousand dollars.

Boston, Mass.

For post-office and subtreasury at Boston, Massachusetts: For repairs of the building, installation of elevator system, remodeling, and plumbing, and work incident to electric-light service, one hundred and seventy-five thousand dollars.

Baltimore, Md.

For custom-house at Baltimore, Maryland: For continuation of building under present limit, one hundred and fifty thousand dollars, and the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for the completion of said building within its present limit of cost.

—repairs, old court-
house building.

For rental of temporary quarters for the accommodation of custom-house and other Government officials at Baltimore, Maryland, and for removing furniture, fixtures, safes, and other Government property, and for repairing the old United States court-house building and the adjacent building erected by the city of Baltimore and to adapt the same to the uses of Government offices, twenty-three thousand dollars: *Provided*, That all the provisions in the sundry civil Act approved March second, eighteen hundred and ninety-five, relating to the build-

Proviso.
Building for use of
State courts.

ing for the use of the State courts within the city of Baltimore are hereby extended for such time as may be determined upon by the Secretary of the Treasury or until further action of Congress.

Vol. 28, p. 584.

Building for Bureau of Engraving and Printing: For the erection and completion of a wing at the west end of the building of the Bureau of Engraving and Printing, including heating and ventilation, one hundred thousand dollars: *Provided*, That the Secretary of the Treasury is hereby authorized to use such portion of B street southwest, now included in the grounds of said Bureau, as may be necessary for the foundation of said wing.

Bureau of Engraving and Printing. Completion of west wing.

Proviso.—use of B street authorized.

For the erection and completion of necessary fireproof outbuildings for the Bureau of Engraving and Printing, one hundred and fifteen thousand dollars.

For post-office at Blair, Nebraska: For completion of building under present limit, twenty-one thousand five hundred dollars.

Blair, Nebr.

For custom-house and post-office at Bristol, Tennessee: For completion of building under present limit, twenty-five thousand dollars.

Bristol, Tenn.

For custom-house and post-office at Brunswick, Georgia: For completion of building under present limit, twenty-five thousand dollars.

Brunswick, Ga.

For post-office at Butte, Montana: For continuation of building under present limit, fifty thousand dollars.

Butte, Mont.

For custom-house and post-office at Cincinnati, Ohio: For providing proper facilities for the use of post-office inspectors, two thousand five hundred dollars.

Cincinnati, Ohio.

For temporary post-office building at Chicago, Illinois: For providing proper facilities for the use of the post-office inspectors, three thousand dollars.

Chicago, Ill.

For rental of quarters at Chicago, Illinois: For annual rental of temporary quarters for the accommodation of certain Government officials for the year ending March twenty-eighth, nineteen hundred and one, twenty-six thousand five hundred and six dollars and sixty cents.

For post-office and court-house at Chicago, Illinois: For continuation of building under present limit, one hundred and thirty thousand dollars. The Secretary of the Treasury is hereby authorized to use out of the appropriation heretofore made a sum not exceeding twenty-five thousand dollars for the employment of architect, draftsmen, and other skilled service to continue the preparation of the plans and specifications; and also a sum not exceeding ten thousand dollars for the employment of special experts to assist the architect. Such special experts may be employed by the Secretary of the Treasury without compliance with the conditions prescribed by the Act entitled "An Act to regulate and improve the civil service," approved January sixteenth, eighteen hundred and eighty-three.

Vol. 22, p. 408.

For post-office, custom-house, and court-house at Cleveland, Ohio: For purchase of site and commencement of building, four hundred thousand dollars; and the Secretary of the Treasury is hereby authorized to enter into a contract or contracts for the completion of said building within the present limit of cost.

Cleveland, Ohio.

For custom-house, post-office, and court-house at Dubuque, Iowa: For completion of improvement and enlargement of building under present limit, fifty thousand dollars.

Dubuque, Iowa.

For post-office at Elgin, Illinois: For completion of building under present limit, fifty thousand dollars.

Elgin, Ill.

For immigrant station at Ellis Island, New York Harbor: For completion of buildings, two hundred thousand dollars.

Ellis Island, N. Y.

For post-office at Freeport, Illinois: For completion of building under present limit, thirty-seven thousand five hundred dollars.

Freeport, Ill.

For post-office, court-house, and custom-house at Indianapolis, Indiana: For purchase of site, in the discretion of the Secretary of

Indianapolis, Ind.

the Treasury, and commencement of building, under present limit, three hundred and twenty-five thousand dollars.

For rent of quarters for use of the post-office and other Government officials at Indianapolis, Indiana, fourteen thousand dollars.

Jamestown, N. Y.

For post-office at Jamestown, New York: For completion of building under present limit, thirty-seven thousand five hundred dollars.

Janesville, Wis.

For post-office at Janesville, Wisconsin: For completion of building under present limit, twenty-five thousand dollars.

Joliet, Ill.

For post-office at Joliet, Illinois: For completion of building under present limit, fifty thousand dollars.

Kansas City, Kans.

For post-office at Kansas City, Kansas: For continuation of building under present limit, fifty thousand dollars.

Los Angeles, Cal.

For court-house and post-office at Los Angeles, California: The Secretary of the Treasury is hereby authorized to enter into a contract or contracts for the completion of the addition to court-house and post-office within the present limit of cost.

Macon, Ga.

For rental of quarters at Macon, Georgia: For annual rental of temporary quarters for the accommodation of certain Government officials, including necessary moving expenses, provided that the same shall be made necessary by removal from present Government building, five thousand dollars.

Menominee, Mich.

For post-office at Menominee, Michigan: For completion of building under present limit, twenty-five thousand dollars.

Monmouth, Ill.

For post-office at Monmouth, Illinois: For completion of building under present limit, twenty-three thousand five hundred dollars.

New Brighton, Pa.

For post-office at New Brighton, Pennsylvania: For completion of building under present limit, thirty-seven thousand five hundred dollars.

New Brunswick,
N. J.

For post-office at New Brunswick, New Jersey: For completion of building under present limit, fifty thousand dollars.

Newport News, Va.

For custom-house and post-office at Newport News, Virginia: For completion of building under present limit, sixty-five thousand dollars.

Newport, Vt.

For court-house, post-office, and custom-house at Newport, Vermont: For completion of building under present limit, twenty-five thousand dollars.

New York, N. Y.

For subtreasury at New York, New York: For construction of new vaults, one hundred and twenty-five thousand dollars.

For post-office and court-house at New York, New York: For repairs, twenty-five thousand dollars.

Oakland, Cal.

For post-office at Oakland, California: For continuation of building under present limit, fifty thousand dollars.

Philadelphia, Pa.

For mint building at Philadelphia, Pennsylvania: For completion of building under present limit, three hundred and fifty-one thousand three hundred and seventy-five dollars and nine cents.

For post-office and court-house at Philadelphia, Pennsylvania: For renovation of the plumbing and drainage system, eighty thousand dollars.

St. Cloud, Minn.

For post-office at Saint Cloud, Minnesota: For completion of building under present limit, twenty-five thousand dollars.

St. Louis, Mo.

For custom-house and post-office at Saint Louis, Missouri: For new boilers, twenty-five thousand dollars; elevator equipments, twenty-three thousand dollars; in all, forty-eight thousand dollars.

Salem, Oreg.

For post-office at Salem, Oregon: For continuation of building under present limit, twenty-five thousand dollars.

Streator, Ill.

For post-office at Streator, Illinois: For completion of building under present limit, twenty-five thousand dollars.

Tampa, Fla.

For court-house, post-office, and custom-house at Tampa, Florida: For continuation of building under present limit, one hundred thousand dollars.

For post-office at Winston, North Carolina: For completion of building under present limit, twenty-five thousand dollars.

Winston, N. C.

Hereafter, the Secretary of the Treasury is authorized, whenever in his judgment such work should be performed, to pay for the installation of engineering and electric-light plants in all buildings in process of erection, or hereafter to be erected, under the control of the Treasury Department, from the construction funds of such buildings.

Construction funds available for electric lighting, etc.

For Treasury building at Washington, District of Columbia: For repairs to Treasury, Butler, and Winder buildings, eight thousand dollars.

Treasury buildings, D. C.

For new boilers, twenty-two thousand dollars; new pipe tunnels, fifteen thousand dollars; new plumbing, toilet rooms, and expenses incident thereto, forty thousand dollars; and for additional vaults, seventy-five thousand dollars; in all, one hundred and fifty-two thousand dollars.

Fire-alarm system, Treasury Department: For maintenance of the automatic fire-alarm system now in the Treasury and Winder buildings, two thousand six hundred and twenty-five dollars.

—fire alarm system.

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, post-offices, and quarantine stations, and other public buildings and the grounds thereof under the control of the Treasury Department, exclusive of marine hospitals, three hundred and fifty thousand dollars: *Provided*, That of the sum hereby appropriated not exceeding ten thousand dollars may be used, in the discretion of the Secretary of the Treasury, in the employment of superintendents and others at a rate of compensation not exceeding for any one person six dollars per day.

Repairs and preservation.

Proviso.
Superintendents.

MARINE HOSPITALS.

Marine Hospitals.

For marine hospital at Cleveland, Ohio: For additional amount for isolation ward and mortuary, two thousand five hundred dollars; additional amount for boiler house and stack, two thousand five hundred dollars; in all, five thousand dollars.

Cleveland, Ohio.

For marine hospital at Boston, Massachusetts: For additional amount for laundry building, one thousand five hundred dollars; additional amount for isolation ward, three thousand dollars; in all, four thousand five hundred dollars.

Boston, Mass.

For marine hospital at Detroit, Michigan: For additional amount for laundry building, three thousand dollars.

Detroit, Mich.

For marine hospital at Mobile, Alabama: For isolation ward, two thousand five hundred dollars.

Mobile, Ala.

For marine hospital at San Francisco, California: For surgeons' residence, eight thousand dollars.

San Francisco, Cal.

For marine hospital at Saint Louis, Missouri: For isolation ward and annex, one thousand dollars.

St. Louis, Mo.

Books and journals for the use of the Marine-Hospital Bureau may be purchased during the fiscal year nineteen hundred and one at a cost not to exceed five hundred dollars, and paid for from the appropriation for the Marine-Hospital Service.

Books, etc., for Bureau.

QUARANTINE STATIONS.

Quarantine stations.

For quarantine station, Reedy Island, Delaware River: For landing pier and improvements of station, eight thousand dollars.

Reedy Island.

For quarantine station, Delaware Breakwater, Delaware: For accommodations for passengers, six thousand dollars; crematory, one thousand two hundred and fifty dollars; in all, seven thousand two hundred and fifty dollars.

Delaware Breakwater.

- Cape Charles, Va. For quarantine station, Cape Charles, Virginia: For crematory, one thousand two hundred and fifty dollars.
- Brunswick, Ga. For quarantine station, Brunswick, Georgia: For removal of station, purchase of site, erection of buildings, and equipment of station, twenty thousand dollars.
- Gulf station. For quarantine station, Gulf: For improvements to station: Dredging machinery, two thousand five hundred dollars; artesian well, three thousand dollars; telephone line, four hundred dollars; crematory, one thousand two hundred and fifty dollars; in all, seven thousand one hundred and fifty dollars.
- Establishing stations at Key West and Mullet Key, Fla. For the establishment of national quarantine stations, in the discretion of the Secretary of the Treasury, near Key West, and at Mullet Key, Florida, made necessary by the transfer, by direction of the President, of the Tortugas quarantine station to the Navy Department for use as a coaling station for the Navy, one hundred and twenty-five thousand dollars.
- South Atlantic station. For quarantine station, South Atlantic: For accommodations for crew, one thousand dollars; transfer barge, one thousand dollars; crematory, one thousand dollars; in all, three thousand dollars.
- Savannah, Ga. For quarantine station, Savannah, Georgia: For purchase of buildings, wharves, and disinfecting apparatus, twenty thousand dollars. Improvement of station: Attendants' quarters, hospital building, bath house, boathouse, and small boat, ten thousand dollars; in all, thirty thousand dollars.
- San Diego, Cal. For quarantine station, San Diego, California: For improvements of station: Wharf extension, buildings, and crematory, and addition to water supply, twenty-three thousand seven hundred and fifty dollars.
- San Francisco, Cal. For quarantine station, San Francisco, California: For improvements of station: Iron pier or floating disinfecting plant, one hundred thousand dollars; electric-light plant, ten thousand dollars; additional accommodations for cabin passengers, ten thousand dollars; water system, five thousand dollars; heating apparatus, two thousand dollars; extension of disinfecting and isolation buildings, three thousand five hundred dollars; disinfecting and laundry appliances, one thousand two hundred dollars; in all, one hundred and thirty-one thousand seven hundred dollars.
- Heating apparatus for public buildings. **HEATING APPARATUS FOR PUBLIC BUILDINGS:** For heating, hoisting, and ventilating apparatus, and repairs to the same, for all public buildings, including marine hospitals and quarantine stations, and the marine-hospital sanatorium, Fort Stanton, New Mexico, under control of the Treasury Department, exclusive of personal services, except for work done by contract, one hundred and fifty thousand dollars; but of this amount not exceeding fifteen thousand dollars may be expended for personal services of mechanics employed from time to time for casual repairs only.
- Vaults, safes, and locks. **VAULTS, SAFES, AND LOCKS FOR PUBLIC BUILDINGS:** For vaults, safes, and locks, and repairs to the same, for all public buildings under control of the Treasury Department, exclusive of personal services, except for work done by contract, thirty thousand dollars; but of this amount not exceeding three thousand dollars may be expended for personal services of mechanics employed from time to time for casual repairs only.
- Plans. **PLANS FOR PUBLIC BUILDINGS:** For books, technical periodicals and journals, law books and books of reference, photographic materials, and in duplicating plans required for all public buildings under control of the Treasury Department, three thousand five hundred dollars.
- Supervising Architect of the Treasury, report on public buildings. The Supervising Architect of the Treasury shall hereafter include in his annual report statements showing, under the following titles, the number of custom-houses, court-houses, post-offices, and buildings

used for two or more of said objects: The actual cost of construction, cost of alterations and repairs, cost of sites, and date of purchase, as to each of said buildings, and the aggregate of such expenditures under each of said titles; also the same information, under their respective titles, as to marine hospitals, quarantine stations, and all other buildings under the control of the Treasury Department.

LIGHT-HOUSES, BEACONS, AND FOG SIGNALS.

Cape Elizabeth, Maine: For additional amount authorized for completing a light-ship and fog signal near Cape Elizabeth, Maine, twenty thousand dollars.

Light-houses, beacons, and fog signals.

Cape Elizabeth, Me.

Narraguagus light station, Maine: For purchase of additional land for boat slip, one hundred and fifty dollars.

Narraguagus, Me.

Kennebec River lights boathouses, Maine: For erection of boathouses at Doubling Point, Doubling Point Range, Squirrel Point, and Perkins Island light stations, one thousand six hundred and twenty dollars.

Kennebec River lights boathouses, Me.

Rockland Breakwater, Maine, pier-head light: For the construction of a light station on the outer end of the Rockland Breakwater, consisting of a stone pier supporting a small dwelling with a light and fog signal, thirty thousand dollars.

Rockland Breakwater, Me.

Long Island Head light station, Massachusetts: For removing the station to a new site, where it will not be exposed to injury by firing of guns in the new seacoast battery, four thousand five hundred dollars.

Long Island Head, Mass.

Eastern Point light station, Massachusetts: For the construction of a boathouse at Eastern Point light station, Massachusetts, five hundred dollars.

Eastern Point, Mass.

Pollock Rip Shoals, Massachusetts: For an automatic towing machine for the light-ship at a point north of the bell buoy near the broken part of Pollock Rip Shoals, at the northeastern entrance of Nantucket Shoals, Massachusetts, five thousand dollars.

Pollock Rip Shoals, Mass.

Tender for the inspector, Third light-house district: Toward constructing, equipping, and outfitting, complete for service, a new steam tender for buoyage, supply, and inspection in the Third light-house district, New York, sixty-two thousand five hundred dollars; and the total cost of said tender, under a contract which is hereby authorized therefor, shall not exceed one hundred and twenty-five thousand dollars; and the Light-House Board is authorized to employ temporarily at Washington not exceeding three draftsmen, to be paid at current rates, to prepare the plans for the tenders for which appropriations are made by this Act; such draftsmen to be paid from and equitably charged to the appropriations for building said vessels; such employment to cease and determine on or before the date when, the plans for such vessels being finished, proposals for building said vessels are invited by advertisement.

Tender, Third district.

Staten Island light-house depot, New York: For continuing the construction of the sea wall, rebuilding wharves, dredging the basin, and repairs and improvements to present buildings and grounds and the erection of a new oil house and lamp shop at the general light-house depot at Tompkinsville, Staten Island, New York, twenty-five thousand dollars.

Staten Island depot, N. Y.

Delaware Bay light and fog signal: For establishing a light and fog signal on the new breakwater, harbor of refuge, Delaware Bay, thirty thousand dollars.

Delaware Bay signal.

Tender for the Fifth light-house district: For a new steam tender, complete and ready for service, in the Fifth light-house district, twenty thousand dollars.

Tender, Fifth district.

- Cape San Blas, Fla. Cape San Blas light station, Gulf of Mexico, Florida: For completing the removal of Cape San Blas light station to a new and safe site, fifteen thousand dollars.
- Sand Island, Ala. Sand Island light station, Alabama: The Secretary of the Treasury is hereby authorized to enter into a contract for rebuilding the Sand Island light and fog-signal station, Alabama, at a total cost not to exceed sixty-five thousand dollars, at any time he may consider such rebuilding to be necessary because of threatened destruction of the present station by the encroachment of the sea.
- Sabine Bank, Texas. Sabine Bank light and fog-signal station, Texas: For establishing a light and fog-signal station on Sabine Bank, in the Gulf of Mexico, off Sabine Pass, forty thousand dollars; and the Secretary of the Treasury is hereby authorized to enter into a contract for the construction of said light and fog-signal station at a total cost not exceeding eighty thousand dollars.
- Michigan City, Ind. Michigan City, Indiana, fog signal: For establishing a fog signal at this station, five thousand five hundred dollars.
- Tender, Ninth district. Tender for the engineer Ninth light-house district: Toward the construction of a steam tender for construction and repair service in the Ninth light-house district, fifty thousand dollars; and the total cost of said tender, under a contract which is hereby authorized therefor, shall not exceed one hundred thousand dollars.
- Buffalo, N. Y. Buffalo Breakwater light and fog-signal stations, New York: For establishing suitable light and fog-signal stations to mark the main southern entrance of the new breakwater at Buffalo, New York, forty-five thousand dollars.
- Toledo, Ohio. Toledo Harbor light and fog-signal station, Ohio: The Secretary of the Treasury is hereby authorized to enter into a contract for the construction of a light and fog-signal station to mark the outer end of the main channel entrance to Toledo Harbor, Ohio, at a total cost of one hundred thousand dollars.
- Detroit River, Mich. Detroit River light station, mouth of Detroit River, Lake Erie, Michigan: For the purchase of land and the erection of a boathouse on the mainland for the use of the keepers of Detroit River light station, Michigan, one thousand dollars.
- Grosse Pointe vessel, Mich. Vol. 30, p. 601. Grosse Pointe light vessel, Michigan: That the appropriation of fifteen thousand dollars made by the sundry civil appropriation Act approved July first, eighteen hundred and ninety-eight, for constructing, equipping, and outfitting, complete for service, a steam light vessel, with steam fog signal, at Poe Reef, Straits of Mackinac, Michigan, is hereby reappropriated and made available for constructing, equipping, and outfitting complete a new light vessel for Grosse Pointe, Michigan.
- St. Marys River, Mich. Head of Saint Marys River, Michigan: For additional amount for establishing an additional set of range lights to mark the channel at the entrance of Saint Marys River, two thousand seven hundred dollars.
- Point Pinos station, Cal. Point Pinos light station, California: For purchase of land at Point Pinos light station, entrance to Monterey Harbor, two thousand dollars.
- Cape Mendocino, Cal. For the construction of a fireproof oil house at Cape Mendocino light station, California, one thousand dollars.
- Tender, Thirteenth district. Tender for the Thirteenth light-house district: The Secretary of the Treasury is hereby authorized to enter into a contract for the construction of a large, powerful, seagoing tender heretofore authorized for the Thirteenth light-house district, at a total cost not exceeding one hundred and twenty thousand dollars.
- Browns Point, Wash. Browns Point light and fog-signal station, Washington: For establishing a light and fog signal at Browns Point, on Commencement Bay, in Puget Sound, entrance of the harbor of Tacoma, six thousand dollars.

Desdemona Sands, mouth of Columbia River, Oregon: For establishing a light and fog-signal station near the lower end of the Middle Ground, Desdemona Sands, Columbia River, Oregon, in addition to the unexpended balance of the appropriation of eleven thousand dollars, in the Act of June eleventh, eighteen hundred and ninety-six, for Fort Stevens Light and Fog-Signal Station, mouth of Columbia River, Oregon, which is hereby reappropriated and made available for the light and fog-signal station at or near the Middle Ground, Columbia River, twenty-four thousand dollars.

Desdemona Sands, Oregon.

Vol. 29, p. 418.

Slip Point light-house and fog signal, Washington: For establishing a light-house and fog signal at Slip Point, Clallam Bay, State of Washington, twelve thousand five hundred dollars.

Slip Point, Wash.

Tongue Point light-house depot, Oregon: For erecting two isolated houses in which to store coal oil for use in the light-houses of the Thirteenth light-house district, with a track extending from them to the depot wharf, five thousand dollars.

Tongue Point, Oreg.

Tender for the Sixteenth light-house district: Toward constructing, equipping, and outfitting complete a new steam tender for service in the Sixteenth light-house district, thirty thousand dollars, and the total cost of said light-house tender, under a contract which is hereby authorized therefor, shall not exceed sixty thousand dollars.

Tender, Sixteenth district.

Light-house and fog-signal stations in Alaskan waters: To enable the Secretary of the Treasury to establish, under the direction and supervision of the Light-House Board, light-house and fog-signal stations in Alaskan waters, one hundred thousand dollars, or so much thereof as may be necessary.

Alaskan stations.

Oil houses for light-stations: For establishing isolated oil houses for the storage of mineral oil, ten thousand dollars: *Provided*, That no oil house erected hereunder shall exceed five hundred and fifty dollars in cost.

Oil houses.

Proviso.
Cost.

LIGHT-HOUSE ESTABLISHMENT.

Light-House Establishment.

SUPPLIES OF LIGHT-HOUSES: For supplying fog signals, light-houses, and other lights with illuminating, cleaning, preservative, and such other materials as may be required for annual consumption; for books, boats, and furniture for stations, traveling expenses of civilian member of Light-House Board in attending meetings of board at Washington, and not exceeding three hundred dollars for the purchase of technical and professional books and periodicals for the use of the Light-House Board, and for all other necessary incidental expenses, four hundred and seventy-five thousand dollars.

Supplies.

REPAIRS OF LIGHT-HOUSES: For repairing, protecting, and improving light-houses and buildings; for improvements to grounds connected therewith; for establishing and repairing day marks and pier-head and other beacon lights, including purchase of land for same; for illuminating apparatus and machinery to replace that already in use, and for all other necessary incidental expenses relating to these various objects, six hundred and forty thousand dollars of which amount not exceeding fifteen thousand dollars shall be used to change the characteristic of Cape Cod light, Massachusetts.

Repairs.

SALARIES OF KEEPERS OF LIGHT-HOUSES: For salaries, fuel, rations, rent of quarters where necessary, and all other necessary incidental expenses of not exceeding one thousand four hundred and seventy-five light-house and fog-signal keepers and laborers attending other lights, seven hundred and seventy-five thousand dollars.

Keepers' salaries.

EXPENSES OF LIGHT-VESSELS: For seamen's wages, rations, repairs, salaries, supplies, and temporary employment and all other necessary incidental expenses of light-vessels, four hundred and fifty thousand dollars.

Light-vessels.

EXPENSES OF BUOYAGE: For expenses of establishing, replacing,

Buoyage.

and maintaining buoys of any and all kinds, and spindles, and for all other necessary incidental expenses relating thereto, five hundred and fifty thousand dollars.

Fog signals.

EXPENSES OF FOG SIGNALS: For establishing, replacing, duplicating, and improving fog signals and buildings connected therewith, and for repairs, the purchase of land for sites for fog signals, and for all other necessary incidental expenses of the same, one hundred and fifty thousand dollars.

Lighting of rivers.

LIGHTING OF RIVERS: For establishing, supplying, and maintaining post lights on the Hudson and East rivers, New York; the Raritan River, New Jersey; Connecticut River, Thames River, between Norwich and New London, Connecticut; the Delaware River between Philadelphia and Bordentown, New Jersey; the Elk River, Maryland; York River, Virginia; James River, Virginia; Cape Fear River, North Carolina; Savannah River, Georgia; Saint Johns and Indian rivers, Florida; at Chicott Pass, and to mark navigable channel along Grand Lake, Louisiana; at the mouth of Red River, Louisiana; on the Mississippi, Missouri, Ohio, Tennessee, Illinois, and Great Kanawha rivers; Sacramento and San Joaquin rivers, California; on the Columbia and Willamette rivers, Oregon; on Puget Sound, Washington Sound, and adjacent waters, Washington; and the channels in Saint Louis and Superior bays, at the head of Lake Superior; the Light-House Board being hereby authorized to lease the necessary ground for all such lights and beacons as are for temporary use or are used to point out changeable channels, and which in consequence can not be made permanent, three hundred thousand dollars. The Light-House Board is hereby authorized and directed to establish suitable lights at the mouths of Warroad and Rainy rivers, Lake of the Woods, in Minnesota.

Survey of sites.

SURVEY OF LIGHT-HOUSE SITES: For preliminary examinations, surveys, and plans for determining the proper sites and cost of light-houses and structures for which estimates are to be made to Congress, one thousand dollars.

Porto Rico.

PORTO RICAN LIGHT-HOUSE ESTABLISHMENT: To maintain existing aids to navigation, and complete the construction of Mona light on Porto Rico and adjacent islands, sixty thousand dollars, to be immediately available.

Life-Saving Service.

LIFE-SAVING SERVICE.

Superintendents.

For salaries of superintendents for the life-saving stations as follows:

For one superintendent for the coast of Maine and New Hampshire, one thousand six hundred dollars;

For one superintendent for the coast of Massachusetts, one thousand six hundred dollars;

For one superintendent for the coasts of Rhode Island and Fishers Island, to be known as the Third Life-Saving district, one thousand six hundred dollars;

For one superintendent for the coast of Long Island, one thousand eight hundred dollars;

For one superintendent for the coast of New Jersey, one thousand eight hundred dollars;

For one superintendent for the coasts of Delaware, Maryland, and Virginia, one thousand six hundred dollars;

For one superintendent for the coasts of Virginia and North Carolina, one thousand eight hundred dollars;

For one superintendent for the life-saving stations and for the houses of refuge on the coasts of South Carolina, Georgia, and Florida, one thousand five hundred dollars;

For one superintendent for the life-saving and lifeboat stations on the coast of the Gulf of Mexico, one thousand six hundred dollars;

For one superintendent for the life-saving and lifeboat stations on the coasts of Lakes Ontario and Erie, one thousand eight hundred dollars;

For one superintendent for the life-saving and lifeboat stations on the coasts of Lakes Huron and Superior, one thousand eight hundred dollars;

For one superintendent for the life-saving and lifeboat stations on the coast of Lake Michigan, one thousand eight hundred dollars;

For one superintendent for the life-saving and lifeboat stations on the coasts of Washington, Oregon, and California, one thousand eight hundred dollars; in all, twenty-two thousand one hundred dollars.

The Secretary of the Treasury may change the serial numbers of the several districts as may be necessary to conform to the provisions of this Act.

Change of serial number of districts.

For salaries of two hundred and seventy-seven keepers of life-saving and lifeboat stations and of houses of refuge, two hundred and forty-two thousand four hundred dollars.

Keepers.

For pay of crews of surfmen employed at the life-saving and lifeboat stations, including the old Chicago station, at the uniform rate of sixty-five dollars per month each, during the period of actual employment and three dollars per day for each occasion of service at other times; compensation of volunteers at life-saving and lifeboat stations for actual and deserving service rendered upon any occasion of disaster or in any effort to save persons from drowning, at such rate, not to exceed ten dollars for each volunteer, as the Secretary of the Treasury may determine; pay of volunteer crews for drill and exercise; fuel for stations and houses of refuge; repairs and outfits for same; rebuilding and improvement of same; including use of additional land where necessary; supplies and provisions for houses of refuge and for shipwrecked persons succored at stations; traveling expenses of officers under orders from the Treasury Department; commutation of quarters for officers of the Revenue-Cutter Service detailed for duty in the Life-Saving Service; for carrying out the provisions of sections seven and eight of the Act approved May fourth, eighteen hundred and eighty-two; for draft animals and their maintenance; for telephone lines and care of same; and contingent expenses, including freight, storage, rent, repairs to apparatus, labor, medals, stationery, newspapers for statistical purposes, advertising, and all other necessary expenses not included under any other head of life-saving stations on the coasts of the United States, one million three hundred and ninety-six thousand three hundred and ten dollars.

Crews.

Commutation of quarters.

Vol. 22, p. 57.

For establishing new life-saving stations and lifeboat stations on the sea and lake coasts of the United States, authorized by law, to be available until expended, forty thousand dollars.

New stations.

REVENUE-CUTTER SERVICE.

Revenue-Cutter Service.

For expenses of the Revenue-Cutter Service: For pay of captains, lieutenants, captain of engineers, chief engineers and assistant engineers, for pay of a constructor, Revenue-Cutter Service, cadets, and pilots employed, and for rations for the same; for pay of petty officers, buglers, seamen, oilers, firemen, coal heavers, stewards, cooks, and boys, and for rations for the same; for fuel for vessels, and repairs and outfits for the same; ship chandlery and engineers' stores for the same; traveling expenses of officers traveling on duty under orders from the Treasury Department; commutation of quarters; for protection of the seal fisheries in Bering Sea and the other waters of Alaska, and the interest of the Government on the seal islands and the sea-otter hunting grounds, and the enforcement of the provisions of law in Alaska; for enforcing the provisions of the Acts relating to the

Salaries and expenses.

Anchorage.

Vol. 25, p. 151.
Vol. 30, p. 1081.

Vol. 27, p. 431.

anchorage of vessels in the ports of New York and Chicago, approved May sixteenth, eighteen hundred and eighty-eight, and February sixth, eighteen hundred and ninety-three, and March third, eighteen hundred and ninety-nine; and an Act relating to the anchorage and movement of vessels in Saint Marys River, approved March sixth, eighteen hundred and ninety-six; for temporary leases and improvement of property for revenue-cutter purposes; contingent expenses, including wharfage, towage, dockage, freight, advertising, surveys, labor, and all other necessary miscellaneous expenses which are not included under special heads, one million two hundred thousand dollars.

Astoria, Oreg.
Launch.

Vol. 30, p. 1082.

For the purchase or construction of a suitable launch for the customs service at and in the vicinity of Astoria, Oregon, two thousand five hundred dollars; and the sum of two thousand five hundred dollars appropriated by the sundry civil Act approved March third, eighteen hundred and ninety-nine, for constructing such launch is hereby made available for the purchase or construction of the same.

Engraving and
printing.

ENGRAVING AND PRINTING.

Salaries.

For labor and expenses of engraving and printing: For salaries of all necessary clerks and employees, other than plate printers and plate printers' assistants, seven hundred and eighty-seven thousand nine hundred dollars, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the Act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March fourteenth, nineteen hundred.

Proviso.
Notes of larger de-
nomination.

Ante, p. 45.

Wages.

For wages of plate printers, at piece rates to be fixed by the Secretary of the Treasury, not to exceed the rates usually paid for such work, including the wages of printers' assistants, when employed, eight hundred and seven thousand nine hundred dollars, to be expended under the direction of the Secretary of the Treasury: *Provided*, That no portion of this sum shall be expended for printing United States notes or Treasury notes of larger denomination than those that may be canceled or retired, except in so far as such printing may be necessary in executing the requirements of the Act "To define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March fourteenth, nineteen hundred.

Proviso.
Notes of larger de-
nomination.

Ante, p. 45.

Materials.

For engravers' and printers' materials and other materials, except distinctive paper, and for miscellaneous expenses, two hundred and fifty-eight thousand four hundred and fifty dollars.

Rent.

For rent of building now occupied by the Bureau of Engraving and Printing for storage and other purposes, at a rental of sixty dollars a month, seven hundred and twenty dollars.

For rent of office now occupied by agent of the Post-Office Department to supervise the distribution of stamps of the Bureau of Engraving and Printing, at the rate of fifty dollars per month, six hundred dollars.

Coast and Geodetic
Survey.

COAST AND GEODETIC SURVEY.

Expenses survey of
sea-coasts, etc.

For every expenditure requisite for and incident to the survey of the coasts of the United States and of coasts under the jurisdiction of the United States, including the survey of rivers to the head of tide water or ship navigation; deep-sea soundings, temperature and current observations along the coast and throughout the Gulf Stream and

Japan Stream flowing off the said coasts; tidal observations; the necessary resurveys; the preparation of the Coast Pilot; continuing researches and other work relating to physical hydrography, and terrestrial magnetism and the magnetic maps of the United States and adjacent waters, and the tables of magnetic declination, dip, and intensity usually accompanying them, astronomical and gravity observations; and including compensation not otherwise appropriated for of persons employed in the field work, in conformity with the regulations for the government of the Coast and Geodetic Survey adopted by the Secretary of the Treasury; for special examinations that may be required by the Light-House Board or other proper authority, and including traveling expenses of officers and men of the Navy on duty; for commutation to officers of the field force while on field duty, at a rate to be fixed by the Secretary of the Treasury, not exceeding two dollars and fifty cents per day each; outfit, equipment, and care of vessels used in the Survey, and also the repairs and maintenance of the complement of vessels; to be expended in accordance with the regulations relating to the Coast and Geodetic Survey from time to time prescribed by the Secretary of the Treasury, and under the following heads: *Provided*, That no advance of money to chiefs of field parties under this appropriation shall be made unless to a commissioned officer or to a civilian officer who shall give bond in such sum as the Secretary of the Treasury may direct;

Proviso.
Advance of money.

FOR FIELD EXPENSES: For surveys and necessary resurveys of the Atlantic and Gulf coasts of the United States, including the coasts of outlying islands under the jurisdiction of the United States, to be immediately available, and to continue available until expended: *Provided*, That not more than twenty-five thousand dollars of this amount shall be expended on the coasts of the before-mentioned outlying islands, seventy thousand dollars;

Field expenses.

Proviso.
Outlying islands.

For surveys and necessary resurveys of the Pacific coast, including the Hawaiian Islands and Alaska and other coasts on the Pacific Ocean under the jurisdiction of the United States, to be immediately available, and to continue available until expended, one hundred and seven thousand five hundred dollars;

Hawaiian Islands,
Alaska, etc.

For continuing researches in physical hydrography relating to harbors and bars, and for tidal and current observations on the coasts of the United States, or other coasts under the jurisdiction of the United States, five thousand dollars;

For offshore soundings and examination of reported dangers on the coasts of the United States, and of coasts under the jurisdiction of the United States, and to continue the compilation of the Coast Pilot, and to make special hydrographic examinations, and including the employment of such pilots and nautical experts in the field and office as may be necessary for the same, ten thousand one hundred dollars;

For continuing magnetic observations and to establish meridian lines in connection therewith in all parts of the United States, and for making magnetic observations in other regions under the jurisdiction of the United States, including the purchase of additional magnetic instruments, and the lease of sites where necessary and the erection of temporary magnetic buildings, for continuing the line of exact levels between the Atlantic, Pacific, and Gulf coasts; for furnishing points to State surveys, to be applied as far as practicable in States where points have not been furnished; for determinations of geographical positions and for continuing gravity observations, fifty thousand dollars;

For traveling expenses of officers and men of the Navy on duty, and for any special surveys that may be required by the Light-House Board or other proper authority, and contingent expenses incident thereto, three thousand four hundred dollars;

Traveling expenses
naval officers, etc.

For objects not hereinbefore named that may be deemed urgent, including the actual necessary expenses of officers of the field force temporarily ordered to the office at Washington for consultation with the Superintendent, to be paid as directed by the Superintendent, in accordance with the Treasury regulations, and for the expenses of the attendance of the American delegate at the meetings of the International Geodetic Association, not to exceed five hundred and fifty dollars, four thousand dollars;

International Geodetic Association.

Proviso.
Interchangeable expenditures.

Provided, That ten per centum of the foregoing amounts shall be available interchangeably for expenditure on the objects named; but no more than ten per centum shall be added to any one item of appropriation;

In all, for field expenses, two hundred and fifty thousand dollars.

Repairs of vessels, etc.

FOR REPAIRS AND MAINTENANCE OF VESSELS: For repairs and maintenance of the complement of vessels used in the Coast and Geodetic Survey, including the traveling expenses of the person inspecting the repairs, twenty-nine thousand six hundred dollars.

For purchase or construction of one small steamer, to be immediately available, twenty thousand dollars.

For rebuilding and refitting the steamer Bache, to be immediately available, sixty thousand dollars.

For all necessary employees to man and equip the vessels of the Coast and Geodetic Survey to execute the work of the Survey herein provided for and authorized by law, one hundred and eighty-two thousand seven hundred and forty-five dollars.

Pay of seamen.

PAY AND SUBSISTENCE OF PROFESSIONAL SEAMEN: For pay and subsistence of professional seamen serving as executive officers and mates on the vessels of the Survey, to be immediately available, twenty-seven thousand five hundred dollars.

Salaries.
Superintendent.

SALARIES COAST AND GEODETIC SURVEY: For Superintendent, five thousand dollars;

Assistants.

For pay of assistants, to be employed in the field or office, as the Superintendent may direct:

For two assistants, at four thousand dollars each;

For one assistant, three thousand two hundred dollars;

For five assistants, at three thousand dollars each;

For one assistant, two thousand four hundred dollars;

For five assistants, at two thousand five hundred dollars each;

For eight assistants, at two thousand two hundred dollars each;

For eight assistants, at two thousand dollars each;

For three assistants, at one thousand eight hundred dollars each;

For four assistants, at one thousand six hundred dollars each;

For three assistants, at one thousand four hundred dollars each;

For eight assistants, at one thousand two hundred dollars each;

For six aids, at nine hundred dollars each;

For eight aids, at seven hundred and twenty dollars each; in all, one hundred and sixteen thousand four hundred and sixty dollars.

Office force.

PAY OF OFFICE FORCE: For one disbursing agent, two thousand two hundred dollars;

For one chief of division of library and archives, one thousand eight hundred dollars;

For clerical force, namely:

For two, at one thousand six hundred and fifty dollars each;

For four, at one thousand four hundred dollars each;

For six, at one thousand two hundred dollars each;

For three, at one thousand dollars each;

For chart correctors, buoy colorists, stenographers, writers, typewriters, and copyists, namely:

For two, at one thousand two hundred dollars each;

For three, at nine hundred dollars each;

- For one, at eight hundred dollars;
 For seven, at seven hundred and twenty dollars each;
 For one, at six hundred dollars;
 For topographic and hydrographic draftsmen, namely:
 For one, at two thousand four hundred dollars;
 For one, at two thousand two hundred dollars;
 For two, at two thousand dollars each;
 For three, at one thousand eight hundred dollars each;
 For two, at one thousand six hundred dollars each;
 For two, at one thousand four hundred dollars each;
 For one, at one thousand two hundred dollars;
 For three, at one thousand dollars each;
 For two, at nine hundred dollars each;
 For one, at seven hundred dollars;
 For astronomical, geodetic, tidal, and miscellaneous computers,
 namely:
 For two, at two thousand dollars each;
 For one, at one thousand eight hundred dollars;
 For four, at one thousand six hundred dollars each;
 For one, at one thousand four hundred dollars;
 For one, at one thousand two hundred dollars;
 For three, at one thousand dollars each;
 For copperplate engravers, namely:
 For three, at two thousand dollars each;
 For two, at one thousand eight hundred dollars each;
 For two, at one thousand six hundred dollars each;
 For one, at one thousand four hundred dollars;
 For two, at one thousand two hundred dollars each;
 For two, at one thousand dollars each;
 For four, at nine hundred dollars each;
 For one, at seven hundred dollars;
 For electrotypers and photographers, plate printers and their help-
 ers, instrument makers, carpenters, engineer, and other skilled labor-
 ers, namely:
 For two, at one thousand eight hundred dollars each;
 For one, at one thousand six hundred dollars;
 For two, at one thousand two hundred dollars each;
 For seven, at one thousand two hundred dollars each;
 For five, at one thousand dollars each;
 For one, at nine hundred dollars;
 For six, at seven hundred dollars each;
 For watchmen, firemen, messengers, and laborers, packers and fold-
 ers, and miscellaneous work, namely:
 For three, at eight hundred and eighty dollars each;
 For four, at eight hundred and twenty dollars each;
 For two, at seven hundred dollars each;
 For two, at six hundred and forty dollars each;
 For four, at six hundred and thirty dollars each;
 For two, at five hundred and fifty dollars each;
 For one laborer, at five hundred and fifty dollars;
 For two, at three hundred and sixty-five dollars each; in all, one
 hundred and forty-one thousand six hundred and forty dollars.

OFFICE EXPENSES: For the purchase of new instruments, for mate-
 rials and supplies required in the instrument shop, carpenter shop, and
 drawing division, and for books, maps, charts, and subscriptions; for
 copper plates, chart paper, printer's ink, copper, zinc, and chemicals
 for electrotyping and photographing; engraving, printing, photo-
 graphing, and electrotyping supplies; and for photolithographing
 charts and printing from stone and copper for immediate use; for
 stationery for the office and field parties, transportation of instru-

Office expenses.

ments and supplies when not charged to party expenses, office wagon and horses, heating, lighting, and power, telephone, telegrams, ice, and washing, office furniture, repairs, traveling expenses of assistants and others employed in the office sent on special duty in the service of the office, contingencies of all kinds, and for extra labor not to exceed two thousand dollars; in all, thirty-two thousand dollars.

For purchase of automatic engraving machines as follows: One machine for engraving soundings, one machine for engraving and lettering compasses, and one border ruling and tinting machine; in all, six thousand dollars.

For the discussion and publication of observations, one thousand dollars.

Allowances.

That no part of the money herein appropriated for the Coast and Geodetic Survey shall be available for allowance to civilian or other officers for subsistence while on duty at Washington (except as herebefore provided for officers of the field force ordered to Washington for short periods for consultation with the Superintendent), or to officers of the Navy attached to the Survey, except as now provided by law.

Smithsonian Institution.

UNDER SMITHSONIAN INSTITUTION.

International exchanges.

INTERNATIONAL EXCHANGES: For expenses of the system of international exchanges between the United States and foreign countries, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees, and the purchase of necessary books and periodicals, twenty-four thousand dollars.

American ethnology.

AMERICAN ETHNOLOGY: For continuing ethnological researches among the American Indians, under the direction of the Smithsonian Institution, including salaries or compensation of all necessary employees and the purchase of necessary books and periodicals, fifty thousand dollars, of which sum not exceeding one thousand five hundred dollars may be used for rent of building.

Astrophysical observatory.

ASTROPHYSICAL OBSERVATORY: For maintenance of Astrophysical Observatory, under the direction of the Smithsonian Institution, including salaries of assistants, the purchase of necessary books and periodicals, apparatus, printing and publishing results of researches, not exceeding one thousand five hundred copies, repairs and alterations of buildings and miscellaneous expenses, twelve thousand dollars.

National Museum.

NATIONAL MUSEUM: For cases, furniture, fixtures, and appliances required for the exhibition and safe-keeping of the collections of the National Museum, including two thousand five hundred dollars for furnishing new lecture room and including salaries or compensation of all necessary employees, seventeen thousand five hundred dollars.

For expense of heating, lighting, electrical, telegraphic, and telephonic service for the National Museum, including three thousand five hundred dollars for electric installation, seventeen thousand five hundred dollars.

For continuing the preservation, exhibition, and increase of the collections from the surveying and exploring expeditions of the Government, and from other sources, including salaries or compensation of all necessary employees, one hundred and eighty thousand dollars, of which sum five thousand five hundred dollars may be used for necessary drawings and illustrations for publications of the National Museum: and all other necessary incidental expenses.

For purchase of specimens to supply deficiencies in the collections of the National Museum, ten thousand dollars.

For purchase of books, pamphlets, and periodicals for reference in the National Museum, two thousand dollars.

For repairs to buildings, shops, and sheds, National Museum,

including repairs of roof, and for all necessary labor and material, fifteen thousand dollars.

For rent of workshops and temporary storage quarters for the National Museum, four thousand and forty dollars.

For postage stamps and foreign postal cards for the National Museum, five hundred dollars.

NATIONAL ZOOLOGICAL PARK: For continuing the construction of roads, walks, bridges, water supply, sewerage and drainage; and for grading, planting, and otherwise improving the grounds; erecting and repairing buildings and inclosures; care, subsistence, purchase, and transportation of animals, including salaries or compensation of all necessary employees; the purchase of necessary books and periodicals, and general incidental expenses not otherwise provided for, seventy-five thousand dollars; one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States; and of the sum hereby appropriated five thousand dollars shall be used for continuing the entrance into the Zoological Park from Cathedral avenue and opening driveway into Zoological Park, including necessary grading and removal of earth: *Provided*, That the unexpended balance of the amounts, aggregating eight thousand dollars, heretofore appropriated for widening, grading, and regulating Adams Mill road from Columbia road to the Zoological Park entrance is hereby reappropriated, to be expended under the direction of the Commissioners of the District of Columbia; and that the control of Adams Mill road is hereby vested in the said Commissioners, and all proceedings necessary to purchase or condemn the land necessary to widen said road as authorized by Act approved March third, eighteen hundred and ninety-nine, providing for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes, shall be taken by said Commissioners.

National Zoological Park.

Proviso.
Adams Mill road.
Unexpended balance for widening, etc., reappropriated.

—control of, etc.

For construction of a bridge across Rock Creek on the line of the roadway from Quarry road entrance, under the direction of the Engineer Commissioner of the District of Columbia, twenty-two thousand dollars, one-half of which sum shall be paid out of the revenues of the District of Columbia.

Bridge over Rock Creek.

FISH COMMISSION.

Fish Commission.

OFFICE OF COMMISSIONER: For Commissioner, five thousand dollars; chief clerk, two thousand four hundred dollars; stenographer to Commissioner, one thousand six hundred dollars; librarian, one thousand two hundred dollars; one clerk of class four; two clerks of class three; private secretary, one thousand two hundred dollars; one clerk, one thousand dollars; two clerks, at nine hundred dollars each; one engineer, one thousand and eighty dollars; three firemen, at six hundred dollars each; two watchmen, at seven hundred and twenty dollars each; three janitors and messengers, at six hundred dollars each; one janitress, four hundred and eighty dollars; one messenger, two hundred and forty dollars; in all, twenty-six thousand and forty dollars.

Pay of Commissioner, clerks, etc.

Office of accounts: Disbursing agent, two thousand two hundred dollars; examiner of accounts, one thousand six hundred dollars; property clerk, one thousand six hundred dollars; one clerk of class one: bookkeeper, one thousand and eighty dollars; in all, seven thousand six hundred and eighty dollars.

Office of accounts.

Office of architect and engineer: Architect and engineer, two thousand two hundred dollars; draftsman, one thousand two hundred dollars; draftsman, nine hundred dollars; clerk, seven hundred and twenty dollars; in all, five thousand and twenty dollars.

Office of architect and engineer.

Division of fish culture.	Division of fish culture—Office: Assistant in charge, two thousand seven hundred dollars; superintendent of car and messenger service, one thousand six hundred dollars; one clerk of class three; one clerk of class two; two clerks of class one; one copyist, seven hundred and twenty dollars; in all, ten thousand four hundred and twenty dollars.
Central station.	Division of fish culture—Station employees: Central Station, Washington, District of Columbia: Clerk, nine hundred dollars; skilled laborer, seven hundred and twenty dollars; laborer, four hundred and eighty dollars; in all, two thousand one hundred dollars.
Aquaria.	Aquaria, Central Station: Superintendent, nine hundred and sixty dollars; skilled laborer, seven hundred and twenty dollars; in all, one thousand six hundred and eighty dollars.
Fish ponds.	Fish ponds, Washington, District of Columbia: Superintendent, one thousand five hundred dollars; foreman, eight hundred and forty dollars; two laborers, at six hundred and sixty dollars each; in all, three thousand six hundred and sixty dollars.
Green Lake, Me.	Green Lake (Maine) Station: Superintendent, one thousand five hundred dollars; foreman, seven hundred and eighty dollars; fish-culturist, six hundred and sixty dollars; two laborers, at five hundred and forty dollars each; in all, four thousand and twenty dollars.
Craigs Brook, Me.	Craigs Brook (Maine) Station: Superintendent, one thousand five hundred dollars; foreman, seven hundred and twenty dollars; one skilled laborer, six hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand nine hundred dollars.
St. Johnsbury, Vt.	Saint Johnsbury (Vermont) Stations: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; skilled laborer, seven hundred and twenty dollars; two laborers, at six hundred dollars each; in all, four thousand three hundred and twenty dollars.
Gloucester, Mass.	Gloucester (Massachusetts) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; three laborers, at six hundred dollars each; in all, four thousand two hundred dollars.
Woods Hole, Mass.	Woods Hole (Massachusetts) Station: Superintendent, one thousand five hundred dollars; machinist, nine hundred and sixty dollars; fish-culturist, nine hundred dollars; pilot and collector, seven hundred and twenty dollars; three firemen, at six hundred dollars each; one skilled laborer, six hundred dollars; three laborers, at five hundred and forty dollars each; in all, eight thousand one hundred dollars.
Cape Vincent, N. Y.	Cape Vincent (New York) Station: Superintendent, one thousand five hundred dollars; skilled laborer, seven hundred and twenty dollars; machinist, nine hundred and sixty dollars; two firemen, at seven hundred and twenty dollars each; two laborers, at five hundred and forty dollars each; in all, five thousand seven hundred dollars.
Battery Island, Md.	Battery Island (Maryland) Station: Custodian, three hundred and sixty dollars.
Bryans Point, Md.	Bryans Point (Maryland) Station: Custodian, three hundred and sixty dollars.
Wytheville, Va.	Wytheville (Virginia) Station: Superintendent, one thousand five hundred dollars; foreman, nine hundred dollars; fish-culturist, six hundred and sixty dollars; laborer, five hundred and forty dollars; laborer, three hundred and sixty dollars; in all, three thousand nine hundred and sixty dollars.
Put in Bay, Ohio.	Put in Bay (Ohio) Station: Superintendent, one thousand five hundred dollars; foreman, one thousand dollars; skilled laborer, six hundred dollars; machinist, nine hundred and sixty dollars; laborer, five hundred and forty dollars; in all, four thousand six hundred dollars.
Northville, Mich.	Northville (Michigan) Station: Superintendent, one thousand five hundred dollars; foreman, nine hundred and sixty dollars; fish-culturist, seven hundred and twenty dollars; skilled laborer, six hundred

dollars; three laborers, at five hundred and forty dollars each; in all, five thousand four hundred dollars.

Alpena (Michigan) Station: Foreman, one thousand two hundred dollars; fish-culturist, seven hundred and twenty dollars; in all, one thousand nine hundred and twenty dollars. Alpena, Mich.

Duluth (Minnesota) Station: Superintendent, one thousand five hundred dollars; foreman, nine hundred dollars; fish-culturist, eight hundred and forty dollars; two laborers, at six hundred dollars each; in all, four thousand four hundred and forty dollars. Duluth, Minn.

Neosho (Missouri) Station: Superintendent, one thousand five hundred dollars; foreman, seven hundred and twenty dollars; skilled laborer, seven hundred and twenty dollars; one laborer, six hundred dollars; in all, three thousand five hundred and forty dollars. Neosho, Mo.

Leadville (Colorado) Station: Superintendent, one thousand five hundred dollars; foreman, one thousand two hundred dollars; two fish-culturists, at nine hundred dollars each; skilled laborer, seven hundred and twenty dollars; two laborers, at six hundred dollars each; cook, four hundred and eighty dollars; in all, six thousand nine hundred dollars. Leadville, Colo.

San Marcos (Texas) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; three laborers, at five hundred and forty dollars each; in all, four thousand and twenty dollars. San Marcos, Tex.

Baird (California) and Fort Gaston (California) stations: Superintendent, one thousand five hundred dollars; foreman, one thousand and eighty dollars; foreman, nine hundred dollars; laborer, six hundred dollars; laborer, five hundred and forty dollars; in all, four thousand six hundred and twenty dollars. Baird and Fort Gaston, Cal.

Clackamas (Oregon) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; laborer, seven hundred and twenty dollars; two laborers, at six hundred dollars each; in all, four thousand three hundred and twenty dollars. Clackamas, Oreg.

Manchester (Iowa) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; three laborers, at five hundred and forty dollars each; in all, four thousand and twenty dollars. Manchester, Iowa.

Bozeman (Montana) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars. Bozeman, Mont.

Erwin (Tennessee) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; three laborers, at five hundred and forty dollars each; in all, four thousand and twenty dollars. Erwin, Tenn.

Nashua (New Hampshire) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars. Nashua, N. H.

Edenton (North Carolina) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars. Edenton, N. C.

Baker Lake (Washington) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars. Baker Lake, Wash.

Cold Springs (Georgia) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars. Cold Springs, Ga.

Spearfish, S. Dak.	Spearfish (South Dakota) Station: Superintendent, one thousand five hundred dollars; fish-culturist, nine hundred dollars; two laborers, at five hundred and forty dollars each; in all, three thousand four hundred and eighty dollars.
Employees at large.	Employees at large: Two field-station superintendents, at one thousand eight hundred dollars each; two fish-culturists, at nine hundred and sixty dollars each; two fish-culturists, at nine hundred dollars each; five machinists, at nine hundred and sixty dollars each; two coxswains, at seven hundred and twenty dollars each; in all, thirteen thousand five hundred and sixty dollars.
Distribution employees.	Distribution employees: Four car captains, at one thousand two hundred dollars each; five car messengers, at one thousand dollars each; four assistant car messengers, at nine hundred dollars each; four car laborers, at seven hundred and twenty dollars each; four car cooks, at six hundred dollars each; in all, eighteen thousand six hundred and eighty dollars.
Division of inquiry respecting food fishes.	Division of inquiry respecting food-fishes: Assistant in charge, two thousand seven hundred dollars; assistant, two thousand five hundred dollars; assistant, one thousand six hundred dollars; two assistants, at one thousand two hundred dollars each; assistant, nine hundred dollars; assistant, seven hundred and twenty dollars; one clerk class one; one clerk, at nine hundred dollars; one copyist, seven hundred and twenty dollars; in all, thirteen thousand six hundred and forty dollars.
Division of statistics, etc.	Division of statistics and methods of the fisheries: Assistant in charge, two thousand five hundred dollars; one clerk of class four; one clerk of class two; two clerks, at one thousand dollars each; one clerk, nine hundred dollars; two clerks, at seven hundred and twenty dollars each; statistical agent, one thousand four hundred dollars; three statistical agents, at one thousand dollars each; one local agent at Boston, Massachusetts, three hundred dollars; one local agent at Gloucester, Massachusetts, six hundred dollars; in all, fifteen thousand three hundred and forty dollars.
Vessels. "Albatross."	Vessel service: Steamer Albatross: One naturalist, one thousand eight hundred dollars; one general assistant, one thousand two hundred dollars; one fishery expert, one thousand two hundred dollars; clerk, one thousand dollars; in all, five thousand two hundred dollars.
"Fish Hawk."	Steamer Fish Hawk: One cabin boy, three hundred dollars.
"Grampus."	Schooner Grampus: Master, one thousand five hundred dollars; first mate, one thousand and eighty dollars; second mate, eight hundred and forty dollars; cook, six hundred dollars; three seamen, at five hundred and forty dollars each; one cabin boy, four hundred and twenty dollars; in all, six thousand and sixty dollars.
Expenses of administration.	Expenses of administration: For contingent expenses of the office of the Commissioner, including stationery, purchase of special reports, books for library, telegraph and telephone service, furniture, repairs to and heating, lighting, and equipment of buildings, and compensation of temporary employees, twelve thousand five hundred dollars.
Propagation of food-fishes.	Propagation of food-fishes: For maintenance, equipment, and operations of the fish-culture stations of the Commission, the general propagation of food-fishes and their distribution, including movement, maintenance, and repairs of cars, purchase of equipment and apparatus, contingent expenses, and temporary labor, one hundred and seventy thousand dollars.
Maintenance of vessels.	Maintenance of vessels: For maintenance of the vessels and launches, including the purchase and repair of boats, apparatus, machinery, and other facilities required for use with the same, hire of vessels, and all other necessary expenses in connection therewith, thirty-five thousand dollars.
Inquiry respecting food-fishes.	Inquiry respecting food-fishes: For field and contingent expenses of the inquiry into the causes of the decrease of food-fishes in the lakes,

rivers, and coast waters of the United States, and for the study of the waters of the interior in the interest of fish culture; for the investigation of the fishing grounds of the Atlantic, Gulf, and Pacific coasts, with the view of determining their food resources, in the development of the commercial fisheries, expenses of necessary travel and preparation of reports, and for all other necessary expenses in connection therewith, twenty-two thousand five hundred dollars.

Statistical inquiry: For necessary traveling and contingent expenses in the collection and compilation of the statistics of the fisheries and the study of their methods and relations, seven thousand five hundred dollars.

Statistical inquiry.

And ten per centum of the foregoing amounts for the miscellaneous expenses of the work of the commission shall be available interchangeably for expenditure on the objects named, but no more than ten per centum shall be added to any one item of appropriation.

Interchangeable expenditures.

For completion of the Saint Johnsbury Station, Vermont, and for acquiring an additional supply of water at said station, including the purchase of the necessary land and water rights, twenty thousand dollars.

St. Johnsbury, Vt.

INTERSTATE COMMERCE COMMISSION.

For salaries of Commissioners, as provided by the "Act to regulate commerce," thirty-seven thousand five hundred dollars;

Interstate Commerce Commission.

For salary of secretary, as provided by the "Act to regulate commerce," three thousand five hundred dollars;

Salaries.

For all other necessary expenditures, to enable the Commission to give effect to the provisions of the "Act to regulate commerce," and all Acts and amendments supplementary thereto, two hundred and nine thousand dollars; of which sum not exceeding twenty-five thousand dollars may be expended in the employment of counsel, and not exceeding one thousand five hundred dollars may be expended for the purchase of necessary books, reports, and periodicals, and not exceeding one thousand five hundred dollars may be expended for printing other than that done at the Government Printing Office;

Expenses.
Vol. 24, p. 379.
Vol. 25, p. 855.
Vol. 26, p. 743.

In all, two hundred and fifty thousand dollars.

The unexpended balance of the sum of ten thousand dollars appropriated for the fiscal year eighteen hundred and ninety-nine by the "Act concerning carriers engaged in interstate commerce and their employees," approved June first, eighteen hundred and ninety-eight, which was reappropriated by the Act of March third, eighteen hundred and ninety-nine, and made available for the fiscal year nineteen hundred, is hereby reappropriated and made available for expenses that may be incurred under said Act during the fiscal year nineteen hundred and one.

Unexpended balance for expenses under "Act concerning carriers engaged in interstate commerce and their employees," reappropriated.
Vol. 30, pp. 428, 1090.

To enable the Interstate Commerce Commission to keep informed regarding compliance with the "Act to promote the safety of employees and travelers upon railroads," approved March second, eighteen hundred and ninety-three, and to render effective the requirements of the said Act, fifteen thousand dollars.

Enforcement of "Act to promote the safety of employees, etc., upon railroads."
Vol. 27, p. 531.

MISCELLANEOUS OBJECTS UNDER THE TREASURY DEPARTMENT.

Miscellaneous.

For salary of the resident commissioner from Porto Rico to the United States, authorized by the Act temporarily to provide revenues and a civil government for Porto Rico, approved April twelfth, nineteen hundred, five thousand dollars.

Porto Rico.
Salary of commissioner.
Ante, p. 86.

OFFICE OF THE SECRETARY: For additional amount for two assistant engineers, office of chief clerk and superintendent, to make their salaries one thousand dollars each per annum, five hundred and sixty dollars.

Engineers, office chief clerk, etc.

Bureau of statistics.	BUREAU OF STATISTICS: For two clerks of class two, two clerks of class one, and two clerks at one thousand dollars each; in all, seven thousand two hundred dollars.
Paper and stamps.	PAPER AND STAMPS: For paper for internal-revenue stamps, including freight, sixty thousand dollars.
Punishing violations of internal-revenue laws.	PUNISHMENT FOR VIOLATIONS OF INTERNAL-REVENUE LAWS: For detecting and bringing to trial and punishment persons guilty of violating the internal-revenue laws or conniving at the same, including payments for information and detection of such violations, one hundred thousand dollars; and the Commissioner of Internal Revenue shall make a detailed statement to Congress once in each year as to how he has expended this sum, and also a detailed statement of all miscellaneous expenditures in the Bureau of Internal Revenue for which appropriation is made in this Act: <i>Provided</i> , That necessary books of reference and periodicals for the chemical laboratory and law library, at a cost not to exceed five hundred dollars, may be purchased out of the appropriation made for the fiscal year nineteen hundred and one, for salaries and expenses of agents and surveyors, fees and expenses of gaugers, salaries of storekeepers, and for miscellaneous expenses.
<i>Proviso.</i> Purchase of books for chemical laboratory.	
Contingent expenses, Independent Treasury. R. S., sec. 3653, p. 719.	CONTINGENT EXPENSES, INDEPENDENT TREASURY: For contingent expenses under the requirements of section thirty-six hundred and fifty-three of the Revised Statutes of the United States, for the collection, safe-keeping, transfer, and disbursement of the public money, and for transportation of notes, bonds, and other securities of the United States, one hundred and seventy-five thousand dollars.
Transporting silver coin. —free of charge on request.	TRANSPORTATION OF SILVER COIN: For transportation of silver coin, including fractional silver coin, by registered mail or otherwise, one hundred thousand dollars; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, silver coin when requested to do so: <i>Provided</i> , That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.
<i>Proviso.</i> —deposit of equal amount.	
Recoinage of gold coins. R. S., sec. 3512, p. 696.	RECOINAGE OF GOLD COINS: For recoinage of light-weight gold coins in the Treasury, to be expended under the direction of the Secretary of the Treasury, as required by section thirty-five hundred and twelve of the Revised Statutes of the United States, three thousand dollars.
Philadelphia mint.	For new machinery and appliances for the new United States mint building at Philadelphia, Pennsylvania, to be immediately available, four hundred and forty thousand one hundred and eighty-five dollars.
Denver mint.	For new machinery and appliances for the new United States mint building at Denver, Colorado, twenty-five thousand dollars, and a contract is hereby authorized to be entered into for such machinery and appliances at a total cost of not exceeding one hundred and fifty thousand dollars.
Transporting minor coin. —free of charge on request.	TRANSPORTATION OF MINOR COIN: For transportation of minor coin, fifteen thousand dollars; and in expending this sum the Secretary of the Treasury is authorized and directed to transport from the Treasury or subtreasuries, free of charge, minor coin when requested to do so: <i>Provided</i> , That an equal amount in coin or currency shall have been deposited in the Treasury or such subtreasuries by the applicant or applicants. And the Secretary of the Treasury shall report to Congress the cost arising under this appropriation.
<i>Proviso.</i> —deposit of equal amount.	
United States securities. Distinctive paper.	DISTINCTIVE PAPER FOR UNITED STATES SECURITIES: For paper, including transportation, salaries of register, three counters, five watchmen, one laborer, and expenses of officer detailed from the Treasury as superintendent, one hundred and thirty-five thousand dollars.

SPECIAL WITNESS OF DESTRUCTION OF UNITED STATES SECURITIES: For pay of the representative of the public on the committee to witness the destruction by maceration of Government securities, at five dollars per day while actually employed, one thousand five hundred and sixty-five dollars. —witness of destruction.

SEALING AND SEPARATING UNITED STATES SECURITIES: For materials required to seal and separate United States notes and certificates, such as ink, printer's varnish, sperm oil, white printing paper, manila paper, thin muslin, benzine, gutta-percha belting, and other necessary articles and expenses, one thousand dollars. —sealing and separating.

EXPENSES OF NATIONAL CURRENCY: For distinctive paper, express charges, and other expenses, forty-two thousand dollars. Expenses national currency.

CANCELING UNITED STATES SECURITIES AND CUTTING DISTINCTIVE PAPER: For extra knives for cutting machines and sharpening same; and leather belting, new dies and punches, repairs to machinery, oil, cotton waste, and other necessary expenses connected with the cancellation of redeemed United States securities, five hundred dollars. Canceling, etc.

CUSTODY OF DIES, ROLLS, AND PLATES: For pay of custodian of dies, rolls, and plates used at the Bureau of Engraving and Printing for the printing of Government securities, namely: One custodian, three thousand dollars; two subcustodians, one at two thousand and one at one thousand eight hundred dollars; three distributors of stock, at one thousand four hundred dollars each; in all, eleven thousand dollars. Custody of dies, rolls, and plates.

PAY OF ASSISTANT CUSTODIANS AND JANITORS: For pay of assistant custodians and janitors, including all personal services in connection with the care of all public buildings under control of the Treasury Department outside of the District of Columbia, one million dollars; and the Secretary of the Treasury shall so apportion the sum as to prevent a deficiency therein. Public buildings. Assistant custodians and janitors.

GENERAL INSPECTOR OF SUPPLIES FOR PUBLIC BUILDINGS: For one general inspector, under the direction of the Secretary of the Treasury, to be appointed by the President, by and with the advice and consent of the Senate, three thousand dollars; and for actual necessary expenses, not exceeding two thousand dollars; in all, five thousand dollars. Inspector of supplies.

INSPECTOR OF FURNITURE AND OTHER FURNISHINGS FOR PUBLIC BUILDINGS: To enable the Secretary of the Treasury to employ a suitable person to inspect all public buildings and examine into their requirements for furniture and other furnishings, including fuel, lights, personal services, and other current expenses, two thousand five hundred dollars; and for actual necessary expenses, not exceeding two thousand dollars; in all, four thousand five hundred dollars. Inspector of furniture.

FURNITURE AND REPAIRS OF FURNITURE: For furniture and repairs of same, carpets, and gas and electric-light fixtures, for all public buildings, exclusive of marine hospitals, mints, branch mints, and assay offices, under the control of the Treasury Department, and for furniture, carpets, gas and electric-light fixtures for new buildings, exclusive of personal services, except for work done by contract, two hundred and seventy thousand dollars. And all furniture now owned by the United States in other public buildings shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not. Furniture and repairs.

FUEL, LIGHTS, AND WATER FOR PUBLIC BUILDINGS: For the purchase of fuel, steam, light, water, water meters, ice, lighting supplies, electric current for light and power purposes, and miscellaneous items, for the use of the assistant custodians' forces in the care of the buildings, furniture, and heating, hoisting, and ventilating apparatus, and electric-light plants, exclusive of personal service, and for expenses of Fuel, lights, and water.

- installing electric-light plants, electric-light wiring, and repairs thereto, in such buildings completed and occupied as may be designated by the Secretary of the Treasury, for all buildings, exclusive of marine hospitals, mints, branch mints, and assay offices under the control of the Treasury Department, inclusive of new buildings, eight hundred and fifty thousand dollars. And the appropriation herein made for gas shall include the rental and use of gas governors, when ordered by the Secretary of the Treasury in writing: *Provided*, That no sum shall be paid as rental for such gas governors greater than thirty-five per centum of the actual value of the gas saved thereby, which saving shall be determined by such tests as the Secretary of the Treasury shall direct. No portion of the amount herein appropriated shall be used for operating a system of pneumatic tubes for the transmission of postal matter.
- GAS.**
- Proviso.*
Gas governors.
- Pneumatic tubes.**
- Suppressing counterfeiting.** **SUPPRESSING COUNTERFEITING AND OTHER CRIMES:** For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction, dealers and pretended dealers in counterfeit money, and persons engaged in counterfeiting Treasury notes, bonds, national-bank notes, and other securities of the United States and of foreign government, as well as the coins of the United States and of foreign governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, including two thousand dollars to make the necessary investigation of claims for reimbursement of expenses incident to the last sickness and burial of deceased pensioners under section forty-seven hundred and eighteen of the Revised Statutes, and for no other purpose whatever, one hundred thousand dollars: *Provided*, That no part of this amount be used in defraying the expenses of any person subpoenaed by the United States courts to attend any trial before a United States court or preliminary examination before any United States commissioner, which expenses shall be paid from the appropriation for "Fees of witnesses, United States courts."
- R. S., sec. 4718, p. 919.**
- Proviso.*
Witnesses.
- Compensation in lieu of moieties.** **COMPENSATION IN LIEU OF MOIETIES:** For compensation in lieu of moieties in certain cases under the customs revenue laws, ten thousand dollars.
- Local appraisers' meetings.** **EXPENSES OF LOCAL APPRAISERS' MEETINGS:** For defraying the necessary expenses of local appraisers at annual meetings for the purpose of securing uniformity in the appraisement of dutiable goods at different ports of entry, one thousand two hundred dollars.
- Alaskan seal fisheries.** **ALASKAN SEAL FISHERIES:** For salaries and traveling expenses of agents at seal fisheries in Alaska, as follows: For one agent, three thousand six hundred and fifty dollars; one assistant agent, two thousand nine hundred and twenty dollars; two assistant agents, at two thousand one hundred and ninety dollars each; necessary traveling expenses of agents actually incurred in going to and returning from Alaska, not to exceed five hundred dollars each per annum; in all, twelve thousand nine hundred and fifty dollars.
- Food to natives.** To enable the Secretary of the Treasury to furnish food, fuel, and clothing to the native inhabitants on the islands of Saint Paul and Saint George, Alaska, nineteen thousand five hundred dollars.
- Salmon fisheries.** For the protection of the salmon fisheries of Alaska, under the direction of the Secretary of the Treasury, seven thousand dollars, to be immediately available.
- Enforcing award of Paris tribunal of arbitration.** **TO ENABLE THE SECRETARY OF THE TREASURY TO PAY NECESSARY EXPENSES OF ENFORCING THE CONDITIONS OF SECTION FOUR OF THE ACT APPROVED APRIL SIXTH, EIGHTEEN HUNDRED AND NINETY-FOUR, GIVING EFFECT TO THE AWARD RENDERED BY THE TRIBUNAL OF ARBITRATION, AT PARIS, EIGHTEEN HUNDRED AND NINETY-THREE, ONE HUNDRED DOLLARS.**
Vol. 28, p. 52.
- Chinese exclusion.** **ENFORCEMENT OF THE CHINESE EXCLUSION ACT:** To prevent unlawful entry of Chinese into the United States, by the appointment of

suitable officers to enforce the laws in relation thereto, and for expenses of returning to China all Chinese persons found to be unlawfully in the United States, including the cost of imprisonment and actual expense of conveyance of Chinese persons to the frontier or seaboard for deportation, and for enforcing the provisions of the Act approved May fifth, eighteen hundred and ninety-two, entitled "An Act to prohibit the coming of Chinese persons into the United States," one hundred and ten thousand dollars, and of which sum one thousand dollars per annum shall be paid to the collector of customs at Port Townsend as additional compensation; and nothing in section four of the Act of August fifth, eighteen hundred and eighty-two (Twenty-second Statutes at Large, page two hundred and twenty-five) shall be construed to prevent the Secretary of the Treasury from hereafter detailing one officer employed in the enforcement of the Chinese exclusion Acts for duty at the Treasury Department at Washington.

Vol. 27, p. 25.

Vol. 22, p. 225.

ENFORCEMENT OF ALIEN CONTRACT-LABOR LAWS: For the enforcement of the alien contract-labor laws and to prevent the immigration of convicts, lunatics, idiots, and persons liable to become a public charge, from foreign contiguous territory, one hundred and fifty thousand dollars: *Provided*, That one special inspector, whose compensation shall be paid from this appropriation, may be detailed for duty in the bureau at Washington, and hereafter the Commissioner-General of Immigration, in addition to his other duties, shall have charge of the administration of the Chinese exclusion law and of the various Acts regulating immigration into the United States, its Territories, and the District of Columbia, under the supervision and direction of the Secretary of the Treasury.

Alien contract-labor laws.

Proviso.
Detail of special inspector, etc.
Commissioner-General of Immigration to administer Chinese exclusion and immigration laws.

COMPILING THE CUSTOMS LAWS OF THE UNITED STATES: To enable the Secretary of the Treasury to pay for the compilation and codification of the customs laws of the United States, for the use of the Department and other officials dealing with customs administration, the same being necessary for the dispatch of business, one thousand dollars.

Compilation of customs laws.

LANDS AND OTHER PROPERTY OF THE UNITED STATES: For custody, care, protection, and expenses of sales of lands and other property of the United States, the examination of titles, recording of deeds, advertising, and auctioneers' fees, four hundred dollars.

Lands, etc.

OFFICE OF RECORDER OF DEEDS, DISTRICT OF COLUMBIA: The salary of the Deputy Recorder of Deeds of the District of Columbia shall hereafter be two thousand five hundred dollars per annum, to be paid out of the fees and emoluments of the office of the Recorder of Deeds.

Salary of Deputy Recorder of Deeds, District of Columbia, fixed.

QUARANTINE SERVICE.

Quarantine service.

For the maintenance and ordinary expenses, including pay of officers and employes of quarantine stations at Delaware Breakwater, Reedy Island, Cape Charles and supplemental station, Cape Fear, Savannah, South Atlantic, Brunswick, Gulf, Tortugas, San Diego, San Francisco, Columbia River, Port Townsend, and in Porto Rico, two hundred and thirty-five thousand dollars.

Maintenance.

For establishment and maintenance of quarantine service in the Territory of Hawaii under the provisions of section ninety-seven of an Act to provide a government for the Territory of Hawaii, approved April thirtieth, nineteen hundred, seventy-five thousand dollars, to be immediately available.

Hawaii.

Ante, p. 160.

PREVENTION OF EPIDEMICS.

The President of the United States in hereby authorized, in case of threatened or actual epidemic of cholera, yellow fever, smallpox, bubonic plague, or Chinese plague, or black death, to use the unex-

Prevention of epidemics.

Vol. 30, p. 31.

pended balance of the sums appropriated and reappropriated by the sundry civil appropriation Act approved June fourth, eighteen hundred and ninety-seven, and five hundred thousand dollars in addition thereto, or so much thereof as may be necessary, in aid of State and local boards, or otherwise, in his discretion, in preventing and suppressing the spread of the same; and in such emergency in the execution of any quarantine laws which may be then in force, the same to be immediately available.

Territory of Hawaii.

TERRITORY OF HAWAII.

Salaries.

For salaries, namely: Governor, five thousand dollars; secretary, three thousand dollars; chief justice, five thousand five hundred dollars, and two associate justices, at five thousand dollars each; in all, twenty-three thousand five hundred dollars.

For judges of circuit courts, at three thousand dollars each, so much as may be necessary, and also for the remainder of the fiscal year nineteen hundred.

Contingent expenses.

For contingent expenses of the Territory to be expended by the governor for stationery, postage, and incidentals, five hundred dollars, and for private secretary to the governor, two thousand dollars; for traveling expenses of the governor, while absent from the capital on official business, five hundred dollars, to be immediately available.

Settlement of State claims for Spanish war expenses. Suits against States, etc. Chap. 445, vol. 30, p. 1356; repeal.

That so much of section four of the Act approved March third, eighteen hundred and ninety-nine, entitled "An Act to amend an Act entitled 'An Act to reimburse the governors of States and Territories for expenses incurred by them in aiding the United States to raise and organize and supply and equip the Volunteer Army of the United States in the existing war with Spain,'" as authorizes or directs the Secretary of the Treasury to institute any act or proceedings which he may consider advisable against any State or its representatives to secure the payment of the principal and interest of any bonds or stocks issued or guaranteed by said State the ownership of which is vested in the United States is hereby repealed, and the Secretary of the Treasury is hereby directed to discontinue and dismiss any suits, actions, or proceedings which have been begun under the authority of said section four.

Interior Department.

UNDER THE DEPARTMENT OF THE INTERIOR.

Public buildings.

PUBLIC BUILDINGS.

Repairs.

REPAIRS OF BUILDINGS, INTERIOR DEPARTMENT: For repairs of Interior Department and Pension buildings, and of the General Post-Office building occupied by the Interior Department, thirteen thousand five hundred dollars.

For the construction and equipment of an elevator for the west wing of the Interior Department building, seven thousand three hundred and fifty dollars.

For coal bin for storage of coal, to be built in connection with area way of the Pension Office building, seven thousand dollars.

Capitol. Repairs, etc.

FOR THE CAPITOL: For work at Capitol, and for general repairs thereof, including wages of mechanics and laborers, and including not exceeding two thousand five hundred dollars for a new car and inclosures for the eastern elevator in the House wing, thirty-two thousand five hundred dollars.

Delivery of fuel.

Hereafter fuel shall be delivered to the two wings of the Capitol only during such hours and under such regulations as the Architect of the Capitol shall prescribe.

Flags.

To provide flags for the east and west fronts of the center of the Capitol, to be hoisted daily under the direction of the Capitol police board, one hundred dollars, or so much thereof as may be necessary.

For continuing the work of cleaning and repairing works of art in the Capitol, including the repairing of frames, under the direction of the Joint Committee on the Library, one thousand five hundred dollars.

Cleaning works of art.

STEAM HEATING AND MACHINERY, SENATE WING: For necessary repairs and improvements of the steam heating and ventilating apparatus in the Senate wing of the Capitol, including the Supreme Court, legislative bell service and elevators, under the supervision of the Architect of the United States Capitol, three thousand two hundred and eighty-five dollars.

Heating, etc., Senate.

VENTILATION, SENATE WING: For special repairs to and care of ventilating machinery in the Senate wing of the Capitol, including recording and testing apparatus for air, five hundred dollars.

—ventilation.

MALTBY BUILDING: For construction of new elevator shaft of steel framework with terra-cotta fireproofing, new elevator car, and inclosing doors to the several landings, including shoring up of floors and stairways during construction, and other expenses incident thereto, six thousand dollars.

Maltby Building.

For changes and improvements in the water supply and fire protection at the Maltby Building, one thousand four hundred and thirty-one dollars and fifty cents.

IMPROVING THE CAPITOL GROUNDS: For continuing the work of the improvement of the Capitol grounds and for care of the grounds, one clerk, and the pay of mechanics, gardeners, and laborers; for repairs to artificial pavement, walls, and roadways, sixteen thousand dollars.

Capitol grounds.

LIGHTING THE CAPITOL AND GROUNDS: For lighting the Capitol and grounds about the same, including the Botanic Garden, Senate and House stables, Maltby Building, and folding and storage rooms of the House of Representatives; for gas and electric lighting; pay of superintendent of meters, lamplighters, gas fitters, and for materials and labor for gas and electric lighting, and for general repairs, thirty thousand dollars: *Provided*, That nothing in the Act to regulate the use of the Capitol grounds, approved July first, eighteen hundred and eighty-two, shall be construed to prohibit concerts on the Capitol grounds at times when neither House of Congress is sitting by any band in the service of the United States under the direction of the Architect of the Capitol.

Lighting.

Proriso.
Concerts in grounds not prohibited.
Vol. 22, p. 126.

For repairs and improvements to steam fire engine house and Senate and House stables, and for repairs and paving of floors and courtyards of same, one thousand five hundred dollars.

Engine house and stables.

EXPENSES OF THE COLLECTION OF REVENUE FROM SALES OF PUBLIC LANDS.

Public lands.

SALARIES AND COMMISSIONS OF REGISTERS AND RECEIVERS: For salaries and commissions of registers of land offices and receivers of public moneys at district land offices, at not exceeding three thousand dollars each, four hundred and seventy-seven thousand dollars.

Salaries registers and receivers.

CONTINGENT EXPENSES OF LAND OFFICES: For clerk hire, rent, and other incidental expenses of the district land offices, one hundred and thirty-five thousand dollars: *Provided*, That no expenses chargeable to the Government shall be incurred by registers and receivers in the conduct of local land offices, except upon previous specific authorization by the Commissioner of the General Land Office.

Contingent expenses of land offices.

Proriso.
Authorization of expenditures.

EXPENSES OF DEPOSITING PUBLIC MONEYS: For expenses of depositing money received from the disposal of public lands, two thousand five hundred dollars.

Depositing public moneys.

DEPREDACTIONS ON PUBLIC TIMBER, PROTECTING PUBLIC LANDS, AND SETTLEMENT OF CLAIMS FOR SWAMP LANDS AND SWAMP-LAND INDEMNITY: To meet the expenses of protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent

Timber depredations; protecting public lands and swamp-land claims.

Proviso.
Agents per diem,
etc.

entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, one hundred and twenty-five thousand dollars: *Provided*, That agents and others employed under this appropriation shall be selected by the Secretary of the Interior, and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding three dollars per day each and actual necessary expenses for transportation, including necessary sleeping-car fares.

Forest reserves.
Protection and ad-
ministration of.
Vol. 30, p. 34.

PROTECTION AND ADMINISTRATION OF FOREST RESERVES: To meet the expenses of executing the provisions of the sundry civil act approved June fourth, eighteen hundred and ninety-seven, for the care and administration of the forest reserves, to meet the expenses of forest inspectors and assistants, superintendents, supervisors, surveyors, rangers, and for the employment of foresters and other emergency help in the prevention and extinguishment of forest fires, and for advertising dead and matured trees for sale within such reservations. That all selections of land made in lieu of a tract covered by an unperfected bona fide claim, or by a patent, included within a public forest reservation, as provided in the Act of June fourth, eighteen hundred and ninety-seven, entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," shall be confined to vacant surveyed nonmineral public lands which are subject to homestead entry not exceeding in area the tract covered by such claim or patent: *Provided*, That nothing herein contained shall be construed to affect the rights of those who, previous to October first, nineteen hundred, shall have delivered to the United States deeds for lands within forest reservations and make application for specific tracts of lands in lieu thereof: *Provided*, That forestry agents, superintendents, and supervisors, and other persons employed under this appropriation shall be selected by the Secretary of the Interior wholly with reference to their fitness and without regard for their political affiliations and allowed per diem, subject to such rules and regulations as he may prescribe, in lieu of subsistence, at a rate not exceeding three dollars per day each, and actual necessary expenses for transportation, including necessary sleeping-car fares, three hundred thousand dollars, to be immediately available: *Provided further*, That forest agents, superintendents, supervisors, and all other persons employed in connection with the administration and protection of forest reservations shall, in all ways that are practicable, aid in the enforcement of the laws of the State or Territory in which said forest reservation is situated in relation to the protection of fish and game.

Selections of land
in lieu of tract covered
by an unperfected
bona fide claim, etc.

Provisos.
—limit of time to
make selection.

Employees selected
because of fitness: per
diem to, etc.

Protection of fish
and game.

Hearings in land
entries.

Reproducing plats
of surveys.

Examinations of
desert lands.
Vol. 28, p. 42.

General Land Office.
Indexing, etc., re-
corder's office.

EXPENSES OF HEARINGS IN LAND ENTRIES: For expenses of hearings held by order of the Commissioner of the General Land Office to determine whether alleged fraudulent entries are of that character or have been made in compliance with law, four thousand five hundred dollars.

REPRODUCING PLATS OF SURVEYS: To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys on file and other plats constituting a part of the records of said office, and to furnish local land offices with the same, two thousand five hundred dollars.

EXAMINATIONS OF DESERT LANDS: To enable the Secretary of the Interior to examine, under such regulations and at such compensation as he may prescribe, the desert lands selected by the States under the provisions of section four of the Act of Congress approved August eighteenth, eighteen hundred and ninety-four, three thousand dollars.

PRESERVATION OF RECORDS, GENERAL LAND OFFICE: For continuing the work of rearranging, indexing, and preserving the records of the recorder's office of the General Land Office, one thousand dollars:

Provided, That any balance remaining to the credit of the appropriation for this purpose for the current fiscal year nineteen hundred, and uncontracted for on June thirtieth, nineteen hundred, may be used during the fiscal year nineteen hundred and one for the purposes indicated.

Provisos.
Balance of appropriation available.

TRANSCRIPTS OF RECORDS AND PLATS, GENERAL LAND OFFICE: For furnishing transcripts of records and plats, to be expended under the direction of the Secretary of the Interior, ten thousand dollars: *Provided*, That copyists employed under this appropriation shall be selected by the Secretary of the Interior at a compensation of two dollars per day while actually employed, at such times and for such periods as the exigencies of the work may demand: *Provided further*, That this appropriation shall be immediately available for the employment of copyists under the direction of the Secretary of the Interior, at the rate of compensation named herein, for the purpose of reproducing from the records of the General Land Office the official records of the district land offices at Lake View, Oregon, and Miles City, Montana, which were destroyed by fire on May twenty-third and twenty-fourth, nineteen hundred, respectively.

Transcripts of records and plats.

Proviso.
—copyists.

Records at Lake View, Oregon, and Miles City, Mont.

PAYMENT OF FEES, AND SO FORTH, GENERAL LAND OFFICE: For the payment of revenue stamps, notarial and recording fees on reconveyances of land to the United States, five hundred dollars.

Payment of fees, etc.

OFFICE OF SURVEYOR-GENERAL, COLORADO: Additional amount for rent of office, payment of messenger, stationery, binding and repairing records, repairs of furniture, and other incidental expenses, one thousand one hundred dollars.

Surveyor-general's office, Colorado.

MINERAL LANDS IN MONTANA AND IDAHO: To complete the examination and classification of certain lands within the land grant and indemnity land grant limits of the Northern Pacific Railroad Company in the Helena and Missoula land districts in the State of Montana and in the Cœur d'Alene land district in the State of Idaho, with special reference to the mineral or nonmineral character of such lands, as authorized by the Act of February twenty-sixth, eighteen hundred and ninety-five (Twenty-eighth Statutes, six hundred and eighty-three), namely: For the compensation of the commissioners, not exceeding fifteen in number, of whom not more than ten shall be of one political party, to be appointed by the President, by and with the advice and consent of the Senate, such compensation not to exceed six dollars per day for each commissioner while actually engaged in the performance of their duties, which amount shall include their transportation and subsistence expenses; also for the publication of monthly reports and for the payment of such clerical help as in the opinion of the Commissioner of the General Land Office may be necessary for the expeditious and economical prosecution of the work, twenty-five thousand dollars: *Provided*, That each commissioner shall act separately, and only one commissioner shall examine and report on any tract of land, and his examination and report shall have the same force and effect as if made by three commissioners, and under this appropriation the entire work of examination and classification, including the publication of notices and all other expenses therewith connected, shall be completed; and the law of February twenty-sixth, eighteen hundred and ninety-five, entitled "An Act to provide for the examination and classification of certain mineral lands in the States of Montana and Idaho," shall be deemed and held to be applicable to the commissioners herein provided for.

Mineral lands, Montana and Idaho.
Compensation of commissioners to classify Northern Pacific Railroad land grant.

Vol. 28, p. 683.

Expenses.

Proviso.
Commissioners to act separately etc.

SURVEYING THE PUBLIC LANDS.

Surveying public lands.

For surveys and resurveys of public lands, three hundred and twenty-five thousand dollars, at rates not exceeding nine dollars per

Surveys, rates, etc.

linear mile for standard and meander lines, seven dollars for township, and five dollars for section lines: *Provided*, That in expending this appropriation preference shall be given, first, in favor of surveying townships occupied, in whole or in part, by actual settlers and of lands granted to the States by the Act approved February twenty-second, eighteen hundred and eighty-nine, and the Acts approved July third and July tenth, eighteen hundred and ninety, and, second, to surveying under such other Acts as provide for land grants to the several States, except railroad land grants and such indemnity lands as the several States may be entitled to in lieu of lands granted them for educational and other purposes which may have been sold or included in some reservation or otherwise disposed of, and other surveys shall be confined to lands adapted to agriculture, and lands within boundaries of forest reservations, except that the Commissioner of the General Land Office may allow, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding thirteen dollars per linear mile for standard and meander lines, eleven dollars for township, and seven dollars for section lines, and in cases of exceptional difficulties in the surveys, where the work can not be contracted for at these rates, compensation for surveys and resurveys may be allowed by the said Commissioner, with the approval of the Secretary of the Interior, at rates not exceeding eighteen dollars per linear mile for standard and meander lines, fifteen dollars for township, and twelve dollars for section lines: *Provided further*, That in the States of California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, Wyoming, the Territory of Arizona, and the district of Alaska, there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding twenty-five dollars per linear mile for standard and meander lines, twenty-three dollars for township, and twenty dollars for section lines: And of the sum hereby appropriated there may be expended such an amount as the Commissioner of the General Land Office may deem necessary for examination of public surveys in the several surveying districts, by such competent surveyors as the Secretary of the Interior may select, or by such competent surveyors as he may authorize the surveyor-general to select, in order to test the accuracy of the work in the field, and to prevent payment for fraudulent or imperfect surveys returned by deputy surveyors, and for examinations of surveys heretofore made and reported to be defective or fraudulent, and inspecting mineral deposits, coal fields, and timber districts, and for making fragmentary surveys, and such other surveys or examinations as may be required for identification of lands for purposes of evidence in any suit or proceeding in behalf of the United States.

Provisos.
Preferences.
Vol. 25, p. 676.

Vol. 26, pp. 215, 222.

Extra rates for heavily timbered lands.

Exceptional difficulties.

Lands in California, etc.

Resurveys.

Confirmed private land claims.

Vol. 26, p. 854.

Proviso.
Publication of notice of survey.

Abandoned military reservations.
Vol. 23, p. 103.

For survey of private land claims in the States of Colorado, Nevada, Wyoming, and Utah, and in the Territories of Arizona and New Mexico, confirmed under the provisions of the Act of Congress entitled "An Act to establish a Court of Private Land Claims, and to provide for the settlement of private land claims in certain States and Territories," approved March third, eighteen hundred and ninety-one, and for the resurvey of such private land claims heretofore confirmed as may be deemed necessary, ten thousand dollars, said sum to be also available for office work on such surveys and for the examination of the surveys in the field: *Provided*, That hereafter the notices of survey required by section ten of said Act shall be published in one newspaper only, except where specifically directed by the Commissioner of the General Land Office.

For necessary expenses of survey, appraisal, and sale of abandoned military reservations transferred to the control of the Secretary of the Interior under the provisions of an Act of Congress approved July

fifth, eighteen hundred and eighty-four, and any law prior thereto, including a custodian of the ruin of Casa Grande, six thousand dollars.

Casa Grande.

For the ascertainment, survey, marking, and permanent establishment of the boundary line between the State of Utah and the Territory of Arizona, being that portion of the parallel of thirty-seven degrees of north latitude lying between the thirty-second and thirty-seventh degrees of longitude west from Washington, an estimated distance of two hundred and seventy-seven miles, including the expense of an examination of the survey in the field, the rate of compensation per mile to the surveyor to be fixed by the Secretary of the Interior, the same to include the cost of the preparation of the plats and field notes of the survey in triplicate, twenty-two thousand eight hundred dollars.

Boundary line between Utah and Arizona.

For the survey of lands in the Fort Buford abandoned military reservation, in the States of North Dakota and Montana, to be made in the manner as other surveys of public lands are made, eleven thousand dollars.

Survey Fort Buford reservation, North Dakota and Montana.

UNITED STATES GEOLOGICAL SURVEY.

Geological survey.

FOR SALARIES OF THE SCIENTIFIC ASSISTANTS OF THE GEOLOGICAL SURVEY: For two geologists, at four thousand dollars each;

Scientific assistants. Salaries.

For one geologist, three thousand dollars;

For one geologist, two thousand seven hundred dollars;

For two paleontologists, at two thousand dollars each;

For one chemist, three thousand dollars;

For one geographer, two thousand seven hundred dollars;

For one geographer, two thousand five hundred dollars;

For two topographers, at two thousand dollars each; in all, twenty-nine thousand nine hundred dollars.

Expenses.

FOR GENERAL EXPENSES OF THE GEOLOGICAL SURVEY: For the Geological Survey and the classification of the public lands and examination of the geological structure, mineral resources, and the products of the national domain, and to continue the preparation of a geological map of the United States, including the pay of temporary employees in the field and office, and all other necessary expenses, including telegrams, to be expended under the direction of the Secretary of the Interior, namely:

For pay of skilled laborers and various temporary employees, thirteen thousand dollars;

Laborers.

For topographic surveys in various portions of the United States, two hundred and forty thousand dollars, to be immediately available;

Topographic surveys.

For geological surveys in the various portions of the United States, one hundred and fifty thousand dollars, to be immediately available;

Geological surveys.

For continuation of the investigation of the mineral resources of Alaska, twenty-five thousand dollars, to be immediately available;

Alaska resources.

For paleontologic researches relating to the geology of the United States, ten thousand dollars;

Paleontological researches.

For chemical and physical researches relating to the geology of the United States, ten thousand dollars;

Chemical researches.

For the preparation of the illustrations of the Geological Survey, fourteen thousand dollars;

Illustrations.

For the preparation of the report of the mineral resources of the United States, including phosphates, fifty thousand dollars;

Mineral resources.

For the purchase of necessary books for the library, and the payment for the transmission of public documents through the Smithsonian exchange, two thousand dollars;

Books, etc.

For engraving and printing the geological maps of the United States, seventy thousand dollars;

Maps.

For gauging the streams and determining the water supply of the United States, and for the investigation of underground currents and

Gauging water supply.

artesian wells in arid and semiarid sections, and the preparation of reports upon the best methods of utilizing the water resources of said sections, one hundred thousand dollars;

Surveying forest reserves.

For continuation of the survey of the public lands that have been or may hereafter be designated as forest reserves, one hundred and thirty thousand dollars, to be immediately available;

Rent.

For rent of office rooms in Washington, District of Columbia, eleven thousand two hundred dollars;

In all, for the United States Geological Survey, eight hundred and fifty-five thousand one hundred dollars.

EXPENSES TWELFTH CENSUS.

Twelfth Census.
Vol. 30, p. 1014.

For salaries and necessary expenses for taking and compiling the results of the Twelfth Census, in accordance with the act of March third, eighteen hundred and ninety-nine, providing for the Twelfth and subsequent censuses, and amendments thereto, nine million dollars, to continue available until expended, including two thousand five hundred dollars per annum to the appointment clerk, which sum is hereby fixed as the annual salary of the office.

Miscellaneous.

MISCELLANEOUS OBJECTS.

Yosemite National Park.
Expenses.

IMPROVEMENT OF THE YOSEMITE NATIONAL PARK: For protection of the Yosemite National Park, and the construction of bridges, fencing, and trails, and improvement of roads, other than toll roads, to be expended under the supervision of the Secretary of the Interior, four thousand dollars.

Protection of Sequoia, Yosemite, and General Grant national parks, California.

The Secretary of War, upon the request of the Secretary of the Interior, is hereafter authorized and directed to make the necessary detail of troops to prevent trespassers or intruders from entering the Sequoia National Park, the Yosemite National Park, and the General Grant National Park, respectively, in California, for the purpose of destroying the game or objects of curiosity therein, or for any other purpose prohibited by law or regulation for the government of said reservations, and to remove such persons from said parks if found therein.

Sequoia National Park.
Expenses.

IMPROVEMENT OF THE SEQUOIA NATIONAL PARK: For protection of the park, and the construction and repair of bridges, fences, and trails, and improvement and extension of roads; and for providing a water supply for the cavalry camp, to be expended under the supervision of the Secretary of the Interior, ten thousand dollars.

General Grant National Park.
Fencing, etc.

IMPROVEMENT OF THE GENERAL GRANT NATIONAL PARK: For construction of a trail around the perimeter of the park, and for material and labor and the construction of a barbed-wire fence around the park, to be expended under the supervision of the Secretary of the Interior, two thousand five hundred dollars.

Supreme Court Reports.

SUPREME COURT REPORTS: To pay the reporter of decisions of the Supreme Court of the United States for seventy-six copies, each, of volumes one hundred and seventy-seven to one hundred and eighty-one, inclusive, of the United States Reports, at a rate not exceeding two dollars per volume, under the provisions of section two of the Act of February twelfth, eighteen hundred and eighty-nine, seven hundred and sixty dollars.

Vol. 25, p. 661.

Government Hospital for the Insane.

GOVERNMENT HOSPITAL FOR THE INSANE: For current expenses of the Government Hospital for the Insane: For support, clothing, and treatment in the Government Hospital for the Insane of the insane from the Army and Navy, Marine Corps, Revenue-Cutter Service, and inmates of the National Home for Disabled Volunteer Soldiers, persons charged with or convicted of crimes against the United States

who are insane, all persons who have become insane since their entry into the military or naval service of the United States, who have been admitted to the hospital and who are indigent, three hundred and thirteen thousand two hundred dollars; and not exceeding one thousand five hundred dollars of this sum may be expended in defraying the expense of the removal of patients to their friends; not exceeding one thousand dollars may be expended in the purchase of such books, periodicals, and papers as may be required for the purposes of the hospital.

For the buildings and grounds of the Government Hospital for the Insane, as follows: Buildings and grounds.

For general repairs and improvements, twenty-five thousand dollars.

For partially reroofing, reguttering complete, and replacing down spouts on the relief building, two thousand two hundred dollars.

For renewing plumbing, tiling bath and toilet rooms throughout the entire group of the old buildings, in accordance with the recommendation of the special committee, ten thousand dollars, or as much thereof as may be necessary to accomplish the desired changes as quickly as possible, by contract or otherwise.

For special improvements as follows:

For the construction of a central storehouse and a refrigerating and cold-storage plant, fourteen thousand five hundred dollars, together with the unexpended balance of the sum of eighteen thousand dollars heretofore appropriated for three cottage buildings for working inmates.

For one two-hundred-horsepower engine with one direct connected electric generator, ten thousand dollars, or as much thereof as may be necessary to procure the designated machinery.

For fireproof stairways for relief building, four thousand dollars.

For a kitchen for the detached buildings large enough to provide for one thousand persons, eight thousand dollars.

For the construction of a railroad switch from the present line of the Baltimore and Ohio Railroad to the present boiler house of the hospital and to the site of the proposed boiler house of the extension, as authorized, in case the proposed purchase of land is consummated, the balance remaining unexpended of the appropriation for construction of a sewerage and drainage system, available during the fiscal year ending June thirtieth, nineteen hundred, after the full completion of said sewerage and drainage system, and in addition thereto the sum of fifteen thousand dollars.

For water tower, pump house, fire pump, pipe, hydrants, hose and hose carts and other fire apparatus, wells and air compressor, thirty-seven thousand five hundred dollars.

For clearing, fencing, building roadways, and grading for the extension as hereinafter described, twenty-five thousand dollars, or so much thereof as may be necessary.

The board of visitors and the Superintendent shall prepare plans, specifications, and estimates for an extension of the hospital sufficient to provide for one thousand patients. Said extension shall be of fire-proof construction, and suitable for all special classes of acute insanity. Extension of hospital.

Said plans shall include all necessary domestic buildings and all buildings required for the proper care of one thousand patients and the requisite nurses and employees, and shall be approved by the Secretary of the Interior. The total cost of all the buildings, machinery, and equipment, including heating, lighting, sewerage, and water supply, under said plans shall not exceed nine hundred and seventy-five thousand dollars, within which sum and under such plans the Secretary of the Interior is authorized to enter into contract, or contracts, for the extension of the hospital as herein specified, upon lands already owned by the Government, or upon such suitable lands as may be —total cost.

donated to the Government within the District of Columbia for that purpose, toward which, including the expense of the preparation of plans and specifications, there is hereby appropriated the sum of fifty thousand dollars.

Columbia Institution for the Deaf and Dumb.
Current expenses.

CURRENT EXPENSES OF THE COLUMBIA INSTITUTION FOR THE DEAF AND DUMB: For support of the institution, including salaries and incidental expenses, for books and illustrative apparatus, and for general repairs and improvements, fifty-four thousand five hundred dollars: *Provided*, That the number of beneficiaries in said institution, authorized by the Act of August thirtieth, eighteen hundred and ninety, to be received from the several States and Territories, is hereby increased from sixty to one hundred.

Proviso.
Number of State beneficiaries increased.
Vol. 26, p. 392.

Repairs.

For repairs to the buildings of the institution, including plumbing and steam-heating apparatus, and for repairs to pavements within the grounds, three thousand dollars.

Howard University.
Maintenance.

HOWARD UNIVERSITY: For maintenance of the Howard University, to be used in payment of part of the salaries of the officers, professors, teachers, and other regular employees of the university, the balance of which will be paid from donations and other sources, of which sum not less than one thousand five hundred dollars shall be used for normal instruction, twenty-nine thousand dollars;

For tools, materials, fuel, wages of instructors, and other necessary expenses of the industrial department, three thousand dollars;

For books, shelving, furniture, and fixtures for the law and general libraries, nine hundred dollars;

For improvement of grounds and repairs of buildings, two thousand dollars;

For material and apparatus for chemical, physical, and natural-history studies, and use in laboratories, including cases and shelving, two hundred dollars;

In all, thirty-five thousand one hundred dollars.

Alaska.
Education.

EDUCATION IN ALASKA: For the industrial and elementary education of children in Alaska, without reference to race, thirty thousand dollars.

Reindeer.

REINDEER FOR ALASKA: For support of reindeer stations in Alaska, for the instruction of Alaskan natives in the care and management of the reindeer, and for the purchase and introduction of reindeer from Siberia for domestic purposes, twenty-five thousand dollars, of which a part may be used in the capture and domestication of the native caribou in the discretion of the Secretary of the Interior.

War Department.

UNDER THE WAR DEPARTMENT.

Armories and arsenals.

ARMORIES AND ARSENALS.

Rock Island, Ill.

For the Rock Island Arsenal, Rock Island, Illinois, as follows:

For machinery and shop fixtures, ten thousand dollars.

For general care, preservation, and improvements; for painting and care and preservation of permanent buildings; for building fences and sewers and grading grounds, ten thousand dollars.

For repairs of wing dam of Rock Island Arsenal water power, deepening tailraces of the Moline and Government dams of said power above and below their junction through the slough south of the island, ninety-seven thousand dollars.

For the Rock Island Bridge, as follows:

For operating and care and preservation of Rock Island bridge and viaduct, twelve thousand five hundred dollars.

For completing the installation of the plant and the purchase of tools, fixtures, and other appliances for the manufacture of small arms in the armory shops at Rock Island Arsenal, to be available until expended, five hundred and nine thousand dollars.

SANDY HOOK PROVING GROUND, NEW JERSEY: For building and repairing roads and walks, and for general repairs of shops, storehouses, and quarters, two thousand five hundred dollars. Sandy Hook Proving Ground, N. J.

For necessary plant for heating by steam the barracks occupied by ordnance detachment at this post, two thousand seven hundred dollars.

SPRINGFIELD ARSENAL, SPRINGFIELD, MASSACHUSETTS: For general care, repair of quarters, of buildings, and machinery not used for manufacturing purposes, ten thousand dollars. Springfield, Mass.

For curbing and macadamizing Magazine street from State to Lincoln streets, the property of the United States, forming a highway of the city of Springfield, six thousand dollars.

For addition to water shops, ninety-five thousand five hundred and ninety-eight dollars and seventy-one cents; additional machinery for water shops, ninety thousand six hundred and eighty dollars and seventy cents; additional machinery for hill shops, one hundred and thirteen thousand four hundred and thirty-eight dollars and sixty cents; in all, two hundred and ninety-nine thousand seven hundred and eighteen dollars and one cent, to be available until expended.

WATERTOWN ARSENAL, WATERTOWN, MASSACHUSETTS: For the erection of a new fence around the Watertown Arsenal, twelve thousand five hundred dollars, or so much thereof as may be necessary. Watertown, Mass.

TESTING MACHINES, WATERTOWN ARSENAL: For labor and material in caring for, preserving, and operating the United States testing machines at Watertown Arsenal, including such new tools and appliances as may be required, fifteen thousand dollars.

SCHUYLKILL ARSENAL, PHILADELPHIA, PENNSYLVANIA: For roofing over and putting floors in the courtyard of the present Number Three fireproof building to provide storage and boxing and shipping space, sixteen thousand dollars. Schuylkill, Pa.

For rearrangement of the inspecting and issuing department, six thousand dollars.

REPAIRS OF ARSENALS: For repairs and improvements at arsenals and powder depots, and to meet such unforeseen expenditures as accidents or other contingencies during the year may render necessary, eighty thousand dollars. Repairs.

BUILDINGS AND GROUNDS IN AND AROUND WASHINGTON.

Washington, D. C.

For the improvement and care of public grounds, as follows:

For improvement and maintenance of grounds south of Executive Mansion, four thousand dollars. Buildings and Grounds. Improvement and care.

For ordinary care of greenhouses and nursery, two thousand dollars.

For ordinary care of Lafayette Park, one thousand dollars.

For ordinary care of Franklin Park, one thousand dollars.

For improvement and ordinary care of Lincoln Park, two thousand dollars.

For care and improvement of Monument Grounds, five thousand dollars.

For continuing improvement of reservation numbered seventeen, and site of old canal northwest of same, three thousand dollars: *Provided*, That no part thereof shall be expended upon other than property belonging to the United States. Reservation No. 17. Proviso. Expenditure.

For construction and repair of post-and-chain fences, repair of high iron fences, constructing stone coping about reservations, painting watchmen's lodges, iron fences, vases, lamps, and lamp-posts; manure, and hauling the same, and removing snow and ice; purchase and repair of seats and tools; trees, tree and plant stakes, labels, lime, whitewashing, and stock for nursery, flower pots, twine, baskets, wire, splints, moss, and lycopodium, to be purchased by contract or otherwise, as the Secretary of War may determine; care, construction,

and repair of fountains; abating nuisances, cleaning statues, and repairing pedestals, fifteen thousand eight hundred and fifty dollars.

For improvement, care, and maintenance of various reservations, twenty thousand dollars.

For improvement, maintenance, and care of Smithsonian grounds, two thousand five hundred dollars.

For improvement, care, and maintenance of Judiciary Park, two thousand five hundred dollars.

For laying asphalt walks in various reservations, two thousand dollars.

Half appropriations from District revenues.

One-half of the foregoing sums under "Buildings and grounds in and around Washington" shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

Grounds, Executive Departments.

For improvement, care, and maintenance of grounds of Executive Departments, one thousand dollars.

Limit for concrete, etc., pavements.

That under appropriations herein contained no contract shall be made for making or repairing concrete or asphalt pavements in Washington City at a higher price than one dollar and eighty cents per square yard for a quality equal to the best laid in the District of Columbia prior to July first, eighteen hundred and eighty-six, and with a base of not less than six inches in thickness.

Executive Mansion.

For improvement and maintenance of Executive Mansion grounds (within iron fence), one thousand dollars.

For construction of an iron and brick storehouse at the nursery, and for each and every purpose connected therewith, six thousand five hundred dollars, to be immediately available.

EXECUTIVE MANSION: For care, repair, and refurnishing of Executive Mansion, twenty thousand dollars, to be expended by contract or otherwise, as the President may determine.

—plans for extending.

For continuing plans for extending the Executive Mansion, prepared in the office of the engineer officer in charge of public buildings and grounds, for completion of drawings, model and specifications, and for each and every purpose connected therewith, six thousand dollars, or so much thereof as may be necessary; the Chief of Engineers of the United States Army shall have the employment of all persons connected with this work.

Plans for park improvements.

The Chief of Engineers of the United States Army is authorized to make an examination and to report to Congress on the first Monday in December, nineteen hundred, plans for the treatment of that section of the District of Columbia situated south of Pennsylvania avenue and north of B street southwest, and for a suitable connection between the Potomac and the Zoological parks, and in making such examinations and plans he is authorized to employ a landscape architect of conspicuous ability in his profession: for services and expenses incident to said examination and report the sum of four thousand dollars is hereby appropriated.

Fuel, etc.

For fuel for the Executive Mansion, greenhouses, and stable, three thousand dollars.

For care and necessary repair of greenhouses, five thousand dollars.

For repairs to conservatory, Executive Mansion, two thousand dollars.

Lighting.

LIGHTING THE EXECUTIVE MANSION AND PUBLIC GROUNDS: For gas, pay of lamplighters, gas fitters, and laborers; purchase, erection, and repair of lamps and lamp-posts; purchase of matches, and repairs of all kinds: stoves, fuel, and lights for office and office stable, watchmen's lodges, and for the greenhouses at the nursery, twelve thousand five hundred dollars: *Provided*, That for each five-foot burner not connected with a meter in the lamps on the public grounds not more than twenty dollars shall be paid per lamp for gas, including lighting, cleaning, and keeping the lamps in repair, under any expenditure provided

Provisos.
—Maximum per lamp.

for in this Act; and said lamps shall burn every night, on the average, from fifteen minutes after sunset to forty-five minutes before sunrise; and authority is hereby given to substitute other illuminating material for the same or less price, and to use so much of the sum hereby appropriated as may be necessary for that purpose: *Provided further*, That three thousand four hundred dollars of the foregoing sum shall be paid from the revenues of the District of Columbia and the remainder from the Treasury of the United States.

—to burn every night, etc.
—a amount payable from District revenues.

For lighting six arc electric lights in Executive Mansion grounds within the iron fence three hundred and sixty-five nights, at not exceeding seventy-two dollars per light per annum, which shall cover the entire cost to the United States of lighting and maintaining in good order each electric light in said grounds, four hundred and thirty-two dollars.

Electric lights.

For lighting arc electric lights in public grounds as follows: For seven in grounds south of the Executive Mansion, thirty-two in Lafayette, Franklin, Judiciary, and Lincoln parks, and fourteen in grounds south of Executive Mansion and in Monument Park, at not exceeding seventy-two dollars per light per annum, which sums shall cover the entire cost of lighting and maintaining in good order each of said arc electric lights; in all, three thousand eight hundred and sixteen dollars, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States.

—in parks.

REPAIR OF WATER PIPES: For repairing and extending water pipes, purchase of apparatus for cleaning them, purchase of hose, and for cleaning the springs and repairing and renewing the pipes of the same that supply the Capitol, the Executive Mansion, and the building for the State, War, and Navy Departments, two thousand five hundred dollars.

Repair of water pipes.

TELEGRAPH TO CONNECT THE CAPITOL WITH THE DEPARTMENTS AND GOVERNMENT PRINTING OFFICE: For care and repair of existing lines, one thousand five hundred dollars.

Telegraph, Capitol, Departments, etc.

WASHINGTON MONUMENT: For the care and maintenance of the Washington Monument, namely: For one custodian, at one hundred dollars per month; one steam engineer, at eighty dollars per month; one assistant steam engineer, at sixty dollars per month; one fireman, at fifty dollars per month; one assistant fireman, at forty-five dollars per month; one conductor of elevator car, at seventy-five dollars per month; one attendant on floor, at sixty dollars per month; one attendant on top floor, at sixty dollars per month; three night and day watchmen, at sixty dollars per month each; in all, eight thousand five hundred and twenty dollars.

Washington Monument. Maintenance.

For fuel, lights, oil, waste, packing, tools, matches, paints, brushes, brooms, lanterns, rope, nails, screws, lead, electric lights, heating apparatus, oil stoves for elevator car and upper and lower floors, repairs to engines, boilers, dynamos, elevator, and repairs of all kinds connected with the Monument and machinery, and purchase of all necessary articles for keeping the Monument, machinery, elevator, and electric-light plant in good order, three thousand dollars.

Fuel, etc.

Installation of electric power for the service of the Monument: For addition to boiler house, six thousand five hundred dollars, to be immediately available.

For one dynamo and connections, including installation of new system, twenty thousand dollars, to be immediately available.

MILITARY POSTS.

Military posts.

For the construction of buildings at, and the enlargement of, such military posts as in the judgment of the Secretary of War may be necessary, and for the erection of barracks and quarters for the artil-

Construction.

Proviso.
Limit expenditures.

Fort Leavenworth,
Kans.

Bismarck, N. Dak.

Fort Riley, Kans.

Fort Meade, S. Dak.

Fort D. A. Russell,
Wyo.

Fort Constitution,
Newcastle, N. H.

Fort Monroe, Va.

lery in connection with the adopted project for seacoast defense, and for the purchase of suitable building sites for said barracks and quarters, one million dollars: *Provided*, That for the erection of barracks and quarters for artillery in connection with the project adopted for seacoast defense there shall not hereafter be expended at any one point more than one thousand two hundred dollars per man for each man required for one relief to man the guns at the post up to eighty-three men, the present permanent strength of a battery, enlisted and commissioned, and for each man required beyond this number six hundred dollars per man, from any appropriation made by Congress, unless special authority of Congress be granted for a greater expenditure; and out of the foregoing sum of one million dollars there shall be expended thirty thousand dollars for repairs of barracks and quarters for troops at Fort Leavenworth, Kansas; forty thousand dollars toward construction of water and sewer system and for road, walks, and grading at military post at Bismarck, North Dakota; thirty thousand dollars toward construction of additional stables at Fort Riley, Kansas; fifty thousand dollars for buildings and other necessary improvements at the military post at Fort Meade, South Dakota; fifty thousand dollars for continuing work of rebuilding quarters, and for rebuilding regimental guardhouse at Fort D. A. Russell, Wyoming; and thirty thousand dollars, or so much thereof as may be necessary, for acquiring by purchase or condemnation the land in the square surrounding Fort Constitution, at Newcastle, New Hampshire, to be used for barracks and quarters for troops.

FORT MONROE, VIRGINIA: For repair and maintenance of wharf, including all necessary material therefor, and repairs of and necessary supplies, fixtures, and furniture for freight house and waiting rooms, and water for flushing closets, three thousand and seventy-nine dollars; wharfinger, nine hundred dollars; laborer, four hundred and twenty dollars; in all, four thousand three hundred and ninety dollars; for one-half of said sum to be supplied by the United States, two thousand one hundred and ninety-five dollars.

Repairs and operation of roads, pavements, streets, lights, and general police: For rakes, shovels, and brooms; stone and labor for macadamizing streets, brick, cement, terra-cotta drain pipe, and catch basins; electric lights for streets; purchase of sprinkling wagon; repairs to roads, pavements, walks, and street crossings, four thousand one hundred and fifteen dollars; driver for police cart, four hundred and eighty dollars; in all, four thousand five hundred and ninety-five dollars; for one-half of said sum to be supplied by the United States, two thousand two hundred and ninety-seven dollars and fifty cents.

Maintenance of sewer system: For coal and wood, waste, oil, and pump repairs, sewer pipe, cement, brick, and supplies, one thousand four hundred and fifty dollars; two engineers, at nine hundred dollars each; two firemen, at six hundred dollars each; two laborers, at five hundred dollars each; in all, five thousand four hundred and fifty dollars: for one-half of said sum to be supplied by the United States, two thousand seven hundred and twenty-five dollars.

Yellowstone National Park.

IMPROVEMENT OF THE YELLOWSTONE NATIONAL PARK: For the repair and maintenance of existing roads and bridges and improvement and protection of the Yellowstone National Park, to be expended by and under the direction of the Secretary of War, sixty thousand dollars, of which amount five thousand dollars shall be immediately available for the repair of roads: *Provided*, That of this amount twenty thousand dollars, or so much thereof as may be necessary, shall be used in the construction of a wagon road and the necessary bridges through the Yellowstone Park Timber Reserve along the North Fork of the Stinking-water or Shoshone River and through the Yellowstone

Provisos.
Wagon road authorized.

Park by way of the Jones Creek trail or other most practicable route to a point on the Yellowstone River near where said river flows from Yellowstone Lake: *Provided further*, That road extensions and improvements shall hereafter be made in said park under and in harmony with a general plan of roads and improvements to be approved by the Chief of Engineers of the Army.

Road extensions.

CHICKAMAUGA AND CHATTANOOGA NATIONAL PARK: For compensation and expenses of two civilian commissioners and the assistant in historical work; maps, surveys, clerical and other assistance, messenger, office expenses, and all other necessary expenses; foundations for State monuments, mowing; historical tablets, iron and bronze; iron gun carriages; for roads and their maintenance, restoring the park after its use for mobilizing troops; and for the purchase of land already authorized by law; in all, sixty thousand dollars.

National Parks.
Chickamauga and
Chattanooga.

To complete the work of improving the Lafayette State road in Georgia, from Lee and Gordans Mills, in that State, to Lafayette, ten thousand dollars.

SHILOH NATIONAL MILITARY PARK: For continuing the work of establishing a national military park on the battlefield of Shiloh, Tennessee; for the compensation of three civilian commissioners and the secretary, clerical and other services, labor, land, iron gun carriages and historical tablets, maps and surveys, roads, purchase and transportation of supplies and materials, office and other necessary expenses, fifty-five thousand dollars.

Shiloh.

GETTYSBURG NATIONAL PARK: For continuing the work of establishing the national park at Gettysburg, Pennsylvania; for the acquisition of lands, surveys, and maps; constructing, improving, and maintaining avenues, roads, and bridges thereon; making fences and gates; marking the lines of battle with tablets and guns, each tablet bearing a brief legend giving historic facts, and compiled without censure and without praise; preserving the features of the battlefield and the monuments thereon; providing for a suitable office for the commissioners in Gettysburg; compensation of three civilian commissioners, clerical and other services; expenses, and labor; the purchase and preparation of tablets and gun carriages and placing them in position, and all other expenses incidental to the foregoing, seventy-five thousand dollars.

Gettysburg.

VICKSBURG NATIONAL MILITARY PARK: For continuing the work of establishing the Vicksburg National Military Park; for the compensation of three civilian commissioners, the secretary, assistant secretary, and assistant to the commissioners; for clerical and other services, labor, iron gun carriages, monuments, markers, and historical tablets; maps and surveys; roads, bridges, restoration of earthworks, purchase and transportation of supplies and materials; these and other necessary expenses, sixty-five thousand dollars, of which amount the sum of six thousand dollars, or so much thereof as may be necessary, in the discretion of the Secretary of War, in addition to the amounts heretofore appropriated for that purpose, may be used in the purchase of lands as a part of the site of said park.

Vicksburg

ENGINEER DEPARTMENT.

Engineer Department.

FOR CONSTRUCTING JETTIES AND OTHER WORKS AT SOUTH PASS, MISSISSIPPI RIVER: To enable the Secretary of War to pay to the legal representatives of James B. Eads, deceased, the second moiety of the sum of one million dollars retained by the United States under the Act of March third, eighteen hundred and seventy-five (first section on page four hundred and sixty-five of Eighteenth Statutes), to be paid, all or in part, on the expiration of twenty years' maintenance of the channel, five hundred thousand dollars.

South Pass, Mississippi River.
—payment to heirs of James B. Eads authorized.

Vol. 18, p. 465.

—use of dredges in unusual obstructions.

The Secretary of War is hereby authorized and empowered, in his discretion, in case any unusual obstruction to navigation in the channel of South Pass, Mississippi River, should occur during the fiscal year nineteen hundred and one, to use any dredges or tugboats of the Mississippi River Commission for the purpose of removing the same. And the sum of twenty-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, to be expended in the discretion of the Secretary of War in improving or altering such dredge or dredges so as to make the same available for use in said South Pass.

Rivers and harbors, improvements.

Toward the construction of works on harbors and rivers, under contract or otherwise, and within the limits authorized by law, namely:

Charleston, S. C.
Vol. 27, p. 91.

Improving harbor at Charleston, South Carolina, under river and harbor Act of eighteen hundred and ninety-two: For dredging, forty-five thousand dollars.

Vol. 29, p. 222, etc.

For works authorized by the river and harbor Act of eighteen hundred and ninety-six, as follows:

Bayou Plaquemine, La.

Improving Bayou Plaquemine, Louisiana: For continuing improvement, two hundred thousand dollars.

Cleveland, Ohio.

Improving harbor at Cleveland, Ohio: For continuing improvement, one hundred and seventy-five thousand dollars.

Chicago River, Ill.

Improving Chicago River, Illinois: For continuing improvement from its mouth to the stock yards on the South Branch, and to Belmont avenue on the North Branch, sixty-two thousand dollars.

Delaware Bay, Del.

Harbor of refuge, Delaware Bay, Delaware: For continuing construction, four hundred and fifty thousand dollars.

Duluth, Minn.
Superior, Wis.

Improving harbor at Duluth, Minnesota, and Superior, Wisconsin: For continuing improvement, seven hundred and ninety-three thousand one hundred and eighty-seven dollars and fifty cents.

Grays Harbor, Wash.

Improving Grays Harbor, Washington: For continuing improvement of harbor and bar entrance, fifty thousand dollars.

Illinois and Mississippi Canal.

Illinois and Mississippi Canal: For continuing construction, one million dollars.

Kentucky River, Ky.

Improving Kentucky River, Kentucky: For continuing improvement, seventy-five thousand dollars.

Water way from Keweenaw Bay to Lake Superior, Mich.

Improving waterway from Keweenaw Bay to Lake Superior, Michigan: For continuing improvement of water communication across Keweenaw Point, one hundred and ten thousand dollars.

Oakland, Cal.

Improving harbor at Oakland, California: For continuing improvement, one hundred and eighty thousand dollars.

Ohio River.
Dams 2, 3, 4, 5 and 6.

Improving Ohio River below Pittsburg, Pennsylvania: For continuing construction of Dams Numbered Two, Three, Four, and Five, between Davis Island Dam and Dam Numbered Six, five hundred and ninety-five thousand dollars.

Providence River and Narragansett Bay, R. I.

Improving Providence River and Narragansett Bay, Rhode Island: For continuing improvement, fifty-four thousand four hundred and eighty-nine dollars.

Sabine Pass, Tex.

Improving Sabine Pass, Texas: For completing improvement of harbor at Sabine Pass, thirty-six thousand dollars.

Winyaw Bay, S. C.

Improving Winyaw Bay, South Carolina: For continuing improvement of harbor at Winyaw Bay, two hundred and eighty-five thousand dollars.

Vol. 30, p. 1128, etc.

For works authorized by the river and harbor Act of eighteen hundred and ninety-nine, as follows:

Ashtabula, Ohio.

Improving harbor at Ashtabula, Ohio: For continuing improvement, one hundred and ten thousand dollars.

Boston, Mass.

Improving harbor at Boston, Massachusetts: For completing improvement under project for thirty-foot depth through Broad Sound Channel, three hundred and seventeen thousand dollars.

Buffalo entrance to Erie Basin, etc.

Improving Buffalo Entrance to Erie Basin and Black Rock Harbor, New York: For completing improvement, one hundred and ninety-one thousand seven hundred and one dollars and twenty-five cents.

Improving harbor at Bridgeport, Connecticut: For continuing improvement, fifty thousand dollars.

Bridgeport, Conn.

Improving channel in Gowanus Bay, New York: For continuing improvement of Bay Ridge and Red Hook channels, two hundred and sixty-two thousand dollars: *Provided*, That the so-called East Channel across Sandy Hook Bar, New York Harbor, for the improvement of which provision was made by the river and harbor Act approved March third, eighteen hundred and ninety-nine, shall hereafter be known as Ambrose Channel.

Gowanus Bay, N. Y.

Proviso.
East Channel, etc.,
renamed Ambrose
Channel.
Vol. 30, p. 1123.
Ante, p. 588.

Improving harbor at Black River, Ohio: For continuing improvement, one hundred and twenty-five thousand dollars.

Black River, Ohio.

Improving Black Warrior River, Alabama: For completing construction of Lock and Dam Numbered Four, above Tuscaloosa, eighty-six thousand eight hundred and twenty-four dollars.

Black Warrior
River, Ala.

Improving Big Sandy River, West Virginia and Kentucky: For continuing improvement by the construction of two locks and dams between Louisa and mouth of the river, two hundred and eighty thousand dollars.

Big Sandy River
W. Va. and Ky.

Improving harbor at Charleston, South Carolina: For completing improvement, one hundred and seventy-five thousand dollars.

Charleston, S. C.

Improving harbor at Cape Porpoise, Maine: For completing improvement, ten thousand dollars.

Cape Porpoise, Me.

Improving harbor at Calumet, Illinois: For continuing improvement, one hundred and eighty-five thousand three hundred and fifty dollars.

Calumet, Ill.

Improving Congaree River, South Carolina: For continuing improvement from Gervais street bridge, Columbia, to Granby, one hundred thousand dollars.

Congaree River,
S. C.

Improving Delaware River, Pennsylvania and New Jersey: For continuing improvement, two hundred and seventy thousand five hundred dollars.

Delaware River,
Pa. and N. J.

Improving Detroit River, Michigan: For continuing improvement, two hundred thousand dollars.

Detroit River, Mich.

Improving harbor at Everett, Washington: For continuing improvement, one hundred and thirty-five thousand dollars.

Everett, Wash.

Improving Hudson River, New York: For continuing improvement, four hundred thousand dollars.

Hudson River, N. Y.

Improving Hay Lake Channel, Saint Marys River, Michigan: For continuing improvement, two hundred and fifty thousand dollars.

Hay Lake Channel
St. Marys River, Mich.

Improving harbor at Kenosha, Wisconsin: For completing improvement, one hundred and thirty-five thousand dollars.

Kenosha, Wis.

Improving harbor at Mobile, Alabama: For continuing improvement, five hundred thousand dollars.

Mobile, Ala.

Improving Mississippi River from the mouth of the Ohio to Minneapolis, Minnesota: For continuing improvement between Saint Paul and Minneapolis, one hundred and eighty-five thousand dollars: *Provided*, That of said amount the sum of one hundred dollars may be used to reimburse Loren Fletcher for a like sum advanced by him to expedite the transfer to the United States of title to land needed in connection with the construction of Lock and Dam Numbered Two.

Mississippi River,
mouth of Ohio to
Minneapolis.
Proviso.
Loren Fletcher,
payment to.

Improving Passes of the Mississippi River: For completing improvement by constructing sill across Pass a Loutre and by constructing and operating one or more dredges, three hundred thousand dollars.

Improving Passes.

Harbor of refuge at Milwaukee Bay, Wisconsin: For completing improvement, one hundred and five thousand six hundred and fifty dollars.

Milwaukee, Wis.

Improving Monongahela River: For completing improvement at Locks Numbered Three and Six and by construction of floating plant as authorized by the river and harbor Act approved March third, eighteen hundred and ninety-nine, one hundred and thirty-five thousand five hundred and fifty-six dollars.

Monongahela River.

Vol. 30, p. 1133.

- Michigan City, Ind. Improving harbor at Michigan City, Indiana: For completing improvement of outer harbor, one hundred and ninety-five thousand dollars.
- New Haven, Conn. Improving harbor at New Haven, Connecticut: For continuing improvement, fifty thousand dollars.
- Norfolk, Va., waterway. Improving waterway from Norfolk, Virginia, to sounds of North Carolina: For continuing improvement of Deep Creek, Virginia, Turners Cut, Croatan Sound, and Pasquotank River, North Carolina, two hundred thousand dollars.
- Ohio River. Dams 13 and 18. Improving Ohio River below Pittsburg, Pennsylvania: For continuing construction of Dams Numbered Thirteen and Eighteen, four hundred and seventy thousand dollars.
- Osage River, Mo. Improving Osage River, Missouri: For completing construction of lock and dam, one hundred and forty-six thousand dollars.
- Ocmulgee River, Ga. Improving Ocmulgee River, Georgia: For continuing improvement, forty thousand dollars.
- Portage Lake, Mich. Harbor of refuge at Portage Lake, Michigan: For completing improvement, eighty-five thousand dollars.
- Patapsco River, Md. Improving Patapsco River, Maryland: For continuing improvement of channel to Baltimore, three hundred and twenty-four thousand six hundred and forty-eight dollars.
- Potomac River. Improving Potomac River: For completing improvement below the city of Washington, fifty-two thousand dollars.
- Pascagoula River and Horn Island Harbor, Miss. Improving Pascagoula River and Horn Island Harbor, Mississippi: For completing improvement, two hundred and sixty-seven thousand six hundred dollars.
- Racine, Wis. Improving harbor at Racine, Wisconsin: For completing improvement, sixty-seven thousand six hundred and fifty dollars.
- St. Joseph, Mich. Improving harbor at Saint Joseph, Michigan: For continuing improvement, two hundred and fifty-three thousand nine hundred and fifty dollars.
- Savannah River, Ga. Improving Savannah River, Georgia: For continuing improvement between Augusta and Savannah, sixty-four thousand dollars.
- Sand Beach, Mich. Harbor of refuge at Sand Beach, Michigan: For continuing improvement and repairs, one hundred and fifty thousand dollars.
- Sheboygan, Wis. Improving harbor at Sheboygan, Wisconsin: For completing improvement, fifty-two thousand dollars.
- San Francisco, Cal. Improving harbor at San Francisco, California: For continuing improvement by the removal of Arch and Shag rocks, one hundred and seventy thousand dollars.
- Sacramento, Cal. Improving Sacramento River, California: For continuing improvement from the city of Sacramento to the mouth of the river, sixty thousand dollars.
- Tampa Bay, Fla. Improving Tampa Bay, Florida: For continuing improvement of channel from the Gulf of Mexico to Port Tampa, one hundred and thirty-five thousand dollars.
- Toledo, Ohio. Improving harbor at Toledo, Ohio: For continuing improvement, one hundred and thirty-two thousand five hundred dollars.
- Union River, Me. Improving Union River, Maine: For completing improvement, one hundred and fifteen thousand dollars.
- Upper White River, Ark. Improving Upper White River, Arkansas: For continuing improvement by the construction of Lock and Dam Numbered Two, one hundred and fifty thousand dollars, to be done by contract or otherwise, as in the judgment of the Secretary of War may be most economical and advantageous to the Government.
- Wilmington, Del. Improving harbor at Wilmington, Delaware: For completing improvement of Wilmington Harbor and Christiana River, two hundred thousand dollars.
- Warrior and Tombigbee rivers, Ala. and Miss. Improving Warrior and Tombigbee rivers, Alabama and Mississippi: For continuing improvement of Warrior River by the construc-

tion of the three locks and dams next below Tuscaloosa, two hundred thousand dollars.

MISSISSIPPI RIVER.

Mississippi River Commission.

Improving the Mississippi River: For continuing improvement of Mississippi River from Head of the Passes to the mouth of the Ohio River, including salaries and clerical, office, traveling, and miscellaneous expenses of the Mississippi River Commission, two million two hundred and fifty thousand dollars.

Head of Passes to Ohio River.

Improving the Mississippi River from the mouth of the Ohio River to Saint Paul, Minnesota: For continuing improvement from the mouth of the Ohio River to Saint Paul, Minnesota, two hundred and fifty thousand dollars.

Mouth of Ohio to St. Paul.

MISSOURI RIVER.

Missouri River Commission.

For improving the Missouri River from its mouth to Sioux City, Iowa: For continuing the improvement, including salaries and expenses of the Missouri River Commission, two hundred and fifty thousand dollars, to be expended under the direction of the Secretary of War in the improvement of the river at such localities as may be absolutely necessary in order to preserve existing improvements and to prevent threatened damage near Rulo, Nebraska, and other points; said work to be done according to plans and specifications to be made by the Missouri River Commission and approved by the Chief of Engineers: *Provided*, That the Secretary of War is authorized in his discretion to expend for improvement of the Missouri River at Sioux City, Iowa, so much as he may deem advisable, not to exceed twenty thousand dollars, of the appropriation of one hundred and seventy thousand dollars made by the Act approved March third, eighteen hundred and ninety-nine, for improving the Missouri River above Sioux City to and including Bismarck, and the sum of ten thousand dollars additional to the amount already apportioned from the said appropriation of one hundred and seventy thousand dollars for improving the said river at Elk Point, South Dakota, shall be expended at that place.

Expenses, etc.

Rulo, Nebr.

Proviso.
Sioux City, Iowa.

Vol. 38, p. 1147.

Elk Point, S. Dak.

That the provisions of an Act entitled "An Act to authorize the construction of a bridge across the Yellowstone River, in the county of Dawson, State of Montana," approved February twenty-sixth, eighteen hundred and ninety-five, so far as they relate to and require a drawspan to be erected and maintained, are hereby so far modified as to permit the erection of an iron or steel bridge under said Act, without erecting and maintaining a drawspan in such bridge: *Provided, however*, That the spans of said bridge, when repaired and constructed, shall give not less than one hundred feet clear space between the piers, and that the two easterly spans shall give a clear headroom of twenty-five feet above low water, as defined in the Government surveys at the locality.

Bridge over Yellowstone River, Dawson County, Mont.

Draw, etc.
Vol. 28, p. 688.

Proviso.
Spans, etc.

COLUMBIA RIVER.

For the repair of the jetty at the mouth of Columbia River, Oregon and Washington, including repairs to wharves, approaches, tramway, plant, quarters, and buildings, and contingent expenses, two hundred and fifty thousand dollars.

Columbia River, Oreg. and Wash.

NATIONAL CEMETERIES.

FOR NATIONAL CEMETERIES: For maintaining and improving national cemeteries, including fuel for superintendents of national cemeteries, pay of laborers and other employees, purchase of tools and materials, one hundred thousand dollars.

National cemeteries.

Maintenance

Oak Hill Cemetery,
Evansville, Ind.

For completing the improvement of the soldiers' lot in Oak Hill Cemetery, at Evansville, Indiana, on condition that the city of Evansville will hereafter properly care for and preserve the lot in good order, six hundred and fifteen dollars:

Superintendents.

FOR SUPERINTENDENTS OF NATIONAL CEMETERIES: For pay of seventy-five superintendents of national cemeteries, sixty-one thousand eight hundred and eighty dollars.

Headstones for sol-
diers' graves.

HEADSTONES FOR GRAVES OF SOLDIERS: For continuing the work of furnishing headstones for unmarked graves of Union soldiers, sailors, and marines in national, post, city, town, and village cemeteries, naval cemeteries at navy-yards and stations of the United States, and other burial places, under the Acts of March third, eighteen hundred and seventy-three, and February third, eighteen hundred and seventy-nine, twenty-five thousand dollars.

Vol. 17, p. 545.

Vol. 20, p. 281.

Arlington, Va. Re-
burial at of certain
Confederate soldiers.

To enable the Secretary of War to have reburied in some suitable spot in the national cemetery at Arlington, Virginia, and to place proper headstones at their graves, the bodies of about one hundred and twenty-eight Confederate soldiers now buried in the National Soldiers' Home, near Washington, District of Columbia, and the bodies of about one hundred and thirty-six Confederate soldiers now buried in the national cemetery at Arlington, Virginia, two thousand five hundred dollars, or so much thereof as may be necessary.

Roadways.

REPAIRING ROADWAYS TO NATIONAL CEMETERIES: For repairs to roadways to national cemeteries which have been constructed by special authority of Congress: *Provided*, That no railroad shall be permitted upon the right of way which may have been acquired by the United States to a national cemetery, or to encroach upon any roads or walks constructed thereon and maintained by the United States, fifteen thousand dollars.

Proviso.
Encroachment by
railroads forbidden.

Mound City, Ill.

For permanently repairing the Government roadway from Cache River bridge, in Pulaski County, Illinois, to the graveled roadway extending from Mound City, Illinois, to the national cemetery near that city, twelve thousand dollars.

Burial of indigent
soldiers.

BURIAL OF INDIGENT SOLDIERS: For expenses of burying in the Arlington National Cemetery, or in the cemeteries of the District of Columbia, indigent ex-Union soldiers, sailors, and marines of the late civil war who die in the District of Columbia, to be disbursed by the Secretary of War, at a cost not exceeding forty dollars for such burial expenses in each case, exclusive of cost of grave, three thousand dollars.

Presidio of San
Francisco.

ROAD TO NATIONAL CEMETERY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA: For continuation of stone wall on the boundary line of the reservation of the Presidio of San Francisco, California, five thousand dollars.

Antietam battlefield.

ANTIETAM BATTLEFIELD: For repair and preservation of monuments, tablets, observation tower, roads, and fences, and so forth, made and constructed by the United States upon public land within the limits of the Antietam battlefield, near Sharpsburg, Maryland, one thousand five hundred dollars.

For pay of superintendent of Antietam battlefield, said superintendent to perform his duties under the direction of the Quartermaster's Department and to be selected and appointed by the Secretary of War, at his discretion, the person selected and appointed to this position to be an honorably discharged Union soldier, one thousand two hundred dollars.

Miscellaneous.

MISCELLANEOUS OBJECTS, WAR DEPARTMENT.

Maps.

For publication of maps for use of the War Department, inclusive of war maps, ten thousand dollars.

SURVEY OF NORTHERN AND NORTHWESTERN LAKES: For printing and issuing charts for use of navigators and electrotyping plates for chart printing, three thousand dollars. Survey of northern etc., lakes.

For surveys, including observations and investigations of lake levels, and all expenses connected with additions to, and correcting engraved plates, to be available until expended, seventy-five thousand dollars.

TRANSPORTATION OF REPORTS AND MAPS TO FOREIGN COUNTRIES: For the transportation of reports and maps to foreign countries through the Smithsonian Institution, one hundred dollars. Transporting maps.

ARTIFICIAL LIMBS: For furnishing artificial limbs and apparatus, or commutation therefor, and necessary transportation, to be disbursed under the direction of the Secretary of War, one hundred and seventy-three thousand dollars. Artificial limbs.

APPLIANCES FOR DISABLED SOLDIERS: For furnishing surgical appliances to persons disabled in the military or naval service of the United States, and not entitled to artificial limbs or trusses for the same disabilities, to be disbursed under the direction of the Secretary of War, two thousand dollars. Appliances for disabled soldiers.

SUPPORT AND MEDICAL TREATMENT OF DESTITUTE PATIENTS: For the support and medical treatment of ninety-five medical and surgical patients who are destitute, in the city of Washington, under a contract to be made with the Providence Hospital by the Surgeon-General of the Army, nineteen thousand dollars, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States. Providence Hospital. Destitute patients.

GARFIELD MEMORIAL HOSPITAL: For maintenance, to enable it to provide medical and surgical treatment to persons unable to pay therefor, nineteen thousand dollars; for completion of isolating wards, including driveways, grading and improving grounds, and introducing Potomac River water, five thousand dollars, to be expended under the direction of the Commissioners of the District of Columbia, in all, twenty-four thousand dollars, one-half of which sum shall be paid from the revenues of the District of Columbia and the other half from the Treasury of the United States. Garfield Hospital. Maintenance.

CALIFORNIA DÉBRIS COMMISSION: For defraying the expenses of the commission in carrying on the work authorized by the Act of Congress approved March first, eighteen hundred and ninety-three, fifteen thousand dollars: *Provided*, That so much of the Act of March third, eighteen hundred and ninety-nine, as provides that the members of the California Débris Commission shall receive only actual expenses in lieu of mileage while traveling on duty is hereby repealed, and hereafter the officers of the commission shall receive the mileage allowed by law. California Débris Commission. Vol. 27, p. 507. Provision. Mileage of officers. Vol. 30, p. 1109.

HARBOR OF NEW YORK: For prevention of obstructive and injurious deposits within the harbor and adjacent waters of New York City; New York Harbor.

For pay of inspectors and deputy inspectors, office force, and expenses of office, ten thousand two hundred and sixty dollars; Inspectors, etc.

For pay of crews and maintenance of five steam tugs and three launches, fifty-eight thousand three hundred and forty dollars; Vessels.

For new boiler and installing same, and generally overhauling steam tug Argus, seven thousand five hundred dollars; "Argus."

In all, seventy-six thousand one hundred dollars.

BRINGING HOME THE REMAINS OF OFFICERS AND SOLDIERS WHO DIE ABROAD: To enable the Secretary of War, in his discretion, to cause to be transported to their homes the remains of officers and soldiers who die at military camps or who are killed in action or who die in the field or hospital at places outside of the limits of the United States, or who die while on voyage at sea, one hundred thousand dollars. Bringing home deceased soldiers.

MILITARY ROAD, WYOMING: For the repair, construction, and completion of the military road from Fort Washakie to near Jacksons Lake, Military road, Wyo.

Vol. 30, p. 50.

in Uinta County, Wyoming, authorized by provision in the sundry civil appropriation Act approved June fourth, eighteen hundred and ninety-seven, ten thousand dollars.

Official Records of the Rebellion.
Distribution to Senators, etc.

OFFICIAL RECORDS OF THE REBELLION: That the Secretary of War be, and he is hereby, authorized and directed to furnish one complete set of the Official Records of the Union and Confederate Armies to each Senator, Representative, and Delegate of the Fifty-sixth Congress not now entitled by law to receive the same; and in addition thereto he is also authorized and directed to furnish two complete sets of said work to each Senator, Representative, and Delegate of the same Congress, irrespective of his having been already supplied, using for this purpose, as far as possible, those now stored in the War Department and remaining unsold or unclaimed by beneficiaries designated to receive them under the several Acts of Congress providing for the distribution and sale of this publication: *Provided*, That the Secretary of War may call upon the Public Printer to print and bind such number or copies of certain volumes or parts as may be found necessary to complete the sets referred to.

Proviso.
Additional printing, etc., to complete sets, authorized.

Report on claims for property taken in the military service, war with Spain.

REPORT UPON CLAIMS FOR PRIVATE PROPERTY TAKEN IN THE MILITARY SERVICE: For investigation of just claims against the United States for private property taken and used in the military service within the limits of the United States during the war with Spain, ten thousand dollars, or so much thereof as may be necessary, and the Secretary of War is hereby authorized and directed to cause to be investigated all such claims and to ascertain the loss and injury, if any, that may have been sustained by such claimants, and he shall report to Congress for its consideration what amount or amounts he finds to be equitably due from the United States to such claimants: *Provided*, That all claims not presented to the Secretary of War under this provision prior to the first day of January, nineteen hundred and one, shall not be considered by him and shall be forever barred.

Proviso.
When claims barred.

National Home for Disabled Volunteer Soldiers.

NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS.

For the support of the National Home for Disabled Volunteer Soldiers, as follows:

Dayton, Ohio.

AT THE CENTRAL BRANCH, AT DAYTON, OHIO: For current expenses, namely: Pay of officers and noncommissioned officers of the Home, with such exceptions as are hereinafter noted and their clerks and orderlies; also payments for chaplains and religious instruction, printers, bookbinders, librarians, musicians, telegraph and telephone operators, guards, policemen, watchmen, and fire company; for all property and materials purchased for their use, including repairs not done by the Home; for necessary expenditures for articles of amusement, boats, library books, magazines, papers, pictures, and musical instruments, and for repairs not done by the Home; and for stationery, advertising, legal advice, for payments due heirs of deceased members, and for such other expenditures as can not properly be included under other heads of expenditure, fifty-two thousand five hundred dollars.

Subsistence.

For subsistence, namely: Pay of commissary sergeants, commissary clerks, porters, laborers, bakers, cooks, dishwashers, waiters, and others employed in the subsistence department; the cost of all articles purchased for the regular ration, their freight, preparation, and serving; aprons, caps, and jackets for kitchen and dining-room employees; of tobacco; of all dining-room and kitchen furniture and utensils, bakers' and butchers' tools and appliances, and their repair not done by the Home, two hundred and sixty-five thousand dollars.

Household.

For household, namely: Expenditures for furniture for officers' quarters; for bedsteads, bedding, bedding material, and all other articles required in the quarters of the members, and for their repair if they

are not repaired by the Home; for fuel, including fuel for cooking, heat, and light; for engineers and firemen, bath-house keepers, hall cleaners, laundrymen, gas and soap makers, and privy watchmen, and for all labor, materials, and appliances required for household use, and for their repairs unless the repairs are made by the Home, ninety-five thousand dollars.

For hospital, namely: Pay of assistant surgeons, matrons, druggists, hospital clerks and stewards, ward masters, nurses, cooks, waiters, readers, hospital carriage drivers, hearse drivers, gravediggers, funeral escort, and for such other services as may be necessary for the care of the sick; for surgical instruments and appliances, medical books, medicine, liquors, fruits, and other necessaries for the sick not on the regular ration; for bedsteads, bedding, and bedding materials, and all other articles necessary for the wards; for hospital kitchen and dining room furniture and appliances, including aprons, caps, and jackets for hospital kitchen and dining room employees; carriage, hearse, stretchers, coffins; for tools of gravediggers, and for all repairs to hospital furniture and appliances not done by the Home, fifty-seven thousand five hundred dollars;

Hospital.

For transportation, namely: For transportation of members of the Home, two thousand dollars;

Transportation.

For repairs, namely: Pay of chief engineer, builders, blacksmiths, carpenters, cabinetmakers, coopers, painters, gas fitters, plumbers, tinsmiths, wire-workers, steam fitters, stone and brick masons, quarrymen, whitewashers, and laborers, and for all appliances and materials used under this head; also for repairs of roads and of other improvements of a permanent character, fifty-five thousand dollars;

Repairs, etc.

For addition to laundry boiler house, plant, and stack, ten thousand five hundred dollars;

For one compound noncompressing pump for waterworks, seven thousand five hundred dollars;

For farm, namely: Pay of farmer, chief gardener, harness makers, farm hands, gardeners, horseshoers, stablemen, teamsters, dairymen, herders, and laborers, and for all tools, appliances, and materials required for farm, garden, and dairy work; for grain, hay, straw, dressing, seed, carriages, wagons, carts, and other conveyances; for all animals purchased for stock or for work (including animals in the park); for all materials, tools, and labor for flower garden, lawn, and park; for rent of leased lands, and for repairs not done by the Home, fifteen thousand dollars;

Farm.

In all, five hundred and sixty thousand dollars.

AT THE NORTHWESTERN BRANCH, AT MILWAUKEE, WISCONSIN: For current expenses, including the same objects specified under this head for the Central Branch, twenty-eight thousand eight hundred dollars;

Milwaukee, Wis.

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and thirty-two thousand five hundred dollars;

For household, including the same objects specified under this head for the Central Branch, fifty-two thousand dollars;

For hospital, including the same objects specified under this head for the Central Branch, thirty-two thousand five hundred dollars;

For transportation of members of the Home, one thousand two hundred and fifty dollars;

For repairs, including the same objects specified under this head for the Central Branch, twenty-five thousand dollars;

For farm, including the same objects specified under this head for the Central Branch, nine thousand five hundred dollars;

In all, two hundred and eighty-one thousand five hundred and fifty dollars.

AT THE EASTERN BRANCH AT TOGUS, MAINE: For current expenses,

Togus, Me.

including the same objects specified under this head for the Central Branch, twenty-seven thousand five hundred dollars;

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and twenty-five thousand dollars;

For household, including the same objects specified under this head for the Central Branch, forty-seven thousand five hundred dollars;

For hospital, including the same objects specified under this head for the Central Branch, thirty thousand dollars;

For transportation of members of the Home, one thousand five hundred dollars;

For repairs, including the same object specified under this head for the Central Branch, twenty-two thousand dollars;

For ice house, three thousand dollars;

For summer barrack, three thousand five hundred dollars;

For alteration of barracks and extension of steam-heating plant, four thousand five hundred dollars;

For alteration of nurses' quarters, two thousand dollars;

For farm, including the same objects specified under this head for the Central Branch, and for the purchase of additional land adjoining the Branch, one hundred and thirty-nine acres, more or less, at a cost not exceeding three thousand five hundred dollars, fourteen thousand five hundred dollars;

In all, two hundred and eighty-one thousand dollars.

Hampton, Va.

AT THE SOUTHERN BRANCH, AT HAMPTON, VIRGINIA: For current expenses, including the same objects specified under this head for the Central Branch, thirty thousand dollars;

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and eighty thousand dollars;

For household, including the same objects specified under this head for the Central Branch, fifty-two thousand five hundred dollars;

For hospital, including the same objects specified under this head for the Central Branch, thirty-two thousand five hundred dollars;

For transportation of members of the Home, two thousand five hundred dollars;

For repairs, including the same objects specified under this head for the Central Branch, twenty-five thousand dollars;

For officers' quarters and furniture, five thousand dollars;

For property storehouse, twelve thousand dollars;

For repairs to breakwater, six thousand seven hundred and fifty dollars;

For farm, including the same objects specified under this head for the Central Branch, twelve thousand dollars;

In all, three hundred and fifty-eight thousand two hundred and fifty dollars.

Leavenworth, Kans.

AT THE WESTERN BRANCH, AT LEAVENWORTH, KANSAS: For current expenses, including the same objects specified under this head for the Central Branch, thirty-three thousand eight hundred dollars;

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and thirty-two thousand five hundred dollars;

For household, including the same objects specified under this head for the Central Branch, fifty-seven thousand five hundred dollars;

For hospital, including the same objects specified under this head for the Central Branch, thirty-two thousand five hundred dollars;

For transportation of members of the Home, two thousand five hundred dollars;

For repairs, including the same objects specified under this head for the Central Branch, twenty-five thousand dollars;

For addition to cold-storage plant, ten thousand seven hundred and fifty dollars;

For blacksmith shop, one thousand two hundred and fifty dollars;
For cow barn and wagon shed, two thousand two hundred and fifty dollars;

For officers' quarters and furniture, five thousand seven hundred and fifty dollars;

For farm, including the same objects specified under this head for the Central Branch, and for purchase of land at a cost not exceeding six hundred and fifty dollars, twelve thousand dollars;

In all, three hundred and fifteen thousand eight hundred dollars.

AT THE PACIFIC BRANCH, AT SANTA MONICA, CALIFORNIA: For current expenses, including the same objects specified under this head for the Central Branch, twenty-seven thousand five hundred dollars;

Santa Monica, Cal.

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and five thousand dollars;

For household, including the same objects specified under this head for the Central Branch, forty-five thousand dollars;

For hospital, including the same objects specified under this head for the Central Branch, twenty-seven thousand five hundred dollars;

For transportation of members of the Home, three thousand five hundred dollars;

For repairs, including the same objects specified under this head for the Central Branch, twenty-eight thousand dollars;

For air and ammonia compressors, four thousand dollars;

For septic tank, two thousand eight hundred dollars;

For steam condenser and purifier, three thousand three hundred dollars;

For one additional barrack, twenty-six thousand dollars;

For wing to hospital, sixteen thousand five hundred dollars;

For farm, including the same objects specified under this head for the Central Branch, ten thousand dollars;

In all, two hundred and ninety-nine thousand one hundred dollars.

AT THE MARION BRANCH, AT MARION, INDIANA: For current expenses, including the same objects specified under this head for the Central Branch, twenty-nine thousand dollars;

Marion, Ind.

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and five thousand dollars;

For household, including the same objects specified under this head for the Central Branch, and for necessary expenses for the procurement, piping, and preservation of natural gas, twenty-five thousand dollars;

For hospital, including the same objects specified under this head for the Central Branch, twenty-seven thousand five hundred dollars;

For transportation, including the same objects specified under this head for the Central Branch, one thousand seven hundred and fifty dollars;

For repairs, including the same objects specified under this head for the Central Branch, and for necessary expenses for the procurement, piping, and preservation of natural gas, twenty-five thousand dollars:

Provided, That no part of the appropriation for repairs for any of the Branch Homes shall be used for the construction of any new building;

proviso.
Appropriation for repairs not available for new buildings.

For completing and furnishing chapel and approaches thereto, three thousand dollars;

For constructing pavilion, two thousand dollars;

For farm, including the same objects specified under this head for the Central Branch, eight thousand seven hundred and fifty dollars;

In all, two hundred and twenty-seven thousand dollars.

AT THE DANVILLE BRANCH, DANVILLE, ILLINOIS: For current expenses, including the same objects specified under this head for the Central Branch, twenty-seven thousand five hundred dollars;

Danville, Ill.

For subsistence, including the same objects specified under this head for the Central Branch, one hundred and fifteen thousand dollars;

For household, including the same objects specified under this head for the Central Branch, fifty-five thousand dollars;

For hospital, including the same objects specified under this head for the Central Branch, twenty-seven thousand five hundred dollars;

For transportation of members of the Home, one thousand five hundred dollars;

For repairs, including the same objects specified under this head for the Central Branch, twenty thousand dollars;

For completion of work of construction, namely: For one barrack, thirty-five thousand dollars; retention hospital, thirty-five thousand dollars; shop, two thousand five hundred dollars; lodge house and gateway, five thousand dollars; memorial hall, thirty-five thousand dollars; nurses' home, ten thousand dollars; quartermaster's residence, five thousand dollars; chief engineer's residence, two thousand five hundred dollars; pavilion, three thousand dollars; greenhouse, three thousand five hundred dollars; additional concrete walks, fourteen thousand dollars; additional fencing, grading, and roads, twenty thousand dollars; steam and water mains in grounds to additional buildings, six thousand dollars; public latrine, one thousand five hundred dollars; additional land, ten thousand dollars; in all, one hundred and eighty-eight thousand dollars;

For farm, including the same objects specified under this head for the Central Branch, ten thousand dollars;

In all, four hundred and forty-four thousand five hundred dollars.

Clothing, all
branches.

For clothing for all of the Branches, namely: Expenditures for clothing, underclothing, hats, caps, boots, shoes, socks, and overalls; also all sums expended for labor, materials, machines, tools, and appliances employed, and for use in the tailor shops, knitting shops, and shoe shops, or other Home shops in which any kind of clothing is made or repaired, two hundred and seventy-five thousand dollars.

Board of Managers,
salaries, etc.

For salaries for officers and employees of the Board of Managers, and for outdoor relief and incidental expenses, namely:

For president of the Board of Managers, four thousand dollars; secretary of the Board of Managers, two thousand dollars; general treasurer, who shall not be a member of the Board of Managers, three thousand five hundred dollars; inspector-general, two thousand five hundred dollars; assistant general treasurer and assistant inspector-general, who shall hereafter, in the necessary absence or inability of the general treasurer, from any cause whatever, perform his duties and give bond to the general treasurer for the faithful performance of such duties, but the general treasurer shall in every respect be responsible, on his bond, to the United States for any default on the part of such assistant general treasurer and assistant inspector-general, two thousand dollars; two assistant inspectors-general, at two thousand dollars each; clerical services for the offices of the president and general treasurer, eight thousand five hundred and fifty-six dollars; messenger service for president's office, one hundred and forty-four dollars; clerical services for managers, two thousand four hundred dollars; agents, two thousand four hundred dollars; for traveling expenses of the Board of Managers, their officers and employees, ten thousand five hundred dollars; for outdoor relief, one thousand five hundred dollars; for rent, medical examinations, stationery, telegrams, and other incidental expenses, four thousand five hundred dollars; in all, forty-eight thousand dollars.

In all, three million and ninety thousand two hundred dollars.

STATE OR TERRITORIAL HOMES: For continuing aid to State or Territorial homes for the support of disabled volunteer soldiers, in conformity with the Act approved August twenty-seventh, eighteen hundred and eighty-eight, including all classes of soldiers admissible to the National Home for Disabled Volunteer Soldiers, nine hundred and

State or Territorial
homes.

Vol. 25, p. 450.

fifty thousand dollars: *Provided*, That one-half of any sum or sums retained by State homes on account of pensions received from inmates shall be deducted from the aid herein provided for.

Proviso.
Deductions.

BACK PAY AND BOUNTY: For payment of amounts for arrears of pay of two and three year volunteers, for bounty to volunteers and their widows and legal heirs, for bounty under the Act of July twenty-eighth, eighteen hundred and sixty-six, and for amounts for commutation of rations to prisoners of war in rebel States, and to soldiers on furlough, that may be certified to be due by the accounting officers of the Treasury during the fiscal year nineteen hundred and one, two hundred thousand dollars, together with the unexpended balance appropriated for this object for the fiscal year nineteen hundred: *Provided*, That in the settlement of claims of officers, soldiers, sailors, and marines, or their representatives, and all other claims for pay and allowances within the jurisdiction of the Auditor for the War Department or the Auditor for the Navy Department, presented and filed hereafter in which it is the present practice to make deductions of attorneys' fees from the amount found due, no deductions of fees for attorneys or agents shall hereafter be made, but the draft, check, or warrant for the full amount found due shall be delivered to the payee in person or sent to his bona fide post-office address (residence or place of business).

Arrears of pay and bounty.
Vol. 14, p. 322.

Proviso.
Drafts in settlement of military claims, etc., to be delivered to payee without deducting attorney's fee.

NAVY DEPARTMENT.

Navy Department.

OFFICE OF NAVAL RECORDS OF THE REBELLION: For one agent, to be selected by the Secretary of the Navy from the officers of the late Confederate Navy, one thousand eight hundred dollars.

Office Naval Records of the Rebellion.
Agent.

DEPARTMENT OF STATE.

Department of State.

INTERNATIONAL UNION OF AMERICAN REPUBLICS: For actual and necessary expenses of delegates to the proposed international conference of American States and for necessary clerical assistance, twenty-five thousand dollars.

International Union of American Republics.

INDEX TO DIPLOMATIC CORRESPONDENCE: For preparation of general index to the published volumes of the Diplomatic Correspondence and Foreign Relations of the United States, to be made under the direction of the Secretary of State and by such persons as he may employ for that purpose, two thousand dollars: *Provided*, That said index shall be completed within one year.

Index to Diplomatic Correspondence.

Proviso.
—completion.

DEPARTMENT OF LABOR.

Department of Labor.

MISCELLANEOUS EXPENSES: For per diem, in lieu of subsistence of special agents, and employees while traveling on duty away from home and outside of the District of Columbia, at a rate not to exceed three dollars per day, and for their transportation, and for employment of experts and temporary assistance and for traveling expenses of officers and employees, and for the purchase of reports and materials for the bulletin of the Department of Labor authorized by legislative Act approved March second, eighteen hundred and ninety-five, two thousand five hundred dollars.

Miscellaneous.

Vol. 28, p. 805.

UNDER THE DEPARTMENT OF JUSTICE.

Department of Justice.

OFFICE OF THE ATTORNEY-GENERAL: For one law clerk, two thousand five hundred dollars.

Law clerk.

COURT-HOUSE, WASHINGTON, DISTRICT OF COLUMBIA: For annual repairs, as per estimate of the Architect of the Capitol, one thousand dollars.

Court-house, District of Columbia.
Repairs.

For special repairs to court-house, District of Columbia, in accordance with estimates of the Architect of the Capitol, four thousand three hundred and forty-eight dollars and fifty cents, to be immediately available.

Fort Leavenworth, Kans., penitentiary.

Voi. 29, p. 380.

To establish a site and for the erection of a penitentiary on the military reservation at Fort Leavenworth, Kansas, and for other purposes incident thereto, under the Act of June tenth, eighteen hundred and ninety-six, fifty thousand dollars.

Miscellaneous.

MISCELLANEOUS.

Defending suits in claims.

DEFENDING SUITS IN CLAIMS AGAINST THE UNITED STATES: For defraying the necessary expenses, including salaries of necessary employees in Washington, District of Columbia, incurred in the examination of witnesses and procuring of evidence in the matter of claims against the United States and in defending suits in the Court of Claims, including defense for the United States in the matter of French spoliation claims, to be expended under the direction of the Attorney-General, forty-five thousand dollars.

Punishing violations of intercourse acts, Indian service.

PUNISHING VIOLATIONS OF THE INTERCOURSE ACTS AND FRAUDS: For detecting and punishing violations of the intercourse Acts of Congress and frauds committed in the Indian service, the same to be expended by the Attorney-General in allowing such fees and compensation of witnesses, jurors, marshals and deputies, and agents, and in collecting evidence, and in defraying such other expenses as may be necessary for this purpose, four thousand dollars.

Prosecution of crimes.

PROSECUTION OF CRIMES: For the detection and prosecution of crimes against the United States, preliminary to indictment; the investigation of official acts, records, and accounts of marshals, attorneys, clerks of the United States courts, and United States commissioners, for which purpose all the records and dockets of said officers, without exception, shall be examined by the agents of the Attorney-General at any time; the inspection of United States prisoners and prisons; to be expended under the direction of the Attorney-General, and to include salaries of all necessary agents in Washington, District of Columbia, forty thousand dollars.

Traveling expenses. R. S., sec. 3648, p. 718.

TRAVELING AND MISCELLANEOUS EXPENSES: For traveling and other miscellaneous and emergency expenses authorized and approved by the Attorney-General, to be expended at his discretion, the provisions of the first paragraph of section thirty-six hundred and forty-eight, Revised Statutes, to the contrary notwithstanding, five thousand dollars.

Prosecution of claims.

PROSECUTION AND COLLECTION OF CLAIMS: For the prosecution and collection of claims due the United States, to be expended under the direction of the Attorney-General, five hundred dollars.

Alaska. Traveling expenses.

TRAVELING EXPENSES, TERRITORY OF ALASKA: For the actual and necessary expenses of the judge, clerk, marshal, and attorney, when traveling in the discharge of their official duties, three thousand dollars.

Rent, etc.

RENT AND INCIDENTAL EXPENSES, TERRITORY OF ALASKA: For rent of offices for the marshal, district attorney, and commissioners; furniture, fuel, books, stationery, and other incidental expenses, and for necessary clerk hire in the United States marshal's office, the amount thereof to be fixed by the Attorney-General, eight thousand five hundred dollars.

Defense in Indian deprecation claims.

DEFENSE IN INDIAN DEPRECATION CLAIMS: For salaries and expenses in defense of the Indian deprecation claims, including salaries of Assistant Attorney-General in charge and necessary employees in Washington, District of Columbia, to be expended under the direction of the Attorney-General, fifty-two thousand dollars.

COUNSEL FOR MISSION INDIANS: To enable the Attorney-General to employ a special attorney for the Mission Indians of southern California, upon the recommendation of the Secretary of the Interior, one thousand dollars.

Counsel for Mission Indians.

DIGEST OF THE OPINIONS OF THE ATTORNEY-GENERAL: To enable the Attorney-General to employ a competent person to edit and prepare for publication and superintend the printing of a Digest of the Opinions of the Attorney-General, and the twenty-second volume of the Opinions of the Attorney-General, to be expended by the Attorney-General in such manner as will, in his judgment, best accomplish the work, one thousand five hundred dollars, the printing of said volume to be done in accordance with the provisions of section three hundred and eighty-three of the Revised Statutes.

Digest of opinions of the Attorney-General.

R. S., sec. 383, p. 63.

CARE AND MAINTENANCE OF BUILDINGS RENTED BY DEPARTMENT OF JUSTICE: For incidental expenses and for employment of temporary assistance and workmen necessary for the care and custody of the buildings in the District of Columbia rented by the Department of Justice, to be selected and their compensation fixed by the Attorney-General and to be expended under his direction, eight thousand dollars.

Care rented buildings.

JUDICIAL.

Judicial.

UNITED STATES COURTS.

EXPENSES OF THE UNITED STATES COURTS: For defraying the expenses of the Supreme Court; of the circuit and district courts of the United States; of the supreme court and court of appeals of the District of Columbia; of the district court of Alaska; of the courts in the Indian Territory; of the circuit courts of appeals; of the Court of Private Land Claims; of suits and preparations for or in defense of suits in which the United States is interested; of the prosecution of offenses committed against the United States; and in the enforcement of the laws of the United States, specifically the expenses stated under the following appropriations, namely:

United States Courts.

For payment of salaries, fees, and expenses of United States marshals and their deputies, one million dollars, to include payments for services rendered in behalf of the United States or otherwise. Advances to United States marshals, in accordance with existing law, may be made from the proper appropriations, as herein provided, immediately upon the passage of this Act; but no disbursements shall be made prior to July first, nineteen hundred, by said disbursing officers from the funds thus advanced, and no disbursements shall be made therefrom to liquidate expenses for the fiscal year nineteen hundred, or prior years.

Marshals—salaries.

—advances.

No mileage shall be allowed upon any writ not executed nor when the travel is without cost to the marshal or office deputy.

—mileage.

For salaries of United States district attorneys and expenses of United States district attorneys and their regular assistants, four hundred thousand dollars.

District attorneys.

For fees of United States district attorney for the District of Columbia, twenty-three thousand eight hundred dollars.

District of Columbia, United States attorney.

For payment of regular assistants to United States district attorneys, who are appointed by the Attorney-General, at a fixed annual compensation, one hundred and sixty thousand dollars.

Regular assistants to district attorneys.

For payment of assistants to the Attorney-General and to United States district attorneys employed by the Attorney-General to aid in special cases, sixty thousand dollars.

For fees of clerks, two hundred and forty thousand dollars: *Provided*, That clerks of the United States circuit courts of appeals, annually and within thirty days after the thirtieth day of June in each year, shall make a return to the Attorney-General of the United States

Clerks' fees. *Proviso.* Clerks United States circuit courts of appeals; return of fees, etc.

of all the fees and emoluments of their offices respectively. Such return shall cover all fees and emoluments earned during the preceding year and also the necessary office expenses for such year including clerk hire, the compensation of the clerk not to exceed five hundred dollars per annum as now provided by law. Such expenses including clerk hire shall be certified by the senior circuit judge of the proper circuit, and audited and allowed by the proper accounting officers of the Treasury Department. The respective clerks of the circuit courts of appeals, after deducting such expenses and clerk hire, shall, at the time of making such returns, pay into the Treasury of the United States the balance of such fees and emoluments. In case the amounts claimed for such expenses and clerk hire have not been audited by such accounting officers prior to the time fixed for making such returns and payment, said clerks may retain the sums claimed by them respectively until the audit is made, and in case any sum so claimed and retained is not allowed the amount disallowed shall within ten days after notice of disallowance be paid into the Treasury of the United States. All laws and parts of laws so far as in conflict with this proviso are hereby repealed.

—payment of balance into Treasury.

—auditing, etc.

Commissioners' fees.
R. S., sec. 1014, p. 189.

For fees of United States commissioners and justices of the peace acting under section ten hundred and fourteen, Revised Statutes of the United States, one hundred and fifty thousand dollars.

Jurors' fees.

For fees of jurors, six hundred thousand dollars.

Witnesses' fees.
Support of prisoners.

For fees of witnesses, nine hundred and fifty thousand dollars.

For support of United States prisoners, including necessary clothing and medical aid, and transportation to place of conviction or place of bona fide residence in the United States, and including support of prisoners becoming insane during imprisonment, as well before as after conviction, and continuing insane after expiration of sentence, who have no friends to whom they can be sent, and not exceeding three thousand dollars for repair of United States jails, six hundred and fifty thousand dollars.

United States penitentiary, Fort Leavenworth, Kans.
Subsistence.

For the support of the United States Penitentiary at Fort Leavenworth, Kansas, as follows: For subsistence, including supplies for prisoners, warden, deputy warden, tobacco for prisoners, kitchen and dining-room furniture and utensils; and for farm and garden seeds and implements, and for purchase of ice if necessary, forty-three thousand two hundred dollars;

Clothing, etc.

For clothing, transportation, and traveling expenses, including such clothing as can be made at the penitentiary; for the usual gratuities as provided by law to prisoners at release, including transportation to place of conviction or place of bona fide residence in the United States; for expenses of penitentiary officials while traveling on duty; for expenses incurred in identifying and pursuing escaped prisoners, and for rewards for their recapture, twenty-two thousand five hundred dollars;

Fuel, forage, light, etc.

For fuel, forage, hay, light, water, stationery, purchase of fuel for generating steam, heating apparatus, burning bricks and lime; forage for issue to public animals and hay or straw for bedding; blank books, blank forms, typewriting supplies for use in offices and prisoners' school, pencils and memorandum books for guards, books for use in chapel, paper, envelopes, and postage stamps for issue to prisoners; for labor and materials for repairing steam-heating plant, electric plant and water circulation, and drainage; for materials for construction and repair of buildings; for general supplies, machinery, and tools for use in shops, brickyard, quarry, limekiln, laundry, bathrooms, printing office, photograph gallery, stables, policing buildings and grounds; for the purchase of horses, mules, wagons, harness, veterinary supplies, lubricating oils, office furniture, stoves, blankets, bedding, iron bunks, paints and oils, library books, newspapers and periodicals, and elec-

trical supplies; for payment of water supply, telegrams, telephone service, notarial and veterinary services; for advertising in newspapers, proposals for supplies, and other necessary advertisements; for fees to consulting physicians called to determine mental condition of supposed insane prisoners, and for other services in cases of emergency; for pay of extra guards when deemed necessary by the Attorney-General, and for miscellaneous expenditures in the discretion of the Attorney-General, thirty thousand dollars;

For hospital supplies, including purchase of medicines, medical and surgical supplies, and all other articles required for the care and treatment of sick prisoners; and for expenses of interment of deceased prisoners, two thousand dollars;

For salaries, including pay of officials and employees, as follows: Warden, four thousand dollars; deputy warden, two thousand dollars; chaplain, one thousand five hundred dollars; chaplain, three hundred dollars; physician, one thousand six hundred dollars; chief clerk, one thousand eight hundred dollars; bookkeeper and record clerk, one thousand two hundred dollars; stenographer, nine hundred dollars; steward, nine hundred dollars; superintendent of farm and transportation, eight hundred dollars; superintendent of industries and storekeeper, one thousand two hundred dollars; captains of watch, one thousand eight hundred dollars; guards, thirty-nine thousand six hundred dollars; two teamsters, one thousand two hundred dollars; engineer, one thousand two hundred dollars; assistant engineer and electrician, nine hundred dollars; in all, sixty thousand nine hundred dollars;

For foremen, shoemaker, harness maker, carpenter, blacksmith, tailor, and tinner, when necessary, four thousand eight hundred dollars;

In all, one hundred and sixty-three thousand four hundred dollars.

For rent of rooms for the United States courts and judicial officers, one hundred thousand dollars.

For pay of bailiffs and criers, not exceeding three bailiffs and one crier in each court, except in the southern district of New York: *Provided*, That all persons employed under section seven hundred and fifteen of the Revised Statutes shall be deemed to be in actual attendance when they attend upon the order of the courts: *And provided further*, That no such person shall be employed during vacation; of reasonable expenses for travel and attendance of district judges directed to hold court outside of their districts, not to exceed ten dollars per day each, to be paid on written certificates of the judges, and such payments shall be allowed the marshal in the settlement of his accounts with the United States; expenses of judges of the circuit courts of appeals; of meals and lodgings for jurors in United States cases, and of bailiffs in attendance upon the same, when ordered by the court; and of compensation for jury commissioners, five dollars per day, not exceeding three days for any one term of court, one hundred and fifty thousand dollars.

For payment of such miscellaneous expenses as may be authorized by the Attorney-General, for the United States courts and their officers, including the furnishing and collecting of evidence where the United States is or may be a party in interest, and moving of records, two hundred and twenty-five thousand dollars.

For salaries and expenses of clerks, deputy clerks, commissioners, and constables, and expenses of judges, in the Indian Territory, including the salaries of three deputy clerks, one at Muscogee, one at South McAlester, and one at Ardmore, fifty-five thousand dollars.

For supplies for the United States courts and judicial officers, to be expended under the direction of the Attorney-General, thirty thousand dollars.

Hospital.

Salaries.

Rent of court rooms.

Bailiffs and criers.
Provisos.
Actual attendance.
R. S., sec. 715, p. 136.

Vacation, etc.

Traveling expenses
of judges, etc.
Meals for jurors, etc.

Jury commissioners.

Miscellaneous.

Indian Territory.
Salaries, etc.

Supplies.

Additional judges,
New York and Ha-
wail.

For the payment of the salaries of an additional district judge in the State of New York and the United States district judge for the Territory of Hawaii, ten thousand dollars.

Clerk and reporter,
Hawaii.

For the payment of the salaries of the clerk and the reporter of the United States district court for the Territory of Hawaii, at three thousand dollars and one thousand two hundred dollars, respectively, four thousand two hundred dollars.

District attorney,
southern district of
New York.
R. S., sec. 825, p. 154.

FEES OF DISTRICT ATTORNEY, SOUTHERN DISTRICT OF NEW YORK: For fees of district attorney for the southern district of New York, under section eight hundred and twenty-five, Revised Statutes, one hundred dollars.

Legislative.

UNDER LEGISLATIVE.

Statement of appro-
priations.

STATEMENT OF APPROPRIATIONS: For preparation, under the direction of the Committees on Appropriations of the Senate and House of Representatives, of the statements showing appropriations made, new offices created, offices the salaries of which have been omitted, increased, or reduced, indefinite appropriations, and contracts authorized, together with a chronological history of the regular appropriation bills passed during the first session of the Fifty-sixth Congress, as required by the Act approved October nineteenth, eighteen hundred and eighty-eight, two thousand dollars, to be paid to the persons designated by the chairmen of said committees to do said work.

Vol. 25, p. 587.

Botanic Garden.

BOTANIC GARDEN: For reconstructing roofs of extra tropical plant house numbered one and orchid house numbered eight with iron rafters and purlins, and for repairs to roofs of packing and potting sheds, and for reconstructing roofs of two plant houses, numbered one and two, south side of Maryland avenue, and for painting, glazing, and general repairs to buildings, heating apparatus, and foot walks, under the direction of the Joint Committee on the Library, five thousand five hundred dollars.

House of Represen-
tatives.
Preservation, etc.,
of files.

FILES, HOUSE OF REPRESENTATIVES: The Clerk of the House of Representatives is hereby authorized and directed to deliver to the Librarian of Congress all bound volumes of original papers, general petitions, printed matter, books, and manuscripts now in, or that may hereafter come into, the files of the House, which in his judgment are not required to be retained in the immediate custody of the file clerk; and it shall be the duty of the Librarian of Congress to cause all such matter so delivered to him to be properly classified by Congress and arranged for preservation and ready reference. All of such matter to be held as a part of the files of the House of Representatives, subject to its orders and rules.

—appropriation.

For the purpose of executing the requirements of this paragraph the Clerk of the House is authorized to employ, with the approval of the Committee on Accounts, necessary laborers and cartage at a total cost not to exceed one thousand five hundred dollars, to be paid out of the contingent fund of the House.

Industrial Commis-
sion continued.
Vol. 30, pp. 476, 1118.

INDUSTRIAL COMMISSION: That the Industrial Commission authorized by "An Act authorizing the appointment of a nonpartisan commission to collate information and to consider and recommend legislation to meet the problems presented by labor, agriculture, and capital," approved June eighteenth, eighteen hundred and ninety-eight, and amended by "An Act making appropriations for the sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes," approved March third, eighteen hundred and ninety-nine, is hereby continued until December fifteenth, nineteen hundred and one, with all the powers and duties imposed upon it by said Acts: *Provided further*, That nine thousand copies of the reports and digests prepared by the Industrial Commis-

Proviso.
Printing of reports,
etc.

sion, together with all evidence taken by said commission, be printed, three thousand for the use of the Senate and six thousand for the use of the House of Representatives.

To pay the expenses of the commission, eighty-seven thousand five hundred dollars; and to pay the salaries of the commissioners not members of Congress, forty-two thousand dollars; in all, one hundred and twenty-nine thousand five hundred dollars.

Expenses.

PUBLIC PRINTING AND BINDING.

For the public printing, for the public binding, and for paper for the public printing, including the cost of printing the debates and proceedings of Congress in the Congressional Record, and for lithographing, mapping, and engraving for both Houses of Congress, the Supreme Court of the United States, the supreme court of the District of Columbia, the Court of Claims, the Library of Congress, the Executive Office, and the Departments, including salaries or compensation of all necessary clerks and employees, for labor (by the day, piece, or contract), and for rents, books of reference, and all the necessary materials which may be needed in the prosecution of the work, three million nine hundred and forty-eight thousand eight hundred dollars: *Provided*, That the Public Printer may hereafter, in his discretion, pay all printers, bookbinders, and leather parers employed in the Government Printing Office at the rate of fifty cents per hour for time actually employed; and from the said sum hereby appropriated printing and binding shall be done by the Public Printer to the amounts following, respectively, namely:

Public printing and binding.

Amount.

Proviso.
Payment of printers, etc., for time actually employed.

For printing and binding for Congress, including the proceedings and debates, and for rents, two million one hundred and seventy-nine thousand eight hundred dollars. And printing and binding for Congress chargeable to this appropriation, when recommended to be done by the Committee on Printing of either House, shall be so recommended in a report containing an approximate estimate of the cost thereof, together with a statement from the Public Printer of estimated approximate cost of work previously ordered by Congress, within the fiscal year for which this appropriation is made.

Allotment of appropriation.

For the State Department, twenty-five thousand dollars.

For the Treasury Department, including not exceeding twenty thousand nine hundred and thirty-five dollars for the Coast and Geodetic Survey, three hundred thousand dollars.

For the War Department, two hundred and thirty-three thousand five hundred dollars, of which sum twelve thousand dollars shall be for the index catalogue of the library of the Surgeon-General's Office, twenty thousand dollars for publication of the Official Records of the War of the Rebellion by the Record and Pension Office.

For the Navy Department, one hundred and twenty thousand dollars, including not exceeding twelve thousand dollars for the Hydrographic Office.

For the Interior Department, including the Civil Service Commission, three hundred thousand dollars, including not exceeding ten thousand dollars for rebinding tract books for the General Land Office.

For the Smithsonian Institution, for printing labels and blanks, and for the "Bulletins" and "Proceedings" of the National Museum, the editions of which shall not be less than three thousand copies, and binding, in half turkey, or material not more expensive, scientific books and pamphlets presented to and acquired by the National Museum Library, seventeen thousand dollars.

For the United States Geological Survey as follows:

For engraving the illustrations necessary for the report of the Director, seven thousand dollars.

For engraving the illustrations necessary for the monographs and bulletins, ten thousand dollars.

For printing and binding the monographs and bulletins, twenty thousand dollars.

For the Department of Justice, thirteen thousand dollars.

For the Post-Office Department, exclusive of the Money-Order Office, two hundred and fifteen thousand dollars.

For the Department of Agriculture, including ten thousand dollars for the Weather Bureau, one hundred thousand dollars.

For the Department of Labor, eight thousand dollars.

The Public Printer is hereby authorized to print such number of extra copies of the bimonthly Bulletin of the Department of Labor, not to exceed twenty thousand of any single issue, when in the opinion of the Commissioner of Labor the demand for the Bulletin makes an extra edition necessary.

For the Supreme Court of the United States, ten thousand dollars; and the printing for the Supreme Court under this appropriation shall be done by the printer it may employ, unless it shall otherwise order.

For the supreme court of the District of Columbia, one thousand five hundred dollars.

For the Court of Claims, twelve thousand dollars.

For the Library of Congress, including the copyright department, and the binding, rebinding, and repairing of library books, seventy-five thousand dollars.

For the Executive Office, two thousand dollars.

Agricultural report.
Vol. 28, p. 612.

For printing and binding the Annual Report of the Secretary of Agriculture, as required by the Act approved January twelfth, eighteen hundred and ninety-five, three hundred thousand dollars, or so much thereof as may be necessary.

Division of appropriation.

And no more than an allotment of one-half of the sum hereby appropriated shall be expended in the first two quarters of the fiscal year, and no more than one-fourth thereof may be expended in either of the last two quarters of the fiscal year, except that, in addition thereto, in either of said last quarters, the unexpended balances of allotments for preceding quarters may be expended: *Provided*, That so much as may be necessary for printing and binding the Annual Report of the Secretary of Agriculture, as required by the Act approved January twelfth, eighteen hundred and ninety-five, shall not be included in said allotments.

Proviso.
Agricultural report
excepted.

Government Printing
Office.
Leaves of absence.

To enable the Public Printer to comply with the provisions of the law granting thirty days' annual leave to the employees of the Government Printing Office, two hundred and thirty-four thousand dollars, or so much thereof as may be necessary.

Appropriation for
new building.

Toward the construction of a fireproof building for the use of the Government Printing Office and for each and every purpose connected therewith, including the cost of all professional and other personal services that the Chief of Engineers of the Army may deem necessary, and for necessary books and periodicals, and for the rent of office rooms in a locality convenient to the work, to be expended under the direction and supervision of the said Chief of Engineers, seven hundred and seventy-five thousand dollars.

Appropriation for
salaries to be in full,
etc.

SEC. 2. That all sums appropriated by this Act for salaries of officers and employees of the Government shall be in full for such salaries for the fiscal year nineteen hundred and one, and all laws or parts of laws in conflict with the provisions of this Act be, and the same are hereby, repealed.

Louisiana Purchase
Exposition.
Appropriation for.

LOUISIANA PURCHASE EXPOSITION: For defraying the expenses of the Louisiana Purchase Exposition Commission, when appointed, ten thousand dollars; and when the Louisiana Purchase Exposition of nineteen hundred and three, a corporation under the laws of the State

of Missouri, shall have raised, to the satisfaction of the Secretary of the Treasury, ten million dollars for and on account of inaugurating and carrying forward an exposition at Saint Louis, Missouri, to celebrate the one hundredth anniversary of the purchase of Louisiana Territory by the United States, then the United States will authorize the expenditure of the sum of five million dollars for such exposition, to be disbursed under the direction of "The Louisiana Purchase Exposition of nineteen hundred and three," under rules and regulations and under conditions to be hereafter prescribed by the Congress: *Provided, however,* That said sum of five million dollars shall not be expended until the said sum of ten million dollars raised by said Louisiana Purchase Exposition of nineteen hundred and three shall have been expended for and on account of said exposition, and there shall be repaid into the Treasury of the United States the same proportionate amount of the aid given by the United States as shall be repaid to either the corporation or the city of Saint Louis: *And provided further,* That all sums expended by the Government on account of said exposition, except for its own buildings and exhibits and the care of the same, shall be deducted from any general appropriation made for said exposition.

Provisos.
—condition of appropriation.

Deductions.

Approved, June 6, 1900.

CHAP. 792.—An Act Making appropriations for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the support of the Military Academy for the fiscal year ending June thirtieth, nineteen hundred and one.

Military Academy appropriations.

PERMANENT ESTABLISHMENT.

Permanent establishment.

For pay of seven professors, twenty-two thousand five hundred dollars;

Pay of professors.

For pay of one chaplain, two thousand dollars;

For pay of one associate professor of mathematics, two thousand dollars;

For pay of three hundred and eighty-one cadets, at five hundred and forty dollars each, one hundred and eighty-five thousand dollars;

Cadets.

In all, for permanent establishment, two hundred and eleven thousand five hundred dollars;

For extra pay of officers of the Army on detached service at the Military Academy:

Extra to officers.

For pay of one Superintendent of the United States Military Academy (colonel), in addition to pay as captain, mounted, one thousand seven hundred dollars;

For one commandant of cadets (lieutenant-colonel), in addition to pay as captain, mounted, one thousand two hundred dollars;

For pay of one instructor of practical military engineering (major), in addition to pay as captain, mounted, five hundred dollars;

For pay of one instructor of ordnance and science of gunnery (major), in addition to pay as captain, mounted, five hundred dollars;

For pay of eight assistant professors (captains), in addition to pay as first lieutenants, not mounted, four thousand dollars;

For pay of five senior instructors of cavalry, artillery, and infantry

tactics, ordnance and gunnery, and practical military engineering (captains), in addition to pay as first lieutenants, not mounted, two thousand five hundred dollars;

For pay of four assistant instructors of cavalry, artillery, and infantry tactics (captains), in addition to pay as second lieutenants, not mounted, two thousand four hundred dollars;

For pay of one adjutant in addition to pay as second lieutenant, not mounted, six hundred dollars;

For pay of one line officer on duty in Quartermaster's Department in addition to pay as first lieutenant, mounted, four hundred dollars;

For pay of one treasurer and quartermaster, and commissary of cadets, in addition to pay as captain, not mounted, seven hundred dollars;

For additional pay of librarian, one hundred and twenty dollars;

Longevity pay.

For additional pay of professors and officers (and officers on increased rank) for length of service, nine thousand five hundred and fifteen dollars and twenty cents;

In all, for extra pay of officers of Army on detached service at the Military Academy, twenty-four thousand one hundred and thirty-five dollars and twenty cents;

Pay of enlisted men.

For pay of the Military Academy Band, field musicians, general army service, cavalry detachment, artillery detachment, and enlisted men on detached service, and extra pay for enlisted men on special duty:

Band.

For pay of military band, twelve enlisted musicians, at thirty-four dollars per month, four thousand eight hundred and ninety-six dollars;

Twelve enlisted musicians, at twenty-five dollars per month, three thousand six hundred dollars;

Sixteen enlisted musicians, at seventeen dollars per month, three thousand two hundred and sixty-four dollars;

Additional pay for length of service, two thousand eight hundred and eighty dollars;

Clothing on discharge, eight hundred dollars;

Field musicians.

For pay of field musicians, one sergeant, two hundred and sixteen dollars;

One corporal, one hundred and eighty dollars;

Thirteen privates, two thousand and twenty-eight dollars;

Additional pay for length of service, one hundred and forty-four dollars;

Clothing on discharge, five hundred dollars;

General Army service.

For pay of General Army Service: One first sergeant, three hundred dollars;

Six sergeants, one thousand two hundred and ninety-six dollars;

Two cooks, four hundred and thirty-two dollars;

Seven corporals, one thousand two hundred and sixty dollars;

One hundred and nine privates, sixteen thousand nine hundred and ninety-four dollars;

Additional pay for length of service, seven thousand eight hundred and eighteen dollars;

Clothing on discharge, two thousand seven hundred and six dollars and forty-seven cents;

Cavalry detachment.

For pay of cavalry detachment: One first sergeant, three hundred dollars;

Five sergeants, one thousand and eighty dollars;

One cook, two hundred and sixteen dollars;

Four corporals, seven hundred and twenty dollars;

Two farriers and blacksmiths, three hundred and sixty dollars;

One saddler, one hundred and eighty dollars;

One wagoner, one hundred and sixty-eight dollars;

Sixty privates (cavalry), nine thousand three hundred and sixty dollars;

Additional pay for length of service, one thousand five hundred dollars;

Clothing on discharge, one thousand six hundred dollars;

Interest on deposits due enlisted men, one hundred dollars;

Traveling allowances to enlisted men on discharge, six hundred dollars;

For pay of artillery detachment: One first sergeant, three hundred dollars; Artillery detach-
ment.

Three sergeants, six hundred and forty-eight dollars;

One cook, two hundred and sixteen dollars;

Three corporals, five hundred and forty dollars;

Two trumpeters, three hundred and twelve dollars;

Thirty privates, four thousand six hundred and eighty dollars;

Additional pay for length of service, one thousand dollars;

Clothing on discharge, one thousand dollars;

Interest on deposits due enlisted men, one hundred dollars;

Traveling allowances to enlisted men on discharge, six hundred dollars;

MISCELLANEOUS.

Miscellaneous.

For extra pay of one ordnance soldier as draftsman and lithographic printer, at fifty cents per day, one hundred and forty-three dollars and fifty cents; Extra pay, enlisted
men.

For extra pay of one ordnance soldier as machinist, at fifty cents per day, one hundred and forty-three dollars and fifty cents;

For extra pay of one ordnance soldier as clerk, at fifty cents per day, one hundred and forty-three dollars and fifty cents;

For extra pay of one enlisted man employed as clerk in the offices of the adjutant, United States Military Academy, at fifty cents per day, one hundred and eighty-two dollars and fifty cents;

For extra pay of two enlisted men employed as clerks in the office of the commandant of cadets, at fifty cents each per day, three hundred and sixty-five dollars;

For extra pay of four enlisted men as printers, at headquarters United States Military Academy, at fifty cents each per day, six hundred and twenty-six dollars;

For extra pay of one enlisted man employed as watchman, at thirty-five cents per day, one hundred and twenty-seven dollars and seventy-five cents;

For extra pay of one enlisted man employed as trumpeter at the cadet barracks, at thirty-five cents per day, one hundred and twenty-seven dollars and seventy-five cents;

For extra pay of one enlisted man employed in the philosophical department observatory as a mechanic, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of one enlisted man employed in the philosophical department in care of apparatus, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of one enlisted man employed in the chemical department, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of one enlisted man employed in the department of drawing, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of two enlisted men (cavalrymen) when performing special skilled mechanical labor, at fifty cents each per day, three hundred and thirteen dollars;

For extra pay of one enlisted man employed as saddler, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of one enlisted man on duty in charge of engineer property and fatigue, at fifty cents per day, one hundred and fifty-six dollars and fifty cents;

For extra pay of one enlisted man as assistant and attendant at the library, at fifty cents per day, one hundred and forty-three dollars and fifty cents;

For extra pay of one enlisted man as clerk in the department of practical military engineering and to the officer in charge of water-works and works of construction at the Military Academy, at fifty cents per day, one hundred and fifty-six dollars and fifty cents: *Provided*, That the extra pay provided by the seventeen preceding paragraphs shall not be paid to any enlisted man who receives extra-duty pay under existing laws or Army regulations: *Provided further*, That the allowance of extra pay, as provided for in the Acts of February tenth, eighteen hundred and ninety-seven (Twenty-ninth Statutes at Large, page five hundred and eighteen), March fifth, eighteen hundred and ninety-eight (Thirtieth Statutes at Large, page two hundred and fifty-five), and February twenty-seventh, eighteen hundred and ninety-nine (Thirtieth Statutes at Large, page two hundred and ninety-five), and of extra-duty pay to enlisted men of the Army stationed at the Military Academy, who have been placed on extra duty in obedience to the orders of the Superintendent, is hereby authorized and its payment directed, less the twenty per centum war increase already paid, the said payment being excepted from the operation of section thirty-six hundred and ninety-one of the Revised Statutes and section six of the Act approved April twenty-sixth, eighteen hundred and ninety-eight (Thirtieth Statutes at Large, page three hundred and sixty-five).

In all, for pay of Military Academy Band, field musicians, general army service, cavalry detachment, artillery detachment, enlisted men on detached service and extra pay of enlisted men on special duty at the Military Academy, seventy-eight thousand three hundred and five dollars and seventy-nine cents;

Provisos.
No duplication.

Allowance of extra pay, less 20 per cent war increase, etc.
Vol. 29, p. 518.

Vol. 30, p. 255.

R. S., sec. 3691, p. 729.
Vol. 30, p. 365.

Pay of civilians,
clerks, etc

PAY OF CIVILIANS.

For pay of the master of the sword, one thousand six hundred dollars;

For pay of one teacher of music, one thousand four hundred dollars;

For clerk to the disbursing officer and quartermaster, one thousand five hundred dollars;

For clerk to adjutant in charge of cadet records, one thousand five hundred dollars;

For one clerk to the adjutant, one thousand two hundred dollars;

For clerk to treasurer, one thousand five hundred dollars;

For one clerk to the quartermaster, one thousand two hundred dollars;

For pay of librarian's assistant, one thousand five hundred dollars;

For pay of one superintendent of gas works, one thousand five hundred dollars;

For pay of engineer of heating and ventilating apparatus for the academic building, the cadet barracks and office building, cadet hospital, chapel, and philosophical building, including the library, one thousand five hundred dollars;

For pay of assistant engineer of same, one thousand dollars;

For pay of eight firemen, four thousand eight hundred dollars;

For pay of one draftsman in department of civil and military engineering, one thousand dollars;

For pay of mechanic and attendant skilled in the technical prepa-

rations necessary to chemical and electrical lectures and to the instruction in mineralogy and geology, one thousand dollars;

For pay of mechanic assistant in department of natural and experimental philosophy, one thousand dollars;

For pay of custodian of new academy building, one thousand dollars;

For pay of one electrician, one thousand two hundred dollars;

For pay of one civilian plumber, one thousand two hundred dollars;

For pay of assistant plumber, seven hundred and twenty dollars;

For pay of one scavenger, at sixty dollars a month, seven hundred and twenty dollars;

For compensation of chapel organist, two hundred dollars;

For pay of keeper of post cemetery, nine hundred dollars;

For pay of engineer and janitor for Memorial Hall, nine hundred dollars;

For pay of printer at headquarters United States Military Academy, one thousand two hundred dollars;

For pay of one janitress Memorial Hall, six hundred dollars;

In all, to civilians employed at Military Academy, thirty-one thousand eight hundred and forty dollars.

For current and ordinary expenses as follows:

Current expenses.

For expenses of the Board of Visitors, including mileage, three thousand dollars;

Board of Visitors.

Contingencies for Superintendent of the Academy, one thousand dollars;

Superintendent.

Repairs and improvements, namely: Timber, planks, boards, joists, wall strips, laths, shingles, slate, tin, sheet lead, zinc, nails, screws, locks, hinges, glass, paints, turpentine, oils, varnish, brushes, stone, brick, flag, lime, cement, plaster, hair, sewer and drain pipe, blasting powder, fuse, iron, steel, tools, machinery, mantels, and other similar materials, renewing roofs, and for pay of overseer and master builder and citizen mechanics, and labor employed upon repairs and improvements that can not be done by enlisted men, twenty-five thousand dollars;

Repairs.

For fuel and apparatus, namely: Coal, wood, charcoal, stoves, grates, heaters, furnaces, ranges and fixtures, fire bricks, clay, sand, and for repairs of steam-heating apparatus, grates, stoves, heaters, ranges, and furnaces, mica, twenty-five thousand dollars;

Fuel and lights.

For gas pipes, gas and electric fixtures, electric lamps and lighting supplies, lamp-posts, gasometers and retorts, and annual repairs of the same, one thousand five hundred dollars;

For fuel for cadets' mess hall, shops, and laundry, three thousand dollars;

For postage and telegrams, two hundred dollars;

Postage and telegrams.

For stationery, namely: Blank books, paper, envelopes, quills, steel pens, rubbers, erasers, pencils, mucilage, wax, wafers, folders, fasteners, rules, files, ink, inkstands, typewriters, typewriting supplies, penholders, tape, desk knives, blotting pads, and rubber bands, nine hundred dollars;

Stationery.

For transportation of materials, discharged cadets, and ferriages, one thousand dollars;

Transportation.

Printing: For printing and binding, type, materials for office, including repairs to motor and machinery, diplomas for graduates, annual registers, blanks, and monthly reports to parents of cadets, one thousand dollars;

Printing.

For department of cavalry, artillery, and infantry tactics: Tanbark or other proper cover for riding hall, to be purchased in open market upon written order of the Superintendent, five hundred dollars;

Department of cavalry, artillery, and infantry tactics.

For repairing camp stools and camp furniture, one hundred dollars;

For repairs and improvement of dressing rooms, walks, and dock at swimming places, two hundred and twenty dollars;

For stationery, typewriting supplies and repairs, for use of instructor and assistant instructors of tactics, one hundred and fifty dollars;

For books and maps, binding books and mounting maps, one hundred and seventy-five dollars;

For silk and worsted sashes for cadet officers and acting officers, two hundred and twenty dollars;

For foils, masks, belts, fencing gloves, and fencing jackets, gaiters, and repairs, four hundred dollars;

For soap used in scrubbing cadet barracks, fifty dollars;

For door mats for cadet barracks, sinks, and guardhouse, fifty dollars;

For plumes for cadet officers and acting officers, seventy-five dollars;

For furniture for cadet barracks, three thousand four hundred dollars;

For Welsbach lamps with the necessary shades, mica chimneys, and mantels for rooms in cadet barracks, five hundred dollars;

Department of civil and military engineering.

For department of civil and military engineering: Models, maps, purchase and repair of instruments, apparatus, drawing boards, desks, chairs, shelves, and cases for books and instruments, text-books, books of reference, and stationery for the use of instructors, and contingencies, one thousand dollars;

Department of natural, etc., philosophy.

For department of natural and experimental philosophy: For additions to apparatus to illustrate the principles of mechanics, acoustics, optics, and astronomy, one thousand dollars;

For books of reference, scientific periodicals, text-books, stationery, materials, and repairs, four hundred dollars;

For repairs to the observatory buildings, repairs to clocks, and fittings to new lecture room, four hundred and fifty dollars;

Department of instruction in mathematics.

For department of instruction in mathematics, namely: For text-books, books of reference, binding, and stationery, one hundred and fifty dollars;

For tables of logarithms, fifty dollars;

For rules and triangles, twenty-five dollars;

For purchase of geometrical drawings and models, one hundred dollars;

For contingencies, fifty dollars;

Department of chemistry, etc.

For department of chemistry, mineralogy, and geology: Chemicals, chemical apparatus, glass and porcelain ware, paper, wire, sheet metal, ores, photographic apparatus and materials, nine hundred dollars;

For rough specimens, fossils, and for apparatus and materials to be used in the practical determinations of mineralogical and geological specimens, pencils and paper for the practical instructions in the same branches, and for gradual increase and improvement of the cabinet, five hundred dollars;

For new cases for mineralogical and geological cabinets, five hundred dollars;

For repairs and additions to electric, magnetic, pneumatic, thermic, and optical apparatus, five hundred dollars;

For purchase of modern electric machinery and appliances not in the Academy, six hundred dollars;

Models, maps, and diagrams, books of reference, text-books, and stationery for the use of instructors, one hundred and eighty dollars;

Contingencies, one hundred dollars;

Department of drawing.

For department of drawing: For drawing material for use of instructors, tacks, sponges, brushes, glue, alcohol, tumblers, saucers, towels, soap, ink, stationery, and contingent expenses, two hundred and fifty dollars;

For repairs to models, desks, stretchers, racks, stands, and materials, one hundred dollars;

Photographic material for enlarging room and general photographic work, two hundred and fifty dollars;

For slides and apparatus for lectures, fifty dollars;

For books and periodicals on art, architecture, and technology, one hundred and twenty-five dollars;

Frames for retained drawings of cadets, to be hung in gallery of the Academy, fifty dollars;

For binding books and periodicals and loose sheets, forty dollars;

Twenty reconnaissance sketching boards, at four dollars and fifty cents each, ninety dollars;

For department of modern languages: For stationery, text-books, and books of reference for use of instructors, for repairs of books and apparatus and for office furniture, and for printing examination papers, and for contingencies, three hundred and fifty dollars;

Department of modern languages.

For the purchase of one office desk for the office of the Department, thirty dollars;

For department of law and history: For stationery, text-books, and books of reference for the use of instructors, maps, map fixtures, furniture, and for repairs to the same, four hundred dollars;

Department of law and history.

For department of practical military engineering: For purchase and repair of instruments; transportation; purchase of tools, implements, and materials, and for extra-duty pay of engineer soldiers, as follows, namely: For instruments for use in instructing cadets in making reconnaissances; photographic apparatus and material for field photography; drawing instruments and material for platting reconnaissances; surveying instruments; instruments and material for signaling and field telegraphy; transportation of field parties; tools and material for the preservation, augmentation, and repair of wooden pontoon, and one canvas pontoon train; sapping and mining tools and material; rope; cordage; material for rafts and for spar and trestle bridges; intrenching tools; tools and material for the repair of Fort Clinton and the batteries of the Academy, and extra-duty pay of engineer soldiers, at fifty cents per day each, when performing special skilled mechanical labor in the department of practical military engineering; for models, books of reference, and stationery, and for extra-duty pay of one engineer soldier (first sergeant) as assistant in photographic laboratory, and in charge of photographic laboratory, photographic apparatus, materials, and supplies, at fifty cents per day, one thousand two hundred dollars;

Department of practical military engineering.

For department of ordnance and gunnery: For purchase and repair of instruments, models, and apparatus, and purchase of necessary material; for the purchase of samples of arms and accouterments other than those supplied to the military service; for books of reference, text-books, stationery, and lithographic printing materials, and for contingencies, four hundred and fifty dollars;

Department of ordnance and gunnery.

For purchase of ammunition for rapid-fire guns now on hand, three hundred dollars;

For manufacture or purchase of models of breech mechanisms of cannon, rapid-fire guns, small arms, and the various machines and tools used in their manufacture, for cadet instruction, one thousand five hundred dollars;

In all, for current and ordinary expenses, seventy-nine thousand one hundred and thirty dollars.

MISCELLANEOUS ITEMS AND INCIDENTAL EXPENSES.

Miscellaneous items and incidental expenses.

For stationery for office of the treasurer, United States Military Academy, namely: Blank books, paper, envelopes, pens, mucilage, typewriting supplies and repairs, and other items of stationery, fifty dollars;

For gas coal, oil, candles, lanterns, matches, chimneys and wicking for lighting the Academy building, chapel, library, cadet barracks, mess hall, shops, hospital, offices, stables and riding hall, sidewalks, camp, and wharves, six thousand five hundred dollars;

For water pipe, plumbing, and repairs, three thousand dollars;

For cleaning public buildings (not quarters), one thousand dollars;

For brooms, brushes, pails, tubs, soap, and cloths, two hundred dollars;

For chalk, crayons, sponges, slate, rubbers, rulers, pointers, card, and toilet paper, and so forth, for recitation rooms, three hundred dollars;

Library.

Increase and expense of library, namely:

For periodicals, stationery, binding books, and scientific, historical, biographical, and general literature, to be purchased in open market on the written order of the Superintendent, two thousand dollars;

For repairing books, and for furniture and contingencies, one thousand dollars;

For binding pamphlets and periodicals, two hundred dollars;

For carpets and furniture for cadet hospital, and for repairs of damaged articles, one hundred dollars;

Contingent, academic board.

For contingent funds, to be expended under the direction of the academic board: For instruments, books, repairs to apparatus, and other incidental expenses not otherwise provided for, one thousand dollars;

Proviso. Technical supplies.

Provided, That all technical and scientific supplies for the departments of instruction of the Military Academy shall be purchased by contract or otherwise, as the Secretary of War may deem best.

For renewing furniture in section rooms, and repairing the same, three hundred dollars;

Musical supplies.

For purchase of instruments for band, to be purchased in open market by order of the Superintendent, three hundred and fifty dollars;

For purchase of reeds, pads, strings, and other materials necessary for string instruments, one hundred and fifty dollars;

For repairs to instruments, music stands, and other equipments, to be purchased in open market on the order of the Superintendent, two hundred dollars;

For purchase of music for band, to be purchased in open market on the order of the Superintendent, three hundred dollars;

Subsistence department.

For repair of cooking utensils and the replacement of worn-out cooking utensils in the cadet subsistence department, to be expended without advertising, two hundred dollars;

For repairs of chairs, tables, and other furniture in cadet subsistence department, to be expended without advertising, seventy-five dollars;

For repairs, new machines, and fixtures for gymnasium, three hundred dollars;

Tearing out old wooden drying room on second floor in cadet laundry, and putting in new and improved metal drying room complete in all respects, eight hundred dollars;

For replacing, by exchange, one worn-out mangle by one large "Duplex" mangle, delivered, installed, and ready for use, one thousand dollars;

For one hydraulic dampener for white trousers, to be expended without advertising, fifty dollars;

For improved starch cooker, to be expended without advertising, fifty dollars;

For six truck tubs, to be expended without advertising, seventy-two dollars;

Reimbursement injured clothing.

For the reimbursement of cadets of the United States Military Academy for articles of clothing, military uniforms, and equipment (personal property) destroyed and ruined through fumigation, in

eighteen hundred and ninety-nine, to prevent the spread of contagious disease, one thousand two hundred and eighty-five dollars and fifty cents;

In all, for miscellaneous items and incidental expenses, twenty thousand four hundred and eighty-two dollars and fifty cents;

Buildings and grounds, Military Academy: Repairing roads and paths, including roads and bridges on reservation, one thousand dollars; Buildings and grounds.

Continuing construction of breast-high wall in dangerous places, five hundred dollars;

For a sea wall at river front, eight thousand one hundred and thirty dollars.

Waterworks: Renewal of material in filter beds; improving ventilation of filter house and water house; hose for use in cleaning filter beds and water house, and for use in fire service at same; tools, implements, and materials for use of the two keepers and for repairs of siphon house, filter house, and of four and one-half miles of supply pipe; for shed for tools and storage of fuel for keeper of Round Pond, and for tool house at filter; for gauges at Round Pond and Delafield Pond, and for stairs for access to same, and all other necessary work of maintenance and repairs, one thousand two hundred dollars; Waterworks.

Broken stone and gravel for roads, one thousand five hundred dollars;

Maintaining and improving the grounds of the post cemetery, three thousand dollars; Cemetery.

Painting, calcimining, whitewashing, and repairing interior walls of cadet mess building, kitchen, dish pantry, bakery, dormitories, storerooms, cold-storage rooms, and machinery rooms, and for incidental repairs about the same, to be expended without advertising, four hundred dollars; Repairs.

General repairs to cadet laundry building, painting interior, and for emergency incidental expenses about the building, to be expended without advertising, four hundred dollars;

Tearing out old cement floor of machinery and wash room in cadet laundry building, putting in granolithic floor, moving and resetting machinery on proper foundations, putting in new and repairing old drain pipes, seven hundred and fifty dollars;

Painting, and for general incidental repairs and improvements to the cadet quartermaster's building, including storerooms, office, tailor shops, shoe-repairing shops, to be expended as required without advertising, three hundred dollars;

Putting steel ceiling in cadet mess hall—Grant Hall—six hundred dollars;

Tearing out the old cement floor in "scullery" of cadet subsistence building, tearing out old sinks, grease trap, and connections now in the center of floor, and putting in granolithic floor, new sinks, improved plumbing, and connections with a new and modern style of grease trap on outside of building, one thousand dollars;

Repairs to cadet barracks: For repairing and renewing plastering; painting and calcimining four divisions; repairs to woodwork; reflooring two divisions; and for other incidental repairs to the building. two thousand three hundred dollars; —barracks.

For repairs and additions to the cadet hospital:

Repainting walls and woodwork of halls, wards, lavatories, and so forth, three hundred dollars; —hospital.

Paraffin and turpentine for waxing and polishing floors, fifty dollars;

Materials for rebronzing radiators and piping, thirty dollars;

Lockers for clothing of sick cadets in ward numbered two, one hundred dollars; Floor wax, etc.

Removing present defective floor in ward numbered two and replac-

ing it with tiling; also tiling walls of said ward, and removing present ceiling and substituting metal lathing and plastering with Keen's cement, with cost of labor, four thousand dollars;

Purchase of globes, fixtures, and connections for electrical lighting in new operating room of cadet hospital, two hundred and fifty dollars;

Purchase of flowers and shrubs for hospital grounds, seventy-five dollars;

Purchase of Welsbach burners, droplights, mantles, tubes, and so forth, forty dollars;

Sink for kitchen for cadet hospital mess, with grease trap and fixtures of the latest design, one hundred and twenty-six dollars.

For materials and labor for repairs, alterations, and additions needed at the soldiers' hospital:

Brushes, paints, glass, putty, wax, and turpentine for general repairs and waxing floors, seventy-five dollars;

Painting or calcimining plastered walls, varnishing interior woodwork, and for general repairs, three hundred and twenty dollars;

Painting exterior of hospital, including roof, porches, porch floors, exterior woodwork, gutters, and so forth, three hundred and seventy-five dollars;

Fitting up the operating room, including the removal of present floor and preparing tile floor and walls, plumbing and fixtures for sterilizing hands of operator and assistants, one thousand four hundred dollars;

Four additional lockers for clothing of enlisted men of the hospital corps, one hundred dollars;

Materials and labor for steam heating the north ward of soldiers' hospital, five hundred and thirty-five dollars;

Purchase of flowers and shrubs for hospital grounds, fifty dollars;
Additions to quarters of the hospital steward at the soldiers' hospital:

Building an outhouse for fuel, with walk to same, two hundred and sixty dollars;

Piazza on south side of house, four hundred and fifty dollars;

Repairs to ordnance laboratory and other buildings pertaining to the department of ordnance and gunnery, painting buildings, and materials for roads and walks, and for repairs to machinery and tools, one hundred and fifty dollars;

Continuing the construction and repair of the roads between the old south guardhouse and the southern boundary line of reservation, and for continuing the laying of a stone walk along same, one thousand dollars;

Cases, materials, fittings, fixtures, and other appliances and repairs for ordnance museum in new academy building, three hundred dollars;

Lumber for general repairs of cavalry stables, one hundred and fifty dollars;

Steam-heating plant for the superintendent's quarters, one thousand dollars;

Steam-heating plant for quarters numbered twenty-one, eight hundred and fifty dollars;

Completion of additions to officers' quarters, two thousand seven hundred and twenty-five dollars;

Whitewashing cavalry stables and painting interior woodwork, one hundred and fifty dollars;

Two sets of officers' quarters, at ten thousand dollars each, twenty thousand dollars;

For building for officers' mess and quarters, seventy-eight thousand nine hundred and ninety dollars;

Kitchen annex to quarters numbered five, occupied by the post surgeon, one thousand eight hundred and fifty-five dollars;

Stable for officers' horses, three thousand eight hundred dollars;
 New front porch for quarters numbered twenty-five, seven hundred and eighty-seven dollars;

One hundred and sixty-eight running feet of light iron porch, with yellow-pine floor and tin roof, for south side and east end of the cavalry barracks, four thousand two hundred dollars;

Grading street and laying granolithic walk on approaches to new Memorial Hall, two thousand six hundred dollars;

Grading street and, laying granolithic walk in front of chapel and library, three thousand one hundred dollars;

Construction of one small brick magazine or storehouse for small-arm and rapid-fire ammunition, one thousand six hundred dollars;

For thoroughly overhauling and repairing the roofs, gutters, and leaders on cadet mess hall, kitchens, and attached buildings, nine hundred and seventy-five dollars;

Repainting exterior walls, woodwork, and tin roofs of fifty-eight sets of officers' quarters, seven thousand two hundred and fifty dollars;

Repairing and renewing porches, floors, and steps of thirty sets of married enlisted men's quarters, five hundred and twenty-five dollars;

Repainting exterior woodwork and reputtying windows of thirty sets of married enlisted men's quarters, one thousand seven hundred and seventy-five dollars;

Rebuilding wall on south dock road, eleven thousand seven hundred and seventy-five dollars;

Rebuilding engineer stables, two thousand dollars;

Purchase of four barges for use of cadets, five hundred dollars;

Water house for storage of filtered water in connection with "Lusk" reservoir and filter beds, seventeen thousand five hundred dollars;

Water-supply system.

House for keeper near "Lusk" reservoir, three thousand dollars;

Necessary improvements to the water-supply system, ten thousand dollars;

Provided, That from the foregoing appropriations for waterworks, a sum not to exceed seventy-five cents per day may be paid as extra-duty pay to the overseer, when such overseer is a soldier detailed for that duty.

Provisos.
 —extra-duty pay to overseer.

Provided further, That the appropriation contained in the Act approved February twenty-seventh, eighteen hundred and ninety-nine, for the complete renovation of the library building, seventy thousand dollars, is hereby made available until expended.

Renovation of library building.
 Vol. 30, p. 903.

Provided further, That the appropriation contained in the Act approved March sixth, eighteen hundred and ninety-six, for reconstructing the cable coal railway, including replacing the present wooden trestle with an iron trestle, straightening and relaying rails, repairing and equipping the cars with new apparatus, new cable, new track, pulleys and sheaves, new cable driver with steam cylinders, complete, twenty thousand dollars; and so much remaining unexpended is hereby made available to complete the payment for work done by the Trenton Iron Company, as final payment on agreement for furnishing materials and labor for the reconstruction of the cable coal railway, seven thousand seven hundred and seventy-three dollars and twenty cents.

Reconstructing cable coal railway.
 Vol. 29, p. 54

Total buildings and grounds, two hundred and eight thousand one hundred and seventy-three dollars.

SEC. 2. That the senior major-general of the line commanding the Army shall have the rank, pay, and allowances of a lieutenant-general, and his personal staff shall have the rank, pay, and allowances authorized for the staff of a lieutenant-general.

Increased rank, etc., Major-General Commanding the Army and staff.

SEC. 3. That the Adjutant-General of the Army shall have the rank, pay, and allowances of a major-general in the Army of the United States, and on his retirement shall receive the retired pay of that rank:

—Adjutant-General.

Proviso.
—limited to present
Adjutant-General.

Provided, That whenever a vacancy shall occur in the office of Adjutant-General on the expiration of the service of the present incumbent the Adjutant-General shall thereafter have the rank, pay, and allowances of a brigadier-general.

Corps of cadets.
Number increased,
etc.

SEC. 4. That the corps of cadets shall consist of one from each Congressional district, one from each Territory, one from the District of Columbia, two from each State at large, and thirty from the United States at large. They shall be appointed by the President, and shall, with the exception of the thirty cadets appointed from the United States at large, be actual residents of the Congressional or Territorial districts, or of the District of Columbia, or of the States, respectively, from which they purport to be appointed.

Vol. 30, p. 979.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 793.—An Act Amending section fifty-two hundred and seventy of the Revised Statutes of the United States.

Extradition with
countries under con-
trol of the United
States.
R. S., sec. 5270, p.
1021, amended.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section fifty-two hundred and seventy of the Revised Statutes of the United States is hereby amended by adding thereto the following proviso:

Extraditable of
fenses specified.

“*Provided*, That whenever any foreign country or territory, or any part thereof, is occupied by or under the control of the United States, any person who shall violate, or who has violated, the criminal laws in force therein, by the commission of any of the following offenses, namely: Murder and assault with intent to commit murder; counterfeiting or altering money, or uttering or bringing into circulation counterfeit or altered money; counterfeiting certificates or coupons of public indebtedness, bank notes, or other instruments of public credit, and the utterance or circulation of the same; forgery or altering, and uttering what is forged or altered; embezzlement or criminal malversation of the public funds, committed by public officers, employees, or depositaries; larceny or embezzlement of an amount not less than one hundred dollars in value; robbery; burglary, defined to be the breaking and entering by nighttime into the house of another person with intent to commit a felony therein; and the act of breaking and entering the house or building of another, whether in the day or night time, with the intent to commit a felony therein; the act of entering, or of breaking and entering the offices of the Government and public authorities, or the offices of banks, banking houses, savings banks, trust companies, insurance or other companies, with the intent to commit a felony therein; perjury or the subornation of perjury; rape; arson; piracy by the law of nations; murder, assault with intent to kill, and manslaughter, committed on the high seas, on board a ship owned by or in control of citizens or residents of such foreign country or territory and not under the flag of the United States, or of some other government; malicious destruction of or attempt to destroy railways, trams, vessels, bridges, dwellings, public edifices, or other buildings, when the act endangers human life, and who shall depart or flee, or who has departed or fled, from justice therein to the United States, any Territory thereof or to the District of Columbia, shall, when found therein, be liable to arrest and detention by the authorities of the United States, and on the written request or requisition of the military governor or other chief executive officer in control of such foreign country or territory shall be returned and surrendered as hereinafter provided to such authorities for trial under the laws in force in the place where such offense was committed. All the provisions of sections fifty-two hundred and seventy to fifty-two hundred and seventy-seven of this title, so far as applicable, shall govern proceedings

Procedure.
R. S., secs. 5270-5277,
pp. 1021, 1022.

authorized by this proviso: *Provided further*, That such proceedings shall be had before a judge of the courts of the United States only, who shall hold such person on evidence establishing probable cause that he is guilty of the offense charged: *And provided further*, That no return or surrender shall be made of any person charged with the commission of any offense of a political nature. If so held such person shall be returned and surrendered to the authorities in control of such foreign country or territory on the order of the Secretary of State of the United States, and such authorities shall secure to such a person a fair and impartial trial."

Proviso.
Political offenses
excepted.

Approved, June 6, 1900.

CHAP. 794.—An Act To grant right of way over Government lands for a pipe line for the conveyance of water to Flagstaff, Arizona.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a right of way for a pipe line through sections twenty-six, thirty-six, township twenty-three north; sections two, twelve, fourteen, twenty-two, and twenty-eight, township twenty-two north, and sections four and sixteen, township twenty-one north, all in range seven east, Gila and Salt River meridian, in the San Francisco Forest Reserve, in the county of Coconino and Territory of Arizona, is hereby granted to the town of Flagstaff, a municipal corporation in said county and Territory, to the extent of the ground occupied by said pipe line and twenty-five feet on each side of the center line of the same.

Flagstaff, Ariz.,
granted right of way
through San Francisco
Forest Reserve,
etc., for pipe line.

Also the right to take from the lands adjacent to the lands hereby granted material, earth, stone, and timber necessary for the construction, maintenance, repair, and control of said pipe line.

Use of materials.

SEC. 2. That said pipe line when constructed shall be maintained and controlled exclusively for the use and benefit of the said town of Flagstaff by the municipal authorities thereof, and for the purpose only of conveying water through said pipe line to said town for its exclusive use and benefit.

Control.

SEC. 3. That this Act shall take effect and be in force from and after its passage.

Effect.

Approved, June 6, 1900.

CHAP. 795.—An Act Changing place for holding court in the central division of the Indian Territory from Cameron to Poteau, and for other purposes.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That subdivision three, of chapter one hundred and forty-five, of the United States Statutes at Large, approved March first, eighteen hundred and ninety-five, entitled "An Act to provide for the appointment of additional judges of the United States court in the Indian Territory, and for other purposes," which said subdivision reads as follows: "The central district shall consist of all the Choctaw country, and the places of holding court in said district shall be at South McAlester, Atoka, Antlers, and Cameron," be amended by striking out of said subdivision the word "Cameron" and inserting in lieu thereof the word "Poteau," so that said subdivision when amended shall read as follows: "The central district shall consist of all the Choctaw country, and the places of holding court in said district shall be at South McAlester, Atoka, Antlers, and Poteau."

Indian Territory.
Terms of court at
Poteau instead of
Cameron.

Vol. 28, p. 694.

Pending suits transferred.

SEC. 2. That all suits, prosecutions and processes, recognizances, bail bonds, and other proceedings of whatever nature pending in or returnable to said court at Cameron are hereby transferred to and shall be made returnable and have force in said court at Poteau.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 796.—An Act To extend the coal land laws to the district of Alaska.

Alaska.
Coal-land laws extended to.
R. S., secs. 2347-2352, p. 431.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That so much of the public land laws of the United States are hereby extended to the district of Alaska as relate to coal lands, namely, sections twenty-three hundred and forty-seven to twenty-three hundred and fifty-two, inclusive, of the Revised Statutes.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 797.—An Act To provide better facilities for the safe-keeping and disbursement of public moneys in the Philippine Islands and in the islands of Cuba and Porto Rico.

Cuba, Porto Rico, and Philippines.
Designation of depositories for public moneys.
Provisos.
Security deposit.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized to designate one or more banks or bankers in the Philippine Islands and in the islands of Cuba and Porto Rico in which public moneys may be deposited: Provided, That the banks or bankers thus designated shall give satisfactory security for the safe-keeping and prompt payment of the public moneys so deposited by depositing in the Treasury, United States bonds to an amount not less than the aggregate sum at any time on deposit with such banks or bankers: And provided further, That this Act shall apply to Cuba only while occupied by the United States.

Approved, June 6, 1900.

Application to Cuba.

June 6, 1900.

CHAP. 798.—An Act To authorize the Seneca Telephone Company to construct and maintain lines in the Indian Territory.

Seneca Telephone Company may construct lines in Indian Territory.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Seneca Telephone Company, organized and incorporated under the laws of the State of Missouri, is hereby authorized and empowered to construct and maintain telephone lines from Seneca, in the State of Missouri, to the Quapaw Agency, and to Wyandotte, Grand River, Fairland, Oseuma, Afton, and Vinita, in the Indian Territory, subject to the rules and regulations prescribed by the Secretary of the Interior, and to be approved by the Secretary of the Interior: Provided, That cities and towns into or through which such telephone lines may be constructed shall have the power to regulate the manner of construction therein, and the said company shall be subject to such municipal and Territorial taxation as may be provided for by law.

Provisos.
Municipal control.

Tolls.

SEC. 2. That Congress hereby expressly reserves the right to regulate the tolls or charges of said telephone lines constructed in the Indian Territory by said company.

Approved, June 6, 1900.

CHAP. 799.—An Act To provide for the sale of isolated and disconnected tracts or parcels of the Osage trust and diminished reserve lands in the State of Kansas.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior shall cause to be duly proclaimed and offered at public sale, in the manner prescribed for the offering of public lands, all isolated or disconnected tracts or parcels of lands of one quarter section or less of the Osage trust and diminished reserve lands within the State of Kansas for which no application has been filed under the provisions of existing laws in relation thereto, but not more than one quarter section shall be sold to any one purchaser under the provisions of this Act. Such lands shall be offered for sale by advertisement for not less than thirty days in two newspapers in the proper land district, and by posting in the proper local land office for the same period, and upon the day named in such notice shall be sold for cash to the highest bidder at not less than the price fixed by law: *Provided,* That any settler upon any of said lands shall be permitted, at any time prior to the sale of the particular tract claimed by him, to file his application and submit proof therefor in accordance with existing laws. If any of said lands remain unsold after the offering as aforesaid they shall be subject to private entry, for cash, in tracts not exceeding one quarter section by one purchaser.

Osage trust, etc., lands, Kans.
Sale of isolated tracts, etc., of authorized.

—limit to one purchaser.

Advertisement.

Proviso.
Rights of settlers.

— Unsold lands subject to private entry.

SEC. 2. That any such tracts or parcels of land that may become isolated or disconnected by the disposal of surrounding lands, after the offering provided for in the preceding section of this Act, shall be subject to disposal under the provisions of section twenty-four hundred and fifty-five of the Revised Statutes of the United States as amended by the Act of February twenty-sixth, eighteen hundred and ninety-five, except that it shall not be necessary that said lands shall have been subject to homestead entry for three years prior to such sale.

Sale of lands isolated by disposal of surrounding lands.
R. S., sec. 2455, p. 449.
Vol. 28, p. 687.

Approved, June 6, 1900.

CHAP. 800.—An Act To amend an Act entitled "An Act for the erection of a public building at Anniston, Alabama."

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That an Act for the erection of a public building at Anniston, Alabama, approved March second, eighteen hundred and ninety-nine, be amended by adding thereto the following: "*Provided,* That the Secretary of the Treasury be, and he is hereby, authorized to proceed with the erection of the building at Anniston, Alabama, in accordance with said Act, upon cession of jurisdiction to the United States of the site of the proposed building in compliance with section six hundred and twenty-eight, chapter fifteen, volume one, of the civil code of Alabama of eighteen hundred and ninety-six, which reads as follows: 'The governor, upon application made to him in writing on behalf of the United States for that purpose, accompanied by the proper evidence of the purchase, describing the lands sought to be ceded, is authorized on the part of the State to cede to the United States jurisdiction over such lands, to hold, to use, and occupy the same for the purpose of the cession, and none other. The jurisdiction thus ceded does not prevent the execution on such lands of any process, civil or criminal, under the authority of this State, nor prevent the laws of this State from operating over such lands; saving to the United States security to their property within the limits of the jurisdiction ceded, and exemption of the same and of such lands from taxation under the authority of this State during the jurisdiction ceded.'"

Anniston, Ala.
Public building.
Vol. 30, pp. 1003, 1078.

Proviso.
Cession of jurisdiction of site.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 801.—An Act To extend to certain publications the privileges of second-class mail matter as to admission to the mails.

Postal service.
Periodical publications of State departments of agriculture admitted as second-class matter.
Provisos.
—qualifications.
—not to contain advertisements.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all periodical publications issued from a known place of publication at stated intervals as frequently as four times a year by State departments of agriculture shall be admitted to the mails as second-class mail matter: *Provided,* That such matter shall be published only for the purpose of furthering the objects of such departments: *And provided further,* That such publications shall not contain any advertising matter of any kind.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 802.—An Act To provide for the use of timber and stone for domestic and industrial purposes in the Indian Territory.

Indian Territory.
Use of timber and stone for industrial purposes.

—payment, etc.

—penalty, unlawful cutting, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior is authorized to prescribe rules and regulations for the procurement of timber and stone for such domestic and industrial purposes, including the construction, maintenance, and repair of railroads and other highways, to be used only in the Indian Territory, as in his judgment he shall deem necessary and proper, from lands belonging to either of the Five Civilized Tribes of Indians, and to fix the full value thereof to be paid therefor, and collect the same for the benefit of said tribes; and 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 the land of either of said tribes, or sells or transports any of such timber or stone outside of the Indian Territory, contrary to the regulations prescribed by the Secretary, shall pay a fine of not more than five hundred dollars, or be imprisoned not more than twelve months, or both, in the discretion of the court trying the same.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 803.—An Act To amend the seventh section of the Act entitled "An Act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March third, eighteen hundred and ninety-one.

United States courts.
Appeal from interlocutory order granting injunction, etc., authorized.
Vol. 28, p. 666.
Vol. 26, p. 828.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the seventh section of the Act entitled "An Act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March third, eighteen hundred and ninety-one, be amended so as to read as follows:

"**SEC. 7.** That where, upon a hearing in equity in a district court or in a circuit court, or by a judge thereof in vacation, an injunction shall be granted or continued or a receiver appointed, by an interlocutory order or decree, in a cause in which an appeal from a final decree may be taken under the provisions of this Act to the circuit court of appeals, an appeal may be taken from such interlocutory order or decree granting or continuing such injunction or appointing such receiver to the circuit court of appeals: *Provided,* That the appeal must be taken within thirty days from the entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed,

Provisos.
Limit of time to appeal, etc.

unless otherwise ordered by that court, or by the appellate court or a judge thereof, during the pendency of such appeal: *Provided further*, That the court below may in its discretion require as a condition of the appeal an additional bond."

Additional bond.

Approved, June 6, 1900.

CHAP. 804.—An Act To amend chapter two of the laws passed by the first session of the Fifty-fifth Congress of the United States, being an Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," approved June fourth, eighteen hundred and ninety-seven.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That chapter two of the laws of the first session of the Fifty-fifth Congress, being an Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-eight, and for other purposes," approved June fourth, eighteen hundred and ninety-seven, be, and the same is hereby, amended by striking out the following words where the same appear in said Act, commencing with the word "Before," in line thirty-six, on page thirty-five of volume thirty of the United States Statutes at Large, and ending with the word "exists," in the forty-third line of said volume and page, as follows: "Before such sale shall take place notice thereof shall be given by the Commissioner of the General Land Office, for not less than sixty days, by publication in a newspaper of general circulation published in the county in which the timber is situated, if any is therein published, and if not then in a newspaper of general circulation published nearest to the reservation, and also in a newspaper of general circulation published at the capital of the State or Territory where such reservation exists," and insert in lieu thereof the following: "Before such sale shall take place notice thereof shall be given by the Commissioner of the General Land Office, for not less than thirty days, by publication in one or more newspapers of general circulation, as he may deem necessary, in the State or Territory where such reservation exists: *Provided, however*, That in cases of unusual emergency the Secretary of the Interior may, in the exercise of his discretion, permit the purchase of timber and cord wood in advance of advertisement of sale at rates of value approved by him and subject to payment of the full amount of the highest bid resulting from the usual advertisement of sale: *Provided further*, That he may, in his discretion, sell without advertisement, in quantities to suit applicants, at a fair appraisalment, timber and cord wood not exceeding in value one hundred dollars stumpage: *And provided further*, That in cases in which advertisement is had and no satisfactory bid is received, or in cases in which the bidder fails to complete the purchase, the timber may be sold, without further advertisement, at private sale, in the discretion of the Secretary of the Interior, at not less than the appraised valuation, in quantities to suit purchasers: *And provided further*, That the provisions of this Act shall not apply to existing forest reservations in the State of California, or to reservations that may be hereafter created within said State."

Public lands.
Appraisal and sale
of dead, etc., timber.
Vol. 30, p. 35
amended.

Notice of sale.

Proviso.
Emergency, etc.,
sales in advance of
advertisement.

Private sale where
bid unsatisfactory,
etc.

California forest
reservations excepted.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 805.—An Act To amend section one of the Act of Congress approved February twelfth, eighteen hundred and eighty-seven, entitled "An Act to amend section sixteen hundred and sixty-one of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia."

Militia.
Annual appropriation
for arms, etc.
Vol. 24, p. 401.
R. S., sec. 1661, p. 290.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the Act of Congress approved February twelfth, eighteen hundred and eighty-seven, entitled "An Act to amend section sixteen hundred and sixty-one of the Revised Statutes, making an annual appropriation to provide arms and equipments for the militia," be, and the same is hereby, amended and reenacted so as to read as follows:

"That the sum of one million dollars is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, quartermaster stores, and camp equipage for issue to the militia."

Approved, June 6, 1900.

June 6, 1900.

CHAP. 806.—An Act To incorporate the Frederick Douglass Memorial and Historical Association.

Frederick Douglass
Memorial, etc., Association
incorporated.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Helen Douglass, William H. H. Hart, Francis J. Grimke, May Wright Sewall, Edward A. Clarke, their associates and successors, be, and they are hereby declared to be, a body politic and corporate, in the District of Columbia, with perpetual succession, by and under the name, style, and title of the Frederick Douglass Memorial and Historical Association, for the following objects and purposes, to wit:

First. To preserve to posterity the memory of the life and character of the late Frederick Douglass.

Purposes of incorporation.

Second. To collect, collate, and preserve a historical record of the inception, progress, and culmination of the antislavery movement in the United States, and to assemble in the homestead of the late Frederick Douglass, commonly called Cedar Hill, in the village of Anacostia, in the District of Columbia, all such suitable exhibits of records or things illustrative or commemorative of the antislavery movement and history as may be donated to said association or acquired by purchase bequest, or other lawful means.

Powers.

SEC. 2. That the said association, by and under the name and title aforesaid, and their successors, shall be competent at law and in equity to take to themselves and their successors, for the use and behoof of said association, any estate whatsoever, in any messuage, lands, tenements, hereditaments, goods, chattels, moneys, and other effects, by gift, devise, grant, donation, bargain sale, conveyance, assurance, or will; and the same to grant, bargain, sell, transfer, assign, convey, assure, demise, declare to use, and farm let, and to place out on interest, for the use of said association, in such manner as to them, or a majority of them, shall be deemed most beneficial to said association; and to receive the same, their rents, issues, and profits, income, and interest, and to apply the same for the proper use and benefit of said association for the objects and purposes hereinbefore mentioned; and by the same name to sue and be sued, to implead and be impleaded in any court of law or equity in all manner of suits, actions, and proceedings whatsoever, and generally by and in the same name to do and transact all and every the business touching or concerning the premises; and that after the said association shall have acquired title in fee simple to a whole or a part of certain property situate and being in

Improvement of
Cedar Hill.

the village of Anacostia, District of Columbia, commonly called Cedar Hill, and occupied by the late Frederick Douglass as his homestead, the said association may manage, repair, improve, and adorn the same in such manner as the said incorporators or their successors, or a majority of them, may deem meet and proper, in pursuance of and in accordance with the objects and purposes for which this said association is incorporated.

SEC. 3. That the first meeting of said incorporators shall be held at said Cedar Hill, Anacostia, District of Columbia, at such time as a majority of the persons hereinabove named shall determine upon, after ten days' notice thereof shall be given to each of said incorporators, at which said first meeting, or at such other time thereafter as the said incorporators may fix for that purpose, they may enact such by-laws as they may see fit, not inconsistent with the laws of the United States, regulating the government of the said association.

First meeting of incorporators.

SEC. 4. That the government of said association shall be vested in a board of trustees of not less than five members nor more than nine, who shall be elected by the corporators at their first meeting or at such time thereafter as the said corporators may at the said first meeting appoint for that purpose. In case of a vacancy or vacancies occurring in said board of trustees by death, resignation, or otherwise, the same shall be filled by the remaining members thereof. Said board of trustees shall have perpetual succession, and in them and their successors shall be vested the power hereinbefore granted to this association. They shall adopt a common seal, which they may alter at pleasure, under and by which all deeds and acts of the association shall be passed and authenticated. They shall elect such officers as they may deem necessary, including a treasurer, for such terms and at such compensation as they may prescribe, in accordance with the by-laws which may be established for the government of said association. The said treasurer shall give such bond as may be fixed by the by-laws, and all of the officers of the association, together with such agents and employees as it may be deemed necessary to employ, shall be subject to removal for such causes and under such conditions and regulations as may be prescribed by the by-laws.

Board of trustees etc.

SEC. 5. That no misnomer of the said corporation shall defeat or annul any grant, donation, gift, devise, or bequest to or from said corporation.

Corporation grants unaffected by misnomers.

SEC. 6. That the said corporation may cause to be erected at such suitable site upon the homestead aforesaid, after acquisition of title to same as aforesaid, as may be selected by the board of trustees, a monument to the memory of the late Frederick Douglass, of such character and at such cost as in their judgment may seem fit, in accordance with the means of said association and compatible with the objects and purposes thereof.

Monument to Frederick Douglass.

SEC. 7. That when the said corporation shall have acquired title in fee simple to the whole or a part, as the case may be, of the said property known as Cedar Hill, in the village of Anacostia, in the District of Columbia, and formerly occupied as the homestead of the late Frederick Douglass, said land and premises shall be, and hereby are, declared to be exempt from all taxes and assessments for taxation so long as the same shall be used for the purposes of this incorporation.

Cedar Hill exempt from taxes.

SEC. 8. That Congress reserves the right to amend or repeal this Act.

Amendment.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 807.—An Act To establish a board of charities for the District of Columbia.

District of Columbia.
Board of charities
established.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there shall be established in the District of Columbia a board of charities, to consist of five members, residents of the said District, who shall be appointed by the President of the United States, by and with the advice and consent of the Senate, each for a term of three years, but in such manner that the terms of not more than two of them shall expire in any one or the same year. The members of the said board shall serve without compensation. During his term of office no member shall serve as trustee or other administrative officer of any institution subject to the visitation of the said board. The board shall elect a president and vice-president from among its own members, and shall appoint a secretary, who shall receive a salary of three thousand dollars per annum; and a messenger, who shall receive a salary of eight hundred and forty dollars per annum; and may appoint such other officers, inspectors, and clerks as it may deem proper, and fix the number, duties, and compensation of such other officers, inspectors, and clerks, subject to appropriations of Congress: *Provided,* That the office of superintendent of charities of the District of Columbia is hereby abolished from and after the thirtieth day of June, nineteen hundred; and the amounts appropriated in the Act making appropriations for the expenses of the District of Columbia for the fiscal year ending June thirtieth, nineteen hundred and one, for salaries of superintendent of charities and of messenger in the office of said superintendent and for traveling expenses are hereby made available for the payment of secretary of the board of charities, messenger for said board, and necessary traveling expenses authorized by said board. The said board of charities shall visit, inspect, and maintain a general supervision over all institutions, societies, or associations of a charitable, eleemosynary, correctional, or reformatory character which are supported in whole or in part by appropriations of Congress, made for the care or treatment of residents of the District of Columbia; and no payment shall be made to any such charitable, eleemosynary, correctional, or reformatory institution for any resident of the District of Columbia who is not received and maintained therein pursuant to the rules established by such board of charities, except in the case of persons committed by the courts, or abandoned infants needing immediate care. The said board of charities shall be provided with suitable rooms in the building occupied by other departments of the government of the District of Columbia. Regular meetings of the said board shall be held at least once each month, and more often if required. The said board shall make such rules and orders for the regulation of its proceedings as may be deemed necessary. The officers in charge of all institutions subject to the supervision of the board of charities shall furnish said board, on request, such information and statistics as may be desired; and to secure accuracy, uniformity, and completeness of such statistics the board may prescribe such forms of report and registration as may be deemed to be essential; and all plans for new institutions shall, before the adoption of the same, be submitted to said board for suggestion and criticism. The Commissioners of the District of Columbia may at any time order an investigation by the board, or a committee of its members, of the management of any penal, charitable, or reformatory institution in the District of Columbia; and said board, or any authorized committee of its members, when making such investigation, shall have power to send for persons and papers and to administer oaths and affirmations; and the report of such investigation, with the testimony, shall be made to the Commissioners. All accounts and expenditures of said board shall be certified as may be required by the Commissioners, and paid as other accounts against the District

Officers, etc.

Proviso.
Superintendent of
charities, District of
Columbia abolished,
etc.

Duties of board.

Rooms.

Meetings.

Regulations.

Information, etc., to
be furnished board.

Investigation of
public institutions by
board.

Expenses.

of Columbia. The said board shall make an annual report to Congress, through the Commissioners of the District of Columbia, giving a full and complete account of all matters placed under the supervision of the board, all expenses in detail, and all officers and agents employed, with a report of the Secretary, showing the actual condition of all institutions and agencies under the supervision of the board, the character and economy of administration thereof, and the amount and sources of their public and private income. The said report shall also include recommendations for the economical and efficient administration of the charities and reformatories of the District of Columbia. The said board shall prepare and include with its annual report such estimates of future appropriations as will, in the judgment of a majority of its members, best promote the effective, harmonious, and economical management of the affairs under its supervision; and such estimates submitted shall be included in the regular annual Book of Estimates. No member or employee of said board shall be either directly or indirectly interested in any contract for building, repairing, or furnishing any institution which by this Act the board is authorized to investigate and supervise. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

Report.

Estimates of future appropriations.

Officers, etc., not to be interested in contracts.

Repeal.

Approved, June 6, 1900.

CHAP. 808.—An Act To regulate the collection of taxes in the District of Columbia.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That for the fiscal year commencing July first, nineteen hundred, the whole tax on real and personal property in the District of Columbia shall be due and payable in the month of May, nineteen hundred and one; and if said tax upon real and personal property shall not be paid before the first day of June in said year, the same thereupon shall be in arrears and delinquent, and there shall then be added, to be collected with said tax, a penalty of one per centum upon the amount thereof, and a like penalty on the first day of each succeeding month until payment of said tax and penalty; and the whole together shall constitute the delinquent tax, to be dealt with and collected in the manner now provided by law: *Provided,* That the Secretary of the Treasury is hereby authorized and directed to advance to the disbursing officer of the District of Columbia, in the manner now prescribed by law, out of any money in the Treasury of the United States not otherwise appropriated, such sums as may be necessary from time to time to meet the general expenses of said District, and to reimburse the Treasury for the one-half advances payable by said District out of the taxes and revenues collected, as herein provided for: *And provided further,* That for the fiscal year beginning July first, nineteen hundred and one, and thereafter, taxes on real and personal property may be paid in two installments as is now provided by law.

District of Columbia. Collection of taxes.

—when due and in arrears.

—penalty.

Proviso. Advancements to District disbursing officer.

Installments.

Approved, June 6, 1900.

CHAP. 809.—An Act For the extension of Columbia road east of Thirteenth street, and for other purposes.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That within twenty days after the passage of this Act the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to institute in the supreme court of the District of Columbia, sitting as a district court,

District of Columbia. Extension of Columbia road, etc. Petition for condemnation.

by petition, particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of Columbia road east of Thirteenth street, through block twenty-three of Columbia Heights, with a width of sixty feet, so that the western terminus of Steuben street will be connected in a direct manner with the eastern terminus of Columbia road as now located west of Thirteenth street.

Assessments for benefits against abutting property.

SEC. 2. That of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Columbia road as herein provided, such amount thereof shall be assessed by the jury hereinafter provided as benefits, and to the extent of such benefits, against those pieces or parcels of land on each side of said Columbia road as extended through block twenty-three of Columbia Heights, and also on any or all pieces or parcels of land which will be benefited by the extension of said Columbia road as said jury may find said pieces or parcels of land will be benefited; and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of Columbia road as aforesaid: *Provided*, That if the aggregate amount of the benefits to be assessed, as determined by said jury pursuant to the provisions hereof, is less than one-half of the amount of the damages awarded for and in respect of the land condemned, the Commissioners of the District of Columbia may, in their discretion, reject the award and assessment of said jury, and all proceedings hereunder shall be null and void.

Proviso.
Rejection of award, etc.

Notice of filing of proceedings.

SEC. 3. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the award of damages and assessment of benefits of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia, or his deputies, upon such owners of the land to be condemned as may be found by said marshal, or his deputies, within the District of Columbia.

Condemnation proceedings.

SEC. 4. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious, disinterested men, not related to any person interested in the proceedings, and not in the service or employment of the District of Columbia or of the United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor are in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the extension of said street and the condemnation of lands for the purposes of such extension, and assess the benefits resulting therefrom as hereinbefore provided. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections, and to excuse any juror or cause any vacancy in the jury, when impaneled, to be filled; and after said jury shall have been organized and shall have viewed the premises, said jury shall proceed, in the presence of the court, if the court shall so direct, or otherwise as the court may direct, to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any inter-

est in the proceedings for the extension of said street. When the hearing is concluded the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount to be found due and payable as damages sustained by reason of the extension of said street under the provisions thereof, and of the pieces or parcels of land benefited by such extension and the amount of the assessment for such benefits against the same.

Verdict.

SEC. 5. That if the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the extension of said street or highway, but such benefits shall be considered in determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

Considerations of value where part of lot is taken.

SEC. 6. That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set aside and vacate the same, in whole or in part, when satisfied that it is unjust or unreasonable, and in such event a new jury shall be summoned, who shall proceed to assess the damages or benefits, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That if vacated in part, the residue of the verdict and award as to the land condemned or assessed shall not be affected thereby: *And provided further*, That the exceptions or objections to the verdict and award shall be filed within thirty days after the return of such verdict and award.

Exceptions to award.

Provisos.
—award vacated in part.
—limit of time for filing exceptions.

SEC. 7. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, upon the warrant of the Commissioners of said District, out of the revenues of the District of Columbia; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

Payment of awards.

—appropriation.

SEC. 8. That when confirmed by the court the several assessments herein provided to be made shall severally be a lien upon the land assessed, and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in four equal annual installments, with interest at the rate of four per centum per annum from the date of confirmation until paid. That said court may allow amendments in form or substance in any petition, process, record, or proceeding, or in the description of property proposed to be taken, or of property assessed for benefits whenever such amendments will not interfere with the substantial rights of the parties interested, and any such amendment may be made after as well as before the order or judgment confirming the verdict or award aforesaid.

Assessments a lien on lands, etc.

Amendments permitted.

SEC. 9. That each juror shall receive as compensation the sum of five dollars per day for his services during the time he shall be actually engaged in such services under the provisions hereof.

Compensation of jurors.

SEC. 10. That the sum of three hundred dollars is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto.

Appropriation for condemnation expenses.

SEC. 11. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assessment or assessments of benefits or damages herein provided for, nor any other proceeding at law or in equity by such party against the confirmation of such assessment or assessments, shall delay or prevent the payment of award to others in respect to the property condemned, nor delay or prevent the taking of any of said property sought to be

Appeals not to delay payment of awards to others, etc.

Proviso.
Payment on final determination of appeal.

Provisions for assessment of benefits, etc., applicable to other street extensions, etc.

Vol. 30, pp. 1344, 1380, 1381, 1382, 1383.

Eleventh street extension.
Vol. 30, p. 1344.
Petition for final confirmation of awards, etc.

Reassessment.

Four-and-a-half street NW. renamed Fourth street.

condemned, nor the opening of such street: *Provided, however,* That upon the final determination of said appeal or other proceeding at law or in equity the amount found to be due and payable as damages sustained by reason of the extension of said street under the provisions hereof shall be paid as hereinbefore provided.

SEC. 12. That the provisions of sections three, four, five, six, seven, eight, and eleven hereof, and the provisions of section two hereof as to the assessment of benefits and as to the right of the Commissioners of the District of Columbia to reject the award of the jury, be, and the same are hereby, made applicable to the several Acts of Congress approved March third, eighteen hundred and ninety-nine, entitled "An Act to extend S street in the District of Columbia, and for other purposes," and "An Act for the extension of Pennsylvania avenue southeast, and for other purposes," in so far as the same relate to the extension of Sixteenth street northwest, as amended by joint resolution approved the thirtieth day of January, nineteen hundred, to the extension of Pennsylvania avenue southeast, the extension of Staughton street, the extension of Eckington place, the extension of Fifth street, and the extension of Howard avenue, except, nevertheless, that the assessment areas fixed by said several Acts in reference to said several streets shall be and remain as in and by said Acts of Congress provided.

The Commissioners of the District of Columbia are hereby authorized and directed to make application to the supreme court of the District of Columbia holding a district court, for the final ratification and confirmation of the awards of the jury for and in respect to the land condemned for the extension of Eleventh street; and said awards, when so ratified, shall be paid as provided by said Act of March third, eighteen hundred and ninety-nine, anything in said Act to the contrary notwithstanding. And in the event that the assessments for benefits levied by the jury in relation to said Eleventh street shall for any reason be declared void, the said Commissioners of the District of Columbia are authorized and directed to make application to said court for a reassessment of such benefits under and in accordance with the provisions of this Act.

SEC. 13. That the name of Four-and-a-half street northwest is changed to Fourth street northwest.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 810.—An Act Authorizing and requiring the Metropolitan Railroad Company to extend its lines on old Sixteenth street.

District of Columbia.
Extension of Metropolitan railroad on old Sixteenth street.

Proviso.
Switching cars in streets.

Columbia road and Sixteenth street to be widened, etc.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Metropolitan Railroad Company of the District of Columbia be, and the same is hereby, authorized and required to extend by double tracks the lines of its underground electric railroad from its present terminus at the intersection of Eighteenth street and Columbia road easterly along Columbia road to the present Sixteenth street northwest, thence north along Sixteenth street to Park street: *Provided,* That no cars shall be switched in the streets after the expiration of two years from the passage of this Act.

SEC. 2. That before such extension shall be constructed Columbia road shall be widened to a width of one hundred feet, the present Sixteenth street shall be widened to a width of eighty-five feet from Columbia road to Park street, and in such widening the building restriction line on the eastern side of said street shall be taken as far as practicable to form the eastern side of said street when widened; and also suffi-

cient land shall be acquired at the northwesterly corner of Columbia road and Sixteenth street so as to allow the street-railway tracks to be laid wholly without the roadway of Sixteenth street as extended according to the highway extension plans; all in accordance with plans to be prepared by the Commissioners of the District of Columbia; and the said Commissioners shall institute in the supreme court of the District of Columbia, sitting as a district court, by petition, particularly describing the lands to be taken, a proceeding in rem to condemn the land that may be necessary for the extension of Columbia road and the present Sixteenth street as herein provided, with a width of one hundred feet: *Provided*, That the said Commissioners are authorized and empowered to locate the lines of the railroad of said company within the area so to be acquired as aforesaid: *And provided further*, That the operation of the cars of the Metropolitan Railroad within the Capitol grounds shall be under the control of the Architect of the Capitol: *And provided further*, That no tracks shall be laid on any portion of the roadway of Sixteenth street as extended according to the highway extension plans.

Petition for condemnation.

Provisos.
—location on acquired lands.
Control of cars in Capitol grounds.

Tracks on Sixteenth street.

SEC. 3. That the extensions of the lines of the Metropolitan Railroad Company herein provided for shall be completed and put in operation within one year from the date of the widening of said highways as herein provided, and said company shall deposit with the collector of taxes of the District of Columbia such sums as are necessary to pay the cost of inspection of said work.

Completion of extension.

Deposit for cost of inspection.

SEC. 4. That of the amount found to be due and awarded as damages for and in respect of the land condemned for the extension of Columbia road and the present Sixteenth street, as herein provided, such proportional amounts thereof as the jury hereinafter provided shall determine shall be assessed by said jury as benefits, and to the extent of such benefits, against respectively the Metropolitan Street Railroad Company, and collected as special assessments are collected, and against those pieces or parcels of land on each side of said Columbia road and the present Sixteenth street northwest along those portions of said streets that are to be widened, and also on any or all pieces or parcels of land which will be benefited by the extension of said Columbia road and the present Sixteenth street northwest as said jury may find said pieces or parcels of land will be benefited; and in determining the amounts to be assessed against said pieces or parcels of land the jury shall take into consideration the respective situations of such pieces or parcels of land and the benefits they may severally receive from the extension of Columbia road as aforesaid: *Provided*, That if the aggregate amount of the benefits to be assessed against those pieces or parcels of land on each side of said Columbia road and the present Sixteenth street northwest along those portions of said streets that are to be widened, and also on any or all pieces or parcels of land which will be benefited by the extension of said Columbia road and the present Sixteenth street northwest as said jury may find said pieces or parcels of land will be benefited, as determined by said jury pursuant to the provisions hereof, is less than one-half of the amount of the damages awarded for and in respect of the land condemned, the Commissioners of the District of Columbia may, in their discretion, within thirty days after the filing of said award, reject the award and assessment of said jury, and all proceedings hereunder shall be null and void.

Assessments for benefits against abutting property, etc.

— considerations of value.

Proviso.
Rejection of award, etc.

SEC. 5. That the said court shall cause public notice of not less than ten days to be given of the filing of said proceedings, by advertisement in such manner as the court shall prescribe, which notice shall warn all persons having any interest in the proceedings to attend court at a day to be named in said notice and to continue in attendance until the court shall have made its final order ratifying and confirming the

Notice of filing of proceedings.

award of damages and assessment of benefits of the jury; and in addition to such public notice said court, whenever in its judgment it is practicable to do so, may cause a copy of said notice to be served by the marshal of the District of Columbia, or his deputies, upon such owners of the land to be condemned as may be found by said marshal, or his deputies, within the District of Columbia.

Condemnation proceedings.
Jury.

SEC. 6. That after the return of the marshal and the filing of proof of publication of the notice provided for in the preceding section, said court shall cause a jury of seven judicious, disinterested men, not related to any person interested in the proceedings, and not in the service or employment of the District of Columbia or of the United States, to be summoned by the marshal of the District of Columbia, to which jurors said court shall administer an oath or affirmation that they are not interested in any manner in the land to be condemned nor are in any way related to the parties interested therein, and that they will, without favor or partiality, to the best of their judgment, assess the damages each owner of land taken may sustain by reason of the extension of said street and the condemnation of lands for the purposes of such extension, and assess the benefits resulting therefrom as hereinbefore provided. The court, before accepting the jury, shall hear any objections that may be made to any member thereof, and shall have full power to decide upon all such objections, and to excuse any juror or cause any vacancy in the jury, when impaneled, to be filled; and after said jury shall have been organized and shall have viewed the premises, said jury shall proceed, in the presence of the court, if the court shall so direct, or otherwise as the court may direct, to hear and receive such evidence as may be offered or submitted on behalf of the District of Columbia and by any person or persons having any interest in the proceedings for the extension of said street. When the hearing is concluded the jury, or a majority of them, shall return to said court, in writing, its verdict of the amount to be found due and payable as damages sustained by reason of the extension of said street under the provisions thereof, and of the pieces or parcels of land benefited by such extension and the amount of the assessment for such benefits against the same.

Verdict.

Considerations of value where part of ground is taken.

SEC. 7. That if the use of a part only of any piece or parcel of ground shall be condemned, the jury, in determining its value, shall not take into consideration any benefits that may accrue to the remainder thereof from the extension of said street or highway, but such benefits shall be considered in determining what assessment shall be made on or against such part of such piece or parcel of land as may not be taken as hereinbefore provided.

Exceptions to award.

SEC. 8. That the court shall have power to hear and determine any objections which may be filed to said verdict or award, and to set aside and vacate the same, in whole or in part, when satisfied that it is unjust or unreasonable, and in such event a new jury shall be summoned, who shall proceed to assess the damages or benefits, as the case may be, in respect of the land as to which the verdict may be vacated, as in the case of the first jury: *Provided*, That if vacated in part, the residue of the verdict and award as to the land condemned or assessed shall not be affected thereby: *And provided further*, That the exceptions or objections to the verdict and award shall be filed within thirty days after the return of such verdict and award.

Provisos.
Award vacated in part.

Limit of time for filing exceptions.

Payments; how made.

SEC. 9. That when the verdict of said jury shall have been finally ratified and confirmed by the court, as herein provided, the amounts of money awarded and adjudged to be payable for lands taken under the provisions hereof shall be paid to the owners of said land by the Treasurer of the United States, ex officio commissioner of the sinking fund of the District of Columbia, upon the warrant of the Commis-

sioners of said District, out of the revenues of the District of Columbia; and a sufficient sum to pay the amounts of said judgments and awards is hereby appropriated out of the revenues of the District of Columbia.

Appropriation.

SEC. 10. That when confirmed by the court the several assessments herein provided to be made shall severally be a lien upon the land assessed, and shall be collected as special improvement taxes in the District of Columbia, and shall be payable in four equal annual installments, with interest at the rate of four per centum per annum from the date of confirmation until paid. That said court may allow amendments in form or substance in any petition, process, record, or proceeding, or in the description of property proposed to be taken, or of property assessed for benefits whenever such amendments will not interfere with the substantial rights of the parties interested, and any such amendment may be made after as well as before the order or judgment confirming the verdict or award aforesaid.

Assessments a lien on land, etc.

Amendments permitted.

SEC. 11. That each juror shall receive as compensation the sum of five dollars per day for his services during the time he shall be actually engaged in such services under the provisions hereof.

Compensation of jurors.

SEC. 12. That the sum of three hundred dollars is hereby appropriated, out of the revenues of the District of Columbia, to provide the necessary funds for the costs and expenses of the condemnation proceedings taken pursuant hereto.

Appropriation for condemnation expenses.

SEC. 13. That no appeal by any interested party from the decision of the supreme court of the District of Columbia confirming the assessment or assessments for benefits or damages herein provided for, nor any other proceedings at law or in equity by such party against the confirmation of such assessment or assessments, shall delay or prevent the payment of the award to others in respect to the property condemned nor the widening of such streets: *Provided, however,* That upon the final determination of said appeal or other proceeding at law or in equity the amount found to be due and payable as damages sustained by reason of the widening of the streets under the provisions hereof shall be paid as hereinbefore provided.

Appeals not to delay payment of awards to others, etc.

Proviso. Payment on final determination of appeal.

SEC. 14. That Congress reserves the right to alter, amend, or repeal this Act.

Amendment.

Approved, June 6, 1900.

CHAP. 811.—An Act To authorize the detail of an officer of the retired list of the Army as adjutant-general of the District of Columbia militia.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States may detail as adjutant-general of the District of Columbia militia any retired officer of the Army who may be nominated to the President by the brigadier-general commanding the District of Columbia militia, said retired officer while so detailed to have the active service pay and allowances of his rank in the Regular Army.

District of Columbia. Detail of retired army officer as adjutant-general of militia authorized.

Approved, June 6, 1900.

CHAP. 812.—An Act To close all alleys in block three of the Walbridge subdivision of Ingleside, in the county of Washington.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioners of the District of Columbia be, and they are hereby, authorized and directed to abandon and close all the alleys in block numbered three of the

District of Columbia. Closing of alleys in block three, Walbridge subdivision, Ingleside, authorized.

Walbridge subdivision of Ingleside, in the county of Washington; the land in the said alleys to revert to the present owners of the said block.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 813.—An Act To ratify an agreement with the Indians of the Fort Hall Indian Reservation in Idaho, and making appropriations to carry the same into effect.

Agreement with Shoshone and Bannock Indians of the Fort Hall Reservation, Idaho. Preamble.

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, acting for the United States, did, on the fifth day of February, anno Domini eighteen hundred and ninety-eight, make and conclude the following agreement with the Shoshone and Bannock Indians of the Fort Hall Reservation, in Idaho; and

Commissioners.

Whereas Benjamin F. Barge, James H. McNeely, and Charles G. Hoyt, being duly appointed and acting commissioners on behalf of the United States for such purposes, have concluded an agreement with the headmen and a majority of the male adults of the Bannock and Shoshone tribes of Indians upon the Fort Hall Indian Reservation, in the State of Idaho, which said agreement is as follows:

Vol. 29, p. 341.

Whereas the aforesaid commissioners were appointed by the Secretary of the Interior, under and by virtue of an act of Congress, approved June the tenth, eighteen hundred and ninety-six (29 U. S. Stat. L., p. 341), entitled "An act making appropriations for current and contingent expenses of the Indian Bureau of the Interior Department, and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June the thirtieth, eighteen hundred and ninety-seven, and for other purposes," and by said act were authorized to negotiate with the Bannock and Shoshone Indians, in the State of Idaho, for the cession of part of their surplus lands; and

Vol. 15, p. 673.

Whereas the Indians of the Fort Hall Reservation are willing to dispose of part of their surplus lands in the State of Idaho, reserved as a home for them by a treaty concluded at Fort Bridger July the third, eighteen hundred and sixty-eight, and ratified by the United States Senate on the sixteenth day of February, eighteen hundred and sixty-nine, and also by Executive order:

Now, therefore, this agreement, made and entered into by and between the aforesaid commissioners on behalf of the United States of America, and by the headmen and a majority of the male adults of the Bannock and Shoshone tribes of Indians, located on the Fort Hall Indian Reservation, in the State of Idaho. Witnesseth.

ARTICLE I.

Cession of lands.

That the said Indians of the Fort Hall Reservation do hereby cede, grant, and relinquish to the United States all right, title, and interest which they have to the following-described land, the same being a part of the land obtained through the treaty of Fort Bridger on the third day of July, eighteen hundred and sixty-eight, and ratified by the United States Senate on the sixteenth day of February, eighteen hundred and sixty-nine:

—boundaries.

All that portion of the said reservation embraced within and lying east and south of the following-described lines: Commencing at a point in the south boundary of the Fort Hall Indian Reservation, being the southwest corner of township nine (9) south, range thirty-four (34) east of the Boise meridian, thence running due north on the range line between townships 33 and 34 east to a point two (2) miles north of the township line between townships five (5) and six (6) south, thence due east to the range line between ranges 35 and 36 east, thence south on

said range line four (4) miles, thence due east to the east boundary line of the reservation; from this point the east and south boundaries of the said reservation as it now exists to the point of beginning, namely, the southwest corner of township nine (9) south, range thirty-four east, being the remainder of the description and metes and bounds of the said tract of land herein proposed to be ceded.

ARTICLE II.

That in consideration of the lands ceded, granted, and relinquished, as aforesaid, the United States stipulates and agrees to pay to and expend for the Indians of the said reservation, six hundred thousand dollars (\$600,000) in the following manner, to wit:

Consideration.

Seventy-five thousand dollars (\$75,000), or as much thereof as may be necessary, shall be expended by the Secretary of the Interior in the erection of a modern school plant for the Indians of the Fort Hall Reservation at a point near the present agency, said point or site to be selected by the Secretary of the Interior, and the surplus remaining, if any, of the above seventy-five thousand dollars (\$75,000) may be expended by the Secretary of the Interior for the educational needs of said Indians.

One hundred thousand dollars (\$100,000) shall be paid in cash pro rata, share and share alike, to each man, woman, and child belonging to and actually residing on said reservation, within three months after the ratification of this treaty by the Congress of the United States. The remainder of said sum total shall be paid pro rata in like manner, as follows:

Fifty thousand dollars (\$50,000) one year after the first payment.

Fifty thousand dollars (\$50,000) two years after the first payment.

Fifty thousand dollars (\$50,000) three years after the first payment.

Fifty thousand dollars (\$50,000) four years after the first payment.

Fifty thousand dollars (\$50,000) five years after the first payment.

Fifty thousand dollars (\$50,000) six years after the first payment.

Fifty thousand dollars (\$50,000) seven years after the first payment.

Fifty thousand dollars (\$50,000) eight years after the first payment.

Twenty-five thousand dollars (\$25,000) nine years after the first payment.

The deferred payments shall bear interest at the rate of four (4) per centum per annum, said interest to be placed annually to the credit of said Indians, and shall be expended for their benefit by the Secretary of the Interior at such times and in such manner as he may direct.

Provided, That none of the money due to said Indians under this agreement shall be subject to the payment of any claims, judgments, or demands against said Indians for damages or depredations claimed to have been committed prior to the signing of this agreement.

Provido.
Depredation claims
not to affect pay-
ments.

ARTICLE III.

Where any Indians have taken lands and made homes on the reservation and are now occupying and cultivating the same, under the sixth section of the Fort Bridger treaty hereinbefore referred to, they shall not be removed therefrom without their consent, and they may receive allotments on the land they now occupy; but in case they prefer to remove they may select land elsewhere on that portion of said reservation not hereby ceded, granted, and relinquished and not occupied by any other Indians; and should they decide not to move their improvements, then the same shall be appraised under direction of the Secretary of the Interior and sold for their benefit, at a sum not less than such appraisal, and the cash proceeds of such sale shall be paid to the Indian or Indians whose improvements shall be so sold.

Heads of families
who have settled not
to be moved without
consent.
Vol. 15, p. 675.

ARTICLE IV.

Use of ceded land by Indian continuing to live thereon.

So long as any of the lands ceded, granted, and relinquished under this treaty remain part of the public domain, Indians belonging to the above-mentioned tribes, and living on the reduced reservation, shall have the right, without any charge therefor, to cut timber for their own use, but not for sale, and to pasture their live stock on said public lands, and to hunt thereon and to fish in the streams thereof.

ARTICLE V.

Surveys.

That for the purpose of segregating the ceded lands from the diminished reservation, the new boundary lines described in article one of this agreement shall be properly surveyed and permanently marked in a plain and substantial manner by prominent and durable monuments, the cost of said survey to be paid by the United States.

ARTICLE VI.

Prior treaties continued in force.

The existing provisions of all former treaties with the Indians of the Fort Hall Reservation, not inconsistent with the provisions of this agreement, are hereby continued in force and effect; and all provisions thereof inconsistent herewith are hereby repealed.

ARTICLE VII.

Certain roads declared public highways.

The existing main traveled roads leading from McCammon to Blackfoot and from McCammon to American Falls are declared public highways, and the proper use of such is hereby granted to the general public.

ARTICLE VIII.

Irrigation.

The water from streams on that portion of the reservation now sold which is necessary for irrigating on land actually cultivated and in use shall be reserved for the Indians now using the same, so long as said Indians remain where they now live.

ARTICLE IX.

Signatures.

This agreement shall take effect and be in force when signed by the commissioners and by a majority of the male Indians of the Fort Hall Reservation over eighteen years of age, and ratified by the Congress of the United States.

Signed on the part of the United States Government by the commissioners aforesaid and by the following Indians of the Bannock and Shoshone tribes, residing and having rights on the Fort Hall Indian Reservation.

BENJAMIN F. BARGE, Commissioner.
 JAMES H. MCNEELY, Commissioner.
 CHARLES G. HOYT, Commissioner.

FORT HALL INDIAN AGENCY,

Ross Fork, Idaho, February 5, 1898.

(1) Jim Ballard (x); witness, Mary W. Fisher. (2) Pocatello Tom (x); witness, Chas. M. Robinson. (3) Kunecke Johnson (x); witness, Mary W. Fisher. (And 247 others.)

* * * * *

We certify that we interpreted the foregoing agreement with the Bannock and Shoshone Indians and that they thoroughly understood

the entire matter; that we truly interpreted for the commissioners and the Indians at all the councils held to discuss the subject, and to individual Indians.

J. J. LEWIS,
KENNEKE (his x mark) JOHNSON,
Interpreters.

Witness:

CHAS. M. ROBINSON.

J. H. BEAN.

ALBERT W. FISHER.

ROSS FORK, IDAHO, February 5, 1898.

FORT HALL AGENCY, IDAHO, February 5, 1898.

I hereby certify that two hundred and twenty-seven (227) Indians constitute a majority of male adult Indians on or belonging on the Fort Hall Indian Reservation, Idaho.

F. G. IRWIN, Jr.,
First Lieutenant, Second Cavalry, Acting Indian Agent.

Therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the said agreement be, and the same hereby is, accepted, ratified, and confirmed.

Ratification.

SEC. 2. That for the purpose of making the first cash payment stipulated for in article two of the foregoing agreement, and for the purpose of a new school plant, as provided in the same article, the sum of one hundred and seventy-five thousand dollars be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated.

Appropriation for first cash payment, etc.

SEC. 3. That for the purpose of surveying, establishing, and properly marking the western and northern boundaries of the tract ceded by the foregoing agreement, as required by article five thereof, and for field examination and necessary office work in connection therewith, the sum of one thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated.

—for surveys, etc.

SEC. 4. That before any of the lands by this agreement ceded are opened to settlement or entry, the Commissioner of Indian Affairs shall cause allotments to be made of such of said lands as are occupied and cultivated by any Indians, as set forth in article three of said agreement, who may desire to have the same allotted to them; and in cases where such Indian occupants prefer to remove to lands within the limits of the reduced reservation, he shall cause to be prepared a schedule of the lands to be abandoned, with a description of the improvements thereon, and the name of the Indian occupant, a duplicate of which shall be filed with the Commissioner of the General Land Office.

Heads of families settled thereon to have allotments prior to opening of ceded lands to entry, etc.

—electing to remove, schedule of lands, etc., abandoned.

Before entry shall be allowed, as hereinafter provided, of any tract of land occupied and cultivated as above and included in the schedule aforesaid, the Secretary of the Interior shall cause the improvements on said tract to be appraised and sold to the highest bidder. No sale of such improvements shall be for less than the appraised value. The purchaser of such improvements shall have thirty days after such purchase for preference right of entry, under the provisions of this Act, of the lands upon which the improvements purchased by him are situated, not to exceed one hundred and sixty acres: *Provided*, That the proceeds of the sale of such improvements shall be paid to the Indians owning the same.

—appraisal and sale of improvements.

Proviso.
—disposition of proceeds of sale.

Any Indian electing to abandon the land occupied by him as aforesaid shall have reasonable time, in the discretion of the Secretary of

Removal of improvements.

the Interior, within which to remove the improvements situated upon the land occupied by him.

SEC. 5. That on the completion of the allotments and the preparation of the schedule provided for in the preceding section, and the classification of the lands as provided for herein, the residue of said ceded lands shall be opened to settlement by the proclamation of the President, and shall be subject to disposal under the homestead, town-site, stone and timber, and mining laws of the United States only, excepting as to price and excepting the sixteenth and thirty-sixth sections in each Congressional township, which shall be reserved for common-school purposes and be subject to the laws of Idaho: *Provided*, That all purchasers of lands lying under the canal of the Idaho Canal Company, and which are susceptible of irrigation from the water from said canal, shall pay for the same at the rate of ten dollars per acre; all agricultural lands not under said canal shall be paid for at the rate of two dollars and fifty cents per acre, and grazing lands at the rate of one dollar and twenty-five cents per acre, one-fifth of the respective sums to be paid at time of original entry, and four-fifths thereof at the time of making final proof; but no purchaser shall be permitted in any manner to purchase more than one hundred and sixty acres of the land hereinbefore referred to; but the rights of honorably discharged Union soldiers and sailors, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes of the United States, shall not be abridged, except as to the sum to be paid as aforesaid.

The classification as to agricultural and grazing lands shall be made by an employee of the General Land Office under the direction of the Secretary of the Interior.

No lands in sections sixteen and thirty-six now occupied, as set forth in article three of the agreement herein ratified, shall be reserved for school purposes, but the State of Idaho shall be entitled to indemnity for any lands so occupied: *Provided*, That none of said lands shall be disposed of under the town-site laws for less than ten dollars per acre: *And provided further*, That all of said lands within five miles of the boundary line of the town of Pocatello shall be sold at public auction, payable as aforesaid, under the direction of the Secretary of the Interior for not less than ten dollars per acre: *And provided further*, That any mineral lands within said five mile limit shall be disposed of under the mineral land laws of the United States, excepting that the price of such mineral lands shall be fixed at ten dollars per acre instead of the price fixed by the said mineral land laws.

SEC. 6. Whereas David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, duly appointed Commissioners on the part of the United States, did, on the sixth day of October, eighteen hundred and ninety-two, conclude an agreement with the Comanche, Kiowa, and Apache tribes of Indians in Oklahoma, formerly a part of the Indian Territory, which said agreement is in the words and figures as follows:

"Articles of agreement made and entered into at Fort Sill, in the Indian Territory, on the twenty-first day of October, eighteen hundred and ninety-two, by and between David H. Jerome, Alfred M. Wilson, and Warren G. Sayre, Commissioners on the part of the United States, and the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory.

"ARTICLE I.

"Subject to the allotment of land, in severalty to the individual members of the Comanche, Kiowa, and Apache tribes of Indians in the Indian Territory, as hereinafter provided for, and subject to the setting apart as grazing lands for said Indians, four hundred and eighty

Lands opened to settlement.

Proviso.

Price of Idaho canal lands.

—other lands.

—limit of purchase.

Soldiers' and sailors' homesteads.
R. S., 2304, 2305, p. 422.

Classification of agricultural and grazing lands.

Indemnity to State of Idaho for certain school lands.

Provisos.

—price under town-site laws.

—lands near Pocatello.

—mineral lands.

Agreement with Comanche, Kiowa, and Apache Indians of Oklahoma.

Cession of lands.

thousand acres of land as hereinafter provided for, and subject to the conditions hereinafter imposed, and for the considerations hereinafter mentioned, the said Comanche, Kiowa, and Apache Indians hereby cede, convey, transfer, relinquish, and surrender, forever and absolutely, without any reservation whatever, express or implied, all their claim, title, and interest, of every kind and character, in and to the lands embraced in the following-described tract of country in the Indian Territory to wit: Commencing at a point where the Washita River crosses the ninety-eighth meridian west from Greenwich; thence up the Washita River, in the middle of the main channel thereof, to a point thirty miles, by river, west of Fort Cobb, as now established; thence due west to the north fork of Red River, provided said line strikes said river east of the one-hundredth meridian of west longitude; if not, then only to said meridian line, and thence due south, on said meridian line, to the said north fork of Red River; thence down said north fork, in the middle of the main channel thereof, from the point where it may be first intersected by the lines above described, to the main Red River; thence down said Red River, in the middle of the main channel thereof, to its intersection with the ninety-eighth meridian of longitude west from Greenwich; thence north, on said meridian line, to the place of beginning.

—boundaries.

“ARTICLE II.

“Out of the lands ceded, conveyed, transferred, relinquished, and surrendered by Article I hereof, and in part consideration for the cession thereof, it is agreed by the United States that each member of said Comanche, Kiowa, and Apache tribes of Indians over the age of eighteen (18) years shall have the right to select for himself or herself one hundred and sixty (160) acres of land to be held and owned in severalty, to conform to the legal surveys in boundary; and that the father, or, if he be dead, the mother, if members of either of said tribe of Indians, shall have the right to select a like amount of land for each of his or her children under the age of eighteen (18) years; and that the Commissioner of Indian Affairs, or some one by him appointed for the purpose, shall select a like amount of land for each orphan child belonging to either of said tribes under the age of eighteen (18) years.

Allotments in severalty.

“ARTICLE III.

“That in addition to the allotment of lands to said Indians as provided for in this agreement, the Secretary of the Interior shall set aside for the use in common for said Indian tribes four hundred and eighty thousand acres of grazing lands, to be selected by the Secretary of the Interior, either in one or more tracts as will best subserve the interest of said Indians. It is hereby further expressly agreed that no person shall have the right to make his or her selection of land in any part of said reservation that is now used or occupied for military, agency, school, school-farm, religious, or other public uses or in sections sixteen (16) and thirty-six (36) in each Congressional township, except in cases where any Comanche, Kiowa, or Apache Indian has heretofore made improvements upon and now uses and occupies a part of said sections sixteen (16) and thirty-six (36), such Indian may make his or her selection within the boundaries so prescribed so as to include his or her improvements. It is further agreed that wherever in said reservation any Indian, entitled to take lands in severalty hereunder, has made improvements, and now uses and occupies the land embracing such improvements, such Indian shall have the undisputed right to make his or her selection within the area above provided for allotments, so as to include his or her said improvements.

Grazing lands.

Restrictions on selection of land.

Reservation of land
for public schools, etc.

"It is further agreed that said sections sixteen (16) and thirty-six (36) in each Congressional township in said reservation shall not become subject to homestead entry but shall be held by the United States and finally sold for public school purposes. It is hereby further agreed that wherever in said reservation any religious society or other organization is now occupying any portion of said reservation for religious or educational work among the Indians, the land so occupied may be allotted and confirmed to such society or organization, not, however, to exceed one hundred and sixty (160) acres of land to any one society or organization so long as the same shall be so occupied and used; and such land shall not be subject to homestead entry.

"ARTICLE IV.

Limit of time for
selecting allotments.

Proviso.
—extension of time,
etc.

"All allotments hereunder shall be selected within ninety days from the ratification of this agreement by the Congress of the United States: *Provided*, The Secretary of the Interior, in his discretion, may extend the time for making such selection; and should any Indian entitled to allotments hereunder fail or refuse to make his or her selection of land in that time, then the allotting agent in charge of the work of making such allotments shall within the next thirty (30) days after said time make allotments to such Indians, which shall have the same force and effect as if the selection were made by the Indian.

"ARTICLE V

Allotments to be
held in trust for
twenty-five years.

Vol. 24, p. 388.

Vol. 26, p. 794.

—conveyance of title.

"When said allotments of land shall have been selected and taken as aforesaid, and approved by the Secretary of the Interior, the titles thereto shall be held in trust for the allottees, respectively, for the period of twenty-five (25) years, in the time and manner and to the extent provided for in the act of Congress entitled "An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and Territories over the Indians, and for other purposes," approved February 8, 1887, and an act amendatory thereof, approved February 28, 1891.

"And at the expiration of the said period of twenty-five (25) years the titles thereto shall be conveyed in fee simple to the allottees or their heirs, free from all incumbrances.

"ARTICLE VI.

Consideration.

Payment.

"As a further and only additional consideration for the cession of territory and relinquishment of title, claim, and interest in and to the lands as aforesaid, the United States agrees to pay to the Comanche, Kiowa, and Apache tribes of Indians, in the Indian Territory, the sum of two million (2,000,000) dollars, as follows: Five hundred thousand (\$500,000) dollars to be distributed per capita to the members of said tribes at such times and in such manner as the Secretary of the Interior shall deem to be for the best interests of said Indians, which sum is hereby appropriated out of any funds in the Treasury not otherwise appropriated; and any part of the same remaining unpaid shall draw interest at the rate of five per centum while remaining in the Treasury, which interest shall be paid to the Indians annually per capita; and the remaining one million five hundred thousand (\$1,500,000) dollars to be retained in the Treasury of the United States, placed to the credit of said Indians, and while so retained to draw interest at the rate of five per centum per annum, to be paid to the said Indians per capita annually.

“Nothing herein contained shall be held to affect in any way any annuities due said Indians under existing laws, agreements, or treaties.

Existing annuities.

“ARTICLE VIII.

“It is further agreed that wherever in said reservation any member of any of the tribes of said Indians has, in pursuance of any laws or under any rules or regulations of the Interior Department taken an allotment, such allotment, at the option of the allottee, shall be confirmed and governed by all the conditions attached to allotments taken under this agreement.

Allotments by Interior Department may be governed by this agreement.

“ARTICLE IX.

“It is further agreed that any and all leases made in pursuance of the laws of the United States of any part of said reservation which may be in force at the time of the ratification by Congress of this agreement shall remain in force the same as if this agreement had not been made.

Existing leases.

“ARTICLE X.

“It is further agreed that the following named persons, not members by blood of either of said tribes, but who have married into one of the tribes, to wit, Mabel R. Given, Thomas F. Woodward, William Wyatt, Kiowa Dutch, John Nestill, James N. Jones, Christian Keoh-tah, Edward L. Clark, George Conover, William Deitrick, Ben Roach, Lewis Bentz, Abilene, James Gardloupe, John Sanchez, the wife of Boone Chandler, whose given name is unknown, Emmitt Cox, and Horace P. Jones, shall each be entitled to all the benefits of land and money conferred by this agreement, the same as if members by blood of one of said tribes, and that Emsy S. Smith, David Grantham, Zonee Adams, John T. Hill, and J. J. Methvin, friends of said Indians, who have rendered to said Indians valuable services, shall each be entitled to all the benefits, in land only, conferred under this agreement, the same as if members of said tribes.

Certain persons married into tribes entitled to allotment.

“ARTICLE XI.

“This agreement shall be effective only when ratified by the Congress of the United States.”

Ratification.

Said agreement be, and the same hereby is, accepted, ratified, and confirmed as herein amended.

That the Secretary of the Interior is hereby authorized and directed to cause the allotments of said lands, provided for in said treaty among said Indians, to be made by any Indian inspector or special agent.

Special allotment agent, etc.

That all allotments of said land shall be made under the direction of the Secretary of the Interior to said Indians within ninety days from the passage of this Act, subject to the exceptions contained in article four of said treaty: *Provided*, That the time for making allotments shall in no event be extended beyond six months from the passage of this Act.

Proviso. Limit of time for allotting.

That the lands acquired by this agreement shall be opened to settlement by proclamation of the President within six months after allotments are made and be disposed of under the general provisions of the homestead and town-site laws of the United States: *Provided*, That in addition to the land-office fees prescribed by statute for such entries the entryman shall pay one dollar and twenty-five cents per acre for the land entered at the time of submitting his final proof: *And provided*

Lands opened to settlement.

Provisos. Price per acre.

Commutation of homestead entries.

Soldiers and sailors homesteads.
R. S. sec. 2304, 2305, p. 422.

Persons now qualified for homestead entry who have hitherto failed to secure title.

Entry on land adjoining existing entries.

Preference right on "neutral strip."

Reservations for schools, etc.

Payments not available for depredation claims.
Vol. 26, p. 851.

Mineral deposits open to location.

Court of Claims to determine claims of Choctaws and Chickasaws.

—appeal
Provisos.

—time for taking.

further. That in all homestead entries where the entryman has resided upon and improved the land entered in good faith for the period of fourteen months he may commute his entry to cash upon the payment of one dollar and twenty-five cents per acre: *And provided further,* That the rights of honorably discharged Union soldiers and sailors of the late civil war, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes shall not be abridged: *And provided further,* That any person who, having attempted to but for any cause failed to secure a title in fee to a homestead under existing laws, or who made entry under what is known as the commuted provision of the homestead law, shall be qualified to make a homestead entry upon said lands: *And provided further,* That any qualified entryman having lands adjoining the lands herein ceded, whose original entry embraced less than one hundred and sixty acres in all, shall have the right to enter so much of the lands by this agreement ceded lying contiguous to his said entry as shall, with the land already entered, make in the aggregate one hundred and sixty acres, said land to be taken upon the same conditions as are required of other entrymen: *And provided further,* That the settlers who located on that part of said lands called and known as the "neutral strip" shall have preference right for thirty days on the lands upon which they have located and improved.

That sections sixteen and thirty-six, thirteen and thirty-three, of the lands hereby acquired in each township shall not be subject to entry, but shall be reserved, sections sixteen and thirty-six for the use of the common schools, and sections thirteen and thirty-three for university, agricultural colleges, normal schools, and public buildings of the Territory and future State of Oklahoma; and in case either of said sections, or parts thereof, is lost to said Territory by reason of allotment under this Act or otherwise, the governor thereof is hereby authorized to locate other lands not occupied in quantity equal to the loss.

That none of the money or interest thereon which is, by the terms of the said agreement, to be paid to said Indians shall be applied to the payment of any judgment that has been or may hereafter be rendered under the provisions of the Act of Congress approved March third, eighteen hundred and ninety-one, entitled "An Act to provide for the adjudication and payment of claims arising from Indian depredations."

That should any of said lands allotted to said Indians, or opened to settlement under this Act, contain valuable mineral deposits, such mineral deposits shall be open to location and entry, under the existing mining laws of the United States, upon the passage of this Act, and the mineral laws of the United States are hereby extended over said lands.

That as the Choctaw and Chickasaw nations claim to have some right, title, and interest in and to the lands ceded by the foregoing treaty as soon as the same are abandoned by said Comanche, Kiowa, and Apache tribes of Indians, jurisdiction be, and is hereby, conferred upon the United States Court of Claims to hear and determine the said claim of the Chickasaws and the Choctaws, and to render a judgment thereon, it being the intention of this Act to allow said Court of Claims jurisdiction, so that the rights, legal and equitable, of the United States and the Choctaw and Chickasaw nations, and the Comanche, Kiowa, and Apache tribes of Indians in the premises shall be fully considered and determined, and to try and determine all questions that may arise on behalf of either party in the hearing of said claim; and the Attorney-General is hereby directed to appear in behalf of the Government of the United States; and either of the parties to said action shall have the right to appeal to the Supreme Court of the United States: *Provided,* That such appeal shall be taken within sixty days after the

rendition of the judgment objected to, and that the said courts shall give such causes precedence: *And provided further*, That nothing in this Act shall be accepted or construed as a confession that the United States admit that the Choctaw and Chickasaw nations have any claim to or interest in said lands or any part thereof.

Claim not to be construed as admitted, etc.

Procedure.

That said action shall be presented by a single petition making the United States party defendant, and shall set forth all the facts on which the said Choctaw and Chickasaw nations claim title to said land; and said petition may be verified by the authorized delegates, agents, or attorneys of said Indians upon their information and belief as to the existence of such facts, and no other statement or verification shall be necessary: *Provided*, That if said Choctaw and Chickasaw nations do not bring their action within ninety days from the approval of this Act, or should they dismiss said suit, and the same shall not be reinstated, their claim shall be forever barred: *And provided further*, That, in the event it shall be adjudged in the final judgment or decree rendered in said action that said Choctaw and Chickasaw Nations have any right, title, or interest in or to said lands for which they should be compensated by the United States, then said sum of one million five hundred thousand (\$1,500,000) dollars shall be subject to such legislation as Congress may deem proper.

Provisos.
Claim barred by failure to bring action.

Disposal of fund on judgment for Choctaws and Chickasaws.

Approved, June 6, 1900.

CHAP. 814.—An Act To provide for the inspection of the boilers of the Alvena and Ailsa.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized and directed to cause the inspection of the five foreign-built boilers taken from the wrecks Alvena and Ailsa, in New York Harbor in eighteen hundred and ninety-seven, and purchased from the United States by John W. Chittenden, of New York, and to direct the issue of the usual certificate of inspection, whether said boilers are or are not constructed pursuant to the laws of the United States, or whether they are or are not constructed of iron stamped pursuant to said laws. The tests in the inspection of such boilers shall be the same in all respects as to strength and safety as are required in the inspection of boilers constructed in the United States for marine purposes: *Provided*, That in the inspection of these boilers to ascertain their fitness for marine purposes the owners thereof shall cause the tubes to be removed in order to permit the inspectors of steam vessels to make the fullest examination of the interior of said boilers.

"Alvena" and "Ailsa."
Issue of certificate of inspection authorized for foreign-built boilers of.

Proviso.
Inspection

Approved, June 6, 1900.

CHAP. 815.—An Act To establish a fish-hatchery and fish station in the State of West Virginia.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of twenty-five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated for the establishment of a fish-cultural station in the State of West Virginia, including purchase of site, construction of buildings and ponds, and equipment, at some suitable point to be selected by the United States Commissioner of Fish and Fisheries.

West Virginia.
Establishment of fish station in. authorized.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 816.—An Act To provide an American register for the ships Star of Italy and Star of Bengal.

"Star of Italy" and
"Star of Bengal"
granted American
registers.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Commissioner of Navigation is hereby authorized and directed to cause the foreign-built ship Star of Italy and foreign-built ship Star of Bengal, owned by citizens of the United States or citizens of Hawaii, to be registered as vessels of the United States.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 817.—An Act For reestablishing the range lights on the Delaware River known as Finns Point range, Reedy Island range, and Port Penn range.

Finns Point, Reedy
Island, and Port Penn
range lights reestab-
lished.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized to reestablish the range lights on the Delaware River known as Finns Point range, Reedy Island range, and Port Penn range, at a cost not exceeding ninety thousand dollars.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 818.—An Act To provide for the establishment of a port of delivery at Worcester, Massachusetts.

Worcester, Mass.,
made a port of deliv-
ery.
Immediate trans-
portation privileges.
Vol. 21, p. 173.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Worcester, in the State of Massachusetts, be, and hereby is, established as a port of delivery, in the customs collection district of Boston and Cambridge, and that the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement be, and they are hereby, extended to that port.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 819.—An Act Relating to the anchorage of vessels in the Kennebec River at or near Bath, Maine.

Kennebec River,
Me.
Anchorage ground
for vessels near Bath
established.
Regulations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized, empowered, and directed to define and establish an anchorage ground for vessels in Kennebec River at or near Bath, Maine, to adopt suitable rules and regulations in relation thereto, and to take all necessary measures for the proper enforcement of such rules and regulations.

Penalty.

SEC. 2. That in the event of the violation of any such rules or regulations by the owner, master, or person in charge of any vessel, such owner, master, or person in charge of such vessel shall be liable to a penalty of one hundred dollars; and the said vessel may be holden for the payment of such penalty, and may be seized and proceeded against summarily by libel for the recovery of the same in any United States district court for the district within which said vessel may be, and in the name of the officer designated by the Secretary of the Treasury.

Effect.

SEC. 3. That this Act shall take effect immediately.

Approved, June 6, 1900.

CHAP. 820.—An Act To amend an Act to prohibit the passage of special or local laws in the Territories, to limit the Territorial indebtedness, and so forth.

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress approved July thirtieth, eighteen hundred and eighty-six, entitled "An Act to prohibit the passage of local or special laws of the Territories of the United States, to limit Territorial indebtedness, and for other purposes," is hereby amended so as to permit, authorize, and legalize the issuance of bonds by chartered municipal corporations having a bona fide population of not less than ten thousand persons, in any Territory of the United States, for erecting a city building and purchasing the ground for the same. The limitations of said Act of July thirtieth, eighteen hundred and eighty-six, shall not apply to such municipal corporations: *Provided,* That before any bonds shall be issued the mayor and common council of such municipal corporation shall cause an election to be held in such city or town, and the mayor and common council of such municipal corporation shall cause to be published in a newspaper of general circulation published in said city or town a notice of the time and place or places of holding such election. Such notice shall be given not more than sixty nor less than thirty days before such election. On the question of the issuance of said bonds no person shall be qualified to vote except he be in all respects a qualified elector and owner of real or personal property subject to taxation within the municipality. In case two-thirds of the qualified voters, as above described, shall vote affirmatively for the issuance of said bonds, then the mayor and common council shall issue the same, and not otherwise. Said bonds shall contain all necessary provisions as to form, and such municipality shall provide a proper sinking fund for the redemption of said bonds. Said bonds shall not bear a rate of interest exceeding five per centum, and the interest shall be paid semi-annually, and none of said bonds shall be sold at less than their par value: *Provided further,* That no city under this Act shall issue bonds in excess of thirty thousand dollars.

Territories.
Vol. 24, p. 170, amer. d. ed.

Municipal bond issues for city buildings and sites authorized.

Provisos.
Election to precede issue.

—notice of.

—qualified voters.

Form, interest, etc.

Limit of issue.

Approved, June 6, 1900.

CHAP. 821.—An Act To amend the Act of Congress approved May fourteenth, eighteen hundred and eighty, entitled "An Act for the relief of settlers on the public lands."

June 6, 1900.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the third section of the Act of Congress approved May fourteenth, eighteen hundred and eighty, entitled "An Act for the relief of settlers on the public lands," be amended by adding thereto the following:

Public lands.
Vol. 21, p. 141.

"Where an unmarried woman who has heretofore settled, or may hereafter settle, upon a tract of public land, improved, established, and maintained a bona fide residence thereon, with the intention of appropriating the same for a home, subject to the homestead law, and has married, or shall hereafter marry, before making entry of said land, or before making application to enter said land, she shall not on account of her marriage forfeit her right to make entry and receive patent for the land: *Provided,* That she does not abandon her residence on said land, and is otherwise qualified to make homestead entry: *Provided further,* That the man whom she marries is not, at the time of their marriage, claiming a separate tract of land under the homestead law.

Entrywoman's marriage not to forfeit right to homestead entry.

Provisos.
—to be otherwise qualified, etc.
—no separate claim of land by husband.

"That this Act shall be applicable to all unpatented lands claimed by such entrywoman at the date of passage."

Scope of act.

Approved, June 6, 1900.

June 6, 1900.

CHAP. 822.—An Act To provide an American register for the barge Davidson.Barge "Davidson"
granted American
register.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is hereby authorized and directed to cause the foreign-built barge Ringhorn, owned by James T. O'Donnell, a citizen of the United States, to be registered as a vessel of the United States under the name of Davidson.

Approved, June 6, 1900.

June 7, 1900.

CHAP. 859.—An Act Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.Naval service ap-
propriations.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and they are hereby, appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the naval service of the Government for the year ending June thirtieth, nineteen hundred and one, and for other purposes:

PAY OF THE NAVY.

Pay of the Navy.

Pay and allowances prescribed by law of officers on sea duty; officers on shore and other duty; officers on waiting orders; officers on the retired list; Admiral's secretary; clerks to commandants of yards and stations; clerks to paymasters at yards and stations; general storekeepers, receiving ships and other vessels; for four additional clerks, one to commandant, at one thousand five hundred dollars per year, and one to paymaster and general storekeeper, at one thousand three hundred dollars per year, at Honolulu, and one to commandant, at one thousand five hundred dollars per year, and one to paymaster and general storekeeper, at one thousand three hundred dollars per year, at Samoa; commutation of quarters for officers on shore not occupying public quarters; pay of enlisted men on the retired list; extra pay to men reenlisting under honorable discharge; interest on deposits by men; pay of petty officers, seamen, landsmen, and apprentice boys, including men in the engineers' force and for the Fish Commission, seventeen thousand five hundred men and two thousand five hundred apprentices under training at training stations and on board training ships, and for men detailed for duty with naval militia at the pay prescribed by law, twelve million eight hundred and ten thousand eight hundred and ninety-seven dollars.

PAY, MISCELLANEOUS.

Pay, miscellaneous.

For commissions and interest; transportation of funds; exchange; mileage to officers while traveling under orders in the United States, and transportation of baggage allowed by regulations, and for actual personal expenses of officers while traveling abroad under orders, and for traveling expenses of civilian employees, and for actual and necessary traveling expenses of naval cadets while proceeding from their homes to the Naval Academy for examination and appointment as cadets; for rent and furniture of buildings and offices not in navy-yards; expenses of courts-martial, prisoners and prisons, and courts of inquiry, boards of inspection, examining boards, with clerks' and witnesses' fees, and traveling expenses and costs; stationery and recording expenses of purchasing-paymasters' offices of the various cities, including clerks, furniture, fuel, stationery, and incidental expenses; newspapers and advertising; foreign postage; telegraphing,

foreign and domestic; telephones; copying; care of library, including the purchase of books, photographs, prints, manuscripts, and periodicals; ferrriage, tolls, and express fees; costs of suits; commissions, warrants, diplomas, and discharges; relief of vessels in distress; canal tolls and pilotage; recovery of valuables from shipwrecks; quarantine expenses; reports; professional investigation; cost of special instruction, at home or abroad, in maintenance of students and attachés, and information from abroad, and the collection and classification thereof, and other necessary and incidental expenses, five hundred thousand dollars: *Provided*, That in lieu of traveling expenses and all allowances whatsoever connected therewith, including transportation of baggage, officers of the Navy traveling from point to point within the United States under orders shall hereafter receive mileage at the rate of eight cents per mile, distance to be computed by the shortest usually traveled route; but in cases where orders are given for travel to be performed repeatedly between two or more places in the same vicinity the Secretary of the Navy may, in his discretion, direct that actual and necessary expenses only be allowed. Actual expenses only shall be paid for travel under orders outside the limits of the United States in North America.

Proviso.
Mileage within the United States.

—without.

CONTINGENT, NAVY: For all emergencies and extraordinary expenses arising at home or abroad, but impossible to be anticipated or classified, exclusive of personal services in the Navy Department, or any of its subordinate bureaus or offices, at Washington, District of Columbia, ten thousand dollars, and to enable the Secretary of the Navy, in his discretion, to cause to be transported to their homes the remains of officers and enlisted men of the Navy and Marine Corps who die or are killed in action, ashore or afloat, outside of the continental limits of the United States, ten thousand dollars: *Provided*, That the sum herein appropriated shall be available for transportation of the remains of officers and men who have died or who have been killed while on duty at any time since April twenty-first, eighteen hundred and ninety-eight.

Contingent.

Proviso.
Transporting remains, etc. re-

EMERGENCY FUND, NAVY DEPARTMENT.

To meet unforeseen contingencies for the maintenance of the Navy constantly arising, to be expended at the discretion of the President, three hundred thousand dollars.

Emergency fund.

BUREAU OF NAVIGATION.

Bureau of Navigation.

TRANSPORTATION, RECRUITING, AND CONTINGENT: For expenses of recruiting for the naval service; rent of rendezvous and expenses of maintaining the same; advertising for men and boys, and all other expenses attending the recruiting for the naval service, and for the transportation of enlisted men and boys at home and abroad and of officers accompanying them; for heating apparatus for receiving and training ships, and extra expenses thereof; for freight, telegraphing on public business, postage on letters sent abroad, ferrriage, ice, apprehension of deserters and stragglers, continuous-service certificates, discharges, good-conduct badges, and medals for boys, schoolbooks for training apprentices, packing boxes and materials, and other contingent expenses and emergencies arising under cognizance of the Bureau of Navigation, unforeseen, and impossible to classify, eighty thousand dollars.

Transportation, recruiting, and contingent.

GUNNERY EXERCISES: For prizes for excellence in gunnery exercises and target practice; diagrams and reports of target practice; for the establishment and maintenance of targets and ranges, for hiring established ranges, and for transporting to and from ranges, twelve thousand dollars.

Gunnery exercises.

Apprentices' bounties.

OUTFITS FOR NAVAL APPRENTICES: For outfits for two thousand five hundred naval apprentices, at forty-five dollars each, one hundred and twelve thousand five hundred dollars.

—landsmen.

OUTFITS FOR LANDSMEN: For outfits for two thousand five hundred landsmen under training for seamen, at forty-five dollars each, one hundred and twelve thousand five hundred dollars.

Naval training stations.
Yerba Buena Island, Cal.

NAVAL TRAINING STATION, CALIFORNIA: Maintenance of naval apprentice training station, Yerba Buena Island, California, namely: Labor and material; buildings and wharves; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferrriage, and street-car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, and tools, and repairs to same; fire engines and extinguishers; boats and gymnastic implements; models and other articles needed in instruction of apprentices; printing outfit and materials, and maintenance of same; heating, lighting, and furniture; stationery, books, and periodicals; fresh water, ice, and washing; freight and expressage; packing boxes and materials; postage and telegraphing; telephones, and all other contingent expenses, thirty thousand dollars.

NAVAL TRAINING STATION, CALIFORNIA (BUILDINGS): Three sets of officers' quarters, twenty-five thousand dollars; extension of wharf, three thousand dollars; sick quarters for apprentices, one thousand five hundred dollars; additional boiler, engine, and dynamo for lighting buildings, three thousand dollars; stable, one thousand two hundred and fifty dollars; fitting storehouse for general storekeeper in basement of barracks, one thousand dollars; in all, thirty-four thousand seven hundred and fifty dollars; to be immediately available.

Coasters Harbor Island, R. I.

NAVAL TRAINING STATION, RHODE ISLAND: For maintenance of naval apprentice training station Coasters Harbor Island, Rhode Island, namely: Labor and material; buildings and wharves; dredging channels; extending sea wall; repairs to causeway and sea wall; general care, repairs, and improvements of grounds, buildings, and wharves; wharfage, ferrriage, and street-car fare; purchase and maintenance of live stock, and attendance on same; wagons, carts, implements, tools, and repairs to same; fire engines and extinguishers; boats and gymnastic implements; models and other articles needed in instruction of apprentices; printing outfit and materials, and maintenance of same; heating, lighting, and furniture; stationery, books, and periodicals; fresh water, ice, and washing; freight and expressage; packing boxes and materials; postage and telegraphing; telephones, and all other contingent expenses, forty-five thousand dollars.

NAVAL TRAINING STATION, RHODE ISLAND—BUILDINGS: For building breakwater, wharf, and sea wall for new barracks, twenty-five thousand dollars; for two thousand feet of six-inch water mains with valves complete for new barracks, four thousand eight hundred dollars; reclaiming basin northwest of main causeway, nine thousand five hundred dollars; building and furnishing storehouse for general storekeeper, ten thousand dollars; power house to be fitted with boilers, dynamos, connections, and so forth, for lighting the new barracks at this station, and a salt-water pumping outfit for fire protection to be installed in the same building, to be immediately available, nine thousand five hundred and fifty dollars; in all, naval training station, Rhode Island, fifty-eight thousand eight hundred and fifty dollars.

Naval War College.

NAVAL WAR COLLEGE, COASTERS HARBOR ISLAND, RHODE ISLAND: For maintenance of the Naval War College on Coasters Harbor Island, and care of grounds for same, including one draftsman, at one thousand two hundred dollars per year, nine thousand two hundred dollars.

Naval Home, Philadelphia.

NAVAL HOME, PHILADELPHIA, PENNSYLVANIA: For one superintendent of grounds, at six hundred dollars; one steward, at four hundred and eighty dollars; one matron, at three hundred and sixty

dollars; one chief cook, at three hundred and sixty dollars; one assistant cook, at two hundred and forty dollars; one assistant cook, at one hundred and eighty dollars; one chief laundress, at one hundred and ninety-two dollars; five laundresses, at one hundred and sixty-eight dollars each; four scrubbers, at one hundred and sixty-eight dollars each; one head waitress, at one hundred and ninety-two dollars; eight waitresses, at one hundred and sixty-eight dollars each; one kitchen servant, at two hundred dollars; eight laborers, at two hundred and forty dollars each; one stable keeper and driver, at three hundred and sixty dollars; one master at arms, at four hundred and eighty dollars; two house corporals, at three hundred dollars each; one barber, at three hundred and sixty dollars; one carpenter, at eight hundred and forty-five dollars; one painter, at six hundred dollars; one engineer for elevator and machinery, six hundred dollars; three laborers, at three hundred and sixty dollars each; three laborers, at three hundred dollars each; water rent and lighting, two thousand one hundred dollars; cemetery, burial expenses, and headstones, three hundred and fifty dollars; improvement of grounds, nine hundred dollars; repairs to buildings, boilers, furnaces, furniture and repairs to the same, eight thousand dollars; music in chapel, six hundred dollars; transportation of indigent and destitute beneficiaries to the Naval Home, one hundred dollars; for support of beneficiaries, fifty thousand nine hundred and seventy dollars; in all, for Naval Home, seventy-six thousand four hundred and twenty-five dollars, which sum shall be paid out of the income from the naval pension fund.

BUREAU OF ORDNANCE.

Bureau of Ordnance.

ORDNANCE AND ORDNANCE STORES: For procuring, producing, preserving, and handling ordnance material; for the armament of ships; for fuel, material, and labor to be used in the general work of the Ordnance Department; for watchmen at magazines; for furniture in ordnance buildings at navy-yards and stations; for maintenance of the proving ground and powder factory; and for target practice, five hundred thousand dollars.

Ordnance and ordnance stores.

Reserve supply of ammunition, five hundred thousand dollars.

Reserve supply of ammunition.
Rapid-fire guns.

Conversion of ordinary six-inch guns to rapid fire, twenty-five thousand dollars.

Purchase and manufacture of smokeless powder, five hundred thousand dollars.

Smokeless powder.

Purchase and erection of new and improved machinery for the shops of the gun plant at the Washington Navy-Yard, viz: For existing shops, fifty thousand dollars; for one new proposed shop estimated for by the Bureau of Yards and Docks, one hundred thousand dollars; for new and improved machinery for the instruction of seamen gunners, twenty-five thousand dollars; in all, gun plant at Washington, one hundred and seventy-five thousand dollars.

Washington Navy-Yard.

For new watchmen's quarters and inclosure fence for gun park at Saint Helena, Norfolk Navy-Yard, five thousand five hundred dollars.

Norfolk Navy-Yard.

RESERVE GUNS FOR AUXILIARY CRUISERS: Toward the armament of modern guns for auxiliary cruisers mentioned in the Act approved March third, eighteen hundred and ninety-one, and in section four of the Act approved May tenth, eighteen hundred and ninety-two, two hundred and fifty thousand dollars: *Provided*, That the Secretary of the Navy may, in his discretion, purchase by contract all or any part of such guns.

Reserve guns for auxiliary cruisers.
Vol. 26, p. 831.
Vol. 27, p. 27.

Proriso.
Contracts.

TORPEDO STATION, NEWPORT, RHODE ISLAND: For labor, material, freight, and express charges; general care of and repairs to grounds, buildings, and wharves; boats, instruction, instruments, tools, furni-

Torpedo station,
Newport, R. I.

ture, experiments, and general torpedo outfits, sixty-five thousand dollars.

Naval Station, Puget Sound.

BUILDINGS, NAVAL STATION, PUGET SOUND: For erection and equipment of ordnance shop and two magazine buildings at Bremerton, Puget Sound Naval Station, eighty thousand dollars.

Arming, etc., Naval Militia.

ARMING AND EQUIPPING NAVAL MILITIA: For arms, accouterments, signal outfits, boats and their equipments, and the printing or purchase of the necessary books of instruction for the Naval Militia of the various States, under such regulations as the Secretary of the Navy may prescribe, sixty thousand dollars. And the Secretary of the Navy is hereby authorized and empowered to use any part of the share of moneys heretofore or herein appropriated for arming and equipping the Naval Militia forces of the State of Connecticut in repairing the boilers of United States steamship Elfrida as he, the Secretary, may deem proper and advisable.

New York Harbor. Fort Lafayette magazine.

FITTING FORT LAFAYETTE AS MAGAZINE: Additional work necessary in fitting Fort Lafayette, New York Harbor, for use as a naval magazine, fifteen thousand dollars.

Norfolk, Va.

NAVAL MAGAZINE, NORFOLK, VIRGINIA: Railroad track, lightning rods, grading, filling, ditching and draining, and other necessary improvements at the naval magazine, Saint Juliens Creek, near Norfolk, Virginia, twenty thousand dollars.

Dover, N. J.

NAVAL MAGAZINE, DOVER, NEW JERSEY: Improvements at the naval magazine, Dover, New Jersey, including a new storehouse and magazine, light, heat, and power plant connected with small machine shop, new wagon shed, railroad connections to new buildings and with the Morris County Railroad, water reservoir, fire system, grading, and road improvements, one hundred thousand dollars.

Repairs.

REPAIRS, BUREAU OF ORDNANCE: For necessary repairs to ordnance buildings, magazines, gun parks, boats, lighters, wharves, machinery, and other items of the like character, thirty thousand dollars.

Contingent.

CONTINGENT, BUREAU OF ORDNANCE: For miscellaneous items, namely: Freight to foreign and home stations, advertising, cartage and express charges, repairs to fire engines, gas and water pipes, gas and water tax at magazines, tolls, ferriage, foreign postage, and telegrams to and from the Bureau, technical books, and incidental expenses attending inspection of ordnance material, thirty thousand dollars.

Civil establishment. Portsmouth, N. H.

CIVIL ESTABLISHMENT, BUREAU OF ORDNANCE: Navy-yard, Portsmouth, New Hampshire: For one writer, at one thousand dollars;

Boston, Mass.

Navy-yard, Boston, Massachusetts: For one writer, at one thousand dollars;

New York, N. Y.

Navy-yard, New York, New York: For one clerk, at one thousand four hundred dollars;

League Island, Pa.

Navy-yard, League Island, Pennsylvania: For one clerk, at one thousand two hundred dollars;

Washington, D. C.

Navy-yard, Washington, District of Columbia: For one chemist, at two thousand five hundred dollars; one chief clerk, at one thousand six hundred dollars; one clerk, at one thousand two hundred dollars; two writers, at one thousand and seventeen dollars and twenty-five cents each; one draftsman, at one thousand eight hundred dollars; three draftsmen, at one thousand and eighty-one dollars each; one assistant draftsman, at seven hundred and seventy-two dollars; two copyists, at seven hundred and twenty dollars each; one telegraph operator and copyist, at nine hundred dollars; in all, fifteen thousand four hundred and eighty-nine dollars and fifty cents;

Smokeless-powder factory.

Smokeless-powder factory: For one chemist, at two thousand five hundred dollars; one assistant chemist, at one thousand six hundred dollars; in all, four thousand one hundred dollars;

Navy-yard, Norfolk, Virginia: For one clerk, at one thousand two hundred dollars;

Norfolk, Va.

Navy-yard, Mare Island, California: For one writer, at one thousand and seventeen dollars and twenty-five cents;

Mare Island, Cal.

Naval proving ground, Indian Head, Maryland: For one writer, at one thousand and seventeen dollars and twenty-five cents;

Indian Head proving ground.

Naval torpedo station, Newport, Rhode Island: For one chemist, at two thousand five hundred dollars; one clerk, at one thousand two hundred dollars; one draftsman, at one thousand five hundred dollars; in all, five thousand two hundred dollars;

Newport, R. I.

In all, civil establishment, Bureau of Ordnance, thirty-two thousand six hundred and twenty-four dollars; and no other fund appropriated by this Act shall be used in payment for such service.

BUREAU OF EQUIPMENT.

Bureau of Equipment.

EQUIPMENT OF VESSELS: For purchase of coal for steamers' and ship's use, including expenses of transportation, storage, and handling the same; hemp, wire, iron, and other materials for the manufacture of cordage, anchors, cables, galleys, and chains; canvas for the manufacture of sails, awnings, hammocks, and other work; water for all purposes on board naval vessels, including the expenses of transportation and storage of the same; stationery for commanding and navigating officers of ships, equipment officers on shore and afloat, and for the use of courts-martial on board ship; the removal and transportation of ashes from ships of war; interior appliances and tools for equipment buildings in navy-yards and naval stations, and for the purchase of all other articles of equipment at home and abroad, and for the payment of labor in equipping vessels and manufacture of equipment articles in the several navy-yards; foreign and local pilotage and towage of ships of war; services and materials in repairing, correcting, adjusting, and testing compasses on shore and on board ship; nautical and astronomical instruments, and repairs to same; libraries for ships of war; professional books and papers, and drawings and engravings for signal books; naval signals and apparatus, namely, signals, lights, lanterns, rockets, running lights, compass fittings, including binnacles, tripods, and other appendages of ships' compasses; logs and other appliances for measuring the ship's way, and leads and other appliances for sounding; lanterns and lamps, and their appendages, for general use on board ship for illuminating purposes, and oil and candles used in connection therewith; bunting and other materials for making and repairing flags of all kinds; photographic instruments and materials; musical instruments and music; installing, maintaining, and repairing interior and exterior signal communications and all electrical appliances of whatsoever nature on board naval vessels, except range finders, battle order and range transmitters and indicators, and motors and their controlling apparatus used to operate the machinery belonging to other Bureaus, two million six hundred thousand dollars.

Equipment of vessels.

OCEAN AND LAKE SURVEYS: For hydrographic surveys, and for the purchase of nautical books, charts, and sailing directions, and freight and express charges on the same, one hundred thousand dollars.

Ocean and lake surveys.

DEPOTS FOR COAL: To enable the Secretary of the Navy to execute the provisions of section fifteen hundred and fifty-two of the Revised Statutes, authorizing the Secretary of the Navy to establish, at such places as he may deem necessary, suitable depots for coal, and other fuel, for the supply of steamships of war, seven hundred thousand dollars.

Depots for coal. R. S., sec. 1552, p. 264

Cavite equipment plant.	EQUIPMENT PLANT AT CAVITE, PHILIPPINE ISLANDS: For the purchase of the necessary tools and appliances for the enlargement and for increasing the facilities of the equipment plant at Cavite, Philippine Islands, twenty thousand dollars.
Contingent.	CONTINGENT, BUREAU OF EQUIPMENT: For freight and transportation of equipment stores, packing boxes and materials, printing, advertising, telegraphing, books, and models; stationery for the Bureau; furniture for equipment offices in navy-yards; postage on letters sent abroad; ferriage, ice, and emergencies arising under cognizance of the Bureau of Equipment unforeseen and impossible to classify, twenty-five thousand dollars.
Civil establishment Portsmouth, N. H.	CIVIL ESTABLISHMENT, BUREAU OF EQUIPMENT: Navy-yard, Portsmouth, New Hampshire: For one clerk, at one thousand dollars;
Boston, Mass.	Navy-yard, Boston, Massachusetts: For one superintendent of rope-walk, at one thousand eight hundred and seventy-five dollars; one clerk, at one thousand four hundred dollars; one clerk, at one thousand three hundred dollars; one writer, at nine hundred and fifty dollars: in all, five thousand five hundred and twenty-five dollars;
New York, N. Y.	Navy-yard, New York, New York: For one clerk, at one thousand four hundred dollars; one clerk, at one thousand two hundred dollars; one writer, at nine hundred and fifty dollars; in all, three thousand five hundred and fifty dollars;
League Island, Pa.	Navy-yard, League Island, Pennsylvania: For one clerk, at one thousand two hundred dollars;
Norfolk, Va.	Navy-yard, Norfolk, Virginia: For two clerks, at one thousand two hundred dollars each, two thousand four hundred dollars;
Mare Island, Cal.	Navy-yard, Mare Island, California: For one clerk, at one thousand two hundred dollars; one clerk, at one thousand dollars; in all, two thousand two hundred dollars;
Washington, D. C.	Navy-yard, Washington, District of Columbia: For one clerk, who shall also perform the clerical duties for the board of labor employment at said navy-yard, at one thousand six hundred dollars;
Cavite.	Cavite, Philippine Islands: For one electrician, at five dollars and four cents per diem, one thousand five hundred and seventy-seven dollars and fifty-two cents;
	In all, civil establishment, Bureau of Equipment, nineteen thousand and fifty-two dollars and fifty-two cents; and no other fund appropriated by this Act shall be used in payment for such service.

Bureau of Yards
and Docks.

BUREAU OF YARDS AND DOCKS.

Maintenance.

MAINTENANCE OF YARDS AND DOCKS: For general maintenance of yards and docks, namely: For freight, transportation of materials and stores; books, maps, models, and drawing; purchase and repair of fire engines; fire apparatus and plants; machinery; purchase and maintenance of oxen, horses, and driving teams; carts, timber-wheels, and all vehicles for use in the navy-yards; tools and repairs of the same; postage on letters and other mailable matter on public service sent to foreign countries, and telegrams; stationery; furniture for Government houses and offices in navy-yards and for the Bureau of Yards and Docks; coal and other fuel, candles, oil, and gas; attendance on light and power plants; cleaning and clearing up yards and care of buildings; attendance on fires, lights, fire engines and fire apparatus and plants; incidental labor at navy-yards; water tax, tolls, and ferriage; pay of watchmen in navy-yards; awnings and packing boxes, and advertising for yards and docks and other purposes; and for rent of wharf and storehouse at Erie, Pennsylvania, for use and accommodation of United States steamer Michigan, four hundred and seventy-five thousand dollars.

CONTINGENT, BUREAU OF YARDS AND DOCKS: For contingent expenses that may arise at navy-yards and stations, fifty thousand dollars.

Contingent.

CIVIL ESTABLISHMENT, BUREAU OF YARDS AND DOCKS: Navy-yard, Portsmouth, New Hampshire: For one clerk, at one thousand four hundred dollars; one mail messenger, at two dollars per diem, including Sundays; one messenger, at six hundred dollars; one foreman laborer and head teamster, at four dollars per diem, including Sundays; one janitor, at six hundred dollars; one pilot, at three dollars per diem, including Sundays; in all, five thousand eight hundred and eighty-five dollars.

Civil establishment.
Portsmouth, N. H.

Navy-yard, Boston, Massachusetts: For one clerk, at one thousand four hundred dollars; one foreman laborer, at four dollars per diem; one messenger to commandant, at two dollars per diem; one messenger, at two dollars per diem; one mail messenger, at two dollars per diem, including Sundays; one writer, at one thousand and seventeen dollars and twenty-five cents; one draftsman, at five dollars per diem; one master of tugs, at one thousand two hundred dollars; in all, eight thousand four hundred and sixteen dollars and twenty-five cents.

Boston, Mass.

Navy-yard, New York, New York: For one clerk, at one thousand four hundred dollars; one writer, at one thousand and seventeen dollars and twenty-five cents; one yard pilot, two thousand dollars; two masters of tugs, at one thousand five hundred dollars each; two writers, at nine hundred dollars each; one foreman laborer, at four dollars and fifty cents per diem; one mail messenger, at two dollars per diem, including Sundays; two messengers, at two dollars and twenty-five cents per diem each; one draftsman, at five dollars per diem; one quartermaster, at three dollars per diem; one superintendent of teams, or quartermaster, at four dollars per diem; one messenger to commandant, at two dollars and twenty-five cents per diem, including Sundays; one messenger, yards and docks, at two dollars and twenty-five cents per diem; one stenographer and typewriter, at three dollars and twenty-six cents per diem; one electrician, at one thousand two hundred dollars; in all, twenty thousand two hundred and sixty-six dollars and thirteen cents.

New York, N. Y.

Naval station, Sacketts Harbor, New York: For one ship keeper, at three hundred and sixty-five dollars per annum.

Sacketts Harbor,
N. Y.

Navy-yard, League Island, Pennsylvania: For one clerk, at one thousand four hundred dollars; one writer and telegraph operator, at one thousand dollars; one messenger, at two dollars per diem; one foreman laborer, at four dollars per diem; one master of tugs, at one thousand two hundred dollars; in all, five thousand four hundred and seventy-eight dollars.

League Island, Pa.

Navy-yard, Washington, District of Columbia: For one clerk, at one thousand four hundred dollars; one messenger, at two dollars per diem; one foreman laborer, at four dollars per diem; one electrician, at one thousand two hundred dollars; one writer, at one thousand and seventeen dollars and twenty-five cents; in all, five thousand four hundred and ninety-five dollars and twenty-five cents.

Washington, D. C.

Navy-yard, Norfolk, Virginia: For one clerk, at one thousand four hundred dollars; one writer, at one thousand and seventeen dollars and twenty-five cents; one writer, at one thousand dollars; one foreman laborer, at four dollars per diem; one electrician, at one thousand two hundred dollars; one mail messenger, at two dollars per diem, including Sundays; two messengers, at two dollars per diem each; one pilot, at two dollars and twenty-six cents per diem; one master of tugs, at one thousand two hundred dollars; in all, nine thousand seven hundred and fifty-eight dollars and sixty-three cents.

Norfolk, Va.

Naval station, Port Royal, South Carolina: One clerk, at one thousand two hundred dollars; one rodman and inspector, at three dollars

Port Royal, S. C.

per diem; one messenger and janitor, at one dollar and fifty cents per diem, including Sundays; one master of tugs, one thousand two hundred dollars; one mail messenger, at two dollars per diem, including Sundays; one telegraph operator, at two dollars per diem, including Sundays; one electrician, at one thousand two hundred dollars; in all, six thousand five hundred and forty-six dollars and fifty cents.

Pensacola, Fla.

Navy-yard, Pensacola, Florida: For one clerk, at one thousand two hundred dollars; one mail messenger, at two dollars per diem, including Sundays; in all, one thousand nine hundred and thirty dollars.

Key West, Fla.

Naval station, Key West, Florida: For one mail messenger, at six hundred dollars.

Mare Island, Cal.

Navy-yard, Mare Island, California: For one clerk, at one thousand four hundred dollars; one writer, at one thousand and seventeen dollars and twenty-five cents; one foreman mason, at six dollars per diem; one foreman laborer, at five dollars and fifty cents per diem; one pilot, at one thousand five hundred dollars per annum; one draftsman, at five dollars per diem; one mail messenger, at two dollars per diem, including Sundays; one messenger, at two dollars per diem; one electrician, at one thousand two hundred dollars; one quartermen joiner, at four dollars and fifty-six cents per diem; one telegraph operator, at three dollars and twenty-eight cents per diem; in all, fourteen thousand and ninety-one dollars and sixty-seven cents.

Puget Sound, Wash.

Naval station, Puget Sound, Washington: One clerk, at one thousand two hundred dollars; one draftsman, at five dollars per diem; one messenger and janitor at one dollar and seventy-six cents per diem, including Sundays; one master of tugs, at one thousand two hundred dollars; in all, four thousand six hundred and seven dollars and forty cents.

In all, civil establishment, Bureau of Yards and Docks, eighty-three thousand four hundred and thirty-nine dollars and eighty-three cents; and no other fund appropriated by this Act shall be used in payment for such service.

Public works.

PUBLIC WORKS, BUREAU OF YARDS AND DOCKS, NAVY-YARDS AND STATIONS, NAVAL ACADEMY, AND NEW NAVAL OBSERVATORY.

Portsmouth, N. H.

NAVY-YARD, PORTSMOUTH, NEW HAMPSHIRE: Quay wall, forty thousand dollars; grading, twenty-five thousand dollars; railroad and rolling stock, forty-five thousand dollars; sewer systems, extensions, five thousand dollars; water systems, extensions, eighteen thousand dollars; machine shop for equipment, one hundred thousand dollars; machine shop for steam engineering, fifty thousand dollars; smith shop for construction and repair, twenty-two thousand dollars; latrines, two thousand dollars; remodeling building forty-two for yards and docks, six thousand dollars; office building for construction and repair, fifteen thousand dollars; underground conduit system, eighteen thousand dollars; fire-protection system, sixty thousand dollars; in all, four hundred and six thousand dollars.

Boston, Mass.

NAVY-YARD, BOSTON, MASSACHUSETTS: Ship fitters' shop, to cost not more than two hundred thousand dollars, for which contract is hereby authorized, one hundred thousand dollars; metal workers' shop, to cost not more than two hundred thousand dollars, for which contract is hereby authorized, one hundred thousand dollars; rebuilding building forty-two, seventy-five thousand dollars; refitting and improving machine shop numbered one, building forty-two, to cost not more than one hundred thousand dollars, for which contract is hereby authorized, fifty thousand dollars; trusses under pattern-shop floor, building forty-two, ten thousand dollars; extension of building forty, equipment shops, one hundred thousand dollars; chain and anchor-storage shed for equipment, ninety thousand dollars; yards and docks shop building, ninety

thousand dollars; new piers and wharves, fifty thousand dollars; paving, twenty-five thousand dollars; railroad and platform scales, five thousand three hundred dollars; crane scow, twenty thousand dollars; wharf-pillar crane, six thousand dollars; dredging, thirty thousand dollars; new caisson for stone dry dock, to be immediately available, forty thousand dollars, and the unexpended appropriation for swinging gates in the Act of March third, eighteen hundred and ninety-seven, is hereby reappropriated for caisson; machine tools for yards and docks shops, five thousand dollars; electric elevators, ten thousand dollars, smithery for construction and repair, to cost not more than two hundred thousand dollars, for which contract is hereby authorized, one hundred thousand dollars; fire-protection system, sixty thousand dollars; in all, navy-yard, Boston, nine hundred and sixty-six thousand three hundred dollars.

NAVY-YARD, NEW YORK, NEW YORK: To complete railroad system with terminal bridge and float, thirty thousand dollars; quay wall, Whitney Basin, to complete, fifty thousand dollars; reconstructing building twenty-one for boathouse, to cost not more than one hundred and eighty-five thousand dollars, for which contract is hereby authorized, one hundred thousand dollars; completing the conversion of building numbered eight, twelve thousand two hundred dollars, to be immediately available; paving and grading, to continue, forty-two thousand dollars; extending yard sewers, to continue, eight thousand dollars; granite and concrete dry dock, to cost not more than one million dollars, for which contract is hereby authorized, two hundred thousand dollars; pay office and auction rooms, eighteen thousand dollars; storehouse for naval-supply fund stores, to cost not more than one hundred and fifty thousand dollars, for which contract is hereby authorized, one hundred thousand dollars; extending electric light and power plant, twenty-five thousand dollars; removing crib work, and so forth, Cob Dock, eight thousand dollars; pumping plant, dry dock numbered three, to be immediately available, eighty thousand dollars; surgeons' office and dispensary, twelve thousand dollars; fire-protection system, to cost not more than one hundred and sixty-two thousand dollars, one hundred thousand dollars; completing repairs to dry dock numbered two, three hundred thousand dollars, to be immediately available; bascule bridge, one hundred and fifteen thousand dollars; new roof for building numbered twelve, four thousand dollars; completing building numbered twenty-three (two elevators), four thousand seven hundred dollars; in all, navy-yard, New York, New York, one million two hundred and eight thousand nine hundred dollars.

New York, N. Y.

NAVY-YARD, LEAGUE ISLAND, PENNSYLVANIA: To complete one pair shear legs, seventeen thousand dollars; to complete new coping for dry dock, twenty-eight thousand dollars; extension of reserve basin, to continue dredging, one hundred thousand dollars; to continue increase of electric plant, twenty thousand dollars; to complete fireproof storehouse for equipment, eighteen thousand dollars; electrical workshop and storehouse for equipment, eighty-four thousand dollars; to continue retaining wall about reserve basin, one hundred thousand dollars; grading and paving, fifteen thousand dollars; shed for combustibles, fifteen thousand dollars; machine shop for steam engineering, to cost not more than one hundred and seventy-four thousand dollars, for which contract is hereby authorized, seventy-four thousand dollars; foundry and coppersmith shop for steam engineering, to cost not more than one hundred and eighteen thousand dollars, for which contract is hereby authorized, sixty thousand dollars; boiler and blacksmith shop for steam engineering, to cost not more than one hundred and eighteen thousand dollars, for which contract is hereby authorized, sixty thousand dollars; pattern shop and storehouse for patterns for steam engineering, sixty-one thousand five hundred dollars; smithery shop for

League Island, Pa.

construction and repair, forty-three thousand two hundred dollars; angle smithery for construction and repair, thirty-six thousand dollars; plumbers' and coppersmiths' shop and foundry for construction and repair, to cost not more than one hundred and three thousand eight hundred and eighty dollars, for which contract is hereby authorized, sixty thousand dollars; block, cooper, and spar shops for construction and repair, to cost not more than one hundred and thirteen thousand four hundred dollars, for which contract is hereby authorized, sixty thousand dollars; fireproof shed for painting and storage of canvas, three thousand eight hundred dollars; extension of water system, eighteen thousand dollars; chain shed and anchor rack, eleven thousand dollars; trolley car and line in navy-yard, five thousand dollars; fire-protection system, fifty thousand dollars; in all, navy-yard, League Island, nine hundred and thirty-nine thousand five hundred dollars.

Washington, D. C.

NAVY-YARD, WASHINGTON, DISTRICT OF COLUMBIA: Extension of store numbered one, eighteen thousand dollars; paving, fifty thousand dollars; underground conduit system, thirty thousand dollars; fire-proof floors for pattern shop, fifteen thousand dollars; boiler house for heating plant, fourteen thousand five hundred dollars; skylight for north gun shop, three thousand two hundred and two dollars and thirty-two cents; storehouse for combustible material, four thousand dollars; coal shed and coal-handling appliances, forty thousand dollars; fire-protection system, forty thousand dollars; tool shop, eighty-six thousand three hundred dollars; gunner's workshop, eighty thousand eight hundred dollars; extension of forge shop and new roof, thirty-two thousand three hundred dollars; completing shop and office building for construction and repair, thirty thousand dollars; in all, navy-yard, Washington, four hundred and forty-four thousand one hundred and two dollars and thirty-two cents.

Norfolk, Va.

NAVY-YARD, NORFOLK, VIRGINIA: Quay wall north of timber basin, twenty-five thousand dollars; concrete and granite dry dock, to cost not more than one million two hundred thousand dollars, for which contract is hereby authorized, two hundred thousand dollars; remodeling machine shop for steam engineering, sixty thousand dollars; extension of locomotive crane track, fifteen thousand dollars; increasing electric plant, twenty thousand dollars; office building for steam engineering, twenty thousand dollars; storehouse for yards and docks, forty five thousand dollars; paving and grading, twenty thousand dollars; garbage crematory, five thousand dollars; stables, seven thousand five hundred dollars; surgeons' office and dispensary, ten thousand dollars; remodeling steamfitters' and plumbers' shop for construction and repair, fifteen thousand dollars; new altars for timber dry dock, fifteen thousand dollars; laundry at Saint Helena for receiving ship, five thousand dollars; sewers, four thousand dollars; constructing ship furniture rooms in building numbered thirty, two thousand five hundred dollars; alterations in building numbered fifteen, storehouse, three thousand two hundred dollars; in all, navy-yard, Norfolk, Virginia, four hundred and seventy-two thousand two hundred dollars.

New London, Conn.

NAVAL STATION, NEW LONDON, CONNECTICUT: The unexpended balance of an appropriation under the Act of July seventh, eighteen hundred and ninety-eight, for coal sheds and machinery is hereby reappropriated for rebuilding wharf.

Port Royal, S. C.

NAVAL STATION, PORT ROYAL, SOUTH CAROLINA: Toward rebuilding dry dock, to cost not to exceed five hundred thousand dollars, one hundred and fifty thousand dollars, and the Secretary of the Navy is hereby authorized to rebuild or repair said dock in concrete or stone, or both, as he may elect; condensing plant, thirty thousand dollars; fire-engine house, nine thousand dollars; grading and drainage, two thousand dollars; purchase of land, twenty-six thousand dollars; crane supports in steam-engineering machine shop, ten thousand dollars; in

all, naval station, Port Royal, two hundred and twenty-seven thousand dollars.

The expenditure of the appropriations hereinbefore provided under the head of Public Works in the Bureau of Yards and Docks at the naval station, Port Royal, South Carolina, is left in the discretion of the Secretary of the Navy, who is hereby authorized and directed to forthwith appoint a board of naval officers whose duty it shall be to examine into the expediency of changing said station to some point in the State of South Carolina at or near the city of Charleston, and, if the Secretary on such examination shall decide that such change is expedient and desirable, he is authorized to expend the money hereinbefore appropriated upon such new naval station and a dock therefor having thirty feet depth of water on the sill at mean high tide; and for the purchase of a site for the same he is authorized to expend out of said appropriation a sum not to exceed one hundred thousand dollars.

Board on proposed
change of station.

NAVAL STATION, KEY WEST, FLORIDA: Building for equipment, forty-seven thousand dollars; construction and repair shop, fifty thousand dollars; floor in new machine shop, steam engineering, three thousand dollars; in all, naval station, Key West, one hundred thousand dollars.

Key West, Fla.

NAVY-YARD, MARE ISLAND, CALIFORNIA: Tools for yards and docks, ten thousand dollars; sewers, ten thousand dollars; sidewalks and roads, fifteen thousand dollars; water system, one hundred and seven thousand dollars; enlarging freight shed, five thousand dollars; medical dispensary, seven thousand five hundred dollars; light and power station, thirty thousand dollars; shelter roof for construction and repair, two thousand two hundred dollars; joiner shop for construction and repair, to cost not more than one hundred thousand dollars, for which contract is hereby authorized, fifty thousand dollars; anchor shed, seven thousand dollars; to continue quay wall, thirty thousand dollars; for the construction of a chapel, five thousand dollars; crane scow, twelve thousand dollars; to continue dredging, one hundred thousand dollars; foundry for construction and repair, four thousand five hundred dollars; pattern shop for construction and repair, six thousand dollars; coal storage, fifty thousand dollars; changes and extensions in electric system, twelve thousand dollars; enlargement of equipment offices, building sixty-five, five thousand dollars; completing workshop and boiler house for Bureau of Equipment, ten thousand dollars; in all, navy-yard, Mare Island, four hundred and seventy-eight thousand two hundred dollars.

Mare Island, Cal.

NAVAL STATION, PUGET SOUND, WASHINGTON: Yard scow, three thousand five hundred dollars; water system, additions, twelve thousand dollars; fence about station, entrance gate, and guard quarters, fifteen thousand dollars; sewers, two thousand five hundred dollars; angle, plate, and smithery shed, twelve thousand dollars; wharf crane, five thousand dollars; fire-protection system, additions, seven thousand dollars; composition fittings for dry dock, five thousand dollars; dry-dock pumping plant, improvements, two thousand one hundred and sixty-five dollars; electric-light plant, to complete, seven thousand dollars; to continue grading, ten thousand dollars; equipment shop, eighty-five thousand dollars; coal shed and appliances, forty thousand dollars; in all, naval station, Puget Sound, Washington, two hundred and six thousand one hundred and sixty-five dollars.

Puget Sound, Wash.

And the Secretary of the Navy is hereby authorized and directed to appoint a board of naval officers to determine the desirability of locating and constructing a dry dock on the Columbia River, Oregon, and to report such finding to the next session of the present Congress; and the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated to defray the expenses of said board.

Board on proposed
dry dock, Columbia
River, Oreg.

- SAN JUAN, PORTO RICO. NAVAL STATION, SAN JUAN, PORTO RICO: Coaling facilities, thirty thousand dollars; pier, fifteen thousand dollars; dredging, two thousand dollars; electric-light plant, five thousand dollars; in all, naval station, San Juan, Porto Rico, fifty-two thousand dollars.
- Pensacola, Fla. NAVY-YARD, PENSACOLA, FLORIDA: Hand pillar crane, seven thousand three hundred dollars; boiler and engine room, building twenty-six, for construction and repair, one thousand dollars; boiler room, building thirty-eight, for construction and repair, one thousand two hundred dollars; in all, navy-yard, Pensacola, nine thousand five hundred dollars.
- Algiers, La. NAVAL STATION, ALGIERS, LOUISIANA: Shops for steam engineering, fifty thousand dollars; shops for construction and repair, ninety-five thousand dollars; in all, naval station, Algiers, one hundred and forty-five thousand dollars.
- Dry Tortugas, Fla. DREDGING, DRY TORTUGAS, FLORIDA: Dredging channel, one hundred thousand dollars.
- Algiers, La., dry dock. DRY DOCK, ALGIERS, LOUISIANA: To complete floating dry dock for Algiers, Louisiana, six hundred and fifty thousand dollars, to be immediately available.
- Completing four dry docks. FOUR DRY DOCKS: Toward completion of dry docks at navy-yards: Portsmouth, New Hampshire; Boston, Massachusetts; League Island, Pennsylvania, and Mare Island, California, nine hundred thousand dollars.
- Dry dock, Havana. Purchase authorized. DRY DOCK, HAVANA, CUBA: The President is hereby authorized to purchase from the Government of Spain, for a sum not to exceed two hundred and seventy-five thousand dollars, the ten-thousand-ton steel floating dry dock belonging to that Government and now in the harbor of Havana, Cuba, and the sum of three hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purchase of said dock and for transferring and mooring the same in such location as may be determined upon by the President.
- Repairs and preservation. REPAIRS AND PRESERVATION AT NAVY-YARDS AND STATIONS: For repairs and preservation at navy-yards and stations, five hundred thousand dollars.
- In all, public works, eight million one hundred and five thousand eight hundred and sixty-seven dollars and thirty-two cents.
- Naval Academy. Buildings and improvements. BUILDINGS AND GROUNDS, NAVAL ACADEMY: Toward the construction of buildings, and for other necessary improvements, at the Naval Academy, Annapolis, Maryland, three hundred and fifty thousand dollars: *Provided*, That before any part of this sum is expended, complete plans shall be prepared and approved by the Secretary of the Navy covering all contemplated new buildings and improvements at the Naval Academy and for each and every purpose connected therewith: which plans shall involve a total expenditure of not more than eight million dollars, including the sum of one million two hundred and twenty thousand dollars heretofore appropriated and the sum herein appropriated for said buildings and improvements and for all additional land needed and required to carry out the aforesaid plans: *Provided further*, That after the preparation and approval of the plans herein provided for, the Secretary of the Navy is authorized to enter into contract or contracts for any part or all of the improvements and buildings herein authorized, within the said limit of cost, to be paid for as appropriations may from time to time be made by law.
- Prorisis*. —plans for proposed. —contracts authorized.
- Naval Observatory. NAVAL OBSERVATORY: For grounds and roads: Continuing grading, extending roads and paths, clearing and improving grounds, ten thousand dollars.
- New buildings. NEW BUILDINGS: Construction on the grounds of a building suitable for a dwelling for the foreman and captain of the watch, two thousand five hundred dollars.

BUREAU OF MEDICINE AND SURGERY.

MEDICAL DEPARTMENT: For surgeons' necessaries for vessels in commission, navy-yards, naval stations, Marine Corps, and Coast Survey, and for the civil establishment at the several naval hospitals, navy-yards, naval laboratory and department of instruction, museum of hygiene, and Naval Academy, ninety-five thousand dollars.

NAVAL HOSPITAL FUND: For maintenance of the naval hospitals at the various navy-yards and stations, and for care and maintenance of patients in other hospitals at home and abroad, forty thousand dollars: *Provided*, That from and after July first, nineteen hundred, all forfeitures on account of desertion shall be passed to the credit of the naval hospital fund.

CONTINGENT, BUREAU OF MEDICINE AND SURGERY: For freight, expressage on medical stores, tolls, ferriages, transportation of sick to hospital, transportation of insane patients; care, transportation, and burial of the dead; advertising; telegraphing; rent of telephones; purchase of books and stationery; binding of medical records, unbound books and pamphlets; postage and purchase of stamps for foreign service; expenses attending the medical board of examiners; rent of rooms for naval dispensary; hygienic and sanitary investigation and illustration; sanitary and hygienic instruction; purchase and repairs of wagons and harness; purchase of and feed for horses and cows; trees, plants, garden tools, and seeds; furniture and incidental articles for the museum of hygiene, naval dispensary, Washington; naval laboratory, sick quarters at Naval Academy and marine barracks, surgeons' offices and dispensaries at navy-yards and naval stations; washing for medical department at museum of hygiene, naval dispensary, Washington; naval laboratory and department of instruction, sick quarters at Naval Academy and marine barracks, dispensaries at navy-yards and naval stations and ships and rendezvous, and for minor repairs on buildings and grounds of the United States Naval Museum of Hygiene, and all other necessary contingent expenses, thirty thousand dollars.

REPAIRS, BUREAU OF MEDICINE AND SURGERY: For necessary repairs of naval laboratory and department of instruction, naval hospitals and appendages, including roads, wharfs, outhouses, sidewalks, fences, gardens, farms, and cemeteries, twenty thousand dollars.

NAVAL HOSPITAL, NEW YORK, NEW YORK: Removing old boilers, condemned as worn-out and worthless, and furnishing and installing two new boilers at naval hospital, New York, five thousand dollars.

NAVAL HOSPITAL, NEWPORT, RHODE ISLAND: Addition to the naval hospital at naval training station, Newport, Rhode Island, twenty thousand dollars.

NAVAL HOSPITAL, MARE ISLAND, CALIFORNIA: New boiler house, boilers, and equipment for naval hospital, Mare Island, California, ten thousand dollars.

The active list of surgeons shall hereafter consist of fifty-five, and that of passed assistant and assistant surgeons of one hundred and ten. Assistant surgeons shall rank with assistant surgeons in the Army: *Provided*, That the assistant surgeons under the age of fifty years appointed for temporary service during the war with Spain, having creditable records, who are now in the Navy may be given permanent commissions. Section thirteen of the Act approved March third, eighteen hundred and ninety-nine, entitled "An Act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," is hereby so amended as to provide that nothing therein contained shall operate to reduce the pay which, but for the passage of said Act, would have been received by any commissioned officer at the time of its passage or thereafter.

Bureau of Medicine and Surgery.

Surgeons' necessaries.

Hospital fund.

Proviso.
Credit for desertion forfeitures.

Contingent.

Repairs.

Naval hospitals, New York.

Newport.

Mare Island.

Surgeons.
Number, active list
Assistant surgeons.
—rank.

Proviso.
—certain temporary appointments made permanent

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Pay of commissioned officers not reduced.

Bureau of Supplies
and Accounts.

BUREAU OF SUPPLIES AND ACCOUNTS.

Provisions.

PROVISIONS, NAVY: For provisions and commuted rations for the seamen and marines, which commuted rations may be paid to caterers of messes in cases of death or desertion, upon orders of the commanding officer, commuted rations for officers on sea duty (other than commissioned officers of the line, medical and pay corps and chief boat-swains, chief gunners, chief sailmakers, chief carpenters) and naval cadets, and commuted rations stopped on account of sick in hospital and credited to the naval hospital fund, subsistence of officers and men unavoidably detained or absent from vessels to which attached under orders (during which subsistence rations to be stopped on board ship and no credit for commutation therefor to be given), labor in general storehouses and paymasters' offices in navy-yards, including naval stations maintained in island possessions under the control of the United States, and expenses in handling stores purchased under the naval-supply fund; one chemist, at two thousand five hundred dollars per annum, and two chemists, at two thousand dollars each per annum, two million five hundred thousand dollars.

Contingent.

CONTINGENT, BUREAU OF SUPPLIES AND ACCOUNTS: For freight and express charges, fuel, books and blanks, stationery, advertising, furniture for general storehouses and pay offices in navy-yards, expenses of naval clothing factory and machinery for same, postage, telegrams, naval phones, tolls, ferriages, yeoman's stores, iron safes, newspapers, ice, transportation of stores purchased under the naval-supply fund, and other incidental expenses, one hundred and fifty thousand dollars.

Civil establishment.
Portsmouth, N. H.

CIVIL ESTABLISHMENT, BUREAU OF SUPPLIES AND ACCOUNTS: Navy-yard, Portsmouth, New Hampshire: In general storehouses: Two bookkeepers, at one thousand two hundred dollars each; one assistant bookkeeper, at seven hundred and twenty dollars; one bill clerk, at one thousand dollars; one assistant clerk, at seven hundred and twenty dollars; one shipping and receiving clerk, at one thousand dollars; in all, five thousand eight hundred and forty dollars.

Boston, Mass.

Navy-yard, Boston, Massachusetts: In general storehouses: One bookkeeper, at one thousand and seventeen dollars and twenty-five cents; one shipping clerk, at one thousand dollars; one receiving clerk, at one thousand dollars. In yard pay office: One writer, at one thousand and seventeen dollars and twenty-five cents; in all, four thousand and thirty-four dollars and fifty cents.

New York, N. Y.

Navy-yard, New York, New York: In office of board of inspection: One writer, nine hundred dollars. In general storehouses: Three bookkeepers, at one thousand two hundred dollars each; one assistant bookkeeper, at one thousand dollars; one assistant bookkeeper, at seven hundred and twenty dollars; three receiving clerks, at four dollars each per diem; one assistant receiving clerk, at one thousand and ninety-nine dollars; three shipping clerks, at one thousand dollars each; one bill clerk, at one thousand dollars; one assistant bill clerk, at seven hundred and twenty dollars; two leading men, at two dollars and fifty cents each per diem; five pressmen, at two dollars and seventy-six cents each per diem; one superintendent of coffee mills, at three dollars per diem; one box maker, at three dollars per diem; one engine tender, at three dollars and twenty-six cents per diem; one coffee roaster, at two dollars and fifty cents per diem; one fireman, at two dollars per diem; one messenger, at two dollars and twenty-five cents per diem; one writer, one thousand dollars; one store man, nine hundred dollars. In yard pay office: One writer, at one thousand and seventeen dollars and twenty-five cents; one messenger, at two dollars and twenty-five cents per diem; in all, thirty thousand three hundred and twelve dollars and three cents.

Navy-yard, League Island, Pennsylvania: In general storehouse: One bookkeeper, at one thousand two hundred dollars; one assistant bookkeeper, at seven hundred and twenty dollars; in all, one thousand nine hundred and twenty dollars. League Island, Pa.

Navy-yard, Washington, District of Columbia: In general storehouse: One bookkeeper, at one thousand two hundred dollars; one clerk, at one thousand two hundred dollars; one receiving clerk, at one thousand dollars; one bill clerk, at one thousand dollars; one shipping clerk, at one thousand dollars. In yard pay office: One writer, at one thousand and seventeen dollars and twenty-five cents; in all, six thousand four hundred and seventeen dollars and twenty-five cents. Washington, D. C.

Naval Academy, Annapolis, Maryland: In general storehouse: One bookkeeper, at one thousand and seventeen dollars and twenty-five cents; one receiving and shipping clerk, at one thousand dollars; in all, two thousand and seventeen dollars and twenty-five cents. Naval Academy.

Naval station, Newport, Rhode Island: In general storehouse: One clerk, at one thousand two hundred dollars. Newport, R. I.

Navy-yard, Mare Island, California: In general storehouses: Two bookkeepers, at one thousand two hundred dollars each; two assistant bookkeepers, at seven hundred and twenty dollars each; one receiving clerk, at one thousand dollars; one shipping clerk, at one thousand dollars; one bill clerk, at one thousand dollars; one clerk, at one thousand dollars; one assistant clerk, at one thousand dollars. In yard pay office: One writer, at one thousand and seventeen dollars and twenty-five cents; in all, nine thousand eight hundred and fifty-seven dollars and twenty-five cents. Mare Island, Cal.

Navy-yard, Norfolk, Virginia: In general storehouses: Two bookkeepers, at one thousand two hundred dollars each; two assistant bookkeepers, at one thousand and seventeen dollars and twenty-five cents each; one bill clerk, at one thousand dollars; one assistant bill clerk, at seven hundred and twenty dollars; one receiving clerk, at nine hundred and forty-two dollars; one assistant receiving clerk, at seven hundred and twenty dollars. In yard pay office: One writer, at one thousand and seventeen dollars and twenty-five cents; in all, eight thousand eight hundred and thirty-three dollars and seventy-five cents. Norfolk, Va.

Naval station, Cavite, Philippine Islands: In general storehouses: One clerk, at one thousand six hundred dollars; one bookkeeper, at one thousand four hundred dollars; three assistant bookkeepers, at one thousand two hundred dollars each, three thousand six hundred dollars; one shipping and bill clerk, at one thousand two hundred dollars; three storekeepers, at one thousand dollars each, three thousand dollars; in all, ten thousand eight hundred dollars. Cavite.

In all, civil establishment, Bureau of Supplies and Accounts, eighty-one thousand two hundred and thirty-two dollars and three cents; and no other fund appropriated by this Act shall be used in payment for such service.

BUREAU OF CONSTRUCTION AND REPAIR.

Bureau of Construction and Repair.

Preservation, repairs, etc., of vessels.

CONSTRUCTION AND REPAIR OF VESSELS: For preservation and completion of vessels on the stocks and in ordinary; purchase of materials and stores of all kinds; steam steerers, pneumatic steerers, steam capstans, steam windlasses, and all other auxiliaries; labor in navy-yards and on foreign stations; purchase of machinery and tools for use in shops; carrying on work of experimental model tank; designing naval vessels; wear, tear, and repair of vessels afloat; general care, increase, and protection of the Navy in the line of construction and repair; incidental expenses, such as advertising, freight, foreign postage, telegrams, telephone service, photographing, books, profes-

- Proviso.*
Limit, wooden ships.
- sional magazines, plans, stationery, and instruments for drafting room, six million dollars: *Provided*, That no part of this sum shall be applied to the repair of any wooden ship when the estimated cost of such repairs, to be appraised by a competent board of naval officers, shall exceed ten per centum of the estimated cost, appraised in like manner, of a new ship of the same size and like material.
- Portsmouth, N. H. Construction plant, navy-yard, Portsmouth, New Hampshire: Repairs to and improvement of plant at navy-yard, Portsmouth, New Hampshire, twenty-five thousand dollars.
- Boston, Mass. Construction plant, navy-yard, Boston, Massachusetts: Repair to and improvement of construction plant at navy-yard, Boston, Massachusetts, twenty-five thousand dollars.
- New York, N. Y. Construction plant, navy-yard, New York, New York: Repairs to and improvement of construction plant at navy-yard, New York, New York, twenty-five thousand dollars.
- League Island, Pa. Construction plant, navy-yard, League Island, Pennsylvania: Repairs to and improvement of construction plant at navy-yard, League Island, Pennsylvania, twenty-five thousand dollars.
- Norfolk, Va. Construction plant, navy-yard, Norfolk, Virginia: Repairs to and improvement of construction plant at navy-yard, Norfolk, Virginia, twenty-five thousand dollars.
- Pensacola, Fla. Construction plant, navy-yard, Pensacola, Florida: Repairs to and improvement of construction plant at navy-yard, Pensacola, Florida, five thousand dollars.
- Mare Island, Cal. Construction plant, navy-yard, Mare Island, California: Repairs to and improvement of construction plant at navy-yard, Mare Island, California, twenty-five thousand dollars.
- Port Royal, S. C. Construction plant, naval station, Port Royal, South Carolina: Repairs to and improvement of construction plant at naval station, Port Royal, South Carolina, five thousand dollars.
- Puget Sound, Wash. Construction plant, naval station, Puget Sound, Washington: Repairs to and improvement of construction plant at Puget Sound Naval Station, Washington, twenty-five thousand dollars.
- Algiers, La. Construction plant, naval station, Algiers, Louisiana: Construction plant at naval station, Algiers, Louisiana, twenty-five thousand dollars.
- Civil establishment.
Portsmouth, N. H. CIVIL ESTABLISHMENT, BUREAU OF CONSTRUCTION AND REPAIR: Navy-yard, Portsmouth, New Hampshire: For one clerk to naval constructor, at one thousand four hundred dollars; two writers, at one thousand and seventeen dollars and twenty-five cents each; in all, three thousand four hundred and thirty-four dollars and fifty cents.
- Boston, Mass. Navy-yard, Boston, Massachusetts: For one clerk to naval constructor, at one thousand four hundred dollars; two writers, at one thousand and seventeen dollars and twenty five cents each; in all, three thousand four hundred and thirty-four dollars and fifty cents.
- New York, N. Y. Navy-yard, New York, New York: For one clerk to naval constructor, at one thousand four hundred dollars; three writers, at one thousand and seventeen dollars and twenty-five cents each; in all, four thousand four hundred and fifty-one dollars and seventy-five cents.
- League Island, Pa. Navy-yard, League Island, Pennsylvania: For one clerk to naval constructor, at one thousand four hundred dollars; one writer, at one thousand and seventeen dollars and twenty-five cents; in all, two thousand four hundred and seventeen dollars and twenty-five cents.
- Washington, D. C. Navy-yard, Washington, District of Columbia: For one clerk to naval constructor, at one thousand four hundred dollars.
- Norfolk, Va. Navy-yard, Norfolk, Virginia: For one clerk to naval constructor, at one thousand four hundred dollars; two writers, at one thousand and seventeen dollars and twenty-five cents each; in all, three thousand four hundred and thirty-four dollars and fifty cents.
- Pensacola, Fla. Navy-yard, Pensacola, Florida: For one writer, at one thousand and seventeen dollars and twenty-five cents.

Naval station, Port Royal, South Carolina: For one clerk to naval constructor, at one thousand four hundred dollars.

Port Royal, S. C.

Navy-yard, Mare Island, California: For one clerk to naval constructor, at one thousand four hundred dollars; two writers, at one thousand and seventeen dollars and twenty-five cents each; in all, three thousand four hundred and thirty-four dollars and fifty cents.

Mare Island, Cal.

Puget Sound Naval Station, Washington: One clerk to naval constructor, one thousand four hundred dollars.

Puget Sound, Wash.

In all, civil establishment, Bureau of Construction and Repair, twenty-five thousand eight hundred and twenty-four dollars and twenty-five cents; and no other fund appropriated by this Act shall be used in payment for such service.

BUREAU OF STEAM ENGINEERING.

STEAM MACHINERY: For completion, repairing, and preservation of machinery and boilers of naval vessels, including cost of new boilers; distilling, refrigerating, and auxiliary machinery; preservation of and small repairs to machinery and boilers in vessels in ordinary, receiving and training vessels, repair and care of machinery of yard tugs and launches, one million five hundred and eighty-five thousand dollars: *Provided*, That no part of the said sum shall be applied to the engines, boilers, and machinery of wooden ships where the estimated cost of such repairs shall exceed ten per centum of the estimated cost of new engines and machinery of the same character and power, nor shall new boilers be constructed for wooden ships.

Bureau of Steam Engineering.

Machinery.

Proviso.
Limit, wooden ships.

For purchase, handling, and preservation of all material and stores, purchase, fitting, repair, and preservation of machinery and tools in navy-yards and stations, and running yard engines, nine hundred and sixty thousand dollars.

Materials.

For incidental expenses for navy vessels, yards, and the Bureau, such as foreign postage, telegrams, advertising, freight, photographing, books, stationery, office furnishings, and instruments, fifteen thousand dollars.

Incidentals.

In all, steam machinery, two million five hundred and sixty thousand dollars.

CONTINGENT, BUREAU OF STEAM ENGINEERING: For contingencies, drawing materials, and instruments for the drafting room, one thousand dollars.

Contingent.

MACHINERY PLANT, NAVY-YARD, PORTSMOUTH, NEW HAMPSHIRE: Modern machine tools required to fit out plant for repairs of engines, boilers, and so forth, of naval vessels, twenty-five thousand dollars.

Machinery plants, navy-yards, Portsmouth, N. H.

MACHINERY PLANT, NAVY-YARD, BOSTON, MASSACHUSETTS: Additional machine tools to put the yard in condition for building and repairing modern marine machinery, fifty thousand dollars.

Boston, Mass.

MACHINERY PLANT, NAVY-YARD, MARE ISLAND, CALIFORNIA: Additional tools required to put the yard in condition for building and repairing modern marine machinery, fifty thousand dollars.

Mare Island, Cal.

MACHINERY PLANT, NAVAL STATION, ALGIERS, LOUISIANA: Necessary machine tools required to fit up plant for repairs of engines, boilers, and so forth, of naval vessels, twenty-five thousand dollars.

Algiers, La.

MACHINERY PLANT, NAVAL STATION, HONOLULU, HAWAII: Necessary machine tools required to fit up plant for repairs of engines, boilers, and so forth, of naval vessels, twenty-five thousand dollars.

Honolulu, Hawaiian Islands.

MACHINERY PLANT, NAVAL STATION, SAN JUAN, PORTO RICO: Necessary machine tools required to fit up plant for repairs of engines, boilers, and so forth, of naval vessels, twenty-five thousand dollars.

San Juan, Porto Rico.

CIVIL ESTABLISHMENT, BUREAU OF STEAM ENGINEERING: Navy-yard, Portsmouth, New Hampshire: For one clerk to department, at one thousand two hundred dollars; one messenger, at six hundred dollars; in all, one thousand eight hundred dollars;

Civil establishment, Portsmouth, N. H.

Boston, Mass. Navy-yard, Boston, Massachusetts: For one clerk to department, one thousand four hundred dollars;

New York, N. Y. Navy-yard, New York, New York: For one clerk, at one thousand four hundred dollars; one writer, at one thousand dollars; one messenger, at six hundred dollars; in all, three thousand dollars;

League Island, Pa. Navy-yard, League Island, Pennsylvania: For one clerk, at one thousand two hundred dollars;

Norfolk, Va. Navy-yard, Norfolk, Virginia: For one clerk, at one thousand three hundred dollars; one messenger, at six hundred dollars; in all, one thousand nine hundred dollars;

Pensacola, Fla. Navy-yard, Pensacola, Florida: For one writer, at one thousand dollars;

Mare Island, Cal. Navy-yard, Mare Island, California: For one clerk to department, at one thousand four hundred dollars; one messenger, at six hundred dollars; one writer, at one thousand dollars; in all, three thousand dollars;

Chief of Bureau, appointment, etc.
R. S., sec. 424, p. 71, amended.

In all, civil establishment, Bureau of Steam Engineering, thirteen thousand three hundred dollars; and no other fund appropriated by this Act shall be used in payment for such service. Section four hundred and twenty-four of the Revised Statutes is hereby amended so as to read as follows: The Chief of the Bureau of Steam Engineering shall be appointed from the line of officers of the Navy not below the grade of lieutenant-commander, and shall be a skillful engineer.

Naval Academy.

NAVAL ACADEMY.

Pay of professors, etc.

PAY OF PROFESSORS AND OTHERS, NAVAL ACADEMY: For one professor of mathematics, one of chemistry, one of physics, and one of English, at two thousand five hundred dollars each; four professors, namely, one of English, two of French, and one of drawing, at two thousand two hundred dollars each; one assistant professor of Spanish, at one thousand eight hundred dollars; one sword master, at one thousand five hundred dollars, and two assistants, at one thousand dollars each; one instructor in gymnastics, at one thousand two hundred dollars; one assistant librarian, at one thousand eight hundred dollars; one secretary to the Naval Academy, at one thousand eight hundred dollars; two clerks to the Superintendent, at one thousand two hundred dollars each; one clerk to the commandant of cadets, at one thousand two hundred dollars; one clerk to the paymaster, at one thousand two hundred dollars; one dentist, at one thousand six hundred dollars; one baker, at six hundred dollars; one mechanic in department of physics, at seven hundred and thirty dollars; one cook, at three hundred and twenty-five dollars and fifty cents; one messenger to the Superintendent, at six hundred dollars; one armorer, at six hundred and forty-nine dollars and fifty cents; one chief gunner's mate, at five hundred and twenty-nine dollars and fifty cents; one quarter gunner, at four hundred and sixty-nine dollars and fifty cents; one cockswain, at four hundred and sixty-nine dollars and fifty cents; one seaman in the department of seamanship, at three hundred and ninety-seven dollars and fifty cents; one attendant in the department of navigation and one in the department of physics, at three hundred dollars each; six attendants at recitation rooms, library, store, chapel, and offices, at three hundred dollars each; one bandmaster, at one thousand and eighty dollars; twenty-one first-class musicians, at four hundred and twenty dollars each; seven second-class musicians, at three hundred and sixty dollars each; services of organist at chapel, three hundred dollars; in all, fifty-nine thousand nine hundred and ninety-one dollars.

Watchmen, mechanics etc.

PAY OF WATCHMEN, MECHANICS, AND OTHERS, NAVAL ACADEMY: For the captain of the watch and weigher, at two dollars and fifty cents per diem; four watchmen, at two dollars each per diem; foreman of gas and steam heating works of the Academy, at five dollars per diem;

for labor at gas works and steam buildings, for masons, carpenters, and other mechanics and laborers, and for care of buildings, grounds, wharves, and boats, thirty-seven thousand eight hundred and sixty-four dollars and ninety-five cents; one attendant in purifying house of the gas house, at one dollar and fifty cents per diem; in all, forty-four thousand and sixty-nine dollars and ninety-five cents.

PAY OF STEAM EMPLOYEES, NAVAL ACADEMY: For pay of mechanics and others in department of steam engineering, seven thousand eight hundred and twenty-four dollars and fifty cents.

Employees steam engineering.

For special course of study and training of naval cadets, as authorized by Act of Congress approved August fifth, eighteen hundred and eighty-two, three thousand dollars.

Additional training. Vol. 22, p. 285.

REPAIRS, NAVAL ACADEMY: Necessary repairs of public buildings, wharves, and walls inclosing the grounds of the Naval Academy, improvements, repairs, furniture and fixtures, twenty-one thousand dollars.

Repairs.

HEATING AND LIGHTING, NAVAL ACADEMY: Fuel, oil, waste, and other materials for the operation, repair, and maintenance of the plant; heating and lighting apparatus and tools; for heating and lighting the Academy, twenty thousand dollars.

Fuel and lights.

CONTINGENT, NAVAL ACADEMY: Purchase of books for the library (to be purchased in open market on the written order of the Superintendent), two thousand dollars; stationery, blank books, models, maps, and text-books for use of instructors, two thousand dollars; expenses of the Board of Visitors of the Naval Academy, being mileage and five dollars per diem for each member for expenses during actual attendance at the Academy and for supplying necessary outfit for the board house, three thousand dollars; purchase of chemicals, apparatus, and instruments in the department of physics, and for repairs of the same, two thousand dollars; purchase of gas and steam machinery, steam pipes and fittings, rent of buildings for the use of the Academy, freight, cartage, water, music, musical and astronomical instruments, uniforms for the bandsmen, telegraphing, feed and maintenance of teams, current expenses, and repairs of all kinds, and for incidental labor and expenses not applicable to any other appropriation, thirty-two thousand dollars; stores in the departments of steam engineering, eight hundred dollars; materials for repairs in steam machinery, one thousand dollars; for contingencies for the Superintendent of the Academy, to be expended in his discretion, one thousand dollars: in all, forty-three thousand eight hundred dollars.

Contingent.

Whenever any naval cadet shall have finished four years of his undergraduate course of six years the succeeding appointment may be made from his Congressional district or at large in accordance with existing law.

Cadets. Succeeding appointment after four years of six-year course.

The appointees to follow the two classes of cadets now at sea may enter the Academy during the present year and those to succeed the class which is now finishing its four years of study shall be appointed before March fourth, next, to enter the Academy during the year nineteen hundred and one.

Appointments following two classes now at sea, etc.

During a period of twelve years from the passage of this Act any naval officer on the retired list may, in the discretion of the Secretary of the Navy, be ordered to such duty as he may be able to perform at sea or on shore, and while so employed shall receive the pay and allowances of an officer of the active list of the grade from which he was retired.

Retired list. Active service for officers authorized.

MARINE CORPS.

Marine Corps.

PAY, MARINE CORPS: For pay and allowances prescribed by law of officers on the active list, four hundred and sixteen thousand nine hundred dollars.

Pay.

- Retired list.** Pay of officers on the retired list: For one colonel, three lieutenant-colonels, one adjutant and inspector, two quartermasters, four majors, nine captains, three first lieutenants, and three second lieutenants, fifty-six thousand six hundred and seventy dollars.
- Enlisted men.** Pay of noncommissioned officers, musicians, and privates, as prescribed by law, and the number of enlisted men authorized for the Marine Corps shall be exclusive of those undergoing imprisonment with sentence of dishonorable discharge from the service at expiration of such confinement, and for the expenses of clerks of the United States Marine Corps traveling under orders, one million one hundred and twelve thousand five hundred and forty-eight dollars.
- retired.** Pay and allowance of retired enlisted men: For one sergeant-major, two drum-majors, six first-class musicians, fifteen first sergeants, twenty-seven sergeants, five corporals, one drummer, two fifers, and forty-nine privates, and for those who may be retired during the year, thirty-six thousand five hundred dollars.
- Undrawn clothing.** Undrawn clothing: For payment to discharged soldiers for clothing undrawn, thirty thousand dollars.
- Mileage.** Mileage: For mileage of officers traveling under orders without troops, twelve thousand dollars.
- Commutation of quarters.** For commutation of quarters to officers on duty without troops where there are no public quarters, eight thousand dollars.
- Civil force.**
—office commandant. **PAY OF CIVIL FORCE:** In the office of the brigadier-general commandant: For one chief clerk, at one thousand five hundred and forty dollars and eighty cents; one clerk, one thousand two hundred dollars; one messenger, at nine hundred and seventy-one dollars and twenty-eight cents;
- paymaster's office.** In the office of the paymaster: One chief clerk, at one thousand six hundred dollars; one clerk, at one thousand four hundred and ninety-six dollars and fifty-two cents; one clerk, at one thousand two hundred and fifty-seven dollars and twelve cents;
- assistant paymaster's office.** In the office of the assistant paymaster: One clerk, at one thousand four hundred dollars;
- adjutant and inspector.** In the office of the adjutant and inspector: One chief clerk, at one thousand five hundred and forty dollars and eighty cents; one clerk, at one thousand four hundred and ninety-six dollars and fifty-two cents;
- assistant adjutant and inspector.** In the office of the assistant adjutant and inspector: One clerk, one thousand two hundred dollars;
- quartermaster's office.** In the office of the quartermaster: One chief clerk, at one thousand five hundred and forty dollars and eighty cents; one clerk, at one thousand four hundred and ninety-six dollars and fifty-two cents; one clerk, at one thousand two hundred and fifty-seven dollars and twelve cents;
- assistant quartermasters.** In the office of the assistant quartermaster, Washington, District of Columbia, or San Francisco, California: One clerk, at one thousand four hundred dollars;
- In the office of the assistant quartermaster, Philadelphia, Pennsylvania: One clerk, at one thousand four hundred dollars; one messenger, at one dollar and seventy-five cents per diem;
- In all, for pay of civil force, twenty-one thousand four hundred and thirty-six dollars and twenty-three cents, and the money herein specifically appropriated for pay of the Marine Corps shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund.
- Provisions.** **PROVISIONS, MARINE CORPS:** For noncommissioned officers, musicians, and privates serving ashore, for commutation of rations to enlisted men regularly detailed as clerks and messengers, for payment of board and lodging of recruiting parties, and for ice for preservation of rations, three hundred and seventy-one thousand and seventy-

one dollars and fifty cents; and no law shall be construed to entitle marines on shore duty to any rations, or commutation therefor, other than such as now are or may hereafter be allowed to enlisted men in the Army.

CLOTHING, MARINE CORPS: For noncommissioned officers, musicians, and privates authorized by law, two hundred and ninety thousand one hundred and ninety-nine dollars and fifty-four cents.

Clothing.

FUEL, MARINE CORPS: For heating barracks and quarters, for ranges and stoves for cooking, fuel for enlisted men, for sales to officers, maintaining electric lights, and for hot-air closets, thirty thousand dollars.

Fuel.

MILITARY STORES, MARINE CORPS: For pay of chief armorer, at three dollars per day; three mechanics, at two dollars and fifty cents each per day; for purchase of military equipments, such as rifles, revolvers, cartridge boxes, bayonet scabbards, haversacks, blanket bags, knapsacks, canteens, musket slings, swords, drums, trumpets, flags, waist belts, waist plates, cartridge belts, sashes for officer of the day, spare parts for repairing muskets and purchase and repair of tents and field ovens, purchase and repair of instruments of band, purchase of music and musical accessories, purchase and marking of medals for excellence in gunnery and rifle practice, good-conduct badges, for incidental expenses of the school of application, purchase of signal equipment and stores, for the establishment and maintenance of targets and ranges, and renting ranges, and for procuring, preserving, and handling ammunition and other necessary military supplies, forty-six thousand two hundred and ninety-seven dollars.

Military stores.

TRANSPORTATION AND RECRUITING, MARINE CORPS: For transportation of troops, including ferriage, and the expense of the recruiting service, thirty-five thousand dollars.

Transportation and recruiting.

FOR REPAIRS OF BARRACKS, MARINE CORPS: Repairs and improvements to barracks and quarters at Portsmouth, New Hampshire; Boston, Massachusetts; Newport, Rhode Island; New York, New York; League Island, Pennsylvania; Annapolis, Maryland; headquarters and navy-yard, District of Columbia; Norfolk, Virginia; Port Royal, South Carolina; Pensacola, Florida; Mare Island, California; Bremerton, Washington; and Sitka, Alaska; for the renting, leasing, improvement, and erection of buildings in Porto Rico, the Philippine Islands, at Guam, and at such other places as the public exigencies require; and for per diem to enlisted men employed under the direction of the Quartermaster's Department on the repair of barracks, quarters, and other public buildings, twenty thousand dollars.

Repairs of barracks.

Additions to barracks at New York, New York, fifteen thousand dollars.

Additions to barracks at Portsmouth, New Hampshire, five thousand dollars.

Erection of a building for use of the band of the Marine Corps, and enlisted men's quarters at Headquarters, Washington, District of Columbia, four thousand five hundred dollars.

Erection of new barracks of fireproof material at League Island, Pennsylvania one hundred thousand dollars.

Increasing the size and capacity of the naval prison, Mare Island Navy-Yard, California, fifteen thousand dollars.

Erection of officers' quarters at Sitka, Alaska, one thousand dollars, and the unexpended appropriation of two thousand five hundred dollars authorized in Act of June tenth, eighteen hundred and ninety-six, is hereby reappropriated for the erection of officers' quarters at Sitka, Alaska.

Sitka, Alaska.

For rent of building used for manufacture of clothing, storing of supplies, and office of assistant quartermaster, Philadelphia, Pennsylvania, three thousand three hundred dollars.

Rent, Philadelphia, Pa.

Forage.

FORAGE, MARINE CORPS: For forage in kind for horses of the quartermaster's department, and the authorized number of officers' horses, six thousand dollars.

Hire of quarters.

HIRE OF QUARTERS, MARINE CORPS: For hire of quarters for officers serving with troops where there are no public quarters belonging to the Government, and where there are not sufficient quarters possessed by the United States to accommodate them; for hire of quarters for enlisted men employed as clerks and messengers in the offices of the commandant, adjutant and inspector, paymaster, and quartermaster, and the offices of the assistant adjutant and inspector, the assistant paymaster, and the assistant quartermasters, at twenty-one dollars each per month, and for enlisted men employed as messengers in said offices, at ten dollars each per month, fourteen thousand seven hundred and forty-eight dollars.

Contingent.

CONTINGENT, MARINE CORPS: For freight, tolls, cartage, advertising, washing of bed sacks, mattress covers, pillow-cases, towels, and sheets, funeral expenses of marines, stationery and other paper, telegraphing, rent of telephones, purchase and repair of typewriters, apprehension of stragglers and deserters, per diem of enlisted men employed on constant labor for a period of not less than ten days, repair of gas and water fixtures, office and barracks furniture, camp and garrison equipment and implements, mess utensils for enlisted men, such as bowls, plates, spoons, knives and forks, tin cups, pans, pots, and so forth; packing boxes, wrapping paper, oilcloth, crash, rope, twine, camphor and carbolized paper, carpenters' tools, tools for police purposes, iron safes, purchase and repair of public wagons, purchase and repair of public harness, purchase of public horses, services of veterinary surgeons and medicines for public horses, purchase and repair of hose, purchase and repair of fire extinguishers, purchase of fire hand grenades, purchase and repair of carts, wheelbarrows, and lawn mowers; purchase and repair of cooking stoves, ranges, stoves, and furnaces where there are no grates; purchase of ice, towels, soap, combs, and brushes for offices; postage stamps for foreign postage; purchase of books, newspapers, and periodicals; improving parade grounds, repair of pumps and wharves, laying drain, water, and gas pipes, water, introducing gas, and for gas, gas oil, and introduction and maintenance of electric lights; straw for bedding, mattresses, mattress covers, pillows, sheets; wire bunk bottoms for enlisted men at various posts; furniture for Government quarters and repair of same, and for all emergencies and extraordinary expenses arising at home and abroad, but impossible to anticipate or classify, sixty-one thousand seven hundred dollars: *Provided*, That four thousand two hundred dollars of the foregoing appropriation shall be applied to the restoration of the sewer system for the Marine Barracks, Mare Island.

Provided,
Mare Island bar-
racks.

Increase of the
Navy.

INCREASE OF THE NAVY.

Two seagoing bat-
tle ships.

That for the purpose of further increasing the naval establishment of the United States, the President is hereby authorized to have constructed by contract two seagoing battle ships, carrying the heaviest armor and most powerful ordnance for vessels of their class, upon a trial displacement of about thirteen thousand five hundred tons, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding three million six hundred thousand dollars each; three armored cruisers of about thirteen thousand tons trial displacement, carrying the heaviest armor and most powerful ordnance for vessels of their class, and to have the highest practicable speed and great radius of action, and to cost, exclusive of armor and armament, not exceeding four million two hundred and fifty thousand dollars each; and three protected cruisers of about eight thousand tons trial displacement, carrying the most pow-

Three armored cruis-
ers.

Three protected
cruisers.

erful ordnance for vessels of their class and to have the highest speed compatible with good cruising qualities, and great radius of action, and to cost, exclusive of armament, not exceeding two million eight hundred thousand dollars each; and the contract for the construction of each of said vessels shall be awarded by the Secretary of the Navy to the lowest best responsible bidder, having in view the best results and most expeditious delivery; and not more than two of the vessels herein provided for shall be built in one yard or by one contracting party; and in the construction of all said vessels all the provisions of the Act of March third, eighteen hundred and ninety-nine, entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes," shall be observed and followed; and subject to the provisions hereinafter made, two and not more than two of the aforesaid vessels shall be built on or near the coast of the Pacific Ocean, or in the waters connecting therewith: *Provided*, That if it shall appear to the satisfaction of the President from the biddings for such contracts, when the same are opened and examined by him, that said vessels, or any of them, can not be constructed on or near the coast of the Pacific Ocean at a cost not exceeding four per centum above the lowest accepted bid for the other vessels provided for in this Act, he shall authorize the construction of said vessels, or either of them, elsewhere in the United States, subject to the limitations as to cost hereinbefore provided.

Contracts.

Construction in one yard limited, etc.

Vol. 30, p. 1045.

Construction on Pacific coast.

Proviso.
—condition, cost.

CONSTRUCTION AND MACHINERY: On account of the hulls and outfits of vessels and steam machinery of vessels heretofore authorized, twelve million seven hundred and forty thousand six hundred and ninety-nine dollars.

Construction and machinery.

ARMOR AND ARMAMENT: Toward the armament and armor of domestic manufacture for the vessels authorized by Act of March second, eighteen hundred and ninety-five; for those authorized by the Act of June tenth, eighteen hundred and ninety-six; for those authorized by the Act of March third, eighteen hundred and ninety-seven; for those authorized by the Act of May fourth, eighteen hundred and ninety-eight; for those authorized by the Act of March third, eighteen hundred and ninety-nine, and for those authorized by this Act, four million dollars: *Provided*, That the Secretary of the Navy is hereby authorized to procure by contract armor of the best quality for any or all vessels above referred to, provided such contracts can be made at a price which in his judgment is reasonable and equitable; but in case he is unable to make contracts for armor under the above conditions, he is hereby authorized and directed to procure a site for and to erect thereon a factory for the manufacture of armor, and the sum of four million dollars is hereby appropriated toward the erection of said factory.

Armor and armament.

Vol. 28, p. 841.

Vol. 29, p. 379.

Vol. 30, pp. 389, 1045.

Proviso.
Secretary of Navy may contract for armor for above vessels.
—or may erect armor factory.

The Secretary of the Navy is hereby authorized and directed to contract for five submarine torpedo boats of the Holland type of the most improved design, at a price not to exceed one hundred and seventy thousand dollars each: *Provided*, That such boats shall be similar in dimensions to the proposed new Holland, plans and specifications of which were submitted to the Navy Department by the Holland Torpedo Boat Company November twenty-third, eighteen hundred and ninety-nine.

Five Holland submarine torpedo boats authorized.

Proviso.
—dimensions.

The said new contract and the submarine torpedo boats covered by the same are to be in accordance with the stipulations of the contract of purchase made April eleventh, nineteen hundred, by and between the Holland Torpedo Boat Company, represented by the secretary of said company, the party of the first part, and the United States, represented by the Secretary of the Navy, the party of the second part.

Contract stipulations.

EQUIPMENT: Toward the completion of the equipment outfit of the new vessels heretofore authorized, four hundred thousand dollars.

Equipment.

Approved, June 7, 1900.

June 7, 1900.

CHAP. 860.—An Act To authorize the payment of traveling allowances to enlisted men of the regular and volunteer forces when discharged by order of the Secretary of War and stated by him as entitled to travel pay.

Army.
Order of Secretary of War authorizing travel pay for enlisted men on discharge valid.

R. S., sec. 1290, p. 223.

Provisos.
Soldiers absent by authority on date of discharge, etc.

Application of Act.

Order of discharge to specify allowance of travel pay.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when the Secretary of War, in the exercise of his discretion, has directed the discharge of any enlisted men of the regular or volunteer forces of the Army, and the orders or instructions directing such discharge stated that such enlisted men were entitled to travel pay, such order or instruction shall be sufficient authority for the payment to the soldiers of the traveling allowances provided for by section twelve hundred and ninety of the Revised Statutes. And officers of the Pay Department of the Army shall have credit in the settlement of their accounts for all payments made in obedience to said orders or instructions of the Secretary of War: *Provided*, That soldiers discharged under such orders or instructions, which stated that such soldiers were entitled to travel pay, and who were absent by authority on the date of the muster out of their regiments or of discharge, are entitled to and will be paid traveling allowances from place of muster out of their regiments or the places designated in the final statements as the place of discharge to the place of enlistment or enrollment: *Provided further*, That the provisions of this Act shall apply only to cases that have arisen or shall arise under orders or instructions for discharge with travel pay issued between April twenty-first, eighteen hundred and ninety-eight, and the date of the passage of this Act: *Provided further*, That it shall not be held as applying to any case in which the order directing the discharge did not set forth that the soldier was entitled to travel pay.

Approved, June 7, 1900.

June 7, 1900.

CHAP. 861.—An Act To amend an Act to incorporate the Supreme Lodge of the Knights of Pythias.

District of Columbia.
Supreme Lodge of Knights of Pythias.
Vol. 28, p. 96, amended.

Business of subordinate bodies outside the District valid.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the first section of the Act approved June twenty-ninth, eighteen hundred and ninety-four, entitled "An Act to incorporate the Supreme Lodge of Knights of Pythias," be, and the same is hereby, amended by adding thereto the following:

"And said corporation may provide for the meetings of its legislative or governing body wherever such association shall have subordinate bodies, and all business transacted at such meetings shall be valid in all respects as if such meetings were held within said District; and all business heretofore transacted at any meetings held outside of the District of Columbia shall be valid in all respects to the same extent as if such meetings had been held within said District."

Effect.

SEC. 2. That this Act shall take effect from and after its passage and approval.

Approved, June 7, 1900.

RESOLUTIONS.

[No. 1.] Joint Resolution To pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of December, eighteen hundred and ninety-nine, on the nineteenth day of said month.

December 16, 1899.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and instructed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, eighteen hundred and ninety-nine, on the nineteenth day of said month.

Officers, etc., of Congress to be paid December salaries December 19, 1899.

Approved, December 16, 1899.

[No. 2.] Joint Resolution To fill a vacancy in the Board of Regents of the Smithsonian Institution.

January 24, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, caused by the death of William Preston Johnston, of Louisiana, shall be filled by the appointment of Richard Olney, a resident of Massachusetts.

Smithsonian Institution.
Richard Olney appointed regent.

Approved, January 24, 1900.

[No. 3.] Joint Resolution Granting permission for the erection of a monument in Washington, District of Columbia, for the ornamentation of the national capital and in honor of Samuel Hahnemann.

January 31, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That permission be, and the same is hereby, granted the Hahnemann monument committee of the American Institute of Homeopathy to erect a monument in honor of Samuel Hahnemann in such place in the city of Washington, District of Columbia, other than the Capitol or Library grounds, as shall be designated by the Chief Engineers, United States Army, the chairman of the Joint Committee on the Library, and the chairman of the monument committee; and the sum of four thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the building of a foundation upon which to place said monument; said monument to be presented to the people of the United States by the American Institute of Homeopathy, kindred associations, and citizens.

District of Columbia.
Erection of monument to Samuel Hahnemann authorized.

Approved, January 31, 1900.

January 31, 1900.

[No. 4.] Joint Resolution Authorizing the Secretary of War to receive for instruction at the Military Academy at West Point, Olmedo Alfaro, of Ecuador.

Olmedo Alfaro, of Ecuador, admitted to West Point.

Provisos.
No expense to United States.
Oath and service.
R. S., secs. 1320-1321, p. 227.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he hereby is, authorized to permit Olmedo Alfaro, of Ecuador, to receive instruction at the Military Academy at West Point: *Provided,* That no expense shall be caused to the United States thereby: *And provided further,* That in the case of the said Alfaro the provisions of sections thirteen hundred and twenty and thirteen hundred and twenty-one of the Revised Statutes shall be suspended.

Approved, January 31, 1900.

February 9, 1900.

[No. 5.] Joint Resolution Authorizing the Secretary of War to use sixty thousand dollars of the appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred, for the construction of a modern military hospital at Fort Leavenworth, Kansas.

Fort Leavenworth, Kans.
Construction authorized of military hospital.
Vol. 30, p. 1071.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be, and he is hereby, authorized and empowered to use the sum of sixty thousand dollars, or so much thereof as may be necessary, of the amount appropriated for the construction and repair of hospitals by the Act making appropriations for the support of the Regular and Volunteer Army for the fiscal year ending June thirtieth, nineteen hundred, approved March third, eighteen hundred and ninety-nine, for the construction of a modern military post hospital at the said Fort Leavenworth, Kansas, and the limit of cost of said hospital is fixed at said sum.

Approved, February 9, 1900.

February 10, 1900.

[No. 6.] Joint Resolution Providing for the distribution of Compiled Statutes of the District of Columbia to committees of the Senate and House of Representatives.

Compiled statutes, District of Columbia.
Distribution of authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and he is hereby, authorized and directed to deliver from the number now in his care, one copy of the Compiled Statutes of the District of Columbia to each standing and select committee of the Senate and of the House of Representatives on the requisition of the chairman of such committee, and to each justice of the several courts of the District of Columbia, on his written request.

Approved, February 10, 1900.

February 17, 1900.

[No. 7.] Joint Resolution Increasing the limit of cost of the new building for the Government Printing Office, to meet the increased prices of building materials, and to permit of making the south end of the power house extension of the same height as the main building.

Government Printing Office.
Limit of cost of new building increased.
Vol. 30, p. 1120.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the limit of cost of the new building for the Government Printing Office, authorized by the sundry civil act approved March third, eighteen hundred and ninety-nine, be, and hereby is, increased by four hundred and twenty-nine thousand dollars, or so much thereof as may be necessary, to meet the increased prices of building materials, and to permit of making the

south end of the power house extension, for a depth of about forty-five feet from G street, northwest, of the same height as the main building.

Approved, February 17, 1900.

[No. 8.] Joint Resolution To provide for pay to certain retired officers of the Marine Corps.

February 17, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the aggregate of all sums appropriated in an Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred, and for other purposes," approved March third, eighteen hundred and ninety-nine, under the head "Pay, Marine Corps," shall be disbursed and accounted for in accordance with existing law as pay of the Marine Corps, and for that purpose shall constitute one fund; the provisions of this Act to take effect from June thirtieth, eighteen hundred and ninety-nine.

Marine Corps.
Pay of certain retired officers authorized.
Vol. 30, p. 1042.

Approved, February 17, 1900.

[No. 9.] Joint Resolution Authorizing the President to appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette at the exposition in Paris, France, in nineteen hundred.

February 23, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President may appoint one woman commissioner to represent the United States and the National Society of the Daughters of the American Revolution at the unveiling of the statue of Lafayette and the presentation of a tablet for said statue at Paris, France, in nineteen hundred, and at the exposition there to be held.

Lafayette statue, Paris.
Appointment of woman commissioner to represent United States at unveiling authorized.

Approved, February 23, 1900.

[No. 10.] Joint Resolution Providing for the acquisition of certain lands in the State of California.

March 8, 1900.

Whereas what are known as the "Mammoth Tree Grove" and "South Park Grove of Big Trees," species of *Sequoia gigantea*, located in Calaveras County, California, are now held in private ownership; and

Mammoth Tree Grove, etc.
Calaveras Company, Cal.
Preamble.

Whereas the owner thereof now contemplates the sale thereof for the purpose of felling said trees and their conversion into lumber, which said project is threatened of consummation at an early date; and

Whereas the trees *Sequoia gigantea* of these groves constitute the largest collection and probably the finest specimens of the same in the world; and

Whereas the destruction of these trees would be an irredeemable loss to science, and the loss of one of the marked wonders of the world: Therefore be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Interior be, and is hereby, authorized and directed, at the earliest practicable date, to open negotiations for, and if possible procure a bond upon, the lands occupied by said groves of trees, in Calaveras and Tuolumne counties, California, with sufficient adjacent lands for

Preservation of, etc.

their preservation, management, and control, and submit the same to Congress for action thereupon.

Approved, March 8, 1900.

March 12, 1900.

[No. 11.] Joint Resolution To amend an Act entitled "An Act to extend Rhode Island avenue," approved February tenth, eighteen hundred and ninety-nine.

District of Columbia.
Extension of Rhode
Island avenue.
Vol. 30, p. 824.

Appeal from deci-
sion confirming assess-
ments not to delay
payment of awards.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act to extend Rhode Island avenue," approved February tenth, eighteen hundred and ninety-nine, be, and the same is hereby, amended by adding to the sixth section thereof, at the end thereof, the following proviso, namely: Provided, That no appeal by any interested party from any decision of the supreme court of the District of Columbia confirming said assessment or assessments shall delay or prevent the payment of said awards in respect to the property condemned.

Approved, March 12, 1900.

March 16, 1900.

[No. 12.] Joint Resolution To print thirty-one thousand copies of the eulogies on Garret A. Hobart, late Vice-President of the United States.

Garret A. Hobart.
Copies of eulogies,
etc., ordered printed.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed of the eulogies delivered in Congress on Garret A. Hobart, late Vice-President of the United States, thirty-one thousand copies, of which ten thousand copies shall be for the use of the Senate, twenty thousand for the use of the House of Representatives, five hundred copies for the use of the Department of State, and five hundred copies for the use of the family of the late Vice-President; and the Secretary of the Treasury be, and he is hereby, directed to have printed a portrait of the said Garret A. Hobart, to accompany said eulogies; and for the purpose of engraving and printing said portrait the sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated.

Approved, March 16, 1900.

March 19, 1900.

[No. 13.] Joint Resolution To provide for the removal of snow and ice in the city of Washington, in the District of Columbia.

District of Columbia.
Removal of snow,
etc.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are hereby appropriated out of any money in the Treasury not otherwise appropriated, namely:

For cleaning snow and ice from the streets and avenues of the District of Columbia, one thousand dollars, one-half of said sum to be paid out of the revenues of the District of Columbia and the other half out of the Treasury of the United States.

For the removal of snow and ice, to be disbursed under the direction of the officer in charge of public buildings and grounds in and around Washington, District of Columbia, one thousand dollars.

Approved, March 19, 1900.

[No. 14.] Joint Resolution Authorizing the printing of extra copies of the publications of the Office of Naval Intelligence, Navy Department.

March 21, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy be, and is hereby, authorized to print, in excess of the one thousand copies authorized by the Act of January twelfth, eighteen hundred and ninety-five, such extra copies of the publications of the Office of Naval Intelligence as may be necessary for distribution to the naval service and to meet other official demands: Provided, That in no case shall the edition of any one publication exceed two thousand copies.

Office Naval Intelligence, Navy Department.
Printing of extra copies of publications of, authorized.
Vol. 28, p. 622.

Proviso.
—limit.

Approved, March 21, 1900.

[No. 15.] Joint Resolution To amend joint resolution to furnish the daily Congressional Record to members of the press, and so forth, approved February seventeenth, eighteen hundred and ninety-seven.

March 26, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the "Joint resolution to furnish the daily Congressional Record to members of the press, and so forth," approved February seventeenth, eighteen hundred and ninety-seven, be amended so as to read as follows:

Congressional Record.
To be furnished newspaper correspondents named in Congressional Directory, etc.

Vol. 29, p. 700.

"That the Public Printer be, and he is hereby, authorized and directed to supply to each newspaper correspondent whose name appears in the Congressional Directory, and who makes application therefor, for his personal use and that of the paper or papers he represents, one copy of the daily Congressional Record and one copy of the bound Congressional Record, the same to be sent to the office address of each member of the press, or elsewhere in the city of Washington, as he may direct."

Approved, March 26, 1900.

[No. 16.] Joint Resolution For appointment of members of Board of Managers of the National Home for Disabled Volunteer Soldiers.

April 9, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Sidney G. Cooke, of Kansas, Charles M. Anderson, of Ohio, and Alfred L. Pearson, of Pennsylvania, be, and the same hereby are, appointed as members of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States; Sidney G. Cooke to succeed himself, his present term of service expiring April twenty-first, nineteen hundred; Charles M. Anderson to succeed himself, his present term of service expiring April twenty-first, nineteen hundred; Alfred L. Pearson to succeed himself, his present term of service expiring April twenty-first, nineteen hundred.

National Home for Disabled Volunteer Soldiers.
Appointment of members.

Approved, April 9, 1900.

[No. 17.] Joint Resolution Authorizing the printing of a special edition of the Yearbook of the United States Department of Agriculture for eighteen hundred and ninety-nine.

April 17, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed of part two of the Annual Report of the Department of Agriculture for eighteen hundred and ninety-nine, issued in accordance with section seventy-three, paragraph two, chapter twenty-three, Statutes at Large.

Yearbook, Department of Agriculture.
Printing of special edition authorized.

Vol. 28, p. 612.

eighteen hundred and ninety-five, issued under the title of "Yearbook of the United States Department of Agriculture," a special edition of five thousand copies, on sized and supercalendered paper, to be bound in best quality of book cloth, subject to the approval of the Secretary of Agriculture, for distribution abroad, and especially during the Universal Exposition at Paris, nineteen hundred, to agricultural, educational, and other public and scientific foreign institutions and libraries and to public men especially engaged in work beneficial to agriculture: *Provided*, That in the distribution of this edition abroad, paragraph seventy-nine of said section seventy-three, of chapter twenty-three, volume twenty-eight, Statutes at Large, eighteen hundred and ninety-five, is hereby suspended.

Proviso.
Provision as to number of copies, etc., suspended.

Approved, April 17, 1900.

April 18, 1900.

[No. 18.] Joint Resolution Authorizing the printing of thirty-five thousand copies of Bulletin Numbered Twenty-four, Department of Agriculture, entitled "A Primer of Forestry," for the use of Congress and the Department of Agriculture.

A "Primer of Forestry."
Printing ordered.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed thirty-five thousand copies of Bulletin Twenty-four, of the Division of Forestry, of the Department of Agriculture, entitled "A Primer of Forestry;" five thousand copies for the use of the Senate, ten thousand copies for the use of the House of Representatives, and twenty thousand copies for the use of the Department of Agriculture.

Approved, April 18, 1900.

April 18, 1900.

[No. 19.] Joint Resolution Providing for the printing of the Report of the Governor of Arizona for Eighteen hundred and ninety-nine.

Report of Governor of Arizona for 1899.
Additional copies ordered printed.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Public Printer be, and he is hereby, authorized and directed to print four thousand additional copies of the Report of the Governor of Arizona for Eighteen hundred and ninety-nine, of which one thousand copies shall be for the use of the Department of the Interior, one thousand five hundred copies for distribution by the governor of Arizona, five hundred copies for the use of the Senate, and one thousand copies for the use of the House of Representatives.

Approved, April 18, 1900.

April 23, 1900.

[No. 20.] Joint Resolution For relief of Garfield Hospital.

District of Columbia.
Garfield Hospital.
Appropriation for isolating ward, etc.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That one thousand dollars is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated and out of the revenues of the District of Columbia, in equal parts, for the maintenance of the isolating ward for minor contagious diseases at Garfield Memorial Hospital for the remainder of the fiscal year ending June thirtieth, nineteen hundred.

Approved, April 23, 1900.

April 23, 1900.

[No. 21.] Joint Resolution Authorizing the exhibit of Government relics at the New York Printing Exposition from May second to June second, nineteen hundred.

New York Printing Exposition.
Exhibit by the Secretary of Treasury of Government relics at, authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury be, and he is hereby, authorized in his discretion to exhibit at the New York Printing Exposition from May second to June second, nineteen hundred, a geometrical scroll machine, and such other articles

now in the Bureau of Engraving and Printing; also "a picture of Governor William Allen, of Ohio, on a saw blade," now in the possession of the Secret Service Division of the Treasury Department; also copies of charts of Hell Gate, the Battery, and other New York City points, to be printed from original copperplates now in the possession of the Coast and Geodetic Survey, and such other articles in said bureaus as may be of interest to the printing trades.

SEC. 2. That the Secretary of War be, and he is hereby, authorized in his discretion to exhibit at said exposition medical catalogues, old volumes, works in Russian and other foreign tongues, now in the possession of the Surgeon-General of the Army; also samples of work and manuscripts written on stumps, and so forth, by generals in the war of the rebellion, now in the possession of the Rebellion Records Division of the War Department, and such other articles as may be of interest to the printing trades.

—by the Secretary of War.

SEC. 3. That the Secretary of the Interior be, and he is hereby, authorized in his discretion to exhibit at said exposition such general exhibit of patents as may be of interest to the printing trades.

—by the Secretary of the Interior.

SEC. 4. That the secretary of the Smithsonian Institution be, and he is hereby, authorized in his discretion to exhibit at said exposition the old Ben Franklin printing press and such other articles now in the National Museum as may be of interest to the printing trades.

—Smithsonian Institution.

SEC. 5. That all expenses incurred in carrying out the provisions of this joint resolution shall be paid by the directors of the New York Printing Exposition, under such regulations as shall be adopted by the Secretary of the Treasury, the Secretary of War, the Secretary of the Interior, and the secretary of the Smithsonian Institution.

Expenses.

Approved, April 23, 1900.

[No. 22.] Joint Resolution Providing for the printing of three thousand copies of House Document Numbered One hundred and forty-one, relating to the preliminary examination of reservoir sites in Wyoming and Colorado.

April 30, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed for the use of the Senate and House of Representatives three thousand copies of House of Representatives Document Numbered One hundred and forty-one, Fifty-fifth Congress, second session, being "Preliminary examination of reservoir sites in Wyoming and Colorado," one thousand copies for the use of the Senate and two thousand copies for the use of the House of Representatives.

"Preliminary examination of reservoir sites in Wyoming and Colorado." Printing authorized.

Approved, April 30, 1900.

[No. 23.] Joint Resolution To provide for the administration of civil affairs in Porto Rico pending the appointment and qualification of the civil officers provided for in the Act approved April twelfth, nineteen hundred, entitled, "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes."

May 1, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That until the officer to fill any office provided for by the Act of April twelfth, nineteen hundred, entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," shall have been appointed and qualified, the officer or officers now performing the civil duties pertaining to such office may continue to perform the same under the authority of said Act; and no officer of the Army shall lose his commission by reason thereof: *Provided,* That nothing herein contained shall be held to extend the time for the appointment and qualification of any such officers beyond the first day of August, nineteen hundred.

Porto Rico. Existing officers to serve pending appointment of successors. *Ante,* p. 81.

Commission of army officer unaffected. *Proviso.*—limit of time for appointment.

Franchises to be approved by President.
Ante. p. 83.

SEC. 2. That all railroad, street railway, telegraph and telephone franchises, privileges or concessions granted under section thirty-two of said Act shall be approved by the President of the United States, and no such franchise, privilege, or concession shall be operative until it shall have been so approved.

—provisions required in charters granting.

SEC. 3. That all franchises, privileges or concessions granted under section thirty-two of said Act shall provide that the same shall be subject to amendment, alteration, or repeal; shall forbid the issue of stock or bonds, except in exchange for actual cash, or property at a fair valuation, equal in amount to the par value of the stock or bonds issued; shall forbid the declaring of stock or bond dividends; and, in the case of public-service corporations, shall provide for the effective regulation of the charges thereof and for the purchase or taking by the public authorities of their property at a fair and reasonable valuation. No corporation shall be authorized to conduct the business of buying and selling real estate or be permitted to hold or own real estate except such as may be reasonably necessary to enable it to carry out the purposes for which it was created, and every corporation hereafter authorized to engage in agriculture shall by its charter be restricted to the ownership and control of not to exceed five hundred acres of land; and this provision shall be held to prevent any member of a corporation engaged in agriculture from being in any wise interested in any other corporation engaged in agriculture. Corporations, however, may loan funds upon real estate security, and purchase real estate when necessary for the collection of loans, but they shall dispose of real estate so obtained within five years after receiving the title. Corporations not organized in Porto Rico, and doing business therein, shall be bound by the provisions of this section so far as they are applicable.

Functions of corporations limited.

Approved, May 1, 1900.

May 3, 1900.

[No. 24.] Joint Resolution Recognizing the gallantry of Frank H. Newcomb, commanding the revenue cutter Hudson; of his officers and men; also retiring Captain Daniel B. Hodgson, of the Revenue-Cutter Service, for efficient and meritorious services in command of the cutter Hugh McCulloch at Manila.

Lieut. Frank H. Newcomb, etc., medals presented to.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in recognition of the gallantry of First Lieutenant Frank H. Newcomb, of the Revenue-Cutter Service, commanding the revenue cutter Hudson, his officers and the men of his command, for their intrepid and heroic gallantry in the action at Cardenas, Cuba, on the eleventh day of May, eighteen hundred and ninety-eight, when the Hudson rescued the United States naval torpedo boat Winslow in the face of a most galling fire from the enemy's guns, the Winslow being disabled, her captain wounded, her only other officer and half her crew killed. The commander of the Hudson kept his vessel in the very center of the hottest fire of the action, although in constant danger of going ashore on account of the shallow water, until finally he got a line made fast to the Winslow and towed that vessel out of range of the enemy's guns. In commemoration of this signal act of heroism it is hereby enacted that the Secretary of the Treasury be authorized and directed to cause to be prepared and to present to First Lieutenant Frank H. Newcomb, Revenue-Cutter Service, a gold medal, and to each of his officers a silver medal, and to each member of his crew a bronze medal.

Capt. Daniel B. Hodgson, retired.

That in recognition of the efficient and meritorious services of Captain Daniel B. Hodgson, United States Revenue-Cutter Service, while in command of the United States revenue cutter Hugh McCulloch, under the orders and in cooperation with the fleet commanded by Rear-Admiral George Dewey, United States Navy, at the battle of

Manila, on May first, eighteen hundred and ninety-eight (the said officer being now in the sixty-third year of his age, and having served continuously for thirty-seven years as an officer of the Revenue-Cutter Service), he be placed on the permanent waiting orders or retired list of the Revenue-Cutter Service, on the duty pay of his grade.

That the sum of one thousand dollars, or so much thereof as may be necessary, be, and the same hereby is, appropriated, out of any money in the Treasury not otherwise appropriated, for the medals above specified.

Appropriation.

Approved, May 3, 1900.

[No. 25.] Joint Resolution For change in location of aids to navigation on Simmons Reef and Lansing Shoal, in Lake Michigan.

May 3, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Light-House Board be authorized and directed to remove the light-ship, numbered fifty-five, now on Simmons Reef, in Lake Michigan, near the Straits of Mackinac, to Lansing Shoal. And further, that the gas buoy on Lansing Shoal be removed, so as to take the place of said light-ship to be removed from Simmons Reef.

Removal of light-ship No. 55 to Lansing Shoal, etc.

Approved, May 3, 1900.

[No. 26.] Joint Resolution Providing for the printing and distribution of the general report of the expedition of the steamer Fishhawk to Puerto Rico, including the chapter relating to the fish and fisheries of Puerto Rico, as contained in the Fish Commission Bulletin for nineteen hundred.

May 14, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed and bound, under the direction of the Joint Committee on Printing, seven thousand five hundred copies of the general report of the expedition of the steamer Fishhawk to Puerto Rico, including the chapter relating to the fish and fisheries of Puerto Rico, as contained in the Fish Commission Bulletin for nineteen hundred; four thousand five hundred for the use of the House, one thousand five hundred for the use of the Senate, and one thousand five hundred for the use of the United States Fish Commission.

Report expedition of "Fishhawk" to Puerto Rico. Printing ordered.

Approved, May 14, 1900.

[No. 27.] Joint Resolution To print the annual reports of the American Historical Association.

May 25, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed of the annual reports of the American Historical Association, beginning with the report of the year eighteen hundred and ninety-nine, two thousand five hundred copies in addition to those provided for under existing law, of which five hundred copies shall be for the use of the Senate, one thousand copies for the use of the House of Representatives, and one thousand copies for the use of the American Historical Association.

American Historical Association. Additional copies of reports of, ordered printed.

Approved, May 25, 1900.

May 31, 1900.

[No. 28.] Joint Resolution Withdrawing certain lands on the island of Oahu, Hawaii, from the public domain.

Hawaiian Islands.
Certain lands in
Honolulu withdrawn
from public domain.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following-described lands lying and being situate in the city of Honolulu, Hawaiian Islands, heretofore used as a mausoleum for the royal family of Hawaii, to wit: The mausoleum premises, beginning at the north corner of said lot, on the southeast side of Nuuanu street, the same being the west corner of L. C. A. six hundred and eighty-two, to M. Kekuanaoa, as shown on government survey's registered map numbered eight hundred and thirty-eight, and running by true bearings: South forty degrees twenty minutes east three hundred and ninety-six feet along L. C. A. six hundred and eighty-two, to Kekuanaoa; south twenty-five degrees twenty-eight minutes west two hundred and fifty-eight feet, to stone wall; north thirty-four degrees twenty-two minutes west seventy-two and nine-tenths feet, along L. C. A. ten thousand six hundred and five ap two, to Piikoi; north fifty-seven degrees fifteen minutes west one hundred and six feet along L. C. A. ten thousand six hundred and five ap two, to Piikoi; north sixty-two degrees ten minutes west two hundred and sixty-six and five-tenths feet along L. C. A. ten thousand six hundred and five ap two, to Piikoi, and L. C. A. seven hundred and eighty-five, to J. Robinson; north thirty-six degrees forty minutes east three hundred and sixty-seven feet along Nuuanu street to initial point; area, one hundred and nineteen thousand six hundred and ten square feet, be withdrawn from sale, lease, or other disposition under the public-land laws of the United States.

Approved, May 31, 1900.

June 2, 1900.

[No. 29.] Joint Resolution To fill a vacancy in the Board of Regents of the Smithsonian Institution.

Smithsonian Institution.
Andrew D. White
reappointed regent.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the vacancy in the Board of Regents of the Smithsonian Institution, of the class other than Members of Congress, shall be filled by the reappointment of Andrew D. White, a resident of the State of New York, whose term of office has expired.

Approved, June 2, 1900.

June 2, 1900.

[No. 30.] Joint Resolution Authorizing the printing of additional copies of the annual report upon the improvement and care of public buildings and grounds.

District of Columbia.
Public buildings
and grounds.
Printing of additional
number of copies
of report on, authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That there be printed each year hereafter, in addition to the number of copies now authorized by law, two hundred additional copies of the annual report upon the improvement and care of public buildings and grounds, and the care and maintenance of the Washington Monument, in the District of Columbia, for the use of the officer in charge of public buildings and grounds.

Approved, June 2, 1900.

[No. 31.] Joint Resolution For the appointment of first lieutenants of volunteers in the Signal Corps of the Army.

June 4, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby empowered to nominate and, by and with the advice and consent of the Senate, to appoint ten first lieutenants of volunteers in the Signal Corps of the Army, whose commissions shall expire June thirtieth, nineteen hundred and one.

Army.
Signal corps.
Appointment of
first lieutenants of
volunteers author-
ized.

Approved, June 4, 1900.

[No. 32.] Joint Resolution To authorize and empower the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) to amend its by-laws.

June 6, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Banco Español de Puerto Rico (Spanish Bank of Porto Rico) be, and the said institution is hereby, authorized and empowered to amend article one of its by-laws, which said by-laws are referred to in, and published with, the royal (Spanish) decree dated May fifth, anno Domini eighteen hundred and eighty-eight, granting a concession to said bank, so as to change its name to that of Bank of Porto Rico (Banco de Puerto Rico) and to substitute for its capital in pesos the equivalent in money of the United States at the ratio established by law, and to amend article thirty-one of said by-laws, so that to be a councilor of said bank it may not be necessary to be a Spaniard, and further to modify and amend said by-laws, but always in accordance with existing law, and subject to the approval of the governor of Porto Rico: *Provided,* That nothing herein contained shall be held to enlarge or to permit the enlargement, in any manner or to any extent, of any of the rights, powers, or privileges granted to said Banco Español de Puerto Rico (Spanish Bank of Porto Rico) by the Government of Spain: *And provided further,* That nothing herein contained shall be held in any wise to limit or curtail any power which the Government or the Congress of the United States possesses in respect of said bank, its powers, privileges, or franchises.

Banco Español de
Puerto Rico may
amend its by-laws.

Provisos.
Powers not en-
larged.

Federal control un-
abridged.

Approved, June 6, 1900.

[No. 33.] Joint Resolution Relating to the use of the rooms lately occupied by the Congressional Library in the Capitol.

June 6, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the rooms and space recently occupied by the Library of Congress in the Capitol building shall be divided into three stories, the third story of which shall be fitted up and used for a reference library for the Senate and House of Representatives, and that portion of the other two stories north of a line drawn east and west through the center of the Rotunda shall be used for such purpose as may be designated by the Senate of the United States, and that portion of the first and second stories south of said line shall be used for such purpose as may be designated by the House of Representatives. And such sum as is necessary to make the construction herein provided for is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum to be expended under the direction of the Architect of the Capitol.

Capitol.
Use of old Congres-
sional Library rooms
authorized.

Approved, June 6, 1900.

June 6, 1900.

[No. 34.] Joint Resolution Authorizing the President of the United States to appoint David Bagley as an additional cadet at the Naval Academy, Annapolis, Maryland.

David Bagley.
Appointment of, as
cadet, Naval Acad-
emy, authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and is hereby, authorized to appoint as an additional cadet at the Naval Academy, Annapolis, Maryland, David Bagley, brother of Ensign Worth Bagley, United States Navy, killed in battle at Cardenas, Cuba, May eleventh, eighteen hundred and ninety-eight.

Approved, June 6, 1900.

June 6, 1900.

[No. 35.] Joint Resolution Respecting the unveiling of the statue of Lafayette, at Paris, France, July fourth, nineteen hundred.

Lafayette statue,
Paris.
Preamble.

Whereas the school children of the United States have, by their contributions of the sum of fifty thousand dollars, provided a statue of Lafayette, which, with the approval of the French Government, is to be unveiled at Paris, France, on the fourth day of July, nineteen hundred; and

Vol. 30, p. 1117.

Whereas the United States, by an act of Congress approved March third, eighteen hundred and ninety-nine, appropriated the sum of fifty thousand silver dollars of the United States for the purpose of aiding in defraying the cost of a pedestal to said statue: Therefore, be it

Resolutions on un-
veiling.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the people of the United States anticipate and appreciate this ceremony with feelings of the greatest satisfaction, and that they regard the statue as expressing the honor and gratitude with which they cherish the memory of Lafayette and those of his countrymen who, by their arms and counsel, assisted in securing the independence of the United States.

—transmission of, to
French Government.

Resolved further, That the President of the United States is hereby requested to transmit a copy of these resolutions to the Government of France.

Approved, June 6, 1900.

June 6, 1900.

[No. 36.] Joint Resolution Authorizing the President to appoint George W. Kirkman to be a captain of infantry, United States Army.

George W. Kirkman.
Restoration to rank
as captain U. S. Army
authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President is hereby authorized to restore and appoint George W. Kirkman to his previous grade as captain of infantry in the United States Army, with the rank, pay, and allowances to which he would be entitled if the sentence of dismissal by court-martial in his case had not been imposed; subject to such suspension, fine, or other punishment as shall in his judgment be just for the offense of which said George W. Kirkman was found guilty by a court-martial on the seventeenth of March, nineteen hundred.

Approved, June 6, 1900.

[No. 37.] Joint Resolution Authorizing foreign exhibitors at the Ohio Centennial and Northwest Territory Exposition, to be held in Toledo, Ohio, in nineteen hundred and two, to bring to this country foreign laborers from their respective countries, for the purpose of preparing for and making their exhibits, under regulations prescribed by the Secretary of the Treasury.

June 6, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress approved February twenty-sixth, eighteen hundred and eighty-five, prohibiting the importation of foreigners under contract to perform labor, and the Acts amendatory of these Acts, shall not be construed, nor shall anything therein operate to prevent, hinder, or in any wise restrict any foreign exhibitor, representative, or citizen of a foreign nation, or the holder of any concession or privilege from the Ohio Centennial Company, of Toledo, from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of foreign countries, as they or any of them may deem necessary, subject to the approval in each case of the Secretary of the Treasury, for the purpose of making preparations for installing or conducting their exhibits, or of preparing or installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been granted by the Ohio Centennial Company in connection with the Ohio Centennial and Northwest Territory Exposition: *Provided, however,* That any alien who, by virtue of this Act, enters the United States under contract to perform labor, may not remain in the United States for more than three months after the close of the exposition, and he shall thereafter be subject to all the processes and penalties applicable to aliens coming in violation of the alien contract-labor law aforesaid: *And provided further,* That this resolution shall not be construed as applying to the Acts of Congress prohibiting the coming of Chinese persons into the United States.

Ohio Centennial and Northwest Territory Exposition, Toledo.
Vol. 23, pp. 115, 332, etc.
Alien mechanics, etc., under contract to labor may be brought into the United States to install exhibits, etc.

Provisos.
Penalty for remaining.

Chinese immigration.

Approved, June 6, 1900.

[No. 38.] Joint Resolution Authorizing foreign exhibitors at the Pan-American Exposition, to be held in Buffalo, New York, in nineteen hundred and one, to bring to this country foreign laborers from their respective countries for the purpose of preparing for and making their exhibits under regulations prescribed by the Secretary of the Treasury.

June 6, 1900.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of Congress approved February twenty-sixth, eighteen hundred and eighty-five, prohibiting the importation of foreigners under contract to perform labor, and the Acts amendatory of these Acts, shall not be construed, nor shall anything therein operate to prevent, hinder, or in any wise restrict any foreign exhibitor, representative, or citizen of a foreign nation, or the holder of any concession or privilege from the Pan-American Exposition Company, of Buffalo, New York, from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of foreign countries, as they or any of them may deem necessary, subject to approval in each case of the Secretary of the Treasury, for the purpose of making preparations for installing or conducting their exhibits, or of preparing or installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been granted by the Pan-American Exposition Company, of Buffalo, New York, in connection with such exposition: *Provided, however,* That any alien who, by virtue of this Act, enters the United States under contract to perform labor, may not remain in the United States

Pan-American Exposition, Buffalo, N. Y.
Vol. 23, pp. 115, 332, etc.
Alien mechanics, etc., under contract to labor may be brought into the United States to install exhibits, etc.

Provisos.
Penalty for remaining.

for more than three months after the close of the exposition, and he shall thereafter be subject to all the processes and penalties applicable to aliens coming in violation of the alien contract-labor law aforesaid: *And provided further*, That this resolution shall not be construed as applying to the Acts of Congress prohibiting the coming of Chinese persons into the United States.

Approved, June 6, 1900.

Chinese immigration.

June 6, 1900.

[No. 39.] Joint Resolution Making appropriation for payment of the salaries of certain officers in the district of Alaska for the fiscal year ending June thirtieth, nineteen hundred and one, and for other purposes.

Alaska.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums be, and the same are hereby, appropriated, out of any money in the Treasury not otherwise appropriated, in full compensation for the service of the fiscal year ending June thirtieth, nineteen hundred and one, for the objects hereinafter expressed, namely:

Salaries of governor, etc.

District of Alaska: For governor, five thousand dollars; three judges, five thousand dollars each; three attorneys, three thousand dollars each; three marshals, four thousand dollars each; three clerks, three thousand five hundred dollars each; surveyor-general and ex officio secretary of the district, four thousand dollars; in all, fifty-five thousand five hundred dollars.

Prior appropriations covered into Treasury.

Appropriations heretofore made for the payment of salaries of the above-named officials during the next fiscal year to be covered into the Treasury.

Approved, June 6, 1900.

June 6, 1900.

[No. 40.] Joint Resolution To pay the officers and employees of the Senate and House of Representatives their salaries for the month of June on the day following adjournment.

Congressional employees to be paid June salaries on day following final adjournment.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby authorized and directed to pay the officers and employees of the Senate and House of Representatives their respective salaries for the month of June, nineteen hundred, on the day of said month next following the final adjournment of Congress.

Approved, June 6, 1900.

June 7, 1900.

[No. 41.] Joint Resolution Making an emergency appropriation for the repair of certain roads and bridges in the District of Columbia.

Repair of roads, etc., injured by storm authorized.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the sum of ten thousand dollars, or so much thereof as may be necessary, be, and the same is hereby, appropriated, out of any money in the Treasury not otherwise appropriated, for the repair of county roads and bridges (including those in the Rock Creek and the Zoological parks) that were damaged by the storm of June second, nineteen hundred, the same to be immediately available, and to be expended under the Commissioners of the District of Columbia.

Approved, June 7, 1900.

[No. 42.] Joint Resolution Donating a condemned cannon to the Commandery in Chief of the Sons of Veterans, United States of America.

June 7, 1900.

*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Navy, in his discretion, is hereby authorized to deliver to the order of Fred E. Bolton, quartermaster-general of the Sons of Veterans, United States of America, one dismounted condemned cannon captured from or surrendered by Spain during the Spanish-American war: *Provided*, That the Government shall be at no expense in connection with the delivering of said cannon.*

Sons of Veterans,
United States of America.

Delivery to, of condemned cannon authorized.

Proviso.
Expense.

Approved, June 7, 1900.

